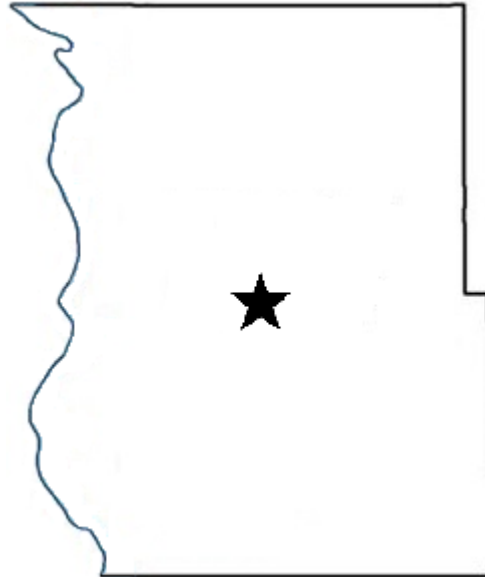


Revised: 02-04-2025



# **Emmons County Employee Handbook**

**Revised and Approved: December 9, 2021**  
**Developed and Approved: September 7, 2010**

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## SECTION 1—INTRODUCTION

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

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 question to an immediate supervisor or Department Head. As the County continues to grow, the need may arise and the County reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion.

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

**NOTE:** Emmons 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 Services is accountable to a multi-county zone board and the Emmons County Commission. 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 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 multi-county zone board and the Emmons County Commission.

## **1.1 Changes in Policy**

This Handbook supersedes all previous employee Handbooks and memos that may have been issued from time to time on subjects covered in this Handbook; 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.

Some items 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 County Commission reserves the right to revise or eliminate any of the policies and benefits in this handbook.

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

Elected officials may implement policies and procedures unique to their department provided they coordinate and communicate the initiatives or changes with the County Commission.

## **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 introductory period, employees are required to follow the Employment Termination Policy (See [Section 3.16](#)).

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

All new and rehired employees work on an introductory basis for the first 180 calendar days (six months) after their date of hire, unless a different time period is designated. Introductory period for the Sheriff's Office is one year. Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the County may extend the introductory period for a specified period.

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

## 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, Emergency Manager, Extension Agent, Maintenance Supervisor, Risk Manager, Road Supervisor, Social Service Director, Superintendent of Schools, Tax Director, and Veteran Service Officer).

#### **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 37.5 hours per week (40 hours per week for Road Department Equipment Operators and Sheriff Deputies).

**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 (40 hours per week for Road Department Equipment Operators and Sheriff Deputies). 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.

**Introductory Employee** is an employee who has not yet completed the six-month introductory period after being hired or rehired.



## 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, physical or mental disability, marital status, genetic information, public assistance status or any other characteristic protected by law, except where specific age, sex, or physical requirements are a bona fide occupational qualification. It is further acknowledged that all terms and conditions of employment including hiring, placement, promotion, termination, layoff, transfer, leaves of absences, compensation and training will be conducted in a non-discriminatory manner.

Emmons County will also give consideration to amnesty or status as a covered veteran in accordance with applicable federal, state, and local laws. Qualified veterans shall receive preferential status for employment with the County as set forth in the North Dakota Century Code ([NDCC 37-19.1](#))

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 multi-county zone board is the hiring authority for Social Services.

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.

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.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law and any other member of an employee's household.

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.

### **3.3 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 ([NDCC 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.

### **3.4 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.

### **3.5 Introductory Period for New Employees**

The introductory 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.

### **3.6 Office Hours**

The Emmons County Courthouse hours of operations are listed below except for Holidays (See [Section 6.10](#), Holidays) and extenuating circumstances. The Sheriff's Department operates 24/7.:

Monday-Thursday:8:00AM-4:30PM  
Friday:8:00AM-2:00PM  
Closed for lunch Monday-Friday: 12:00-12:30PM

The standard workweek is 37.5-40 hours of work (40 hours per week for Road Department Equipment Operators and Sheriff Deputies)(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.

