



Emmons County Employee Manual

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(Excluding Section 8)**

The Emmons County Employee Manual was developed with assistance from the previous guidebook, employee consultation, and the WorkplaceToolbox© www.workplacetoolbox.com.

TABLE OF CONTENTS

	<u>PAGE</u>
SECTION 1—INTRODUCTION	1
1.1 Changes in Policy	1
1.2 Employment Applications	1
1.3 Employment Relationship.....	2
SECTION 2—DEFINITIONS OF EMPLOYEES STATUS.....	3
2.1 Employee Status.....	3
SECTION 3—EMPLOYMENT POLICIES.....	4
3.1 Non-Discrimination	4
3.2 Hiring of Personnel	4
3.3 Personal Responsibility and Work Opportunity Reconciliation Act of 1996.....	5
3.4 Non-Disclosure/Confidentiality	5
3.5 New Employee Orientation.....	6
3.6 Probationary Period for New Employees	6
3.7 Office Hours.....	6
3.8 Lunch Periods	6
3.9 Break Periods	6
3.10 Personnel Files	7
3.11 Personnel Data Changes	7
3.12 Inclement Weather/Emergency Closing	7
3.13 Reporting Late or Leaving Early (approved 12-07-10)	8
3.14 Employee Performance Review.....	8
3.15 Outside Employment	8
3.16 Corrective Action.....	8
3.17 Employment Termination	9
3.18 Safety	10
3.19 Health-Related Issues.....	10
3.20 Employee Requiring Medical Attention	11
3.21 Building Security	11
3.22 Insurance on Personal Effects	11
3.23 Supplies, Expenditures, Obligating the County	11
3.24 Expense Reimbursement.....	11
3.25 Credit Card Use.....	12
3.26 Parking	12
3.27 Visitors in the Workplace	12
3.28 Immigration Law Compliance	13
SECTION 4—STANDARDS OF CONDUCT	14
4.1 Attendance/Punctuality	15
4.2 Absence without Notice.....	15
4.3 Harassment, Including Sexual Harassment.....	15
4.4 Telephone Use	16
4.5 Public Image	16
4.6 Substance Abuse	17
4.7 Tobacco Products.....	19

4.8	Internet Use	19
SECTION 5—WAGE AND SALARY POLICIES		20
5.1	Wage or Salary Increases	20
5.2	Timekeeping	20
5.3	Overtime	20
5.4	Paydays	21
SECTION 6—BENEFITS AND SERVICES		22
6.1	Health Insurance	22
6.2	COBRA Benefits	22
6.3	Social Security/Medicare	23
6.4	Retirement	23
6.5	Annual Leave	23
6.6	Workforce Safety and Insurance	24
6.7	Sick Leave	24
6.8	Bereavement Leave	26
6.9	Record Keeping	27
6.10	Holidays	27
6.11	Jury Duty/Military Leave	28
6.12	Training and Professional Development	28
6.13	Mileage and Per Diem	28
SECTION 7—EMPLOYEE COMMUNICATIONS		29
7.1	E-Mail and/or Payroll Stuffer	29
7.2	Bulletin Boards	29
7.3	Procedure for Handling Complaints	29
Acknowledgment of Receipt of Employee Handbook		30
SECTION 8—SOCIAL SERVICES ADDENDUM		1
SECTION 9—RECORD OF CHANGES		1

SECTION 1—INTRODUCTION

This Manual is designed to acquaint you with Emmons County and provide information about working conditions, benefits, and policies affecting your employment.

The information contained in this Manual applies to all employees of Emmons County and is considered a condition of continued employment. The contents of this Manual shall not constitute nor be construed as a promise of employment or as a contract between Emmons County and its employees. The Manual is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Manual. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

Social Service employees are also covered by the North Dakota Merit System and in addition to County policies, will adhere to the North Dakota Administrative Code. Please refer to Section 8, Social Services Addendum.

1.1 Changes in Policy

This Manual supersedes all previous employee manuals and memos that may have been issued from time to time on subjects covered in this Manual; however, since our organization is subject to change, Emmons County reserves the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. Employees will be notified of any changes and/or revisions. Changes will be effective on the dates determined by the Emmons County Commission, and after those dates all superseded policies will be null.

No individual Department Head or Supervisor has the authority to change policies at any time. If you are uncertain about any policy or procedure, speak with your direct supervisor.

1.2 Employment Applications

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

1.3 Employment Relationship

You enter into employment voluntarily, and you are free to resign at any time for any reason or no reason. Similarly, Emmons County is free to conclude its relationship with any employee at any time for any reason or no reason. Following the probationary period, employees are required to follow the Employment Termination Policy (See Section 3.16).

SECTION 2—DEFINITIONS OF EMPLOYEES STATUS

2.1 Employee Status

An “employee” of Emmons County is a person who regularly works for Emmons County on a wage or salary basis. “Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with Emmons County who are subject to the control and direction of Emmons County in the performance of their duties.

All employees are an “employee at will”, which means that either you or Emmons County may choose to terminate the employment relationship at any time, with or without cause, and with or without advance notice.

(Note: The FLSA is the federal labor law that covers minimum wage provisions, overtime pay, the Equal Pay Act, child labor laws, and other employment laws. <http://www.dol.gov>)

Exempt

Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements. For the purposes of Emmons County, the following positions are exempt: all elected officials (Auditor, Commissioners, Clerk of Courts/Recorder, Sheriff, State’s Attorney, Treasurer), department heads (911 Coordinator, Extension Agent, Maintenance Supervisor, Risk Manager, Road Supervisor, Social Service Director, Superintendent of Schools, Tax Director, Veteran Service Officer), and Sheriff Deputies.

