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## BURKE COUNTY

Welcome employee!

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

We believe that each employee contributes directly to Burke 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 Burke County.

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

Sincerely,

Board of Commissioners  
Burke County, North Dakota

## **EMPLOYEE ACKNOWLEDGMENT FORM**

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

I acknowledge this handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with Burke 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 Burke County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Burke 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 Burke County is employment at will, which may be terminated at the will of either Burke County or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document.

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

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

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EMPLOYEE'S SIGNATURE

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DATE

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NAME (TYPED OR PRINTED)

## **40**    **INTRODUCTORY STATEMENTS**

Citizens of Burke 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 Social Service Department is accountable to the Burke County Social Service Board and the Board of Burke County Commissioners. The Commissioners and Department Heads are directly accountable to the citizens of Burke County.

This handbook is designed to acquaint you with Burke 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

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

### Social Service Employees

Social Service employees are covered by the North Dakota Merit System and in addition to County policies, will adhere to the North Dakota Administrative Code. Whenever there is a conflict between county and state regulations the state regulations shall take precedence.

The Burke County Commission approved the writing of a county human resource plan that falls within the guidelines of the human resource policies of the North Dakota Department of Human Services. Social Service policies that collectively match those of all Burke County employees will be outlined as such in this comprehensive employee handbook. Policies that are distinct and apply only to Social Service employees will be specifically identified.

The intent of this policy handbook is to clarify policies and practices to the benefit of all employees. The Director of Social Services is empowered to make interpretations as may be necessary to administer these policies and are subject to the review of the Burke County Social Services Board and Burke County Commission.

## **101 NATURE OF EMPLOYMENT**

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

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

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

### **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.

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

Burke 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 Burke County has amply demonstrated its commitment to responding effectively to all employee concerns.

### **JOB CLASSIFICATION**

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

Job descriptions are available from respective department heads. Upon employment with Burke County each employee shall be provided with a copy of his/her job description.

### **SOCIAL SERVICE CLASSIFIED POSITIONS**

All Burke County Social Service positions shall be classified in accordance with the guidelines set forth by the North Dakota Human Resource Management Services Division. Each officially authorized position shall be classified by the Human Resource Management Services Division based on the content of the position information questionnaire and review process.

It shall be the responsibility of the Director and/or employee to ensure that the job classification is functionally correct and current. A new position information questionnaire shall be completed and submitted to the Human Resource Management Services Division if the requirements of the position change. If a disagreement occurs with the Human Resource Management Services Division's decision as to the grade of the job position being classified, the Director shall work through administrative channels, including the Human Resources Department of the North Dakota Department of Human Services in an attempt to come to a



satisfactory resolution. If this does not prove successful, the Director shall follow the appeal process in an attempt to receive satisfactory conclusion to the matter. The appeals procedure as described is outlined in the North Dakota Administrative Code.

## **105 EQUAL EMPLOYMENT OPPORTUNITY**

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

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

## **107 HIRING OF RELATIVES**

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

### **The policy of Burke 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.
2. These criteria will also be considered when assigning, transferring, or promoting an employee.
3. For the 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.
4. 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; or an actual conflict or the appearance of a conflict of interest.

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

## **109 CONFLICTS OF INTEREST**

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

1. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. It is imperative that employees disclose any relationship to an appropriate officer of the organization as soon as possible. Personal gain by an employee or a relative in the form of kickbacks, bribes, substantial gift or special consideration as a result of business transactions with Burke County is prohibited.
2. 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.
3. An employee of the County may receive dominium's gifts but no cash from an individual, business, corporation, or any other entity for services rendered while acting as an employee or agent of the County.
4. 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 as shown in Policy 111.
5. An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if a conflict of interest exists. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

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

## **111 OUTSIDE EMPLOYMENT**

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Burke County.

Employees considering outside employment must review this action with their Department Head to ensure that no potential conflict of interest will take place.

Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

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

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

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

## **201 EMPLOYMENT CATEGORIES**

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

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

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

**EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws. As an exempt or nonexempt employee, each individual will belong to one of the classifications outlined below:

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

**REGULAR PART-TIME:** Employees who are not in a temporary and/or emergency or probationary status and who are regularly scheduled to work less than the full-time work schedule but at least 18.75 hours per week for 30 or more weeks during the year. Regular part-time employees are eligible for a portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program.

**REGULAR THREE QUARTER TIME:** Employees who are not in a temporary and/or emergency or probationary status and who are regularly scheduled to work less than the full-time work schedule but more 18.75 hours per week for 30 or more weeks during the year. Regular three quarter time employees are eligible for a portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME:** Employees who are not in a temporary and/or emergency or probationary status and who are regularly scheduled to work less than 18.75 hours per week. While they do receive all legally mandated benefits (such as worker's compensation and Social Security benefits), they are ineligible for any of the employer's other benefit programs.

**PROBATIONARY:** Employees who are being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification. (See section 203)

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

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

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



## **203 PROBATIONARY PERIOD**

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

All new and rehired employees work on a probationary basis for the first 3 months after their date of hire. One (1) exception may be made to extend the probationary period for up to 60 days. Any significant absence will automatically extend the probationary period by the length of the absence. If the Commissioners determine that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee, the Commissioners, or the Social Service Board in the case of Social Service employees may extend the probationary period for a specified period.

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

The 3-month probationary period is considered fulfilled for any part-time employee who works for 3 months or more and is promoted to a full-time employment status within the same department and same job classification.

An employee is eligible to take approved vacation after completing 3 months of satisfactory service.

**Approved 8/4/2020**

## **205 PERFORMANCE EVALUATION**

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 probationary period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Employees cannot assume they will necessarily receive a wage or salary increase each time their performance is reviewed. Formal performance reviews are conducted annually to provide both supervisors and employees the opportunity to evaluate job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. These evaluations will be due during the month of February each year. If deemed necessary in individual situations, performance evaluations may be conducted on a more frequent basis.

## **207 WORK SCHEDULES & OVERTIME**

### **Work Schedules**

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

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

1. For all non-Social Services County employees excluding the Burke County Sheriff's Department: Starting each and every Saturday at 12:01 A.M. and ending each and every Friday at 12:00 P.M. midnight.
2. For employees of the Burke County Sheriff's Department: Starting each and every Sunday at 12:01 A.M. and ending each and every Saturday at 12:00 P.M. midnight.

### **Office hours for County offices will be as follows:**

1. All County Offices will remain open from 8:00 A.M. to 4:00 P.M. each and every Monday through Friday, excluding holidays, with offices closed from 12:00 P.M. to 12:30 P.M. for lunch. Variations may be found with the county road department and emergency manager's office. These variations will be approved by the board of County Commissioners.
2. The Burke County Sheriff's Department will remain available twenty-four hours every day.

Exceptions can be made at the discretion of the County Commission based on staffing and need.

### **Overtime**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible,

advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime will be distributed as equitably as practical to all employees qualified to perform the required work.

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

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

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

All employees not specifically exempted under the overtime provisions shall be required to complete monthly time cards and to submit them to their immediate supervisor at the end of each month. Employee time cards must reflect actual hours worked and all leave taken (annual, sick, holiday and bereavement). Each department head will be responsible for signing the time cards and submitting them to the Auditor's office by the 10<sup>th</sup> of each month.

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

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

Compensatory time will not be given. Adjustments may be made to an employee's weekly schedule to ensure that the employee does not exceed the hours scheduled by the employer.

Approved 9/1/2020

## 207A Compensatory Time

All Employees:

Overtime will be worked only when **absolutely necessary**. The preferred method consists of overtime to be accrued as comp-time.

A valid reason for overtime will be submitted in writing to the Employee Relations department by the 10<sup>th</sup> of each month. This information will be submitted to the Burke County Commissioners with monthly payroll. Any comp time can be denied by the Burke County Commission if felt it was obtained for an invalid reason and deducted from the employee's next paycheck.

Employees must use their available sick or vacation time to cover time from work before they can earn comp-time to meet a full pay week.

1. Overtime may be worked with the authorization of the Department Head or County Commissioners only.
2. Employees will be expected to work overtime when required by the Department Head.
3. The County Commissioners have the latitude to extend the workweek as necessary.
4. Comp-time will be accrued at the regular rate for hours worked in excess of scheduled time but under 40 hours worked per week (straight time).
5. Comp-time for hours over 40 hours per week will be calculated at a rate of time and one half.
6. Department Heads, whenever possible, are expected to grant compensatory time off during the same workweek for time worked in excess of that normally scheduled
7. Department Heads will be responsible to schedule leave for employees that have accrued comp-time.

8. No comp-time may be earned on the weekend (Saturday or Sunday) (Excluding Emergency Management)
9. All comp-time not used will be paid out after six months at the employees' current hourly rate at the time of the deadline.

Employee's that are exempt from this policy are as follows: Sheriff's Deputies, Road Department, Emergency Management and Custodial.

Sheriff's Deputies, Road Department and Custodial will comply with the following guidelines:

Overtime is that time worked in excess of 40 hours per week (Sunday morning through Saturday night) excluding non-working time (holiday pay, paid leave, etc.).

1. Overtime will be worked only when absolutely necessary.
2. After reaching 40 hours overtime will be paid the next pay period following approval from the County Commissioners, (at time and a half.)
3. Employees will be expected to work overtime when required by the Department Head.
4. The County Commissioners have the latitude to extend the workweek as necessary.
5. Overtime may be worked with the authorization of the Department Head or County Commissioners only.
6. Overtime must be paid if the total of hours worked between departments exceeds the requirements.

Approved 9/1/2020

## **209 REST AND MEAL PERIODS**

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

ND Minimum Wage & Work Conditions Order states a minimum 30-minute meal period must be provided in shifts exceeding five hours when there are two or more employees on duty. Supervisors unable to provide a 30-minute meal period must obtain a written agreement with the employee waiving their right to a meal period. Employees who are not completely relieved of their duties during their meal period will be paid. If it is necessary for an office to be open when the courthouse is closed for lunch, a separate half hour lunch will be provided that same day.

In accordance with ND Admin. Code 46-02-07-02(5) “North Dakota labor laws require employers to provide employees with an unpaid 30-minute uninterrupted meal break when scheduled to work more than five (5) hours and two (2) or more employees are on duty.”

## **211 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Burke 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.

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



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

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

**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.

**Prohibited Activities.** Burke 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.

**Employee Conduct.** Burke 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 Burke 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 Burke County, the employee's activities may reflect upon Burke County and may affect the employee's ability to perform their job.

**Dress Code/Appearance.** See Section 528

## **WORK RULES**

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

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

- Inappropriate use of computer equipment relating to non-county business or to access unprofessional, pornographic, or demeaning web sites.
- Unauthorized disclosure of business “secrets” or confidential information.
- Violation of human resource policies.
- Unsatisfactory performance or conduct.

## **301 EMPLOYEE BENEFITS**

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

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

The following benefit programs are available to eligible employees:

- Auto Mileage & Per Diem
- Benefit Conversion at Termination (COBRA of Insurance)
- Bereavement Leave
- Deferred Compensation
- Employee Assistance Program
- Family Medical Leave
- Holidays
- Jury Duty Leave
- Leave Without Pay During First Year of Employment
- Longevity Pay
- Medical Insurance
- Retirement Program
- Sick Leave
- Uniform and Uniform Maintenance
- Annual Leave
- Witness Duty Leave

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

### 303 ANNUAL LEAVE

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

#### Regular Non-Social Service County Employees

Employees will accrue annual leave from the first day of work. The Eligibility Table below defines when vacation benefits become available to employees.

#### ELIGIBILITY TABLE: 37.5 hour employee

<u>Years of Service</u>	<u>Per Month</u>	<u>Per Year</u>
Through 5 full years	7.5 Hours	12 Days
6 through 10 full years	9.375 Hours	15 Days
11 of service and beyond	11.25 Hours	18 Days

#### ELIGIBILITY TABLE: 40 hour employee

<u>Years of Service</u>	<u>Per Month</u>	<u>Per Year</u>
Through 5 full years	8 Hours	12 Days
6 through 10 full years	10 Hours	15 Days
11 of service and beyond	12 Hours	18 Days

Years of service credit will be for continuous years of employment. Vacation benefits will not accrue for any unpaid leave that extends longer than 30 calendar days.

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 would otherwise have on the day(s) of absence. 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.

Employees who have satisfied all eligibility requirements may submit vacation requests to their supervisors. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence. No employee may take vacation in any segment longer than ten (10) consecutive working days without the prior written permission of the immediate supervisor.

A maximum of 37.5/40 hours (5 days) may be carried beyond January 1st of each year. Any unused vacation time over 37.5/40 hours will be forfeited on January 1st of each year. After one full year of service, employees may submit a voucher for payment to the Auditors office on or before December 1<sup>st</sup> requesting payment for vacation days in excess of 37.5 /40 hours.

Vacation days are earned at one (1) day per month until the employee has worked for 12 continuous months, there after vacation days are credited yearly on the first of January.

At time of resignation, retirement, dismissal or death, the unused annual leave will be paid to the employee, or in the event of the employee's death, his/her beneficiary.

Approved 5/6/2020

## **305 HOLIDAYS**

Burke County will grant holiday time off to all employees on the holidays listed below: Regular full-time employees and scheduled part-time employees will receive their normal compensation.