### **3.7 Lunch Periods**

Employees are allowed a half-hour lunch break generally taken between 12:00 p.m. and 12:30 p.m.

### **3.8 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.

### **3.9 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.

### **3.10 Personnel Data Changes**

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

- Mailing address,
- Physical Address Location
- 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.

### **3.11 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. If the courthouse remains open, employees who cannot report to work because of conditions may use annual leave or leave without pay to complete the workweek.

Time off from scheduled work due to emergency closings will be paid without affecting annual leave if the courthouse is closed. Employees that do not show up for work, when the courthouse is open, must use Annual Leave or leave without pay.

### **3.12 Reporting Late or Leaving Early**

An employee who either reports to work late, or who leaves work early for any reason (including inclement weather conditions), while the employee's place of work remains open, must be charged appropriate leave for the time not worked.

### **3.13 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 introductory period (See Section 3.6, Introductory 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.

### **3.14 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. Employees are encouraged to discuss outside job opportunities with their supervisor/Department Head prior to accepting a position to ensure that no conflict of interest exists. 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.

### **3.15 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.

### **3.16 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 annual leave accrued through this last day at work will be paid out in the final paycheck.
- **Reduction-in-Force** – involuntary employment termination initiated by Emmons County for non-disciplinary reasons such as lack of funds, elimination of work, re-organization etc.

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 along with a reason for the resignation.

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 Introductory Period for New Employees (See [Section 3.6](#), Introductory 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. Employees may be subject to signing an agreement in advance with the County which would provide the County the right to deduct payments from an employee's final pay for specific County items not returned or any outstanding balances for specific services or items that were provided by the County and owed by the employee. 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 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).

### **3.17 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.

All accidents that result in injury must be reported to the appropriate supervisor and Risk Manager, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and Workforce Safety Insurance procedures.

**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 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 any work that clearly violates safe operating procedures.

### **3.18 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 and will be administered in conjunction with the [Family Medical Leave Policy](#) where appropriate.

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.

### **3.19 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.



### **3.20 Building Security**

In order to maintain the safety of our employees and visitors, the only entrances that will remain unlocked during normal business hours are the main entrance and the ADA entrance.

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.

### **3.21 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.

### **3.22 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.

### **3.23 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.

### **3.24 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 and their Department Head 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.

### **3.25 Parking**

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

### **3.26 Visitors in the Workplace**

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

### **3.27 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.

### **3.28 Disability Accommodation**

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

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

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

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

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

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

## 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).

**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.

**Appearances of Impropriety.** Emmons County employees and officials should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality, making decisions outside official channels, or adversely affecting public perception of the integrity of Emmons County or any of its departments or programs.

**Prohibited Activities.** Emmons 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** – Emmons 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, it projects an image of Emmons 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 Emmons County, the employee's activities may reflect upon Emmons County and may affect the employee's ability to perform their job.

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 or “vaping” in County vehicles or 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 [Section 4.2](#), Absence without Notice);
- Unauthorized use of telephones, or other County-owned equipment (See [Section 4.4](#), Communications and Electronic Systems);
- Inappropriate use of computer or other electronic equipment relating to non-County business or to access unprofessional, pornographic or demeaning websites.
- 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**

**Statement of Philosophy:** It is the policy of Emmons 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; Emmons 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. Emmons 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 or workplace 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 Procedures 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 Procedures 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.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head and/or the Board of Emmons County Commissioners.
4. If the complaint involves the Department Head, the incident should be reported directly to the Board of County Commissioners.
5. If the complaint involves a member of the Board of County Commissioners, the incident should be reported directly to the County State's Attorney.
6. The Board of County Commissioners will assign a committee or designate an appropriate individual to conduct an investigation in a fair, prompt and complete manner.

**Protection against Retaliation and Reprisal**

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment. Emmons 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.