Non-Exempt

Employees whose positions do not meet FLSA criteria and who are paid one and one-half their regular rate of pay for hours worked in excess of 40 hours per week.

Regular Full-Time is an employee who has no termination date and who is regularly scheduled to work 37.5 or more hours per week. Regular full-time employees may be either non-exempt (hourly) or exempt (salaried) employees.

Regular Part-Time is an employee whose position has no termination date and is scheduled to work less than 37.5 hours per week.

Temporary Employee is an employee who is hired for a certain length of time and who is paid only for their hours worked. A temporary employee will not receive any benefits or holiday or annual leave pay.

Probationary Employee is an employee who has not yet completed the six-month probationary period after first being hired.

SECTION 3—EMPLOYMENT POLICIES

3.1 Non-Discrimination

(For more information about your rights and responsibilities under federal equal employment opportunity laws regarding the following types of discrimination: race/color, age, sex, equal pay and compensation, religious, pregnancy, and the Americans with Disabilities Act, please see U.S. Equal Employment Opportunity Commission (EEOC) website: <http://www.eeoc.gov>)

Emmons County does not discriminate in employment opportunities or practices because of race, color, religion, sex, national origin, age or disability.

Emmons County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

3.2 Hiring of Personnel

All Department Heads, including elected and appointed officials, shall only hire staff with the knowledge and approval of the Emmons County Commission. The Emmons County Social Service Board is the hiring authority for Social Services.

It is the policy of Emmons County that a member of an employee's immediate family can 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 create either a direct or indirect supervisor/subordinate relationship with a family member or create either an actual conflict of interest or the appearance of a conflict of interest.

Criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" means the employee's spouse, child (natural, adoptive, foster, or stepchild), or any other family member who is a member of the employee's household.

Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between such employees or an actual conflict of interest 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 where one of the affected employees may transfer to. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

North Dakota Century Code 11-10-25 states, “Nepotism by county officials restricted. No head of any executive or administrative department or agency, either elective or appointive, of any county in this state, may appoint that official's 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.”

3.3 Personal Responsibility and Work Opportunity Reconciliation Act of 1996

The federal law (<http://aspe.hhs.gov/hsp/abbrev/prwora96.htm>) establishes a Federal Case Registry and National Directory of New Hires to track delinquent parents across state lines. It also requires that employers report all new hires to state agencies for transmittal of new hire information to the National Directory of New Hires. The information must be reported within 20 days of a new employee's start date.

3.4 Non-Disclosure/Confidentiality

(For more information regarding the North Dakota Open Records Law, please see the North Dakota Attorney General's website: <http://www.ag.state.nd.us/OpenRecords/ORM.htm>)

As an Emmons County employee, you may have access to confidential information and agree that you will not disclose such information. If you are unsure of what is confidential, it is your responsibility to consult with your supervisor for clarification.

Except as otherwise specifically provided by North Dakota Open Records Law (44-04-18.1), all records of a public entity are public records, open and accessible for inspection during reasonable office hours. With reasonable advance notice, an employee may review material in his or her file at the County Auditor's Office and in the presence of the individual appointed by the County to maintain the file.

Information within an employee's personnel file is subject to the North Dakota Open Records Law. Information that is “exempt” under this law and considered confidential and not subject to public viewing: An employee's home address; personal telephone number; date of birth; photographs; medical information; motor vehicle operator's identification information; payroll deduction information; the name, address, phone number, date of birth, and social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or financial institution

Medical information will be maintained in a separate confidential file as required by NDCC 44-04-18.1 and include any medical information obtained for leave purposes, Workforce Safety Insurance compensation, family medical leave and/or disability accommodations. All employees' medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law.

Social Security numbers are confidential and will only be released as authorized in accordance with NDCC 44-04-28; for the purpose of participation in retirement or other employment benefits programs; or as authorized by the individual to whom the social security number is assigned, that individual's lawful agent or guardian, or by order of a court.

3.5 New Employee Orientation

Employee orientation will be conducted by the Auditor or their designee and will include an overview of benefits and completion of any necessary paperwork. The employee's supervisor will introduce the new hire to staff, review the scope of the positions, and help the new employee get started on specific functions.

3.6 Probationary Period for New Employees

The probationary period for regular full-time and regular part-time employees is six months from the date of hire. During this time, employees have the opportunity to evaluate Emmons County as a place to work and management has its first opportunity to evaluate the employee. During this introductory period, both the employee and Emmons County have the right to terminate employment without advance notice.

3.7 Office Hours

The Emmons County Courthouse is open for business from 8:30 a.m. to Noon and 1:00 p.m. to 5:00 p.m. Monday through Friday except for Holidays (See Section 6.10, Holidays) and extenuating circumstances. The Sheriff's Department operates 24/7.

The standard workweek is 37.5-40 hours of work (See Section 5.3, Overtime). In the computation of various employee benefits, the employee work week is defined as 12:01 a.m. Sunday through 12:00 midnight Saturday.

3.8 Lunch Periods

Employees are allowed a one-hour lunch break. Lunch breaks generally are taken between the hours of 12:00 p.m. (noon) and 1:00 p.m.

3.9 Break Periods

Emmons County allows for a fifteen (15) minute break period in the morning and one in the afternoon.

If employees have unexpected personal business to take care of, they must notify their supervisor to discuss time away from work and make provisions as necessary. Personal business should be conducted on the employee's own time. Workforce Safety Insurance coverage is not available if breaks are utilized to conduct non-work related activities off County premises.

Employees who do not adhere to the break policy will be subject to disciplinary action, including termination.