New Year's Day (January 1)

Martin Luther King Jr. Day

President's Day

Good Friday

Memorial Day (last Monday in May)

Independence Day (July 4)

Labor Day (first Monday in September)

Veteran's Day

Thanksgiving Day (fourth Thursday in November)

Day after Thanksgiving

Christmas Eve Afternoon – December 24 – 12:00 p.m. noon

Christmas Day (December 25)

Day after Christmas (only if it falls on a weekday).

Exception of Martin Luther King Day as the day after Thanksgiving was granted in lieu of this holiday except for Social Services.

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

Regular full-time employees

Regular part-time employees

Regular part-time employees shall earn holiday leave according to their part-time schedule. Hourly employees shall be credited with vacation leave in proportion to the number of hours worked in a month divided by the number of payroll hours in the month times the employee's vacation leave schedule. (Example: 48/176 hours worked X 8 hours annual leave schedule =2.18 hours of annual leave.)

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

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

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime is owed. All holidays will be defined as a seven and a half/eight-hour day.



## **307 SICK LEAVE BENEFITS**

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

All full-time employees unless otherwise noted.

Eligible employees will accrue sick leave days one (1) day per month from date of employment to the first day of the New Year. There after sick days are credited yearly on the first of January.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by that employee. Employees who are unable to report to work due to an illness should notify their supervisor or designated human resource person before the scheduled start of their shift, if possible. The supervisor or designated human resource person should also be contacted each additional day of absence. If any employee is absent for five (5) or more consecutive days due to illness or injury, a physician's statement will be requested verifying the employee's ability to return to work and any restrictions to be followed or any accommodations that Burke County may need to provide. The physician's statement must be provided to the designated human resource person.

Sick leave may also be used by an eligible employee to tend to the needs of certain family members who are ill or to assist them in obtaining medical services, or other services related to their health or well-being. Eligible family members include the employee's spouse; parent or spouse's parent (natural, adoptive, foster, and step-parent); grandparent (natural, adoptive, foster and step-grandparent); child (natural, adoptive, foster or step-child); and any other family member who is financially or legally dependent upon the employee or resides with the employee providing care for the family member. \*\*

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 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 up to a maximum of 120 days. 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 or retirement.

\*\*Note—there is no longer any limit on the amount of sick leave you can use for family members

Approved March 3, 2020

### **309 PERSONAL (BEREAVEMENT) LEAVE**

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

An immediate family member is defined as an employee's spouse, parent, child, sibling, grandparent or grandchild or any direct descendant. Also included as an immediate family is the employee spouse's parent, child, or sibling, the employee's child's spouse, foster child or foster parents.

All regular full-time employees will be granted up to five (5) days of paid bereavement leave for funerals of the employee's spouse or child, up to three (3) days of paid bereavement leave for funerals of all other members of an immediate family as defined herein and one (1) day per calendar year of paid bereavement leave for funerals for all other relatives and friends.

All regular part-time employees will be granted up to two and one-half (2½) days of paid bereavement leave for funerals of the employee's spouse or child, up to one and one-half (1½) days of paid bereavement leave for funerals of all other members of an immediate family as defined herein and one-half (½) day per year of paid bereavement leave for funerals for all other relatives and friends.

Bereavement pay for regular full time and regular part-time employees is calculated based on the base pay that an employee would otherwise have earned had he or she worked on the day of absence.

## **UNPAID PERSONAL LEAVE ONLY IN CONJUNCTION WITH BEREAVEMENT LEAVE**

In accordance with the guidelines set forth in this policy, Burke County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations. Unpaid personal leave is only available to those regular employees who have an annual leave balance of ten (10) days or less and may only be taken in conjunction with the bereavement leave defined herein before.

Personal leave may be granted for a period of up to ten (10) working days with the approval of the County Commissioners.

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 for the full term of the personal leave. 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 treat the situation as a voluntary resignation.

## **311 LONGEVITY PAY**

Burke County provides longevity pay benefits to all regular full-time employees.

Eligible employees shall receive a payment in the December payroll of each year that the employee is eligible to receive such pay. Longevity pay is computed at the rate of \$30.00 (thirty) dollars per year of continuous employment as follows:

Employees will be entitled to their first payment of longevity when they have worked at least twelve months prior to July 1st following their date of hire. Longevity will be recognized at the rate of \$30.00 (thirty) dollars for each additional year of continuous full-time service thereafter.

1. (Ex. – First year employees hired between January 1 – December 30 are entitled to their first \$30.00 (thirty) longevity payment in the following year's December payroll)

Longevity pay for eligible employees is determined based on years of continuous employment starting from the date of hire and to the anniversary date thereafter and that payment be made to those qualified employees who are on the payroll as of December 30 of each year. Interrupted service will commence with the rehiring date; prior service will be forfeited for longevity purposes.

The Longevity Pay Policy is provided on a year-to-year basis and the Burke Board of County Commissioners reserve the right to eliminate, modify or suspend the plan at any time. Social Services employees are also covered by these provisions.

### **313 RETIREMENT PROGRAM**

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

1. Eligible employees must be 18 years old.
2. Work at least 18.75 hours per week for 20 or more weeks during the year.
3. Be a regularly funded position within the County and not of limited duration.

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

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

## **315 FAMILY AND MEDICAL LEAVE POLICY**

### **Purpose**

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

### **Policy Integration**

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

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

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

### **Definitions**

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

provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider, or

- c. in-person treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

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

- D. Pregnancy or prenatal care: Any period of incapacity due to pregnancy, or for prenatal care.
- E. Chronic conditions: Any period of incapacity or treatment for such incapacity due to a chronic serious health condition, which relates to the following:
  - a. Requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
  - b. Continues an extended period of time (including recurring episodes of a single underlying condition; AND
  - c. May cause episodic rather than a continuing period of incapacity.
- F. Permanent or long term conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.
- G. Conditions requiring multiple treatments: Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
  - a. restorative surgery after an accident or other injury; or
  - b. a condition that would likely result in a period of incapacity or more than three consecutive full calendar days in the absence of medical intervention or treatment.
- H. Serious Injury or Illness: In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty and on active duty in the



Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

- I. Son or Daughter or Child means a biological, adopted or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent) who is:
  - a. under 18 years of age; or
  - b. 18 years of age or older and incapable of self-care at the time leave is to commence because of a mental or physical disability.
  - c. For purposes of Military Caregiver leave, the age of the son or daughter is irrelevant. For purposes of qualifying exigency leave, the age of the son or daughter is irrelevant as to the Covered Military Member but is relevant as to the Covered Military Member's son or daughter.
- J. Spouse means a husband or wife as recognized under applicable state law.
- K. Unpaid FMLA means any portion of the FMLA leave for which the employee does not receive any form of pay from the County.
- L. 12 Month Period means the fixed 12-month period measured from January 1 of any given year to December 31 of the end of the same year, except in cases of Military Caregiver leave, in which 26 workweeks of leave shall be available, and shall begin on the first day the eligible employee takes FMLA leave to care for a covered service member, and ends 12 months after that date.
- M. Active Duty or call to active duty status (ADCTAD) means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation (defined below) pursuant to Sections 688, 12301 (a), 12302, 12304, 12305, 12406 or Chapter 15 of Title 10, U.S. Code.
- N. Contingency Operation has the same meaning given such term as in Section 101(a) (313) of Title 10, U.S. Code.
- O. Covered Military Member (CMM): an eligible employee's spouse, son or daughter (of any age) or parent who is on active duty or call to active duty status (defined above).
- P. Covered Service Member (CSM) means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is on the temporary disability retired list and/or has a serious injury or illness incurred

in the line of duty while on active duty for which he/she is undergoing medical treatment, recuperation, therapy or otherwise in outpatient status.

- Q. Days shall refer to calendar days unless otherwise noted.
- R. Health Care Provider means an individual recognized by Department of Labor regulations to certify the need for leave, including, among others, a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices. Also included are podiatrists, dentists, physician assistants, nurse practitioners, clinical psychologists, optometrists and chiropractors (for certain procedures).
- S. Incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.
- T. Intermittent Leave means leave taken in separate blocks of time due to a single qualifying reason.
- U. Leave means FMLA leave pursuant to this policy.
- V. Next of Kin means the nearest blood relative of a CSM, other than the CSM's spouse, parent, son or daughter, in the following order of priority:
  - a. Blood relatives who have been granted legal custody of the CSM by court decree or statutory provision.
  - b. If no blood relatives have been granted legal custody of the CSM by court decree or statutory provision, a blood relative who the CSM has specifically designated in writing as their nearest blood relative for purposes of Military Caregiver leave.
  - c. If neither A or B above apply, brothers or sisters of the CSM.
  - d. If neither A or B above apply, and the CSM has no siblings, grandparents of the CSM.
  - e. If neither A or B above apply, and the CSM has no siblings or grandparents, aunts and uncles of the CSM.
  - f. If neither A or B above apply, and the CSM has no siblings, grandparents or aunts and uncles, first cousins of the CSM.
- W. Outpatient Status means the status of a member of the Armed Forces assigned to (A) a military medical establishment as an outpatient; or (B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

- X. Parent means the biological parent of an associate or an individual who stands or stood in loco parentis (in place of a parent) to an employee. Parents-in-law are not included in this definition.
- Y. Parenting FMLA Leave refers to an FMLA leave taken due to the birth of a child or placement of a child with the employee for adoption or foster care.
- Z. Qualifying Exigency means that an employee's spouse, son, daughter or parents is a CMM who is on ADCTAD status (active duty or call to active duty), and requires leave for one or more of the following qualifying exigencies defined in the Department of Labor regulations:
  - AA. Short notice deployment: to address any issue that arises from the fact that a CMM has been notified of an impending call or order to active duty status in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave for this purpose can be taken for a period of seven calendar days beginning on the day a CMM is notified of an impending call or order to active duty in support of a contingency operation.
  - BB. Military events and related activities: to attend any official ceremony, program or event sponsored by the military that is related to the ADCTAD status of a CMM and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the ADCTAD status of a CMM.

**Child care and school activities:**

- A. to arrange for alternative child care when the ADCTAD status of a CMM necessitates a change in the existing child care arrangement for a son or daughter of a CMM who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability at the time FMLA leave is to commence.
- B. to provide child care on an urgent, immediate basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the ADCTAD status of a CMM for the CMM's son or daughter who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability.

- C. to enroll in or transfer to a new school or day care facility a CMM's son or daughter who is either under the age 18, or 18 or older and incapable of self-care because of a physical or mental disability.
- D. to attend meetings with staff at a school or a day care facility, such as meeting with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for the CMM's son or daughter, who is either under age 18, or 18 or older and incapable of self-care because of a physical or mental disability, when such meetings are necessary due to circumstances arising out of the ADCTAD status of the CMM.

**Financial and legal arrangements:**

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

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

Rest and recuperation: to spend up to five days with a CMM who is on short-term, temporary, rest and recuperation leave during the period of deployment.

Post-deployment activities: to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the CMM's active duty status and to address issues that arise from the death of a CMM while on active duty status, such as meeting and recovering the body of the CMM and making funeral arrangements.

Additional activities: to address other events which arise from the CMM's ADCTAD status provided that the County and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

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

## **POLICY**

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

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

**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.

## **ELIGIBLE EMPLOYEES**

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

An employee's eligibility is measured as of the date Leave will begin.

## **LENGTH/FREQUENCY OF FAMILY LEAVE**

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 beginning on January 1 and ending on December 31. Military Caregiver leave shall not exceed 26 workweeks in a single 12 month period beginning on the first day of such leave.

Part-Time Employees (For purposes of calculating available leave under this policy only):

Regularly scheduled part time employees.

For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.

For intermittent or reduced schedule leave, multiply the number of hours in the employee's normal part-time workweek by 12 (or 26 where applicable) to determine the maximum number of Leave hours available.

Varied schedule part-time employees. For continuous, intermittent or reduced schedule Leave, average the number of hours worked in the 12 months prior to the start of Leave. Multiply that number by 12 (or 26, where applicable) to determine the maximum number of Leave hours available.

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

Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period of Leave is one hour. The 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**

### **Timing**

**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.

**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.

**Contact:** The employee must comply with the established process for Leave for each department and contact the Department Head or appropriate supervisor.

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

## **COMMENCEMENT/STATUS WHILE ON FAMILY LEAVE**

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

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

## **CONTINUATION OF PAY AND BENEFITS**

Vacation: All benefits accrued before, and not used during an employee's leave, will remain. 1



Substitution of Paid Leave: Employees may choose to use vacation simultaneously with an otherwise unpaid FMLA Leave.

Other Leaves: Available paid Leave under sick leave or worker's compensation will run concurrently with FMLA and may not be used to extend leave under this policy.

Holidays: Employees will not be paid for holidays during FMLA Leave.

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.

Benefits: Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.

## **PROCEDURE TO OBTAIN AN FMLA**

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 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.

## **CERTIFICATION AND REPORTING REQUIREMENTS**

A Certification is required for Leave. The employee requesting the leave is responsible for ensuring the County's receipt of the Certification within the designated amount of time. The County may deny or delay Leave for failure to submit the Certification on a timely basis.

If the Certification received by the County is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. If the employee is unwilling or unable to do so, Leave will be denied.

The County may require a second medical opinion as to the need for Leave. If the Certification and second opinions differ, the County may require a third medical

opinion. The third opinion care provider will be binding. This paragraph does not apply to Military Caregiver Leave.

The County may require periodic recertification of the continuing need for Leave. The County may refuse or delay further Leave until the recertification is received. The recertification must be completed by the health Care Provider and may not be a copy of a form previously submitted. Recertification may also be required if the employee requests a Leave extension. This paragraph does not apply to Military Caregiver Leave.