## **4.4 Communications and Electronic Systems**

Emmons 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 electronic systems, including PC's and laptop hardware, software and physical storage components are property of Emmons County. Emmons 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 Emmons County is subject to the North Dakota Open Records Law, and, as such, all accepted and unaccepted records, including information contained within the computer system, are subject to disclosure upon request of any citizen.

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

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

An employee working on behalf of the County, who uses a County-issued or personal cellular telephone, is prohibited from texting while operating any vehicle or machinery that is in motion, whether the purpose of its use is personal or related to official County duties, except for law enforcement and their official duties. This prohibition includes receiving or placing calls, text messaging, accessing the Internet, receiving or responding to e-mails, checking for voicemail messages, or any other purpose related to employment. Use of County-owned vehicles or devices for personal business is discouraged. Use of any privately owned, personal communication devices such as cellular telephones, personal data assistants, or computers by County employees, is strictly prohibited at any time during duty hours; unless during a meal period or a formally scheduled break from work.

## **Computer Systems**

### **Authorized Software and Hardware**

1. Software that has been licensed by Emmons County or that has been authorized to conduct business is allowed on Emmons 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. Emmons County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Emmons County computers or servers. Any unauthorized or unlicensed software will be removed from the system. An individual may not:
  - a. Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
  - b. Make copies of the user manual as well as copying system disks or tapes is also illegal. Distribute copies of sound recordings (e.g. MP3s) or images, which is also copyrighted, is illegal.
  - c. Make alterations to the software source code.
  - d. Provide use of the software in multiple central processing units (CPUs) or user arrangement to users who are not individually licensed.
4. All hardware modifications and repairs must be approved and completed by an authorized source.
5. Employees should take precautions to protect his/her User ID and password, including screensaver passwords, as all employees are responsible for his/her workstations. All passwords must be registered with each employee's supervisor.

### **Virus Protection**

1. Computer viruses can cause potential major problems to hardware and software systems, not only for individual users, but also for the entire computer system and network. Virus protection software is available through the County or network administrator. All imported files and file attachments are required to be checked prior to usage.
2. To prevent computer viruses from being transmitted, unauthorized downloading of software, shareware, or freeware from the Internet and/or other sources is restricted, unless authorized.
3. Intentionally creating or spreading of a computer virus is a serious violation of Emmons 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 Emmons County to employees for conducting official business, such as researching business-related issues, accessing business related data, information and training.
2. Employees using the Emmons County's Internet 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 Internet 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 Emmons County's Internet access during or after work hours is prohibited. Viewing, printing, disseminating, or downloading web pages, electronic messages and/or documents that are discriminatory, defamatory, insulting, romantic, pornographic or breaches of confidentiality or violations of copyright are prohibited. Misuse of the Internet will result in disciplinary action up to and including termination.
8. The County reserves the right to block any Internet site it may deem inappropriate.

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

1. E-mail, electronic communications and other similar messaging systems are intended for business use and should be treated as any other business communication device. Messages should routinely and regularly be cleaned or deleted from an employee's mailbox, so as not to overload the system with unnecessarily stored mediums.
2. Certain occasional and limited personal use of e-mail communication is permitted, but such messages will be treated no differently from other messages, including use of private e-mail accounts (i.e. Hotmail, Gmail, 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. Emmons 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. Emmons 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. 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.

10. Use of e-mail to send or forward messages known as “chain letters” is prohibited.

### **User ID and Password**

Log in to servers and applications may be controlled by the assignment of a user ID. A unique user ID may be assigned to each user by Emmons County. ID’s are not transferable. Access to all servers or applications will be password protected. A password shall be unique to each user ID and shall not be shared. A password is the responsibility of the user and shall be controlled by the user. The disclosure of a password to any unauthorized person, including an employee’s family members, is a violation of County policy that may subject an employee to disciplinary action, up to and including termination of employment. Allowing any unauthorized person, including family members, to use any electronic communications device purchased by Emmons County, or for which Emmons County is providing or paying for service, may subject an employee to disciplinary action, up to and including termination of employment.

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

Abuse of the Emmons County E-mail Communications Policy and/or violation of state and federal law will result in disciplinary action up to and including termination of employment.