3.10 Personnel Files

(For more information regarding the North Dakota Open Records Law, please see the North Dakota Attorney General's website: <http://www.ag.state.nd.us/OpenRecords/ORM.htm>)

Employee personnel files may include the following: job application, résumé, training records, salary history, records of disciplinary action and documents related to employee performance reviews, coaching, and mentoring.

Information within an employee's personnel file is subject to the North Dakota Open Records Law. Medical and health records are exempt from the North Dakota Open Records Law. With reasonable advance notice, an employee may review material in his/her personnel file at their designated office in the presence of the individual appointed by the County to maintain the file.

3.11 Personnel Data Changes

It is the responsibility of each employee to promptly notify the Auditor or their designee of any changes in personnel data such as:

- Mailing address,
- Telephone numbers,
- Marital status
- Name and number of dependents, and
- Individuals to be contacted in the event of an emergency.

An employee's personnel data should be accurate and current at all times.

3.12 Inclement Weather/Emergency Closing

At times, emergencies such as severe weather or power failures can disrupt County operations. The decision to close the courthouse will be made by the Chair of the County Commission or their designee.

When the decision is made to close the courthouse, employees will receive official notification from their supervisors.

Time off from scheduled work due to emergency closings will be paid without affecting annual leave.

3.13 Reporting Late or Leaving Early (approved 12-07-10)

An employee who either reports to work late, or who leaves work early during inclement weather conditions while the employee's place of work remains open, must be charged appropriate leave for the time not worked. (NDAC 4-07-08-03)

3.14 Employee Performance Review

Supervisors will conduct performance reviews with all regular full-time and regular part-time employees at the end of their six-month probationary period (See Section 3.6, Probationary Period for New Employees).

Additional performance reviews may be conducted at the option of your supervisor if he/she feels it may benefit your job performance.

As an employee you are encouraged to discuss your job tasks and responsibilities with your supervisor and to make suggestions as to how your job or performance may be improved.

3.15 Outside Employment

Employees may hold an outside job with another organization as long as the employee satisfactorily performs his/her job responsibilities with Emmons County. The employee must disclose their outside job with their immediate supervisor. Outside employment that constitutes a conflict of interest is prohibited. If the Department Head, County Commissioners, or other elected official determines that an employee's outside work interferes with performance or the ability to meeting the requirements of Emmons County, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with Emmons County.

Unless an alternative work schedule has been approved by Emmons County, employees are subject to the County's regular scheduling demands, regardless of any existing outside work assignments.

Emmons County's office space, equipment, and materials are not to be used for outside employment.

3.16 Corrective Action

Emmons County holds each of its employees to certain work rules and standards of conduct (See Section 4). When an employee deviates from these rules and standards, Emmons County expects the employee's supervisor to take corrective action.

Corrective action at Emmons County is progressive. That is, the action taken in response to a rule infraction or violation of standards typically follows a pattern increasing in seriousness until the infraction or violation is corrected.

The usual sequence of corrective actions includes an oral warning, a written warning, probation, and finally termination of employment. In deciding which initial corrective action would be appropriate, a supervisor will consider the seriousness of the infraction, the circumstances surrounding the matter, and the employee's previous record.

Though committed to a progressive approach to corrective action, Emmons County considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to: theft in any form; insubordinate behavior; vandalism or destruction of County property; the use of County equipment and/or County vehicles without prior authorization by the Department Head; untruthfulness about personal work history, skills, or training; divulging County business practices; and misrepresentations of Emmons County to a customer, a prospective customer, the general public, or an employee.

3.17 Employment Termination

Termination of employment is an inevitable part of personnel 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/Retirement** – voluntary employment termination initiated by an employee.
- **Termination** – involuntary employment termination initiated by Emmons County. Benefits, including holiday pay, will end on the last day the employee is at work and vacation accrued through this last day at work will be paid out in the final paycheck.
- **Layoff** – involuntary employment termination initiated by Emmons County for non-disciplinary reasons.

When an employee intends to terminate his/her employment with Emmons County, he/she shall provide Emmons County at least two (2) weeks' written notice to resign in good standing.

Since employment with Emmons County is based on mutual consent, both the employee and Emmons County have the right to terminate employment at will, with or without cause during the Probationary Period for New Employees (See Section 3.6, Probationary Period for New Employees).

Any employee who terminates employment with Emmons County shall return all files, records, keys, and any other materials that are property of Emmons County. No final settlement of an employee's pay will be made until all items are returned in appropriate condition. The cost of replacing non-returned items will be deducted from the employee's final paycheck. Furthermore, any outstanding financial obligations owed to Emmons County will also be deducted from the employee's final check.

Employee's benefits will be affected by employment termination in the following manner. All accrued vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense (See Section 6, Benefits) if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

- pay through the last day worked, checks to be issued on the regular County payday;
- pay for paid annual leave earned through the last day worked but not yet taken;
- rights under benefit plans as provided in such plans.

It is the responsibility of each employee to promptly notify the Auditor or their designee of any changes in personnel data (See Section 3.11, Personnel Data Changes).

3.18 Safety

Emmons County provides information to employees about workplace safety and health issues through regular internal communication such as:

- Training sessions (face-to-face and online)
- Bulletin board postings
- E-mails/Memorandums

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment.

In the case of an accident that results in injury, regardless of how insignificant the injury may appear, employees should notify their supervisor (See Section 3.19, Employee Requiring Medical Attention).

3.19 Health-Related Issues

A County employee who becomes aware of any health-related issue, including pregnancy, should notify their supervisor of their health status. This policy has been instituted strictly to protect the employee.

A written "permission to work" from the employee's doctor is required at the time, or shortly after, notice has been given. The doctor's note should specify whether the employee is able to perform regular duties of his/her job.