Legal certification may be required for adoption or foster care.

Employees on Leave may be required to periodically report on their status and intention to return to work.

When Leave is due to the employee's own serious health condition, a fitness for duty certification (FFD) may be required before the employee can return to work. Failure to timely provide such certification may eliminate the employee's right to reinstatement under the FMLA. If the employee is using intermittent leave, and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods where the employee has used intermittent leave. If the FFD is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. This paragraph does not apply to Military Caregiver Leave.

## **REINSTATEMENT**

Assuming an employee has not exhausted his or her FMLA Leave time, eligible employees will return to their former position or its equivalent following a Leave.

Employees who do not return to work following Leave and who are not approved for continued leave under any other policy will have voluntarily resigned their employment.

## **ACTIVITIES PROHIBITED DURING FMLA**

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**

To the extent that state law may in the future provide a greater benefit than the FMLA, the eligible employee will be entitled to the more generous benefit.

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.

The County reserves the right to interpret, amend, modify and administer this policy in accordance with federal and state laws.

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.

Where applicable, FMLA will run concurrently with worker's compensation and/or other types of leave for which the employee qualifies.

## **Families First Coronavirus Response Act – Policy Amendment Purpose**

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing county leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted consistent with the US Department of Labor's rules.

### **Emergency Paid Sick Leave**

All full-time and part-time employees employed and are unable to work (or telework) due to one of the following reasons for leave are eligible for additional paid sick leave. Full-time employees are eligible for 80 hours of paid leave while part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period.

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

### **Rate of Pay for Emergency Paid Sick Leave**

For reasons (1),(2), or (3) as outlined above the employee is eligible for their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate.

For reasons (4), (5), or (6) as outlined above the employee is eligible for 2/3rds of the employee's regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Employees whose pay is subjected to the above limitations may supplement their Emergency Paid Sick Leave with any existing available leave to meet the employee's regular salary but in no cases may their salary exceed 100% of their existing wage. Paid leave under the Emergency Paid Sick Leave Act cannot be carried over year to year.

### **Expanded FMLA Leave**

In addition to the Emergency Sick Leave Policy employees employed for more than 30 days who are unable to work (or telework) due to the need to take care of their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19 shall be entitled to an additional 10 weeks of expanded FMLA leave.

Leave taken under this section shall be paid at 2/3rds the employee's regular rate of pay with a cap of \$200 per day and \$10,000 in the aggregate. The employer may allow the employee to supplement the 2/3rds salary with any previously provided sick or vacation leave, if the employee has any, to bring the employee's salary to no greater than 100% of their regular wage.

This Expanded FMLA Leave only supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12 week cap on FMLA previously provided. Employees who have previously spent FMLA during the annual period will have those times subtracted from their overall eligibility.

### **Definitions for Expanded FMLA Leave**

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

### **PROCEDURE FOR REQUESTING EMERGENCY PAID SICK LEAVE**

Employees must notify Human Resources of the need and specific reason for leave under this policy. Once emergency paid sick leave has begun, the employee will be expected to return to work at the end of the 80 hours of allotted time, unless the employee has communicated to Human Resources that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA or use of the employees sick or vacation leave.

### **Special Emergency Responders and Health Care Providers Provision**

Certain Emergency Responders and Health Care Providers may be disqualified from taking leave under categories 4-6 of the Emergency Paid Sick leave or Expanded Family Medical Leave Act. For those employees, prior approval of their department head in consultation with the Human Resource department will be required.

### **319 LEAVE WITHOUT PAY**

In accordance with the guidelines set forth in this policy, Burke County may provide unpaid leave to eligible employees who wish to take time off from work duties for emergency situations, excluding bereavement leave as defined in Policy #309. Unpaid personal leave may be available to those regular full-time or regular part-time employees. It shall be understood that all earned, unused annual leave and sick leave if applicable shall be taken prior to any effective date of leave without pay.

All requests for leave without pay shall be made in writing by the employee indicating the emergency purpose and the time frame involved. If a leave without pay is requested for a medical reason, the Department Head may request a written statement from the attending physician stating the reason for such leave.

Personal leave may be granted for a period of up to twenty (20) working days solely at the discretion and the approval of the Department Head. Requests for unpaid leave for emergency situations will be evaluated based on a number of factors, including anticipated operational requirements and staffing considering during the proposed period of absence.

The employee will be responsible to prepay Burke County the employee share of insurance benefits for the full term of the personal leave.

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

If an employee fails to report to work at the expiration of the approved leave period, the employer will treat the situation as a voluntary resignation.

Supervisors are responsible to report any leave of absence to the Burke County Commissioners and the Burke County Auditor within twenty-four (24) hours of the approved unpaid leave of absence and the reason it was granted.

## **321 MATERNITY-RELATED ABSENCES**

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

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



### **323 JURY DUTY**

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

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

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

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

### **325 WITNESS DUTY**

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

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

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

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

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

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

## **327 MILITARY LEAVE**

ND State Law Provisions:

All employees of this State or political subdivision who:

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

When ordered by proper authority to active non-civilian employment, employees shall be entitled to a leave of absence from such civil service without loss of status or efficiency rating. If such individuals have been in the continuous employ of the State or political subdivision (Burke 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:
5. 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.
6. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge;
7. 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.

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

Burke County encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide or local election, during his or her non-working hours, the employer will grant up to one hour of paid time off to vote. Employees should request time off to vote from their supervisor at least two working days prior to election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

### **331 Community Service Hours**

Burke County recognizes the need for volunteers and the importance of community service in our communities. To encourage and facilitate this initiative, all employees, whether full or part-time, will be granted up 16 hours of leave each year to volunteer and serve.

- Employees will accumulate no more than 16 hours. (no accrual or carry-over)
- To utilize these hours, a time off request must first be approved by the employee's immediate supervisor (Department Head or Commissioner), with the exception of Emergency Services.
- Documentation, post service, of actual time donated, shall be provided to the immediate supervisor (Department Head or Commissioner), allowing Burke County to document both the hours donated, and the organizations donated to.
- Employee is required to provide documentation from a verifying official (recipient of the service), within the same pay period in order for Community Service time to be paid, with the exception of Emergency Services.
- The Community Service hours must be utilized during the employee's regular work schedule, not to include evenings or weekends.
- Community Service hours used in conjunction with work hours should not exceed the regularly scheduled work week.
- Volunteer hours will be paid at the employee's regular hourly rate.
- Community Service hours do not hold any monetary value outside of employment with the County and the remaining hours are void upon termination from employment, retirement or death.
- Compensated service does not qualify for community service hours and employee would be required to utilize their personal leave.
- Payment for Community Service time in excess of 16 hours requires Commissioner approval prior to the utilization of any excess hours.

Burke County will not designate the eligible recipient organizations. However, all organizations and/or events must be "Community Service" oriented.

**Adopted 5/03/2022**

## **401 TIMEKEEPING**

### **For all Hourly Employees**

**Policy:** The law requires that all non-exempt personnel record daily hours worked. These hours are manually recorded on a calendar-style timesheet created and generated by the Payroll Department. Employees are responsible for accurately recording their time via this approved timekeeping method and submitting the information to Payroll by the 10<sup>th</sup> of each month.

**Purpose:** To establish guidelines for hourly employees to record hours worked using one standardized timekeeping method to be used by all departments with the exception of the road crew.

**Procedures: The following regulation will apply:**

1. All County offices shall be open from 8:00 a.m. to 12:00 p.m. and 12:30 p.m. to 4:00 p.m. All office employees shall work these hours unless prior approval is granted by the employee's Department Head.
2. The Sheriff's Office will follow the same procedure outlined above with the exception that Sheriff's Deputies' regular working hours will be that of the shift schedule created by the Sheriff for that pay period and provided to the County Commission.
3. Except in emergency circumstances, prior approval by a Department Head or County Commission is required for any overtime hours.

Violations of these procedures may result in disciplinary actions up to and including termination.

**Exemptions to the calendar-style timekeeping method:** The Road Department will continue their current practice of recording time with the time clock system and submitting the timesheets from that system.

**Approved 9/1/2020**

**Amended 7/6/2021**

**Amended 11/02/2021**

**Amended 5/17/2022**



Road Department will continue to maintain time sheets as they have been.

**Exemptions to the Paystubz System:**

Road Department will maintain time sheets as they have been on the punch card system.

Sheriff's Deputies will produce a handwritten timesheet accounting for their monthly accumulation of hours including dates and hours worked, accumulation and use of compensatory time or overtime, and benefits used.

Emergency Manager and Sheriff's Department Office Manager/Deputy will produce a handwritten timesheet accounting for dates and hours worked, accumulation and use of compensatory time, benefits used, and duties done when working ie: "in office" or "out of office" with explanation of work out of office.

Approved 9/1/2020

Amended 7/6/2021

## **403 PAYDAYS**

All employees are paid monthly on the 26th. Each paycheck will include earnings for all work performed through the end of the current payroll period.

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

## **405 EMPLOYMENT TERMINATION**

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

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

**DISCHARGE:** Employment termination initiated by the County.

**REDUCTION IN FORCE (RIF):** Involuntary employment termination initiated by the County for non-disciplinary reasons such as lack of funds, curtailment of work, or as the result of reorganization.

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

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

### **REDUCTION IN FORCE**

If it is necessary to perform a reduction of the work force, the Burke 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 Burke 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:

- A. 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.
- B. 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.
- C. 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.
- D. The length of service of the employee. The review should list the number of years and months an employee has been employed by Burke 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 Burke County Commission. Final reduction in force will be made by the Burke 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

#### **407 PAY ADVANCES**

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

## **409 ADMINISTRATIVE PAY CORRECTIONS**

Burke County takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and those 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.

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

## **411 PAY DEDUCTIONS**

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

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



### **413 PERSONNEL DATA CHANGES**

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

## **419 REPORT OF INJURY AND CLAIMS MANAGEMENT- (WSI)**

**Employee Responsibilities** -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.

An incident is a situation where an employee has an injury, accident or exposure and does not feel the need to seek medical attention. Under these circumstances it is critically important that an employee contact the Risk Manager immediately to ensure the incident is properly reported to Workforce Safety and Insurance (WSI) within 24 hours. If medical attention is required at a later date, the employee is required to contact the Risk Manager prior to scheduling a medical appointment. Failure to report an incident or injury within 24 hours of its occurrence may result in denial of the claim.

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

**Return to Work-** The Burke 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 Burke 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.

**Administration of Benefits** - In accordance with the guidelines set forth in this policy, Burke County agrees to grant paid time-off for WSI related medical appointments as outlined below.

Employees taking time for medical appointments related to an "active" WSI claim will be required to use sick, vacation, or unpaid leave until a claim determination has been made. Upon determination, if a "Notice of Decision Accepting Claim and Awarding Benefits" is received, the County will make whole the employee's time taken during the determination period, up to, but not exceeding, WSI's treatment plan. And if the declaration is a "Notice of Decision Denying Benefits", the employee will continue using sick, vacation, or unpaid leave for medical appointments.

If the employee appeals a denial of benefits, time taken during the appeals process is to be handled consistent with the current declaration of the denied claim, in that the employee will be required to use sick, vacation or unpaid leave. And again, upon a decision of the appealed claim, if the declaration is overturned, the County will make whole the employee's time taken, up to, but not exceeding, WSI's treatment plan.

**Approved 3/15/2022**

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

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

The effective date of the transfer can be no less than fourteen (14) calendar days after written notice is submitted by the employee to the current department head unless otherwise negotiated and agreed upon by both department heads affected by the transfer.

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

## **501 POLITICAL ACTIVITY**

Employees shall not engage in any political activity while performing their assigned work schedule in the County. Solicitation, promotion, or endorsement of any political candidate or issue while performing County duties is prohibited. An employee who violates this policy may be subject to disciplinary action.

## **503 SAFETY AND HEALTH**

### **General Safety Rules**

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

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

10. Maintain clean worksites at all times.

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

## **505 COMMUNICATIONS AND COMPUTER SYSTEMS POLICY**

Burke 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 Burke County. Burke 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 Burke 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. 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 Burke County for any charges resulting from their personal use of the telephone. The use of County-paid postage for personal correspondence is not permitted.

### **Authorized Software and Hardware**

1. Software that has been licensed by Burke County or that has been authorized to conduct business is allowed on Burke 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. Burke County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Burke County computers or servers. Any unauthorized or



unlicensed software will be removed from the system. An individual may not:

4. Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
5. Make copies of the user manual as well as copying system diskettes are also illegal. Distributing copies of sound recordings (e.g. MP3s) or images, which are copyrighted, is illegal.
6. Make alterations to the software source code.
7. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
8. All hardware modifications and repairs must be approved and completed by an authorized source.
9. 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 Burke 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 Burke County to employees for conducting official business, such as researching business related issues, accessing business related data, information and training.
2. Employees using Burke County's Internet link are acting as representatives of the County. As such, employees should act accordingly so as not to damage the reputation of the County.
3. Employees are authorized to access the Internet for certain occasional and limited personal use, as long as such use is not interfering with the employee's assigned work, work productivity and/or job performance.
4. Limited personal use is not to be used for any interest adverse to the County, must not subject the County to any potential liability, does not violate any term of this Computer usage policy, and does not involve any offensive or inappropriate material. Participation in chat rooms, the introduction of viruses, or malicious tampering with any computer system is expressly prohibited.
5. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder. Any authorized file or file attachments must be scanned with virus detection software before installation and/or execution.
6. Any infringing activity by an employee may be the responsibility of the County; therefore the County may choose to hold the employee liable for his/her actions.
7. Misuse of Burke County's Internet access during or after work hours is prohibited. Viewing, printing, disseminating, or downloading web pages, electronic messages and/or documents which are discriminatory, defamatory, insulting, romantic, pornographic or breaches of confidentiality or violations of copyright are prohibited. Misuse of the Internet will result in disciplinary action up to and including termination.