### **4.5 Public Image**

A professional appearance is important anytime 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 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.

Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the County. Should an employee arrive for work wearing clothing or accessories which, in the opinion of their supervisor, are inappropriate, they may be required to go home and change prior to commencing work.

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.

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.
1. Random drug/alcohol testing is performed on employees that drive a County-owned vehicle with a commercial driver’s license or for law enforcement (Sheriff’s Department, Road Department).
- 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.
- e. 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**

Smoking or “vaping” is not permitted in any County facility or within 20 feet of a building entrance in accordance with ND State Law. Smoking is also prohibited in County vehicles and equipment ([NDCC 23-12-09](#)). Employees must adhere to all policies associated with this policy (See Sections [3.6](#), Break Periods and [3.14](#), Safety).

## **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. Timecards should be kept current and supporting forms reflecting use of annual, sick and other types of leave submitted on a timely basis.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

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

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. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initializing the time record. 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 (40 hours per week for Road Department Equipment Operators and 24/7 for Sheriff Deputies). 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 26<sup>th</sup> 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 26<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup>. Part-time employees will receive a pro-rated reimbursement. The reimbursement provided for out-of-pocket medical expenses is considered taxable and will be recorded as income on W-2 statements.

This Handbook 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 [NDCC 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 [NDCC 54-52](#). Currently, Emmons County contributes 15.26%.

### **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 and 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 and upon the approval of the County Commission.

An employee can carry up to a maximum of 200 hours of annual leave at the end of the calendar year; if the employee has more than 200 hours of annual leave, their annual leave is reset to 200 hours at the end of the calendar year. Any combination of carried over annual leave and accrued annual leave for any given year must not exceed 200 hours at the end of the calendar year.

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

## **6.6 Report of Injury and Claims Management**

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.

### **Employee Responsibilities**

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

### **Claims Management**

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

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.

### **Return to Work**

The Emmons 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, Emmons 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 Workforce Safety Insurance (WSI) benefits. The County will communicate with the injured employee and WSI representatives to ensure that every effort is made to return injured employees safely to productivity at the earliest time possible.

### **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. An employee terminating employment in good standing, shall be paid up to 20 days of unused sick leave based on their remaining balance.

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 Family Medical Leave**

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

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

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

A. Eligibility:

- I. Active employees who have been employed by the County for at least 12 months and who have worked at least 1,250 hours during the previous 12 months are eligible for leave pursuant to this Policy. The 12 months of employment need not be continuous and shall include time spent on military service covered by USERRA. Employment periods prior to a break in service of 7 years or more shall not count toward the 12 months unless the break in service was due to service in the National Guard or Reserves. If an employee who is otherwise eligible for FMLA reaches the 12-month mark while on leave, the period of leave prior to meeting the 12-month threshold is non-FMLA and the period of leave after the 12-month threshold is FMLA leave.
- II. An employee's eligibility is measured as of the date Leave will begin. Employees will be required to use accrued paid sick leave for eligible situations and may use annual leave to cover some or all of the FMLA. Any leave which exceeds the combination of sick and/or annual leave shall be unpaid pursuant to FMLA. The employer is responsible for designation if such paid leave counts as FMLA leave.

B. Length/Frequency of Family Leave:

- I. 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 the first day FMLA is taken. Military Caregiver Leave shall not exceed 26 workweeks in a single 12-month period beginning on the first day of such leave. The method used to calculate a leave year will be the 12-month period measured forward from the date the employee first takes FMLA leave. This method entitles an employee to 12 weeks of leave during a year that begins on the first day FMLA leave is taken. After completion of 12 months from that date, the next 12-month period begins the next time FMLA is used.
- II. Part-Time Employees (For purposes of calculating available leave under this policy only):
  - a. Regularly scheduled part time employees.
    - i. For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.