A leave of absence may be granted on a case-by-case basis. If the need arises for a leave of absence, employees should notify their supervisor.

3.20 Employee Requiring Medical Attention

In the event an employee requires medical attention, whether injured or becoming ill while at work, the employee's personal physician must be notified immediately. If it is necessary for the employee to be seen by the doctor or go to the hospital, a family member will be called to transport the employee to the appropriate facility. If an emergency occurs requiring Emergency Medical Services to evaluate the injury/illness of an employee on-site, the employee will be responsible for any transportation charges. Furthermore, Emmons County's employees will not be responsible for transportation of another employee due to liabilities that may occur.

A physician's "return to work" notice may be required.

3.21 Building Security

All employees who are issued keys to the office are responsible for their safekeeping. The Sheriff's Department is responsible for coordinating keys issued, inventory, and access. A full set of keys for all County facilities will be kept in the Sheriff's Department. Duplication of keys or lending keys without proper authorization is strictly prohibited and may result in disciplinary action. Report lost key(s) immediately to your immediate supervisor and the Maintenance Supervisor.

The last employee, or a designated employee, who leaves the office at the end of the business day assumes the responsibility to ensure that all doors are securely locked and all appliances and lights are turned off with exception of the lights normally left on for security purposes.

In areas requiring a greater level of security, intrusion devices, video cameras or other surveillance equipment may be used.

3.22 Insurance on Personal Effects

All employees should be sure that their own personal insurance policies cover the loss of anything occasionally left at the office. Emmons County assumes no risk for any loss or damage to personal property. Any employee utilizing personal equipment for County use must discuss the equipment and use with their supervisor; however, Emmons County may not be responsible for any loss or damage.

3.23 Supplies, Expenditures, Obligating the County

Only authorized persons may purchase supplies in the name of Emmons County. No employee whose regular duties do not include purchasing shall incur any expense on behalf of Emmons County or bind Emmons County by any promise or representation without written approval.

3.24 Expense Reimbursement

Expenses incurred by an employee must have prior approval by a supervisor. Receipts and requests for reimbursement will be processed through the Auditor's Office or their designee.

3.25 Credit Card Use

The County Auditor is designated to be responsible for Emmons County's credit card accounting, monitoring, retrieval, and general oversight of compliance with the Credit Card Use Policy. The County Treasurer is designated to be responsible for the Emmons County credit card sign out form. The Emmons County Sheriff is responsible for the transactions in their Department.

Only employees who are authorized and have signed the Credit Card User Agreement may utilize a County credit card. Credit cards shall only be used to purchase goods or services for official Emmons County business.

All authorized users of County credit cards shall submit a receipt and documentation detailing the goods or services purchased for reimbursement.

Authorized employees issued a credit card are responsible for its protection and custody and shall immediately notify the County Auditor or Treasurer if the credit card is lost or stolen.

Employees issued a County credit cards shall return the credit card immediately upon termination of employment. Employees utilizing a group card will sign and date the appropriate form in the Treasurer's office and do the same upon return of the credit card.

A current list of all credit cards, authorized users, the credit limits shall be kept on file in the County Auditor's Office. Department Heads shall review and approve all invoices received for payment prior to submission for approval for payment. The credit card balance shall be paid by the current billing cycle statement date.

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

3.26 Parking

Employees must park their cars in areas indicated and provided by the County.

3.27 Visitors in the Workplace

To provide for the safety and security of employees, visitors are encouraged to enter through the main entrances.

3.28 Immigration Law Compliance

Emmons County employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must complete the Employment Eligibility Verification Form I-9 (<http://www.uscis.gov/files/form/i-9.pdf>) and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if their previous I-9 is more than three years old or is no longer valid.

SECTION 4—STANDARDS OF CONDUCT

The work rules and standards of conduct for Emmons County are important, and Emmons County regards them seriously. All employees are urged to become familiar with these rules and standards. In addition, employees are expected to follow the rules and standards faithfully in doing their own jobs and conducting Emmons County business. Please note that any employee who deviates from these rules and standards will be subject to corrective action, up to and including termination of employment (See Section 3.15, Corrective Action).

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action, including termination of employment.

- Theft or inappropriate removal or possession of property;
- Falsification of timekeeping records (See Section 5.2, Timekeeping);
- Working under the influence of alcohol or illegal drugs (See Section 4.6, Substance Abuse);
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace (See Section 4.6, Substance Abuse);
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of county-owned or customer-owned property;
- Insubordination or other disrespectful conduct;
- Violation of safety or health rules;
- Smoking in the workplace;
- Sexual or other unlawful or unwelcome harassment (See Section 4.3, Harassment, Including Sexual Harassment);
- Excessive absenteeism or any absence without notice (See also, Section 4.1 Attendance/Punctuality and 4.2, Absence without Notice);
- Unauthorized use of telephones, or other county-owned equipment (See Section 4.4, Telephone Use);
- Using county equipment for purposes other than business (i.e. playing games on computers or personal Internet usage);
- Unauthorized disclosure of business “secrets” or confidential information;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

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

Employment with Emmons County is at the mutual consent of the County and the employee, and either party may terminate that relationship at any time, with or without cause and with or without advance notice, within provisions of state and federal law.

4.1 Attendance/Punctuality

Emmons County expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on Emmons County.

If you are unable to report for work for any reason, notify your supervisor before regular starting time. You are responsible for speaking directly with your supervisor about your absence. It is not acceptable to leave a message on a supervisor's voice mail, except in extreme emergencies. In the case of leaving a voice-mail message, a follow-up call should be made later that day.

Should undue tardiness become apparent, disciplinary action may be required.