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

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

1. E-mail, electronic communications, and other similar messaging systems are intended for business use and should be treated as any other business communication device. Messages should routinely and regularly be cleaned or deleted from an employee's mailbox, so as not to overload the system with unnecessarily stored mediums.
2. Certain occasional and limited personal use of e-mail communication is permitted, but such messages will be treated no differently from other messages, including use of private e-mail accounts (i.e. Hotmail, Yahoo, etc.).
3. Personal use is not to be excessive and/or interfere with the assigned work duties, work productivity and job performance. Personal use is subject to the discretion of the Department Head or supervisor and will be based on the employee's workload and job performance.
4. E-mail is not a confidential medium and any message that is composed, sent or received, may be public record and subject to public viewing under the North Dakota Open Records Law.
5. All messages composed, sent or received on all electronic systems are, and will remain the property of the County; all messages are subject to random monitoring.
6. Burke 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. Burke 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 unless approved by the County Commission. 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 Burke County employees and other individuals who are provided access to the Burke County communications and technology system. Every individual understands that there should be no expectation of privacy of any kind related to usage of the communications and computer system and that the total network is subject to monitoring.

## **507 SMOKING**

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

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

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

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

### **County Owned Vehicles**

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

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 Burke 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.
7. All individuals in County vehicles are required to log the miles and reason for travel in the provided logs in each vehicle.

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 Burke 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 a county vehicle to commute between work to home will be considered a fringe benefit and will be taxable.

### **Use of Equipment**

It shall be the policy of Burke 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.
3. No personal vehicles or property shall be serviced or stored in county-owned facilities.
4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

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

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

This policy applies at all times when an employee is on duty, regardless of the task the employee is performing. Employees are subject to alcohol testing requirements only just prior to, just after, or when performing work functions. Provisions for disciplinary actions are based on the independent authority of the County.

### **Alcohol Prohibition**

Employees must:

1. Test when requested.
2. Not use alcohol, in any form, on the job (including mouthwash or cough syrup containing alcohol).
3. Not have any alcoholic beverage fewer than 4 hours before work duties begin.
4. Not work under the influence of alcohol.
5. Not remain on work duty with a breath-alcohol concentration (BAC) of .02 or greater.
6. Not use alcohol within 8 hours after an accident or until undergoing post-accident alcohol test.

The Act requires that covered employees be available to be tested for alcohol while on duty and just prior to, just after, or while performing a work function. Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, shall be terminated.

### **Controlled-Substance Prohibition**

Employees must:

1. Test when requested.
2. Not use illegal controlled substances.
3. Not use prescription drugs containing controlled substances contrary to the physician's instructions.



4. Notify their supervisor if using a prescription containing a controlled substance. The employee must also provide documentation that use of the drug does not adversely affect the employee's ability to operate a commercial motor vehicle or performing job duties.

The Act requires that employees be available to be tested while on duty.

Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results shall be terminated.

## ALCOHOL AND CONTROLLED-SUBSTANCE TESTS

All applicants and employees who undergo County-mandated tests must be notified if the test result is positive.

The vendor will follow specific procedures if an alcohol-test result is positive. The procedures are required by federal guidelines and are intended to make sure that the test result is a true positive.

Tests required by the County, except for pre-employment tests and return-to-duty tests, are considered a duty assignment. Time for travel and time spent in providing the specimen at the collecting site will be with pay.

### Definition of Positive Alcohol Test

Alcohol tests will be considered positive if the breath test indicates an alcohol presence of .04 or greater. If the test results are positive, the employee and supervisor will be notified before the employee leaves the test site.

If an alcohol test indicates an alcohol concentration of at least .02, but less than .04, the test is considered negative, but the employee will be taken out of service for 24 hours. The employee must use annual leave or leave without pay. Supervisor will explain the employee's options.

## Testing Vendor Responsibilities in Alcohol Tests

If the initial test results are .02 or greater, the testing vendor will wait 15 minutes and then issue a retest or confirmation test. During the 15-minute waiting period before the confirmation test, the employee will be given a set of instructions (for example, no eating or drinking) that must be followed. If the employee does not follow these instructions, it may be considered an attempt to alter the tests results. The confirmation test result is used to make decisions about employment and treatment.

## Definition of Positive Controlled-Substance Test

A test will be considered positive if controlled substance for which no legitimate explanation is determined by the medical review officer is found in the urine specimen.

## Testing Vendor Responsibilities in Controlled-Substance Tests

Controlled-substance tests must use proper laboratory procedures. If a test is positive, it will be reviewed by the physician serving as the testing vendor's medical review officer (MRO). The MRO will follow specific procedures required by the federal guidelines. These procedures are intended to make sure that the test result is a true positive.

The MRO will call the employee who has tested positive, discuss what might have caused the test result to be positive, and make sure of the result before notifying the County. If the test remains positive, the employee may request, at his or her expense, that a second independent analysis be performed on the untested portion of the sample.

## Pre-Employment Tests

New employees will be hired for work positions on the condition of a negative drug test (administered after being chosen but before starting work tasks).

County job announcements will say whether the position is work and requires pre- employment drug-testing.

## Post-Accident Tests

Employees are responsible for notifying the County of any vehicle accident.

1. In an accident resulting in a death or bodily injury, all County employees working at the scene must undergo post-accident testing.
2. In an accident which does **not** result in a death, but in which the County employee is cited for a moving traffic violation, and (A) if the accident involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene, or (B) when one or more motor vehicles incur disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An employee who is subject to post-accident testing shall remain readily available for 8 hours for such testing or may be deemed to have refused to submit to testing. Post-accident breath alcohol tests must be completed within eight hours of the accident or it should not be done. The drug test should be completed within 32 hours of the accident or it should not be done. Employees must be tested for alcohol within two hours and controlled substances within 32 hours after all accidents resulting in a death or where the employee is cited for a moving violation. If the alcohol test is not administered within two hours, the supervisor must file and maintain records stating why. If no alcohol test is administered within 8 hours of the accident, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

Employees must remain at work, but must not perform work functions, until the post- accident alcohol test is administered or 8 hours after the accident, whichever is earlier.

If the controlled-substance test is not administered within 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

## Random Tests

A minimum number of alcohol tests, equal to 25 percent of the average number of County employees covered under the Act, will be performed each year. The vendor will select employees using a computerized random-selection program. Employees selected will be tested only while the employee is on duty and just prior to, just after, or while performing a work function.

A minimum number of controlled-substance tests, equal to 50 percent of the average number of employees, will be performed each year. Tests may be performed at any time the employee is on duty, regardless of the duties being performed at the time of testing.

Employees may potentially be tested at any time, even if there is a recent previous test. Once an employee is notified of the testing, he or she must report immediately to the testing site.

## Reasonable-Suspicion Tests

An employee must undergo alcohol or controlled-substance testing when his or her supervisor has reason to believe that the employee has used alcohol or controlled substances in violation of the Act or this policy. An alcohol test may be administered just prior, just after, or while the employee is performing a work function.

All supervisors will be given adequate training to make judgments about a reasonable suspicion of drug or alcohol use. The supervisor's judgment must be based on specific observations relating to appearance, behavior, speech, or body odors, including indications of the chronic and withdrawal effects of controlled substances. The supervisor must document the observations fully upon notifying the employee that testing is required. Supervisors will be trained regarding physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

If the alcohol test is not administered within two hours following the supervisor's observation, the supervisor must file and maintain records explaining the reason for the delay. If the alcohol test is not administered within eight hours following the supervisor's observation, no tests will be given, and the supervisor must file and maintain records

explaining the reason for the delay and the lack of testing. Employees must remain at work, but must not perform work functions, until the reasonable suspicion test is administered or eight hours after the reasonable suspicion was determined.

If the controlled-substance test is not administered within 32 hours, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing.

All employees, including non-supervisory employees, may call their supervisor or the testing vendor to ask any questions about the program, or to state their suspicions about another employee, including a supervisor. The caller must give his or her name, but the names will be kept confidential to the extent possible under the open records law.

#### Return-to-Duty Tests

If any test result is positive and the course of treatment recommended by a licensed addiction counselor has been completed, the employee must submit to return-to-duty alcohol or controlled substance tests prior to resuming duties.

The return-to-duty alcohol test must indicate a breath-alcohol concentration of less than .02. Controlled-substance test results must be negative.

#### Follow-up Tests

Unannounced follow-up tests are required for any employee who, after a positive test result, is determined by a licensed addiction counselor to need help with alcohol or controlled substance abuse.

## Controlled Substance Test

Results	Employee Status	Required Action
Positive	Applicant	Not hired
Positive	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination

## Alcohol Test

Results	Employee Status	Required Action
.02 - .039	Employee Temporary Employee	Taken out of service for 24 hours without pay (may use annual leave if available); Subject to County discipline, up to and including termination
.04 - .099	Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination

.04 - .099	Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; and terminated
.1+	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; and terminated

## Other Prohibited Conduct & Required Action

<b>Prohibited Conduct</b>	<b>Employee Status</b>	<b>Required Action</b>
Refusing to be tested	Applicant	Not hired
Refusing to be tested	Employee Temporary Employee	Terminated
Reporting for duty fewer than 4 hours after having a drink	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Possessing or consuming alcohol, i.e. beverage as defined in Title V of the ND Century Code, on the job (.02 BAC)	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Possessing or consuming cough syrup, mouthwash, or any other substance containing alcohol while on the job	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination



Possessing or using a controlled substance without a prescription	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination
Performing job duties while using a prescription containing a controlled substance when a physician has not instructed the employee that the substance does not adversely affect the employee's ability to safely perform duties	Employee Temporary Employee	Taken off duty; referred to a licensed addiction counselor for evaluation and treatment; Subject to County discipline, up to and including termination

### **Evaluation of Employees with Positive Test Results**

Any employee who has a positive test result or engages in prohibited conduct as described in this policy will be referred to a licensed addiction counselor for an evaluation to determine what help is necessary. If a rehabilitation program is prescribed, the licensed addiction counselor will determine whether the employee has followed the program. All costs of employee assistance will be at the employee's expense.

If an employee receives a positive test result on an alcohol test, the licensed addiction counselor will recommend the frequency of follow-up testing, (However, if an employee receives a positive test result on a drug test, the MRO recommends follow-up testing.) Follow-up testing will consist of at least 6 unannounced tests in the first 12 months. These follow-up tests are in addition to any random tests that the employee might happen to be chosen for. No follow-up testing will be conducted more than 60 months after the

employee's return to duty. However, potential random tests will continue to be administered for which the employee may be randomly selected.

### Out-of-Service Request

All employees are subject to call for emergency duties. However, if the employee has had even one drink in the four hours prior to the call or suspects that he or she may have a breath-alcohol concentration .02 or above, the employee must take himself or herself out of service. No disciplinary measures will be taken when the employee requests to take him or herself out of service. However, repeated work absences due to repeated out of service requests could result in a determination of unsatisfactory attendance and work performance.

### Disciplinary Action

The charts above show the required action required for controlled-substance tests, alcohol tests, and prohibited conduct. Any employee who commits any of the acts where the required actions say 'terminated' will automatically lose employment with the County.

However, in order to determine the appropriate progressive disciplinary action, all other violations-such as situations where the employee will be evaluated and treated under a licensed addiction counselor will be evaluated based on their severity, the degree of danger to other employees and the general public, and the frequency of occurrence.

### Self-Referral to a Licensed Addiction Counselor

All employees who feel they have a problem with the use of alcohol or controlled substances may refer themselves for evaluation and any needed rehabilitation through a licensed addiction counselor. No employee will be subjected to disciplinary action for self-referral.

### Program Administration

The Association of Counties will be the County's coordinator for the program, responsible for implementing and overseeing the program. Duties will include managing the vendor contract, responding to inquiries

from the U.S. Department of Transportation, and relaying information on positive test results directly from the vendor to the county contact personnel. Employee Relations will be the local coordinator for the program. In the absence of Employee Relations, the Auditors office will be responsible for relaying information on positive test results.

#### Required Records

The County, acting through any vendors providing services under this section, will maintain necessary records at the primary vendor's place of business. In all cases, information must be available at the County within 24 hours if requested by officials of the U.S. Department of Transportation responsible for the testing program.

#### Record retention schedule:

##### Retain for five years

1. Results of employee-alcohol tests indicating an alcohol concentration of .02 or greater
2. Results of positive controlled-substance tests
3. Documentation of refusals to submit to tests
4. Calibration documentation
5. Employee evaluation and referrals
6. Annual summary

##### Retain for two years

1. Records related to the alcohol and controlled-substance process.
2. Training.

##### Retain for one year

1. Records of negative and canceled controlled-substance test results and alcohol-test results with a concentration of less than .02.

Each year, the vendor will prepare an annual summary, in the format prescribed by the County, of the program results for previous calendar

year. The summary will be retained 5 years.

All testing information about individual employees is confidential and is not in the public domain and will be maintained in the same manner as other county medical records. Such information may not be released except as required by law or expressly authorized by 49 CFR 382.405.