- ii. For intermittent or reduced schedule leave, multiply the number of hours in the employee's normal part-time workweek by 12 (or 26 where applicable) to determine the maximum number of Leave hours available.
- b. Varied schedule part-time employees. For continuous, intermittent or reduced schedule Leave, average the number of hours worked in the 12 months prior to the start of Leave. Multiply that number by 12 (or 26, where applicable) to determine the maximum number of Leave hours available.
- c. A Parenting FMLA leave shall be taken in a continuous block of days, unless advance written approval is obtained from the County to allow parenting leave to be taken in more than a single continuous block of days. If such Leave is requested and granted, it must be in full day increments. When such leave is requested and approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting FMLA Leave must end within 12 months of the birth or placement of the child.
- d. Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period of Leave is one hour. The 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.
- e. 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.
- f. The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12-month period if the Leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

## Notice Obligations

### 1. Timing

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

**B. Unforeseeable Leave:** Where the need for Leave is unforeseeable, the employee must give notice to the County immediately, absent extenuating circumstances. Failure to comply with this notice requirement may result in the delay or denial of Leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.

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

1. Leave due to childbirth will generally begin on the date of the birth but may begin at any time before or after 12 months of the child's birth. Leave due to adoption, placement, or for the care of the employee, their spouse, parent, or child with a serious health condition will generally begin as outlined in the Notice and Certifications portions of this policy.
2. Parenting FMLA Leave cannot extend beyond 12 months after the birth or placement of the child.

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

1. Annual Leave—All benefits accrued before, and not used during an employee's leave, will remain.
2. Use of Paid Leave—Employees will be required to use sick leave during FMLA and may use annual leave to complete an FMLA leave.
3. 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.
4. Holidays—Employees will not be paid for holidays during FMLA Leave.
5. Wages and Salary—Any wage or salary increases otherwise due during Leave shall be suspended during Leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.
6. Benefits—Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.
7. Accruals for benefit calculations such as sick leave, annual leave benefits etc. will be suspended for the duration of the leave.

### **Procedure to Obtain FMLA (Leave)**

1. 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.
2. Failure to give 30-days advance notice for a foreseeable leave, failure to give timely notice for unforeseeable Leave, or failure to produce requested certification(s) within the time designated may result in the delay or denial of the Leave.

### **Certification and Reporting Requirements**

1. 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.
2. 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.
3. 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.
4. 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.
5. Legal certification may be required for adoption or foster care.
6. Employees on Leave may be required to periodically report on their status and intention to return to work.
7. When Leave is due to the employee's own serious health condition, a fitness for duty certification (FFD) may be required before the employee can return to work. Failure to timely provide such certification may eliminate the employee's right to reinstatement under the FMLA. If the employee is using intermittent leave, and reasonable safety concerns exist regarding the employee's ability to perform their duties, a FFD certificate may be required as frequently as every 30 days during periods where the employee has used intermittent leave. If the FFD is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. This paragraph does not apply to Military Caregiver Leave.

**Reinstatement**

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

### **Activities Prohibited During FMLA**

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

### **Administration**

1. To the extent that state law may in the future provide a greater benefit than the FMLA, the eligible employee will be entitled to the more generous benefit.
2. The County reserves the right to deny or restrict coverage to any employee who meets the exclusionary requirements described under the under the Family and Medical Leave Act of 1993.
3. The County reserves the right to interpret, amend, modify and administer this policy in accordance with federal and state laws.
4. 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.
5. Where applicable, FMLA will run concurrently with Workforce Safety Insurance compensation and/or other types of leave for which the employee qualifies.

### **6.9 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 workday.

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.

### **6.10 Record Keeping**

The Department Head maintains annual and sick leave hours accrued and used for each employee and submits the records to the County Auditor on a monthly basis.