If there comes a time when you see that you will need to work some hours other than those that make up your usual work week, notify your supervisor at least seven (7) working days in advance. Each request for special work hours will be considered separately, in light of the employee's needs and the needs of Emmons County. Such requests may or may not be granted.

4.2 Absence without Notice

When you are unable to work due to illness or an accident, please notify your supervisor as soon as possible. This will allow Emmons County to arrange for temporary coverage of your duties, and helps other employees to continue work in your absence. If you do not report for work and Emmons County is not notified of your status, it will be assumed after two consecutive days of absence that you have resigned, and you will be removed from the payroll.

If you become ill while at work or must leave the office for some other reason before the end of the workday, be sure to inform your supervisor of the situation.

4.3 Harassment, Including Sexual Harassment

Emmons County is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including dismissal.

If you believe you have been the victim of harassment, or know of another employee who has, report it immediately. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor who becomes aware of possible harassment should promptly advise their supervisor who will handle the matter in a timely and confidential manner.

4.4 Telephone Use

Emmons County's telephones are intended for the use of serving our customers and in conducting County business.

Personal usage during business hours should be kept brief to avoid congestion on the telephone line.

To respect the rights of all employees and avoid miscommunication in the office, employees must inform family members and friends to limit personal telephone calls during working hours.

If an employee is found to be deviating from this policy, he/she will be subject to disciplinary action (See Section 3.15, Corrective Action).

4.5 Public Image

A professional appearance is important anytime that you come in contact with the public and vendors. Employees should be well groomed and dressed appropriately for our business and for their position in particular. Clothing should be clean and in good repair.

The following items are considered inappropriate working attire for Emmons County:

- Spaghetti-strapped shirts
- Revealing shirts
- Short mini skirts
- Sheer clothing
- T-shirts with inappropriate or offensive gestures or advertising
- Body piercing jewelry will only be worn in the earlobes. Facial jewelry, such as eyebrow rings, nose rings, lip rings, tongue studs are not professionally appropriate and must not be worn during business hours. Torso body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during business hours or at company events. Earrings should be tasteful and appropriate for all business and professional attire.
- Body art in the form of tattoos and other skin pigment alterations is a personal choice; however, Emmons County reserves the right to ask an employee to remove or cover anything that is deemed to be inappropriate for viewing by citizens and other employees. Tattoos and body art in conspicuous areas such as the face, neck, and hands are not professionally appropriate

Consult your supervisor if you have any questions about appropriate business attire.

4.6 Substance Abuse

Emmons County is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and drug abuse have been established for all employees, regardless of rank or position, including both regular and temporary employees. The rules apply during working hours to all employees of Emmons County while they are on Emmons County premises or elsewhere representing Emmons County.

The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse on County property is prohibited.

Being under the influence of illegal drugs, alcohol, or substances of abuse on County property is prohibited.

Working while under the influence of prescription drugs that impair performance is prohibited.

All commercial drivers are mandated to receive random drug testing per the Omnibus Transportation Employee Testing Act of 1991 (Act). A copy of the Act is available in the Emmons County Auditor's Office. Any County employee operating a County vehicle or County equipment is also subject to random drug testing unless they are on scheduled annual leave, scheduled day off, or sick leave.

So that there is no question about what these rules signify, please note the following definitions:

County property: All County-owned or leased property used by employees.

Controlled substance of abuse: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act, as amended (<http://www.deadiversion.usdoj.gov/21cfr/21usc/812.htm>).

Drug: Any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia: Equipment, a product, or material that is used or intended for use in concealing an illegal drug, or otherwise introducing into the human body an illegal drug or controlled substance.

Illegal drug:

- a. Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation.
- b. Any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a physician.
- c. Inhalants used illegally.

Under the influence: A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or substance of abuse.

Consistent with the rules listed above, any of the following actions constitutes a violation of Emmons County's policy on drugs and may subject an employee to disciplinary action, up to and including immediate termination.

Using, selling, purchasing, transferring, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting to or assisting another to do so, while in the course of employment.

Working or reporting to work, conducting County business or being on County property while under the influence of an illegal drug or alcohol, or in an impaired condition.

Testing Guidelines:

- Post-offer pre-employment testing for drugs and alcohol will be conducted on all employees performing safety-sensitive functions or those required to have a commercial driver's license (CDL). Random testing on these employees will be conducted in compliance with DOT regulations.
- Random testing is performed on employees that drive a County-owned vehicle.
- Testing for drugs or alcohol of any current employee will be conducted when a supervisor has reasonable suspicion an employee is violating policy.
- Testing will be conducted on any employee involved in a motor vehicle accident using a County vehicle, or if using a personal vehicle driving for County business when County liability could be affected.
 - a. Employees must be tested for alcohol within 2 hours and controlled substances within 32 hours.
 - b. If the alcohol test is not administered within 2 hours, the supervisor must file records stating why.
 - c. If no alcohol test is administered within 8 hours of the accident, no test will be given and the supervisor must file records stating the reason for the delay and the lack of testing.
 - d. Employees must submit the law enforcement report with the necessary Incident/Accident reports and when injuries occur, the Workforce Safety & Insurance reports.
- Employees requiring drug or alcohol testing because of motor vehicle accidents or determination of probable cause will be transported to and from the testing site by a supervisor or department head. Under no circumstances will the employee provide their own transportation.

4.7 Tobacco Products

The use of tobacco products is not permitted in any County facility. Employees must adhere to all policies associated with this policy (See Sections 3.6, Break Periods and 3.14, Safety).

4.8 Internet Use

Emmons County employees are allowed use of the internet and e-mail when necessary to serve our customers and conduct County business. All information is subject to the North Dakota Open Records Law. Emmons County reserves the right to access and monitor all files and messages on its systems.