Approved 7/6/2021

## **513 HARASSMENT POLICY**

Statement of Philosophy: It is the policy of Burke 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 Burke 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. Burke County, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

### **Definitions**

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

Workplace harassment is defined as any unwelcome conduct, whether verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying,

threatening or disrespectful types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

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

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

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

1. Verbal comments and gestures of a sexual nature including any suggestive remarks, pictures, jokes and catcalls.
2. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to: hiring, promotion, training opportunities, work schedule, leave approval, performance evaluations and pay increases.

3. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include but are not limited to: lower performance evaluations, denial of promotions, punitive transfers, terminations and altered/increased work assignments.
4. Unsolicited and repeated touching of any kind including: touching, patting or pinching of another person, or repetitive brushing against a person's body.
5. Derogatory remarks about a person's national origin, race, language, accent; disparaging or disrespectful comments.
6. Use of computer's, cell phones or other electronic devices to send messages of intimidation or sexual innuendos.

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

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

### **Complaint Procedures**

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

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

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

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

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

### **Discipline**

An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace or unlawful harassment or



retaliation, shall be subject to disciplinary action; including but not limited to, suspension, loss of salary increment, demotion and termination.

## **515 GRIEVANCE POLICY AND PROCEDURES**

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

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

Employees may file a grievance on an employer's action of demotion, dismissal, suspension without pay, reduction-in-force, or discrimination in employment. The employee must begin the procedure within five (5) working days from the date of notice of the employer action. In the case of reprisal, the employee must begin the grievance procedure within five (5) working days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. The Department Head may extend the time limits based on good cause for the extension.

### **Procedure:**

**Step I.** The employee must submit his/her grievance in writing to the department head and auditor and shall meet with their Department Head in an attempt to resolve the grievance within five (5) working days after the grievance occurred.

- If a mutual agreement is reached, both the employee and Department Head will acknowledge this in writing.

- If a mutual agreement is not reached at this level both the employee and Department Head will acknowledge this in writing and within ten (10) working days the auditor may forward the grievance to the Board of Burke County Commissioners at their next regularly scheduled meeting.

**Step II.** Upon receipt of the grievance, the Board of Burke County Commissions shall appoint a representative(s) to meet with the grievant

and/or the employee representative. Once designated, the appointed representative(s) will meet with the grievant and/or the employee representative within ten (10) working days.

- If a mutual agreement is reached, the terms of that resolution shall be written on or attached to the grievance and shall be signed by all parties.
- If no agreement is reached, the employee may request in writing that the grievance be forwarded on to the entire Board of County Commissioners within fifteen (15) working days.

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

- If the Board determines to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties to submit information in writing, verbally or combine options.
- Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within fifteen (15) working days after making a determination.

**Employee Eligibility: The following employees may file a grievance:**

1. Regular full time employees
2. Regular part time employees
3. Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

**Non-grievable Items:**

1. Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
2. Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.

3. Temporary work assignments.
4. Budget and organizational structure, including the number of assigned employees within any organizational unit.
5. The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
6. Benefits.

## **517 RETURN OF PROPERTY**

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

## **519 INCLEMENT WEATHER AND EMERGENCY CLOSING**

### **Purpose:**

It is the policy of Burke County to provide coverage for essential services and pay continuity to employees for absences which may result in the partial operation or office closure of Burke County due to extreme weather conditions or other emergencies such as fire or forced evacuations.

### **Closing Decisions:**

Decisions to implement this policy will be made by the Burke County Chairman or a Commissioner of the Board. If a closing occurs overnight, every effort will be made to make the closure decision at least one hour before work (7:00 a.m.) is scheduled to begin.

Emergency services will be continued regardless of an authorized closing.

### **Compensation:**

Regular full time employees and scheduled part-time employees will receive their normal compensation when the offices are deemed closed due to inclement weather.

### **Late Arrivals and Early Departures:**

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

### **Announcement of Closing:**

The decision to close county offices will be communicated to the department heads or designee by the county's reverse 911 system.

### **“No Travel Advisory”**

When a “No Travel Advisory” has been put out by the Burke County Sheriff, ND Highway Patrol and NDDOT, a reverse 911 call will go out at 6:30 a.m. informing all Burke County employees that the Burke County Courthouse will have a late start at 10:00 a.m. At 9:30 a.m., a second reverse 911 call will be made that will inform employees that the Courthouse will be opening at 10:00 a.m. as scheduled, or, if conditions have not improved, the Burke County Courthouse will remain closed for the rest of the day.

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

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

**Ojective:** 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 as associate’s scheduled start and stop times, except authorized breaks and lunch periods or other time when the employee is relieved of work duties.
3. Employees may not engage in distribution in the working areas of the business.

“Woking 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.

## **522 Cell Phone Policy**

Purpose: Establish a policy for cell phone use and compensation allowance.

Authority: The Burke County Board of Commissioners.

Application: This Cell Phone Policy (the Policy) applies to Elected Officials, Department Heads and staff who are authorized to use a cell phone and/or associated Wireless services for county business and who receive compensation from the county to offset the cost of the cell phone for business-related calls or who receive a County provided cell phone.

Responsibility: The Board of Commissioners shall be responsible for the implementation of this Policy. The Auditor shall be responsible for the administration of this policy.

Definitions: Cell phone: commercial wireless phone service (mobile, cellular or digital).

Policy: Employees whose job requires them to use a cell phone for County business, as outlined in this Policy, may use a personal cell phone service for business use and will be eligible to receive a monthly allowance for that service. Employees may elect to use a County- provided cell phone in lieu of receiving compensation for using a personal cell phone.



## **Cell Phone Allowance for Personal Phone Used for Business**

1. Eligibility for Cell Phone Allowance
2. The cell phone allowance must be approved by the employee's supervisor, and County Auditor.
3. The County may provide a cell phone allowance to an employee if at least one of the following criteria is met:
  - The job requires considerable time outside the office or away from the office.
  - Workstation (job need, travel, meetings, etc.) and use of the cell phone facilitates the effective conduct of business operations while away.
  - The job requires the employee to be immediately accessible to receive and/or make frequent business calls outside of working hours.
  - Job duties away from the office may expose the employee or others to immediate harm or danger.
4. The allowance will be charged to the corresponding departments' telephone budget by the employee's supervisor, who must ensure availability of funding. Departmental eligibility criteria can be more (but not less) restrictive than the County criteria stated in this Policy.

## **Cell Phone Allowance Amount**

1. The monthly cell phone allowances are shown in Table A of Appendix A of this Policy. The allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill. The amount of the allowance should be commensurate with the requirement for business use and will be reviewed periodically by Administration for change in amount or cancellation.
2. Eligibility for the allowance or the level of the allowance provided is subject to change or cancellation as determined by the employee's supervisor.
3. The monthly allowances are not considered part of base pay used for calculating percentage salary increases.
4. Supervisors or Administration may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active cell phone plan. Supervisors or Administration may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

## **Employee Responsibilities**

1. Sign the Cell Phone Allowance Request form thereby certifying that he/she will provide the phone number within five days of activation and will be available for calls (in possession of the phone and have it turned on) during those times specified by supervisor.
2. Select any cell phone carrier whose service meets the requirements of the job responsibilities as determined by his/her supervisor. Employees shall be free to purchase and provide their own accessories at their own cost, without reimbursement, should the County not provide a desired accessory. Devices that the County will provide to employees include chargers, both in- car and traditional outlet units, and holsters or clips for ease of carrying phones.
3. Inform the County to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is canceled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any allowance received.
4. Comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others.

5. Acknowledge that cell phone transmissions are not secure and that employees should use discretion in relaying confidential information over cell phones. Further, cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner.

### **County-Provided Cell Phones Eligibility and Record Keeping**

1. With the approval of Auditor, the County may purchase cell phones and pay for service in certain circumstances—e.g., phones that rotate among road department, deputies, on-call staff, or maintenance personnel.
2. All equipment purchased remains the property of the County.
3. Calling plans must be on County approved governmental contract.
4. County-provided Cell Phone Request forms must be approved by the employee's supervisor and County Auditor.
5. The submitting department must keep the approved County provided Cell Phone Request form on file and available for review and/or audit. All cell phone invoices will be coded to the proper department's telephone budget and turned in for payment.
6. Personal calls on county-provided cell phones are highly discouraged. The County recognizes that brief personal calls for family or emergency matters may occur. Any monthly overage charges attributed to personal use will be reimbursed to the county by the employee.

### **Employee Responsibility**

1. Employees shall comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others. Such use may include texting, emailing, or verbal communication.

2. Employees are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official business, or from using government-supplied electronic equipment to text message or email when driving.

3. It is generally recognized that cell phone transmissions are not secure. Employees must use discretion in relaying confidential or sensitive information over cell phones. Further, cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner.

### **Cell Phone Support – By Type**

1. Users who are authorized to obtain a regular cell phone must obtain technical support from the vendor providing the phone.

2. Users who are authorized to use a “Smartphone” device and wish to utilize IDT technical support for email or calendar integration must choose an authorized provider and phone. Support for the cell phone portion of these types of devices must obtain technical support from the vendor providing the phone.

### **Miscellaneous**

Both the nature of electronic communications and the public character of the County make cell phone uses less private than users may anticipate. As such, County employees should be aware that federal and state laws and County policies, guidelines, and regulations may limit the protection of certain aspects of individual privacy in connection with the use of a cell phone under this Policy.

For example, in certain circumstances, the County may permit the inspection, monitoring or disclosure of phone records and text messages (including content and the cell phone numbers of calls or texts sent or received from a cell phone, and a cell phone user's location at a particular time), consistent with applicable local, state, and federal laws, by County personnel or law enforcement officers. The County and its employees may be required to disclose phone records, text messages, and other electronic data and documents (including cell phone user locations at particular times,

phone numbers called or texted or from whom the County employee received calls or texts, or contents of text messages sent or received) pursuant to the North Dakota public records laws, court order or state and federal laws.

### **Administrative Procedures**

The Burke County Board of Commissioners may authorize changes and/or adjustments to the Cell Phone Policy.

## Appendix A: Cell Phone Allowances

Table A

### **Monthly Allowance**

Voice \$30

Voice & text \$40

Voice, text & email / data \$50

**Burke County Cell Phone Allowance:**

This form is to be used by employees and their supervisors to document their request for cell phone allowance and acknowledge their understanding of the Burke County Cell Phone Policy requirements and limitations.

Department Name: \_\_\_\_\_

Start Date: \_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_

\_\_\_\_\_ Add Cell Phone allowance

\_\_\_\_\_ Change Existing Cell Phone allowance:

Allowance for Use of Personal Phone

· Employee Name:

\_\_\_\_\_

· 10 digit phone number: \_\_\_\_\_

Employee will be available for calls (in possession of the phone and have it turned on) during those times specified by manager.

· Phone number is listed in Reverse 911? Yes \_\_\_\_\_ No \_\_\_\_\_

· Allowance amount per month: \$ \_\_\_\_\_

Voice \$30    Voice & text \$40    Voice, text & email / data \$50

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

If I am subject to repayment I agree to have that amount deducted from my paycheck)

Department Head: \_\_\_\_\_

Auditor: \_\_\_\_\_

**Cell Phone Allowance Cancellation**

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

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

Date \_\_\_\_\_

If I am subject to repayment I agree to have that amount deducted from my paycheck

Supervisor Name \_\_\_\_\_

Date \_\_\_\_\_

County Auditor \_\_\_\_\_

Date \_\_\_\_\_



**Burke County Cell Phone Request Form (County-Provided Cell Phones)**

Department Name: \_\_\_\_\_

Employee \_\_\_\_\_

10 digit phone number: \_\_\_\_\_

Employee will be available for calls (in possession of the phone and have it turned on) during those times specified by manager.

Start Date \_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_

Cell Phone Plan Requested:

Voice

Voice & text

Voice, text & email / data

By signing below the employee and authorizing managers acknowledge that they have read and reviewed their responsibilities under the Cell Phone Policy. This Cell Phone Request Form must be approved by the employee's supervisor and County Auditor.

Employee Signature

\_\_\_\_\_

Date \_\_\_\_\_

If I am subject to repayment I agree to have that amount deducted from my paycheck

Supervisor Signature

\_\_\_\_\_

Date \_\_\_\_\_

County Signature

\_\_\_\_\_

Date \_\_\_\_\_

## **523 Key and Key Card Policy**

### **Key**

It is an employee's responsibility to immediately report to the Burke County Sheriff's Department a lost or stolen key, and the employee will be charged a fee to replace a lost or stolen key. Employees must return their keys to the Burke County Sheriff's Office upon termination of employment.

### **Card Keys**

All employees are issued card keys that control access to the building. The card keys operate by passing them near (within 6") of the card readers. Several levels of security allow employees access to the building based on time of the day, day of the week, etc. Card keys are only to be used by the person to whom they are assigned. It is the responsibility of each county employee to immediately report to Burke County Sheriff's Office all card keys that are lost, stolen, or not working properly. County employees with card keys, who terminate employment or no longer require access to the building, must return the card key to Burke County Sheriff's Office prior to departure from the building.

All key and card keys remain the property of Burke County and must be relinquished to the Sheriff's Department at any time upon request.

Approved 5/19/2020

## **524 Travel Reimbursement Policy**

In work-related situations, the time a non-exempt employee operates a motor vehicle is considered work time and is considered in determining the number of hours worked during the week. If the combination of hours worked and driving time exceed 40 hours in a work week, the division must provide overtime unless the employee is being reimbursed mileage for use of a personal vehicle.