## **6.11 Holidays**

Emmons County observes the following holidays per year:

- a. The first day of January, which is New Year's Day.
- b. The Third Monday of January, in recognition of Dr. Martin Luther King, Jr.
- c. The third Monday in February, in recognition of President's Day.
- d. The Friday next preceding Easter Sunday and commonly known as Good Friday.
- e. The last Monday in May, which is Memorial Day.
- f. The fourth of July, which is the anniversary of the Declaration of Independence.
- g. The first Monday in September, which is Labor Day.
- h. The eleventh day of November, which is Veterans' Day.
- i. The fourth Thursday in November, which is Thanksgiving Day.
- j. The fourth Friday in November, which is the day after Thanksgiving.
- k. Noon on December 24th, which is Christmas Eve Day, unless it is a holiday or weekend pursuant to [NDCC 1-03-02](#).
- l. The twenty-fifth day of December, which is Christmas Day.

“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](#)) “When holiday falls on a Saturday. If any of the holidays fall on a Saturday, the Friday immediately before shall be the holiday.” ([NDCC 1-03-02.1](#))

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.

## **6.12 Jury Duty/Military Leave**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification will receive their regular pay while on jury duty during normal work hours. Jury duty pay will be calculated on the employee's base pay rate, minus any jury fee paid by the court. Employees who elect to take annual leave or unpaid leave will be allowed to retain any fees provided by the court.

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

Insurance benefits, benefits accruals for annual leave, sick leave, or holiday benefits will not be affected during paid jury duty leave.

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 [NDCC 37-01-25](#):

“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.”

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

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

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible;
2. Has received an honorable discharge;
3. Has taken a total of less than five years of military leave during the time of employment with the County.
4. Has applied for reemployment or reported back to work in a timely manner, depending on the length of the leave:
  - a. Less than 31 days: must report back to work not later than the first regular work day following discharge and an eight-hour period allowing for safe transportation from place of service to the employee’s residence.
  - b. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge;
  - c. Over 180 days: must reapply for employment within 90 days of discharge.  
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.

### **6.13 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.

### **6.14 Volunteer Leave**

Employees are eligible for up to eight cumulative hours of "Volunteer Leave" each calendar year to be utilized within Emmons County upon prior approval and discretion of their Department Head. Leave is monitored by each Department Head and noted on employee time record as "Volunteer Leave" on the monthly submittal to the Auditor's Office.



### **6.15 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.

### **6.16 Leave Sharing**

An Emmons County employee may donate sick leave to another Emmons County employee in cases of serious illness, injury, impairment, or mental condition that has or is likely to cause the employee to take leave without pay or terminate employment. Sick leave may be donated or received only by employees in a regular employment category who are not introductory, temporary, or otherwise limited in employment status. An employee must provide the County with a physician's statement verifying the health condition prior to receiving donated leave.

The donation of leave from one individual to another is voluntary. The receiving employee must have used all forms of paid leave prior to using donated leave. The employee's use of donated leave may not exceed 3 months in any 12-month period. Once leave is donated, it will not be returned. Maximum allowable leave to be donated from one employee to another is 10% of accumulated sick leave.

Donation or receipt of donated sick leave requires approval by the Department Head/Elected Official for the donor and the recipient. Department Heads will develop appropriate procedures to follow to monitor within the personnel files of the donor and the recipient of the donated sick leave.

## 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 Grievance Policy and Procedure**

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.

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

Employees may grieve an employer action of demotion, dismissal, suspension without pay, reduction-in-force, or discrimination in employment. The employee must begin the procedure within five (5) 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:**

1. The employee must submit his/her grievance in writing 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 grievant may forward the grievance to the Board of Emmons County Commissioners at their next regularly scheduled meeting. In the case of Social Service employees, the grievant is encouraged to use the Emmons County Grievance process; however, there are no requirements to do so before utilizing the State Merit System grievance procedure. Social Service employees who cannot resolve the grievance at the County level may forward their grievance to the Civil Rights Officer in the North Dakota Department of Human Services.

2. Upon receipt of the grievance, the Board of Emmons County Commissioners shall appoint a representative(s) to meet with the grievant and/or the employee representative. Once designated by the County Commission, 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 Board of County Commissioners within fifteen (15) working days.
3. 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 County 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 of County Commissioners 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 of County Commissioners has either heard the grievance or received a recommendation from a contracted source, the Board of County Commissioners will then make the final decision. The Board of County Commissioners 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. Introductory employees may grieve issues of discrimination
4. 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.