Employees may use the internet when appropriate to access information needed to conduct County business. Employees may use e-mail when appropriate for County business correspondence.

Use of the internet must not disrupt operation of the County's computer network or interfere with an employee's productivity. Employees are responsible for using the internet in a manner that is ethical and lawful.

SECTION 5—WAGE AND SALARY POLICIES

5.1 Wage or Salary Increases

Each employee's hourly wage or annual salary will be reviewed at least once each year, typically through the budget process with final approval by the County Commission.

5.2 Timekeeping

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and State laws require Emmons County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on a job(s) performing assigned duties.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, including termination of employment.

Authorized personnel will review time records each week. Any changes to an employee's time record must be approved by his/her supervisor. Questions regarding the timekeeping system should be directed to the immediate supervisor.

5.3 Overtime

Emmons County is open for business 37.5 hours per week. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all actual hours worked over 40 per week at a rate of one and one-half times the non-exempt employee's regular hourly rate. Time off on personal time, holidays, or any leave of absence will not be considered hours worked when calculating overtime. In addition, annual leave time does not constitute hours worked.

All overtime work performed by an hourly employee must receive the supervisor's prior authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action. The supervisor's signature on a timesheet authorizes pay for overtime hours worked.

Overtime compensation is allowed for exempt employees in an emergency situation where the decision to incur extra time and the timing of the work is dictated by the event. An emergency is defined as an unforeseen combination of circumstances that calls for immediate action. Compensated overtime must be approved in advance by the County Commission.

- Compensation will be at straight time for actual time worked over 44 hours/week.
- The employee may choose compensatory time off or pay at the discretion of their supervisor and budgetary constraints.
- Compensation will be at straight time for holidays.
- No more than 80 hours of compensatory time may be accrued at any point in time. Any additional overtime will be compensated as cash.

- Unused compensated time for an emergency situation will be paid upon termination up to 80 hours.

For the purposes of counting overtime hours earned, the work week is defined as 12:01 a.m. Sunday through 12:00 midnight Saturday. In calculating overtime, each week is considered separately. The number of hours worked over two or more weeks cannot be averaged.

5.4 Paydays

All employees are paid monthly on or after the 26th day of each month. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the last day of work before the regularly-scheduled payday, unless the 26th is a Sunday, then the payday will be Monday.

If a regular payday falls during an employee's annual leave, the employee's paycheck will be available upon his/her return from annual leave.

If the employee is not at work when paychecks are distributed and does not receive the paycheck, the paycheck will be kept in the Auditor's Office. If an employee is unable to pick up his or her check on payday, he or she will need to see the Auditor or their designee.

Paychecks will not, under any circumstances, be given to any person other than the employee without written authorization. Paychecks may also be mailed to the employee's address or directly sent to the employee's bank upon request.

SECTION 6—BENEFITS AND SERVICES

Emmons County offers a benefits program for its regular full-time and regular part-time employees. However, the existence of these programs does not signify that an employee will necessarily be employed for the required time necessary to qualify for the benefits included in and administered through these programs.

6.1 Health Insurance

Emmons County offers a health insurance package that is available to regular full-time employees and regular part-time employees. If an employee does not wish to participate in the County's health insurance program, the benefit will be lost.

- Coverage begins the 1st of the month following the employee hire date.
- The County pays 100% of a single or family policy for regular full-time employees and pro-rates the percentage for regular part-time employees.
- All other employees may participate at their own cost through payroll deduction.
- Regular full-time and part-time employees will be reimbursed up to \$500 for out-of-pocket medical expenses by providing their health insurance explanation of benefits to the Auditor's Office by April 1st. Part-time employees will receive a pro-rated reimbursement.

This Manual does not contain the complete terms and/or conditions of any of the County's current benefit plans; it is intended only to provide general explanations.

6.2 COBRA Benefits

(COBRA is the legislation that provides employees and their covered dependents the right to continue their group health care coverage after a qualifying event. COBRA legislation applies to employers with 20 or more employees. <http://www.dol.gov/dol/pwba/public/pubs/dislocl.htm>)

The Federal Consolidated Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Emmons County's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or leave of absence, divorce or legal separation and a dependent child no longer meeting eligibility requirements.

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

6.3 Social Security/Medicare

Emmons County withholds income tax from all employees' earnings and participates in FICA (Social Security) and Medicare withholding and matching programs as required by law.

6.4 Retirement

Regular full-time employees who meet the eligibility requirements pursuant to the provisions in the North Dakota Century Code 54-52 can participate in the ND Public Employees Retirement System. Regular part-time employees will be considered eligible to participate if they meet the following criteria:

- Work at least five (5) consecutive months in a twelve (12) month period.
- Work at least 20 hours during a workweek.
- Be a regularly-funded position within the County.

The County share of the program shall be based upon the statutory provisions as set forth in North Dakota Century Code 54-52. Currently, Emmons County contributes 11.26%.

6.5 Annual Leave

Paid annual leave is available to regular full-time and part-time employees working 20 hours or more per week. Annual leave accrual is pro-rated for regular part-time employees based on the number of hours worked. Accrual of annual leave begins upon initial employment and is based on the following schedule:

Years of Service	Based on 37.5 Hour Work Week		Based on 40 Hour Work Week	
	Monthly	Yearly	Monthly	Yearly
0-1	3.13 hours	37.50 hours	3.33 hours	40 hours
2-6	6.25 hours	75 hours	6.67 hours	80 hours
7-15	9.38 hours	112.50 hours	10 hours	120 hours
16-20	12.50 hours	150 hours	13.33 hours	160 hours
21+	15.63 hours	187.50 hours	16.67 hours	200 hours

Annual leave is earned on a monthly basis and may be taken as earned. Annual leave cannot be taken before it is accrued and approved. Annual leave may be taken in hourly increments.