Travel from home to work or work to home is excluded from this definition.

The Fair Labor Standards Act does not consider as work time the time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile if the employee is away from home at least one night.

When the travel away from home is for one day with no overnight stay, all hours spent traveling either as the driver or passenger are considered work time for non-exempt employees. These hours must be included in determining the number of hours worked.

Any out of state travel must be pre-approved by the Board of County Commissioners.

## **525 Discipline Policy**

### **Section 1. Definitions**

**“Cause”** means conduct or factors related to a regular employee’s job duties, job performance, or working relationships that is detrimental to the discipline and efficiency of the service in which the employee is or was engaged.

**“Demotion”** means a reassignment of an employee, for cause, to a position in a lower class that would result in either a reduction of an employee’s base salary or a reduction in the pay grade assigned the position’s class that would prevent receiving subsequent pay adjustments; or an involuntary reassignment, for reasons other than disciplinary, from one classified position to another classified position with a lower pay grade.

**“Dismissal”** means an involuntary termination of a regular employee’s employment.

**“Progressive discipline”** means the disciplinary actions imposed to correct a regular employee’s behavior, beginning with a less severe appropriate action and progressing to a more severe appropriate action, for repeated instances of poor job performance or for repeated violations of the same or similar rules or standards.

**“Regular employee”** means a person who has completed the introductory period.

**“Suspension with pay”** means a forced paid leave of absence.

**“Working days”** means Monday through Friday exclusive of holidays

### **Section 2. Discipline of Introductory and Temporary Employees**

An introductory employee may be separated at will from employment and may be terminated without cause and without progressive discipline. The employee may not grieve or appeal a lawful separation. The direct department head shall notify the employee of the separation in writing. However, a department head may, in the department head’s sole discretion, use progressive discipline to correct the job performance of an introductory employee.

Temporary employees may be terminated without cause and without progressive discipline. However, a department head may, in the department head’s sole discretion, use progressive discipline to correct the job performance of temporary employees.

Even where “cause” is not required, department heads are encouraged to document the reasons for imposing discipline in terms of “cause.” action.

### **Section 3. Discipline of Regular Employees**

An employee who has completed the introductory period may be disciplined only for cause. Progressive discipline must be used to correct a regular employee’s job performance problems or for a violation of rules or standards unless an infraction or a violation of a serious nature is committed including but not limited to insubordination, theft, falsification of pay records, or assaulting or threatening to harm a department head, coworker, or client, and for which the imposition of less severe disciplinary action would be inappropriate.

The types of discipline discussed below are those typically used in a progressive discipline process. However, each discipline must be based on the seriousness of the infraction.

Progressive discipline does not assure a sequential application of more severe discipline steps. For example, when an infraction or a violation of a serious nature is committed and for which the imposition of less severe disciplinary action would be inappropriate, more severe discipline may be administered.

#### **Verbal Warning**

A verbal warning is the least severe disciplinary action. It is intended to influence an employee toward improved performance. Verbal warnings must be documented in department head’s notes or records. It is recommended that a copy of the oral warning documentation be given to the employee.

#### **Written Warning**

A written warning is a more severe disciplinary action than a verbal warning. A written warning may be appropriate when a pattern in unacceptable performance is recognized or misconduct has occurred. A written warning may also be appropriate when, in the judgment of a manager or department head, an employee's poor performance or job related behavior warrants more than a verbal warning. The written warning should contain the following

- The date of the warning.
- A detailed description of the misconduct or inadequate performance including dates.

- The effect on the work place or the policy, administrative rule, or practice that was violated.

- A statement that if the conduct is repeated the employee will be disciplined again more severely. A final warning may also be included in the written warning that specifies that termination will result if another infraction occurs.

- A signature line for the manager or department head.

- A statement at the end such as “I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose.”

- A signature line for the employee or a signature of a witness, if the employee refuses to sign. The department head must ensure that a copy of the written warning is placed in the employee’s personnel file.

A written warning may also include a formal “Action Plan,” depending upon the nature and severity of the offense. A formal action plan may include the following elements:

- The steps to follow in order to correct the problem or meet the desired level of performance, attendance, or behavior.

- Any commitments of assistance or support that the manager or department head has made.

- The time frame to be followed in achieving the goal of improved performance, attendance, or behavior.

- The consequences that will occur if the performance, attendance, or behavior is not improved within the specified time frame.

If the employee’s performance or conduct has not reached the expected level, further discipline should be administered unless there are mitigating circumstances.

### **Suspension of Employment With or Without Pay**

The department head must determine if the suspension is with or without pay and the length of suspension. It must be consistent in severity with the seriousness of the employee's poor performance or behavior infraction. A suspension of employment

action must follow the pre- action notice procedure as required in Section 4 of this chapter. A suspension without pay may not exceed 30 calendar days. If the suspended employee is exempt from the overtime provisions of the Fair Labor Standards Act, the appointing authority may make deductions from pay for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules.

A suspension with pay may be used during an investigation or pending disciplinary action and does not require pre-action notice.

### **Termination From Employment**

This is the most severe disciplinary action and is intended as a final action. This level of discipline will normally be taken when previous disciplinary actions have been ineffective. Termination from employment may be used earlier in the disciplinary process when it is necessary and consistent with the performance or behavioral infraction. Termination from employment action requires the department head to carry out the pre-action process as described in Section 4 of this chapter.

Occasionally, department heads may wish to take other actions to impose discipline such as demotion, job reassignment or job re-structuring. Demotions require the department head to follow the pre-action process as described in Section 4 of this chapter. Please note that job reassignment and job restructuring generally occur for reasons other than discipline.

### **Section 4. Pre-Action Notice**

Prior to suspending, demoting, or terminating a classified employee, the department head shall give the employee a written notice of the reasons for such action, an explanation of the allegations and the supporting evidence, and provide an opportunity for the employee to respond.

The written notice of the reasons and explanation of the allegations must include:

- A statement of the department head's intent to take disciplinary action that may result in demotion, suspension without pay, or termination of the employee.

- An explanation of the allegations against the employee; citing behavior, dates or occurrences, witnesses, and other evidence.
- A statement of specific policy, administrative rule or practice violations or a statement citing what work expectation was violated and how the employee would have known of the work expectation.
- Notice that the employee may provide the department head with evidence, explanation, or other information in writing which contradicts the allegations and evidence.
- Notice that the employee will have five working days to provide the written response.
- Notice of the employee's status (to continue working or placement on leave of absence with pay) until the final decision is made.
- A statement that a written notice of the final action taken will be provided to the employee.
- A statement at the end such as “I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose.”
- A signature line for the employee to acknowledge receipt or a witness to acknowledge the employee’s receipt and/or refusal to sign.

Any time a pre-action notice is sent to an employee via US Postal service, an Affidavit of Service by Mail form must be used to document the date the letter was sent to the employee.

### **Opportunity to Respond:**

The employee must be given no less than five working days following receipt of the notice in which to respond in writing to the allegations. The employee must be given reasonable access to the employee’s personnel file and all information upon which the allegations are based. If necessary, the employee may be placed on a leave of absence with pay during this time. If the employee makes a written request for extension of time in which to answer the allegations, management may grant a



reasonable extension on the condition that the employee agrees to take the extension as a leave of absence without pay. Extensions with pay must be approved by the department head. The employee's response to the allegations must be in writing and will be placed in the employee's personnel file.

**Final Notice:**

After reviewing all the evidence, including all written information provided by the employee, the department head must determine whether or not to take the proposed disciplinary action. Once the department head makes a final decision on the basis that there are reasonable grounds to believe that the allegation(s) against the employee are true and support the proposed action, the department head must notify the employee, in writing, of the final disciplinary action to be taken. The department head shall determine the method of delivery that best guarantees the employee's receipt of the final action notice. Any time a final notice is sent to an employee via US Postal service, an Affidavit of Service by Mail form must be used to document the date the letter was sent to the employee. When an employee wishes to resign rather than being dismissed, it is at the employee's discretion and at no time will be recommended by management. If an employee tenders a resignation prior to the implementation of a pre-action process, the employee's personnel record should show that the employee resigned. However, if a pre-action process is already under way and the employee decides to resign, documentation of the pre-action process must remain in the personnel file.

The employee may contest the disciplinary action through the BURKE COUNTY internal grievance procedure found in chapter 515.

In cases of termination, the employee may request that the agency agree to waive the internal agency grievance procedure and appeal directly to the County Commissioners. The final action notice must contain either of the following:

- If the final disciplinary action is less than demotion, suspension without pay, or termination, a statement must be made explaining the reasons for reducing the intended disciplinary action. Any stipulations that may apply to continued employment must also be stated.
- If the final disciplinary action taken demotes, suspends, or dismisses the employee, a detailed explanation of the basis for the action must be provided. This notice must

also inform the employee of the right to grieve the decision in accordance with Chapter 515 of this manual.

- A statement at the end such as “I have read and understand this document. I am aware that it is being placed in my personnel file. I acknowledge that my signature does not necessarily indicate agreement with the contents of this document. I understand that I have the right to attach a response if I so choose.”
- A signature line for the employee to acknowledge receipt or a witness to acknowledge the employee’s receipt and/or refusal to sign.

### **Section 5. Authority to Discipline**

Authority to discipline on all levels described is granted to department head.

Suspension, demotion, or termination actions may not be delegated to ensure their employees are aware of the specific person who has disciplinary authority and that all individuals involved in a disciplinary process are fully aware of the procedures to be followed.

### **Section 6. Department Head Responsibilities**

Department head responsibilities related to disciplinary actions include documenting incidents of poor performance, inappropriate workplace behavior, and violation of laws, rules and policies; documenting meetings with employees regarding their poor performance, inappropriate workplace behavior, and violation of laws, rules, and policies; establishing and monitoring adherence to plans for corrective action; drafting letters to employees and other documentation of disciplinary actions, investigating poor work performance and other job- related problems, and ascertaining and carrying out proper procedures.

Department heads are responsible to ensure full documentation and review of all disciplinary actions. Documentation must always be completed at the time of the department heads may maintain a department heads file containing written notes or documentation of an employee’s performance separate from the official personnel file. If contents of the department heads file are used for disciplinary purposes, such content must be made a permanent part of the employee’s personnel file.

No documents that address an employee’s character or performance may be placed in the personnel file unless the employee has had the opportunity to read the material. The employee must acknowledge that the employee has read the material by signing

the actual copy to be filed or an attachment to the actual copy to be filed, with the understanding that the signature merely signifies that the employee has read the material to be filed and does not necessarily indicate agreement with its content. If the employee refuses to sign the copy to be filed, the department head shall indicate on the copy that the employee was shown the material, was requested to sign the material to verify that the material had been read, and that the employee refused to sign the copy to be filed. In the presence of the employee and a witness, the department head shall sign and date a statement verifying the refusal of the employee to sign the copy to be filed. The material must then be placed in the personnel file.

The employee has the right to answer any material filed and any answer must be attached to the file copy. If any material is found to be without merit or unfounded through a grievance procedure, it must be immediately removed from the file and may not be used in any subsequent actions or proceedings against the employee.

No anonymous letters or materials may be placed in the employee's personnel file.

## **526 Year End Recap**

A year end department recap will be held with each department head and the Burke County commissioners to help develop and improve each department.

The meetings will be scheduled no later than June 15<sup>th</sup> of each year and held with the department head and the county commissioner holding that department's portfolio.

### **OVERVIEW**

The Board of County Commissioners will set short-term and long-term goals, which are reflected in the budget. These goals are pursued through programs or services that the public sector can provide more efficiently than the private sector. To promote economic efficiency, the budget should allocate resources to the programs and services that generate the greatest benefits and result in the incremental benefit being greater than the incremental cost.

### **COST ALLOCATION**

The Board of County Commissioners and Department Heads will meet to review the practices to work toward a goal of allocating all costs, wherever practical, to the department receiving the benefits. This involves allocating costs of central services, which include Board of County Commissioners, Treasurers Office, County Auditor's Office, Custodial Department, State's Attorney Office, Planning and Zoning, Road Department, Sheriff's Office, Clerk of Court and Records Office, Tax Equalization and Extension Office. In addition, both building use and equipment use allowance are allocated.

The review process is oriented toward the full use of the system. Where possible, the County will continue to integrate performance measurements and/or productivity indicators that will allow for continued efforts to improve County programs.

The Burke County Commission and Department Head will attempt to identify distinct functions and activities performed by the County and to allocate adequate resources to perform these functions and activities at a specified level of service.

The budget will be reviewed with the Board and will focus on the following:

Program Changes - An increase in the service level will be detailed and defined as an enhancement. Where a decrease or a reduction in service level is proposed, it will be detailed for the Board as a defined reduction to a program.

New Programs - Proposed new programs will be identified as an enhancement and require detailed justification. Analysis is to include long-term fiscal impacts. When requesting a new program, all expenditures must be justified and a viable revenue source be identified to offset the cost.

Staffing - Staff increases will be limited to programs where growth and support specifically require the addition of staff. Reduction of staff will be done when there is no adverse effect on approved service levels.

## **527 Exempt Employee Overtime**

Exempt employees may be paid overtime and fringe benefits when the overtime and fringe benefits are reimbursed by another agency or through the compensation of grants and the overtime work is separate from the exempt employee's regular duties and responsibilities.

The amount of overtime hours are not to exceed twenty one (21) hours in a pay period.

Burke County Road Department's Department Head will be compensated for the worked hours over 40 hours a week as compensatory time and will be calculated at a rate of time and one half.