## SECTION 8—GENERAL POLICIES

### **8.1 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 the County Commissioners with the County business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Below are behaviors prohibited by the Conflict of Interest Policy:

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

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

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence or transactions involving purchases, contracts, or leases, it is imperative that he or she discloses to the County Commissioners as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

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

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

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

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

An employee engaged in political activity as defined in [NDCC 39-01-04](#), may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if conflict of 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 this organization 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 possible discharge.

## **8.2 Use of Equipment and Vehicles**

It shall be the policy of Emmons 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. Discretion may be used concerning personal use of the County vehicle while conducting County business.
3. Only individuals having a business relationship with Emmons 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. Except for trained, law enforcement personnel, 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. Employees who are required to drive County-owned vehicles, are further required to report all moving violations, whether on or off the job, to the County Auditor within two weeks of receiving the citation. Additionally, the driver’s license status of all employees may be checked with the North Dakota Motor Vehicle Department annually.
8. Any County vehicle taken to an employee’s private residence shall be the responsibility of said employee to return that vehicle to County property. Any cost incurred: jump starts, towing charges, snow removal, electrical charges for plugging the vehicle in during cold weather, or any physical damage to the vehicle, as determined by the Board of County Commissioners to be not in the line of duty, is the responsibility of the employee using that vehicle.

9. Employees are not permitted to use County vehicles in place of personal vehicles for transportation to and from the workplace, nor to fill or charge gas or fuel to the County for their private vehicles.
10. The sign-out sheet and keys for the County vehicle shall be located in the Auditor's Office. If the vehicle needs to be checked out prior to 8:30 a.m., arrangements must be made to pick up the keys on the previous business day.
11. Employees must refuel the County vehicle after they return from their trip. Vehicles will be refueled at Martin Oil, and a receipt must be provided at the time the keys are returned. If a receipt is not available, the date and amount of the transaction must be noted on a piece of paper. If an employee must refuel at a different location due to Martin Oil being closed, or they are traveling too far away, the employee shall pay for the gas and turn in a receipt to the County Auditor for reimbursement when they return.
12. If an employee noticed something wrong with the County vehicle, that employee is responsible for informing the County Auditor immediately so the issue can be corrected.
13. When more than one employee would like to use the County Vehicle, the employee that will be incurring the most miles will take precedence over the other employee(s).
14. If all employees who wish to use the County vehicle on a given day can come to an agreement other than outlined in 13 (listed above), that agreement will be honored, and mileage will be reimbursed to the employee(s) who used their personal vehicle that day.

Employees who use their personal vehicle to conduct official business shall be authorized to submit a claim for mileage in accordance with County reimbursement policies when the County vehicle is being used by another employee or when the daily miles total less than fifty (50)

Every County employee should be cognizant and protective of a positive image for Emmons 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.

It shall be the policy of Emmons County to provide necessary equipment, in proper and safe working condition, to effectively perform 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. 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.

### **8.3 Workplace Violence Prevention**

Emmons County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the County has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

**Prohibited Conduct:**

All employees, customers, vendors and business associates, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay”, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the County without proper authorization. Conduct that threatens, intimidates, or coerces another employee, customer, vendor or business associate will not be tolerated. Emmons County resources may not be used to threaten, stalk or harass anyone at or outside the workplace. Emmons County treats threats coming from an abusive personal relationship as it does other forms of violence.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

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

**Investigations and Enforcement**

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

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

**8.4 Social Media Policy**

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

When using Social Media:

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

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

### **8.5 Solicitation Policy**

In order to preserve the safety, security and productivity of the workplace, solicitation and distribution is regulated and limited as described within this policy. The objective of this policy is to provide guidelines for all employees to ensure the continued productivity and efficiency of the County while allowing charitable support and good community relations.