Annual leave is requested in advance and is granted at the discretion of the Department Head. Requests for annual leave may be deferred based on workload.

An employee can carry over a maximum of 200 hours of accrued annual leave past the employee anniversary date of employment.

Upon termination of employment, employee will be paid for unused annual leave through the last day of work.

6.6 Workforce Safety and Insurance

Emmons County employees are protected by North Dakota Workforce Safety and Insurance (WSI) against accidental injury in the performance of their official duties. Workforce Safety and Insurance is a no-fault mandatory insurance plan to provide benefits to employees for job-related injury or disease, or in the case of death, to a beneficiary. In addition, Emmons County (excluding the Sheriff's Department) also participates in the Risk Management Program administered by North Dakota Workforce Safety and Insurance via the North Dakota Association of Counties at no cost to employees.

All Workforce Safety and Insurance (WSI) claim forms (C1, C2, C3, C4, C16, and incident/accident/near miss report) must be submitted to the employee's Department Head who then must ensure submittal within twenty-four (24) hours of injury; or if injury occurs on a weekend or holiday, as early as possible on the next actual workday.

If an employee is injured in such a way that he/she will be absent from work for more than five (5) days, the employee may be eligible for time loss wages from WSI. Determination of time loss wages is provided by WSI only after receiving all mandatory claim forms and Doctor's report of injury with recommendations and restrictions clearly defined.

An employee who is injured in the course of employment may elect to use accumulated sick or annual leave while receiving WSI benefits; however, the combination of benefits shall not exceed the employee's base salary. The use of sick or annual leave in conjunction with the benefits provided by WSI will provide the employee with his/her regular pay.

An employee who elects to use leave while receiving WSI benefits will be paid an amount equal to the difference between the employee's regular base salary and the amount of benefits the employee receives from WSI while on leave. The employee's leave shall be deducted with the number of hours that corresponds to the difference between WSI benefits and regular base salary. The employee must provide a copy of the benefit check from WSI to their supervisor so proper leave time may be deducted and differential pay may be calculated appropriately.

An employee who has utilized all leave benefits, or who has elected not to use accrued leave benefits, must be placed on leave without pay status for the remainder of the recovery period on the basis of State and Federal laws. Once accrued leave is no longer available or the employee elects not to utilize accrued leave, he/she will no longer be required to furnish the supervisor with a copy of the benefit check. An employee may remain in a leave without pay status for a period not to exceed two years.

6.7 Sick Leave

Sick leave is a privilege granted to all regular employees and is not a benefit considered to be earned by the employee such as annual leave. It must be earned before it can be taken. Emmons County adheres to the Family Medical Leave Act (<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>).

Sick leave is available to regular full-time and part-time employees working 20 hours or more per week. Sick leave accrual is pro-rated for regular part-time employees based on the number of hours worked. Accrual of sick leave begins upon initial employment.

Sick leave is earned at the rate of one day per month (pro-rated for regular part-time employees). The maximum accrual for sick leave is 100 days. Employees who are terminating employment in good standing, shall be paid 20 days of unused sick leave.

Sick leave enables employees to build a reserve of days that may only be used for illness or medical reasons. Abuse of this privilege may be grounds for disciplinary action or dismissal.

Each situation has to be considered individually and no standard policy can be established. While use of sick leave is allowed, abuse of this benefit without medical justification is grounds for disciplinary action. Both the employee and the employer are bound to fair practices in this area.

Sick leave may be used by an employee when:

- a. The employee is ill or injured and is unable to work.
- b. The employee has an appointment for the diagnosis or treatment of a medically-related condition including pregnancy, childbirth and recovery. The Federal “Pregnancy Discrimination Act” forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.
- c. The employee wishes to attend to the needs of the employee’s eligible family members who are ill or to assist them in obtaining other services related to their health and well-being. Sick leave used under item “c” is referred to as “family sick leave” and may not exceed forty (40) hours per calendar year. “Eligible family member” means the employee’s spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild) or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.
- d. The employee is a participant in an employee assistance program.

As in all types of sick leave, the Department Head has the option to seek a medical opinion from the attending physician.

Family sick leave. The eligible family members defined in c above [spouse, parent natural, adoptive, foster and stepparent), or child (natural, adoptive, foster and stepchild)] are not required to be financially or legally dependent upon the employee. An example of “legally dependent” would be if the employee has power of attorney for the family member.

Child is not defined by age in policy, and no reference is made to adult or minor children. So, regardless of the age of the employee's child, the policy applies.

Examples of family sick leave uses are as follows:

- a. To take a child who is on crutches to school;
- b. When a family member is receiving medical treatment and is unable to drive for medical treatment and is unable to drive for medical reasons;
- c. When a child of a family member is staying with the employee while the child's parents are out of town, and an emergency arises where the employee must take the child for medical treatment;
- d. When an employee takes leave for the birth of a grandchild on the day of delivery (8 hours). Additional family sick leave may be approved if there are extenuating circumstances, but these requests will be reviewed on a case-by-case basis;
- e. When an eligible family member [employee's spouse, parent (natural, adoptive, foster and stepparent), or child (natural, adoptive, foster and stepchild)] is hospitalized; or
- f. To travel to the state the employee's parent resides, to be with the parent during surgery and to care for the parent afterward.

Family sick leave may not be used by an employee if the children of the employee's family member are neither financially or legally dependent on the employee, nor if they are not residing with the employee for the purpose of having medical care provided. (i.e., grandparent caring for child while parent is also present).