## **528 Dress Code**

### **Objective**

Employee appearance contributes to Burke County's culture and reputation. Employees are expected to present themselves in a professional manner that results in a favorable impression by clients and customers.

Who does this policy apply to?

The Burke County dress code policy applies to all employee's excluding the road department, sheriff deputies and custodial (shirts to be issued by County)

### **Procedures**

Burke County department heads may exercise reasonable discretion to determine appropriateness in employee dress and appearance. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time. Reasonable accommodations will be made where required.

### **Business casual attire**

Business casual attire is expected of all employees. Basic elements for appropriate and professional business attire include clothing that is in neat and clean condition.

Appropriate workplace dress does not include clothing that is too tight or revealing; clothing with rips, tears or frays; or any extreme style or fashion in dress, footwear, accessories, fragrances or hair. Employees are expected to demonstrate good judgment and professional taste. Use courtesy towards coworkers and your professional image to customers as the factors you use to assess whether you are dressing in business attire that is appropriate.

An employee who is unsure of what is appropriate should check with his or her department head or supervisor.

Any staff member who does not meet the attire or grooming standards set by his or her department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

The following guidelines apply to Business casual attire:

When meeting clients, business professional dress guidelines must be observed, unless the client has specifically requested otherwise.

Business casual dress is defined as follows:

**Casual shirts:** All shirts with collars, business casual crew-neck or V-neck shirts, blouses, and golf and polo shirts. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, muscle shirts, camouflage and crop tops.

**Pants:** Casual slacks and trousers and jeans without holes, frays, etc. Examples of inappropriate pants include shorts, camouflage, and pants worn below the waist or hip line.

**Footwear:** Casual slip-on or tie shoes, dress sandals, and clean athletic shoes. Examples of inappropriate footwear include flip-flops and construction or hunting boots.

**Specific requirements**

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by Burke County.

**Inclement Weather**

At the discretion of the department head, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, staff members are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted. Burke County has a business casual attire dress code. However, during the summer months, starting the week in which Memorial Day is observed and ending the week in which Labor Day is observed, the company has established a summer dress code that employees may observe on days when they have no in-person client contact. The following list is a guideline of appropriate and inappropriate attire under the summer dress policy. These are examples only. Department Heads or supervisors



may determine if an employee is dressed inappropriately for the workplace within the summer dress policy.

### **Appropriate summer**

T-shirts (no graphics).

Polo Shirts.

Khakis.

Denim

jeans.

Capri

pants.

Company logo wear.

Dresses or skirts (knee length or longer).

Dressy sandals.

Casual shoes including clean athletic

shoes. Inappropriate summer dress

Shorts.

Logo clothing (sport teams, cartoon characters, etc.) other than company

logo. Flip-flops.

Sleeveless tops, halter tops or tank tops.

Sweatpants.

Leggings (unless paired with a tunic length top)

Tight, revealing or otherwise inappropriate clothing. Athletic wear.

Clothing that is ripped, frayed, stained or messy.

All employees are expected to comply with this dress code in a manner consistent with their gender identity and expression. Employees who report to work inappropriately attired will be asked to leave work to change clothes and will be required to use personal time or vacation time to do so.

Any questions regarding appropriate summer dress should be directed to Employee Relations.

### **Reasonable accommodation of religious beliefs.**

Burke County recognizes the importance of individually held religious beliefs to persons within its workforce. Burke County will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members. Those requesting a workplace attire accommodation based on religious beliefs should be referred to the employee relations department.

### **Addressing workplace attire and hygiene problems**

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, he or she will be required to go home, change into conforming attire, or properly groom, and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the department head or supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process, and could lead to termination.

**Friday donation day:** Appropriate and unoffensive logoed tees may be worn on Fridays with a donation to the Friday Tee-shirt Fund in the amount of \$1.00. Donations will be given to the Treasures office if you wish to participate.

Approved 5/19/2020

## **529 CREDIT CARD POLICY & PROCEDURES**

### **Authority**

The County Auditor, Sheriff's Department and Road Department are designated to be responsible for their respective County's credit card issuance, accounting, monitoring, retrieval, and for general oversight of compliance with this Credit Card Use Policy.

### **Responsibility**

Only those who are authorized and who have signed the Credit Card User Agreement may use the County's credit cards. Credit cards shall only be used to purchase goods or services for the official business of the County.

All authorized users of County credit cards shall submit documentation detailing the goods or services purchased the cost of the goods or services, the date of the purchase and the official business for which it was purchased.

Authorized employees issued a credit card are responsible for its protection and custody and shall immediately notify the proper Department Head if the credit card is lost or stolen.

Employees issued County credit cards shall return the credit card immediately upon termination of his or her employment or service with the County.

### **Internal Accounting Controls**

A current list of all credit cards, authorized users, and credit limits shall be kept on file County Auditors' office. The Department Head for the Department wherein the

credit card purchase was made shall review and approve all invoices received for payment prior to the submission to the County Commission for approval for payment. The balance including interest due on an extension of credit, under the credit card arrangement shall be paid within sixty (60) days of the initial statement date.

The total authorized credit limit of all credit cards issued by the County shall not exceed seven thousand five hundred dollars (\$7,500.00) per card.

Any employee or elected official of the County who violates the provisions of this policy shall be subject to dismissal and appropriate criminal and/or civil action.

Requirements for use of credit card:

1. The credit card is to be used only to make purchases for the legitimate business of the County.
2. The credit card must be used in accordance with the provisions of the Credit Card Policy and Procedures established by the County.

Violation of these requirements will result in disciplinary measures up to and including dismissal, appropriate criminal and/or civil action.

Approved 6/16/2020

**529 CREDIT CARD POLICY & PROCEDURES**

**Employee Acknowledgment Form**

**I have read and understand the Credit Card Policy and Procedures and I agree to adhere to them.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

Approved 6/16/2020

## **CHAPTER 530 HIRING PROCESS**

### **EMPLOYMENT AT WILL**

Employment with BURKE COUNTY is “AT WILL” employment. Employment “at will” means that either the employer or the employee can terminate their employment relationship at any time, with or without cause, and with or without notice. Neither this manual nor any other County publication is an employment contract (formal or implied) between the County and any employee.

No employer representative, except the County Commissioners, has the authority to enter into any employment agreement for any specified period or to make an agreement contrary to the above statements.

Any contractual employment agreement must be held in writing and be signed by the County Commissioners detailing that it is specifically an **employment contract**.

### **COUNTY RESPONSIBILITIES**

Any applicant requiring an accommodation in order to make application or requiring an accommodation to accomplish the ‘essential functions’ of a position must submit a written request for the specific accommodation. The request will be reviewed and any reasonable accommodations will be granted.

### **STATE REQUIREMENTS**

Certain state requirements require North Star Human Service Zone to offer special or different benefits, processes, policies, etc. other than those outlined in this handbook on a departmental basis. Those deviations from this handbook will pertain only to those situations where it is required and with those employees or departments where it is required. The other provisions of this handbook will be in effect for all County employees.

## **PRE-EMPLOYMENT PROCEDURES**

### **Position Openings**

BURKE COUNTY Commissioners have adopted the following pre-employment procedures to be followed for all position openings. Department Heads will work with Employee Relations on each step.

1. Determine if the position needs to be filled
2. Development or review of the position description with changes as needed
3. Determine if any police/driving/credit checks will be needed based on job responsibilities
4. Advertised positions
  - a. Develop advertisement based on position description
  - b. Advertise appropriately
    - i. Internal Only Advertisements will be listed for a minimum of 5 days
    - ii. External Advertisements will be listed for a minimum of 14 days
  - c. Receive employment applications
5. Use BURKE COUNTY application form
6. Create interview questions based on position description and selected interview questions, which are non-discriminatory
7. If the applicant alerts the County or the interviewer that an accommodation is required, it shall be provided if it is deemed reasonable

### **Review of Applications**

When the application submission deadline has passed, the Department Head or Employee Relations must review each application and determine the applicants to be contacted and offered an interview.

The application/resume evaluation process includes determining which applications/resumes (predetermined by the Department Head or Employee Relations) meet all of the minimum qualifications for the position.

The Burke County Department Heads or Employee Relations must, prior to reviewing the applications:

1. Determine the specific points to be allocated for each of the items to be scored.
  - a. Items scored may include, but are not limited to:
    - i. Past experience in like work;
    - ii. Additional education above the minimum requirements;
    - iii. Resume appearance;
    - iv. Additional training above the minimum requirements, etc.
2. The total possible points for the application/resume portion of this process are 100 points.
3. All qualifying applications will be scored using a scoring sheet identifying how the points for each applicant were arrived.

At the conclusion of scoring the applications/resumes, five points will be added to each applicant qualifying for veteran's preference or ten points to each applicant qualifying for disabled veteran's preference.

The Department Head or Employee Relations may then determine based upon those total scores and the number of applications scored and how many applications will be interviewed.

### **Veteran's Preference**

North Dakota law (NDCC 37-19.1) provides employment preferences for **North Dakota residents** and/or their spouses who have served in a qualifying active military forces campaign during a period of war or received the armed forces expeditionary or other campaign service medal during an emergency condition.



*Veterans' preference does not apply to internal recruitment and selection.*

An eligible spouse means an un-remarried spouse of a deceased veteran who died while in service, or later died from a service-connected cause or causes; or the spouse of a 100% service-connected disabled veteran, who because of his or her disability is unable to exercise his or her right to employment preference.

To receive preference, the veteran must include proof of their veteran status. If claiming disabled veterans' preference, the veteran must include proof of their disability.

**Document requirements:**

1. An applicant claiming veterans' preference shall provide a copy of report of separation DD-214.
2. An applicant claiming disabled veterans' preference shall provide a copy of report of separation DD-214 and a letter less than one year old from the Veterans' Administration indicating the veterans' disability status.

**Spouses of disabled or deceased veterans:**

- a. An applicant claiming veterans' preference as an eligible spouse of a veteran who died while in service, or later died from a service-connected cause or causes, shall provide a copy of the marriage certificate, the veteran's report of separation DD-214 or report of active duty death, and the veteran's death certificate.
- b. An applicant claiming disabled veterans' preference as an eligible spouse of a 100% service-connected disabled veteran shall provide a copy of the marriage certificate, the veteran's report of separation DD-214, and a letter less than one year old from the Veterans' Administration indicating a 100% service disability status.

## **Interviewing**

Prior to interviewing, the Department Head or Employee Relations will select the questions and/or areas related to the job description and duties related to the position and determine how the points will be allocated. The Department Head will select a panel for scoring the interview. The panel will consist of the Department Head, Employee Relations and at least one additional person.

During the interview, each applicant will be asked the same questions related to duties found on the job description or provided the same situations for evaluation of abilities.

Interview questions must be job-related. It is unlawful to discriminate or make employment decisions based on race, color, gender, national origin, disability, religion, pregnancy, military status, marital status, or public assistance.

## **Application Records**

Documentation of how the points are given to each of the applicants must be maintained in the position file which is to be maintained by the Employee Relations Department for three years. The Department Head with input from the scoring panel will score each of the questions or scenarios giving a part of the predetermined maximum point value. Department Heads or Employee Relations may, at their discretion, use the application scoring lists or the interview scoring lists for future same position description job openings (within 90 days) or add to either of these scoring lists provided the same scoring parameters are used for the additional applications and interviewees. The Department Head or Employee Relations may at his/her discretion terminate the hiring process at any time and begin the process over by changing the requirements in any of the areas such as position description qualifications, scoring of resume/applications, scoring interviews, changing cutoff scores, etc.

At the conclusion of this process or when this process has been terminated, the Department Head or Employee Relations will prepare a file related to the position by collecting all pertinent data related to the applications for the position including a copy of the successful application (the original goes to the Employee Relations

Department for processing), include copies of any advertising material, job descriptions used in the ranking, and all of the data related to the scoring. This file must contain justifiable cause documented in writing identifying why any veteran or applicant with a higher score was not selected for the position. This file will be stored in the ER Department and be retained for a period of three years.

### **BURKE COUNTY EMPLOYMENT APPLICATION**

Employment applications will be accepted only when there is an opening for a position and then only for that position. A ‘complete’ application consists of the Burke County Application Form as well as a cover letter and/or complete resume and any other forms if required by the Department Head or Employee Relations. Applicants not submitting required forms prior to the application deadline will not be considered a qualified applicant. Applicants not hired may be reviewed by Department Heads or Employee Relations for subsequent openings and offered employment (within 90 days) without re-advertising for the position but must follow the Veteran point provisions outlined in the Pre-Employment section.

Applicants are encouraged to attach any additional data such as resumes, transcripts, work references, letters of recommendation, etc. to the application form.

Employment applications are available from Burke County web page, or from the Burke County Employee Relations Department.

### **REFERENCE / CRIMINAL BACKGROUND / FINANCIAL / DRIVING RECORD CHECKS**

Burke County reserves the right to make necessary reference checks to verify education, accuracy of application, previous employment, as well as job performance in those positions. Certain positions may also require Criminal Background / Financial / and/or Driving Record checks.

### **REFERENCE CHECKS**

Reference checks must consist of contacting current and previous employers and/or supervisors. If an applicant indicates that a current supervisor or employer

may not be contacted, efforts shall be made to gather reference information from other sources. Personal references will be used when work references are not available.