1. 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.
2. Individuals or groups of people who enter the courthouse without notice must first have their solicitation request reviewed by the County Commission for approval prior to any employee or departmental solicitation.

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



## 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.”
- 07-02-19 Use of Equipment and Vehicles updates to include County-owned vehicles.
- 09-03-19 Updated Employee Handbook approved at Commission Meeting. Some of the changes include:
- Addition of Leave Sharing Program
  - Addition of Grievance Policy
  - Additional holiday: Dr. Martin Luther King, Jr
  - Timecards, Annual Leave, and Sick Leave reported to Auditor on monthly basis
  - The only doors unlocked during regular business hours are the main entrance and the accessible entrance (all east facing doors).
  - No smoking or “vaping” in County vehicles or in the workplace.
  - Reinforce that smoking or “vaping” is not permitted within 20 feet of a County building entrance in accordance with ND State Law ([NDCC 23-12-09](#)).
  - Clarification on annual leave carried over.
  - Random drug/alcohol testing is performed on primary users that drive a County-owned vehicle (primary users defined as employees that drive a County-owned vehicle more than three times per calendar year).

- 12-17-19 Addition regarding when holiday falls on a Saturday.
- 01-09-20 Removal of random alcohol/drug testing for primary drivers of County-owned vehicle (excluding CDL and law enforcement).
- 12-07-21 Remove 6.11 Holidays “m. 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](#))”
- 12-09-21 Chapter 6.5 Annual Leave: An employee can carry up to a maximum of 200 hours of annual leave at the end of the calendar year; if the employee has more than 200 hours of annual leave, their annual leave is reset to 200 hours at the end of the calendar year. Any combination of carried over annual leave and accrued annual leave for any given year must not exceed 200 hours at the end of the calendar year
- 01-19-22 Chapter 3.11 Reporting Late or leaving Early: Section clarified to include leaving work early for any reason—not just inclement weather.
- 06-06-23 Chapter 3.6 Office Hours and Chapter 3.7 Lunch Periods updated to hours of operation approved by the County Commission.
- 02-04-25 Volunteer Leave added as 6.14 and renumbering of section.

# FORMS

**Employee Acknowledgement Form**

I understand this employee handbook describes important information about Emmons 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 Emmons 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 Emmons County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Emmons County can terminate the relationship at will, with or without cause, at any time, so long as there is no 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 Emmons County is employment at will, which may be terminated at the will of either Emmons 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 an Emmons County employee, and that it remains the property of Emmons County. The handbook will also be available on the Emmons County website ([www.emmonsnd.com](http://www.emmonsnd.com)). If I choose to receive a hard copy of this handbook, it will be returned to the County Auditor at the conclusion of my employment with the County.

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

EMPLOYEE'S NAME (printed): \_\_\_\_\_

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

DATE: \_\_\_\_\_

**Leave Donation Request Form**

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

\_\_\_\_\_  
Department

\_\_\_\_\_ Total Sick Leave Donation Hours Requested

General nature of condition (i.e., illness, injury, surgery): \_\_\_\_\_  
\_\_\_\_\_

I am applying for leave donation and understand County employees may donate to me as follows:

Sick Leave if I am suffering from a case of serious illness, injury, impairment, or mental condition that has or is likely to cause me to take leave without pay or terminate employment. Also, Sick Leave donated to me may only be used by me for the purpose specified; is not payable in cash; and cannot exceed 3 months in any 12-month period.

\_\_\_\_\_ I certify that all leave available to me including sick leave, and annual leave, has been used or will be used by \_\_\_\_\_ (date). I understand any shared leave not used by me may be retained by me. I also agree to inform my supervisor of my acceptance of a leave transfer.

\_\_\_\_\_ Attached is a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Supervisor Signature)

\_\_\_\_\_  
(Date)

OFFICIAL OR DEPARTMENT HEAD/DESIGNEE REVIEW:

( ) Request Approved      ( ) Request Denied

Request is denied for the following reason(s) \_\_\_\_\_

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

Send copy to employee after form is completed.

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