6.8 Bereavement Leave

Immediate Family Member: When a death occurs in an employee's immediate family, all regular full-time employees may take up to five (5) days off with pay to attend the funeral or make funeral arrangements. The pay for time off will be prorated for a regular part-time employee if the funeral occurs on a scheduled work day.

Immediate family members are defined as an employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild as well as the employee or spouse's uncle, aunt, nephew, or niece.

6.9 Record Keeping

The Department Head maintains annual leave days accrued and used.

6.10 Holidays

Emmons County observes the following holidays per year:

- a. The first day of January, which is New Year's Day.
- b. Third Monday in February, in recognition of the birthday of George Washington.
- c. The Friday next preceding Easter Sunday and commonly known as Good Friday.
- d. The last Monday in May, which is Memorial Day.
- e. The fourth of July, which is the anniversary of the Declaration of Independence.
- f. The first Monday in September, which is Labor Day.
- g. The eleventh day of November, which is Veterans' Day.
- h. The fourth Thursday in November, which is Thanksgiving Day.
- i. The fourth Friday in November, which is the day after Thanksgiving.
- j. Noon on December 24th, which is Christmas Eve Day, unless it is a holiday or weekend pursuant to NDCC 1-03-02.
- k. The twenty-fifth day of December, which is Christmas Day.
- l. Every day appointed by the President of the United States or by the Governor of this State for a public holiday. (NDCC 1-03-02)

“When day following holiday shall be a holiday. If the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December falls upon a Sunday, the Monday following shall be the holiday.” (NDCC 1-03-02)

A regular full-time exempt employee who works on a holiday shall receive hour-for-hour additional annual leave in addition to their regular pay.

Regular part-time employees shall receive holiday pay based on the prorated number of hours worked.

Employees who are employed less than 20 hours per week and/or temporary employees are not eligible for paid holiday time or additional compensation for working on a holiday.

All non-exempt employees who are scheduled to work on any of these holidays will be paid straight time for all hours worked, plus holiday hours.

6.11 Jury Duty/Military Leave

Employees will be granted time off to serve on a jury or military leave without pay. However, all regular employees (full-time or part-time) will be kept on the active payroll until their civic duties have been completed. Leave will not be charged against accrued annual or sick leave. A copy of the jury duty summons and all other associated paperwork are required for the personnel file.

An employee who is either an enlisted person or an officer in the National Guard or Armed Forces Reserve shall be granted military leave in accordance with North Dakota Century Code 27-01-25:

“If such persons have been in the continuous employ of the state or political subdivision 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 necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, must 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 a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or 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.”

6.12 Training and Professional Development

Emmons County recognizes the value of professional development and personal growth for employees. Therefore, Emmons County encourages its employees who are interested in continuing education and job-specific training to research these further and get approval before signing up for the seminars or courses.

6.13 Mileage and Per Diem

All employees and elected officials will receive personal vehicle mileage and per diem reimbursement rates as defined by the State minimum allowance for work-related travel (NDCC 44-08-04). Road workers will be paid the State minimum per mile from their designated County Shop, as determined by the Road Supervisor, to the job site when using their personal vehicle.

All out-of-state travel must be pre-approved by the County Commissioners. The Sheriff's Department will make a best-judgment decision when their office is making travel arrangements whether needing approval or not.

SECTION 7—EMPLOYEE COMMUNICATIONS

7.1 E-Mail and/or Payroll Stuffer

E-mail and/or payroll stuffers will be utilized to inform you of recent County activities, changes in the workplace and employee recognition.

7.2 Bulletin Boards

Bulletin boards placed in designated areas provide employees access to important posted information and announcements. The employee is responsible for reading necessary information posted on the bulletin boards.

7.3 Procedure for Handling Complaints

Under normal working conditions, employees who have a job-related problem, question or complaint should first discuss it with their immediate supervisor. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. If the employee and supervisor do not solve the problem, Emmons County encourages employees to contact the County Commission Chairperson.

Acknowledgment of Receipt of Employee Handbook

The Employee Manual describes important information about Emmons County, and I understand that I should consult my supervisor regarding any questions not answered in the Employee Manual.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Employee Manual may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Employee Manual or it has been made available to me via the Emmons County website (<http://emmonscounty.tripod.com>) and I understand that it is my responsibility to read and comply with the policies contained in this Employee Manual and any revisions made to it.

Employee Name (printed)

Employee's Signature

Date

SECTION 8—SOCIAL SERVICES ADDENDUM

Not yet approved.

SECTION 9—RECORD OF CHANGES

- 10-04-11 Emmons County Commission Meeting approved the addition of “Sheriff Deputies” as Exempt under 2.1 Employee Status.
- 11-01-11 Emmons County Commission Meeting approved that “any purchase greater than \$500.00 must be approved by the County Commission prior to purchase and includes items already budgeted within departments.”
- 12-08-11 Clarified the intent of prior approval for purchases greater than \$500.00 by excluding emergency situations.
- 02-10-12 Retirement contribution changed from 9.12% to 11.26%.
6.10 Holidays, clarification for non-exempt employees scheduled to work on holidays.
- 09-04-12 3.10 Personnel Files—employee may review file at their office versus the County Auditor’s Office.
- 3.11 Personnel Date Changes: Added “Marital status”
- 3.23 Supplies, Expenditures, Obligating the County: Deleted, “Any purchase greater than \$500.00 must be approved by the County Commission prior to purchase (except for emergency situations) and includes items already budgeted within departments.”
- 6.8 Bereavement Leave: added “as well as the employee or spouse’s uncle, aunt, nephew, or niece.”