Departments should observe the following guidelines when conducting reference checks:

1. All questions of references must be related to the job for which the applicant is being considered.
2. Reference checks can be performed through personal contact, regular mail, e-mail, or by telephone. When the reference's responses are given orally, document those responses on the Employment Reference Check Form (see Appendix B ). Also, document when information cannot be obtained from those sources.
3. Maintain all documentation as well as written references in the recruitment file.

### **CRIMINAL AND FINANCIAL CHECKS**

A criminal background will be required for all positions. Financial records check may be required for certain positions. Applicants will be asked to sign an "Authorization to Release Information and Waiver" form provided by the Employee Relations Coordinator.

### **DRIVING RECORD CHECKS**

A driving record investigation must be made on any applicant whose job description requires an employee to operate a county owned vehicle. An applicant will not be hired to work in these positions if his/her driving record shows a current gain of four (4) or more points over the last year, or twelve (12) or more points over the last three (3) years or any suspension of driving privileges due to an alcohol related violation within the past three (3) years. If an applicant does not have a current North Dakota license, they must acquire a license within 30 days of employment with Burke County.

Checks will normally be made prior to employment being offered or during the evaluation period. If any applicant is found to have intentionally falsified any

information regarding reference or background history, the applicant will not be considered for employment.

**NEW HIRE EVALUATION PERIOD**

Newly hired employees undergo a 90 day evaluation period. This evaluation period serves as the basis for determining if the newly hired employee is a fit for Burke County and a chance for the employee to show Burke County the talent and responsibility that is needed for the position being filled.

As Department Heads are recruiting new employees to fill various positions throughout the County, new marketing techniques may be warranted in order to make executive decision on what the pay should be for the newly hired employee.

**DRUG TESTING / MEDICAL EXAMINATION / PHYSICAL ABILITY TESTING**

Job applicants may be required to undergo drug testing and medical examinations and/or physical ability testing as a condition of employment before or after employment is offered. Those applicants who fail such tests and examinations or who refuse such tests or examinations will be denied employment.

Approved 7/20/2020

## **EQUAL EMPLOYMENT OPPORTUNITY QUESTIONNAIRE**

Burke County is subject to certain governmental record keeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the County invites you to voluntarily self-identify your race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatments. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.

**This form will not be part of your application file or included in the documentation provided to the selecting official.**

**Please Print –or– Type**

**Name (First Name, Middle Initial, Last Name)**

**Date (MM, DD, YYYY)**

**Position applying for:**

**Location:**  
**/ Female**

**Birth date:**

**Gender: Male**

**Racial/Ethnic Heritage (Check one)**

**Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

**\_\_\_White (Not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**\_\_\_Black or African American (Not Hispanic or Latino)** - A person having origins in any of the black racial groups of Africa.

**\_\_\_Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**\_\_\_Asian (Not Hispanic or Latino)** -A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**\_\_\_American Indian or Alaska Native (Not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

**\_\_\_Two or More Races (Not Hispanic or Latino)** - All persons who identify with more than one of the above five races.

**How did you learn about this job opening? {List the name of the newspaper, employment agency, organization, agency employee, or other source):**

**Your Home Address**

**City State Zip Code**

*We are an Equal Opportunity Employer*

Appendix B *Employment Reference Check Form*

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Name of Person Contacted

\_\_\_\_\_

Telephone #:

\_\_\_\_\_

Reference Check Conducted By:

\_\_\_\_\_

(If reference check does not have information, or not allowed to give information, check box – move to question #2)

- No Information Available
- Not allowed to give information

1. How long have you known/worked with (candidate)?

2. Length of service with your agency: \_\_\_\_\_(months/years)

Salary: \_\_\_\_\_(current salary/salary at termination)



3. Please tell me about (candidate's) position and responsibilities. How would you describe (candidate's) work ability to complete those responsibilities?
  
4. Was/Is (candidate) reliable/punctual?
  
5. Did/Does (candidate) have a history of abusing sick/vacation time?
  
6. How did/does (candidate) relate to co-workers and peers?
  
7. How do you feel (candidate) would do in a \_\_\_\_\_ setting?  
(Library, Office, Correctional, etc.)

8. Describe (candidate's) ability to handle pressure? Can you give an example?
  
  
  
  
  
  
  
  
  
  
9. How did (candidate) organize, prioritize, and manage their time?
  
  
  
  
  
  
  
  
  
  
10. How would you describe (candidate's) communication skills (phone, writing, etc.)?
  
  
  
  
  
  
  
  
  
  
11. How would you describe the quality of (candidate's) work?
  
  
  
  
  
  
  
  
  
  
12. Can you tell me about (candidate's) flexibility with regard to job tasks and working conditions? Was s/he willing to come in early, stay late, work weekends, etc.?

13. What was (candidate's) reason for leaving your company?

14. If the opportunity presented itself, would you re-hire (candidate) (if applicable)?

15. (Candidate) is being considered for a \_\_\_\_\_ position, do you think he/she is a good fit?

16. Any other comments about the candidate?

## **531 Social Media**

### **Purpose**

**Use of the Internet by employees of Burke County is permitted and encouraged where such use supports the goals and objectives of the County. However, access to the Internet is a privilege and all employees must adhere to the policies concerning Computer, Email and Internet usage.**

**Violation of these policies could result in disciplinary and/or legal action leading up to and including termination of employment. Employees may also be held personally liable for damages caused by any violations of this policy.**

**Social media are powerful communications tools that have a significant impact on organizational and professional reputations. Because they blur the lines between personal voice and institutional voice, Burke County has crafted the following policy to help clarify how best to enhance and protect personal and professional reputations when participating in social media.**

**Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to LinkedIn, Twitter, Facebook and YouTube.**

**Both in professional and institutional roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with stakeholders, constituents, and the general public apply online as in the real world. Employees are liable for anything they post to social media sites.**

### **General Policy**

The following standards of use must be followed at all times.

1. Protect confidential and proprietary information. Do not post confidential or proprietary information. Employees must follow the applicable federal and state laws.

Adhere to all applicable privacy and confidentiality policies. Employees who share confidential information do so at the risk of disciplinary action or termination.

2. Respect copyright and fair use. When posting, be mindful of the copyright and intellectual property rights of others.

3. Respect County time and property. County computers and time on the job are reserved for County related business as approved by supervisors and outlined in employee job descriptions.

4. Terms of service. Obey the Terms of Service of any social media platform employed.

5. Think twice before posting. Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known and how that may reflect both on the poster and the County. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you wouldn't say it at a conference or to a member of the media, consider whether you should post it online. If you are unsure about posting something or responding to a comment, ask your supervisor.

6. Strive for accuracy. Get the facts straight before posting them on social media. Review content for grammatical and spelling errors.

7. Be respectful. Understand that content contributed to a social media site could encourage comments or discussion of opposing ideas. Responses should be considered carefully in light of how they would reflect on the poster and/or the County.

8. Remember your audience. Be aware that a presence in the social media world is available to the public at large.

9. On personal sites, identify your views as your own. If you identify yourself as a Burke County employee online, it should be clear that the views expressed are not necessarily those of the institution.

10. All institutional pages must have a full-time appointed employee who is identified as being responsible for content. Ideally, this should be the unit head of the department.

11. Acknowledge who you are. If you are representing their messages, audiences, and goals, as well as a strategy for keeping information on social media sites up-to-date.

12. Have a plan. Departments should consider their messages, audiences, and goals, as well as a strategy for keeping information on social media sites up-to-date

13. If an employee feels that this policy has been violated they should follow the procedures in Burke County policy 515 (Grievance Policy and Procedures).

Approved 1/19/2021

## 532 SICK LEAVE DONATION POLICY

Burke County recognizes that employees may have a family medical emergency resulting in a need for additional time off in excess of their available sick/personal time. To address this need, all eligible employees will be allowed to donate accrued paid sick hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

### ELIGIBILITY

Employees must be employed with Burke County for a minimum of one year to be eligible to donate and/or receive donated sick.

### GUIDELINES

Employees who would like to make a request to receive donated sick time from their co-workers must have a situation that meets the following criteria:

**Medical emergency**, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child or parent.

### DONATION OF SICK/PERSONAL TIME

- The donation of sick time is strictly voluntary.
- Donated sick time will go into a leave bank for use by eligible recipient.
- Recipient identity will not be disclosed to donating employees.
- The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave.
- The maximum number of sick hours that an eligible employee may donate is half the hours the donating employee can earn per calendar year.

- Employees cannot borrow against future sick/personal time to donate.
- Employees who are currently on an approved leave of absence cannot donate sick time.

## REQUESTING DONATED SICK/PERSONAL TIME

Employees who would like to request donated sick time are required to complete a Donation of Sick/Personal Time Request Form and submit it to employee relations.

Requests for donations of sick/personal time must be approved by employee relation, the employee's immediate supervisor and the Commissioner that hold the employee's portfolio. If the recipient employee has available sick/personal time in his or her balance, this time will be used prior to any donated sick time. Donated sick time may only be used for time off related to the approved request.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

Approved 7/20/2021



**Request to Donate Annual Leave to Leave Recipient  
Under the Voluntary Leave Transfer Program**

**Within  
Agency**

I request that annual leave be transferred to the leave account of an approved leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit annual leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of annual leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave remains after the recipient's medical emergency has terminated, I can elect to have a pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code.

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by any employee for the purpose of donating or using leave.

**To Be Completed By Leave Donor**

1. Name (Last, first, middle)		2. SSN (last 4 digits)	3. Employee Number
4a. Position title		4b. Pay plan	4c. Grade/pay level
5a. Name of organization (Agency, Department, Office, Division, Branch, etc.)			5b. Office telephone number
6. Amount of annual leave accrued as of end of last pay period	7. Amount of leave projected to forfeit this leave year as of end of last pay period	8. Amount of annual leave to be transferred	
9. Individual's name or identification number to whom leave is being donated			
10a. Signature			10b. Date signed

**Privacy Act Statement**

Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

**Application to Become a Leave Recipient  
Under the Voluntary Leave Transfer Program**

1. Applicant's name (Last, first, middle) \_\_\_\_\_ 12. SSN (last 4 digits) \_\_\_\_\_ Employee Number 13

4a. Position title \_\_\_\_\_ 4b. Pay plan \_\_\_\_\_ 4c. Grade/pay level \_\_\_\_\_

5. Name of organization (Agency, Department, Office, Division, Branch, etc.) \_\_\_\_\_ 6. Office telephone number \_\_\_\_\_

7. Nature and severity of the medical emergency \_\_\_\_\_

8. Individual affected by medical emergency (check one)  Employee  Employee's family member  
 9. Date medical emergency began \_\_\_\_\_ 10. Date medical emergency ended (or is expected to end) \_\_\_\_\_

11. Name of physician who will verify the medical emergency. (Attach documentation from the physician (or other appropriate expert) showing the diagnosis, prognosis and duration of illness.) \_\_\_\_\_

12. What is the applicant's annual and sick leave balances as of end of last pay period?  
 Annual leave balance .1 | Sick leave balance \_\_\_\_\_  
 13. How many hours of leave without pay have been used for this medical emergency?  
 Hours -----

14. Provide a description of the medical emergency to be distributed to servicing personnel offices so that other employees may donate annual leave to the applicant.  
 Description of medical emergency \_\_\_\_\_  
 Check box if applicant does not want a description distributed.  
 Check box if applicant does not wish to have name used with the description or disclosed to anyone except the supervisor, the supervisory channel and the deciding official, and Individuals who maintain the program.

15a. Name of individual completing application (If applying on behalf of the applicant) \_\_\_\_\_ 15b. Relationship to applicant \_\_\_\_\_ 15c. Telephone number (area code) \_\_\_\_\_

16a. I certify that the above statements are true. (Signature of applicant or individual applying on behalf of applicant) \_\_\_\_\_ 16b. Date signed \_\_\_\_\_

**Privacy Act Statement**  
 Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to 5 U.S.C. Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

17. First level supervisor's recommendation  Approve  Disapprove \_\_\_\_\_ Date signed \_\_\_\_\_  
 Signature \_\_\_\_\_  
 18. Deciding official's decision  Approve  Disapprove \_\_\_\_\_ Date signed \_\_\_\_\_  
 Signature \_\_\_\_\_



Office of Personnel Management  
5CFR630

Local Reproduction Authorized

OPM630  
June 2001  
Formerly Optional Form (OF) 630

**Request to Donate Annual Leave to Leave Recipient  
Under the Voluntary Leave Transfer Program**



I request that annual leave be transferred to the leave account of an approved leave recipient. This recipient is not my immediate supervisor. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand that if I am projected to forfeit annual leave during this leave year, the amount of leave I am transferring may not exceed the number of hours remaining in the leave year for which I am scheduled to work. The amount of annual leave I am transferring also is not more than half the hours I will earn this year.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused leave remains after the recipient's medical emergency has terminated, I can elect to have a pro-rated share returned to me during either the current leave year or the following leave year, or I can elect to donate my pro-rated share to another leave recipient. However, to do so, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code.

I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by any employee for the purpose of donating or using leave.

**To Be Completed By leave Donor**

1. Name ( <i>Last, first, middle</i> )		2. SSN (last 4 digits)	3. Employee Number
4a. Position title		4b. Pay plan	4c. Grade/pay level
5a. Name of organization (Agency, Department, Office, Division, Branch, etc.)			5b. Office telephone number
6. Amount of annual leave accrued as of end of last pay period	7. Amount of leave projected to forfeit this leave year as of end of last pay period	8. Amount of annual leave to be transferred	
9. Individual's name or identification number to whom leave is being donated			
10a. Signature			10b. Date signed

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