

## EMPLOYEE HANDBOOK POLICY AMENDMENTS

**SUGGESTED MOTION**: Move to approve Employee Handbook Policies 102, 108, 111, 201, 202, 301, 302, 304, 305, 306, 310, 311, 312, 317, 402, 404, 406, 501, 502, 503, 505, 508, 510, 511, 602, 603, 604, 608, 611, 612, 613, and the Employee Acknowledgment Form as amended effective immediately.

## 102 At Will Employment

*Effective Date:*

Your employment with us is voluntary and is subject to termination by you or us at will, with or without cause, and with or without notice, at any time, with the exception of **Human Service Zone** employees, who are subject to the State Merit System. Nothing in this handbook should be interpreted to be in conflict with or modify your status as an at-will employee. This handbook is not an employment contract, and **no one outside of our County Administrator has the ability to offer any type of contract of employment.**

## 108 Conflicts of Interest

*Effective Date: 05/07/2018*

Activities or relationships that conflict with our interests or adversely affect our reputation should be avoided. We cannot describe every situation that may constitute a conflict of interest; rather, the purpose of these guidelines is to provide general direction so that you can seek further clarification on issues related to conflicts of interest. Contact the County Administrator if you have any questions about conflicts of interest.

A conflict of interest occurs when your loyalty is, or appears to be, divided between your self-interest or the interests of a third-party and our interests. The types of conflicts of interest you must avoid include, but are not limited to:

- Accepting, agreeing to accept, or soliciting money or other tangible or intangible benefit in exchange for favorable decisions or actions in the performance of your job or that might appear to influence your decision-making or professional conduct;
- Accepting employment or compensation or engaging in any business or professional activity that might require disclosure of confidential information or trade secrets;
- Accepting employment or compensation that could reasonably be expected to impair your independent judgment in the performance of your duties;
- Accepting a kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving us;
- Giving preferential treatment in business dealings to any person or company in which you, a relative or friend has a significant ownership interest or relationship.

This policy does not apply to elected officials seeking election contributions. **Human Service Zone employees follow the Unified Human Service Zone policy manual.**

You must disclose actual or potential conflicts or any relationships that may create the appearance of a conflict of interest to your supervisor as soon as you become aware of them so that safeguards can be established to protect all parties.

**111 Job Posting***Effective Date: 12/20/2021*

We believe strongly in employee promotion and development. We encourage you to express your interest in open positions and advancement opportunities within the organization according to your skills and experience. We typically post job openings on the Cass County Government website, but Department Heads have the discretion to post elsewhere at their discretion. All positions are posted with North Dakota Job Services as well as job boards. In the interest of finding the most qualified candidate, we often post positions both internally and externally at the same time.

To apply for an open position, all interested individuals must submit an online job application to the Human Resources Department listing job-related skills and accomplishments. Job openings for the Human Services Zone are posted on the State of North Dakota's website and applications should be submitted following directions on that website.

If you are selected as a finalist, your supervisor will generally be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer will also be discussed at that time.

We recognize the benefit of developmental experiences and encourage you to talk with your supervisor about career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

Although we typically prefer to fill open positions with current employees who express interest in the positions, we may choose to hire an external candidate over a current employee if we determine that the external candidate best meets the needs of the position.

**Promotions or Transfers**

If you are interested in a promotion or a transfer, a completed Cass County application must be submitted. You are not guaranteed a promotion simply because a vacancy may occur. Instead, promotions will be based on information documented by our performance evaluation process, including outstanding work performance, levels of skills and training, demonstrated reliability, your current disciplinary status, as well as position availability, and the qualifications of external candidates, if applicable.

We reserve the right to transfer employees if it is in the best interest of the County. If offered and you accept a transfer, you must notify your current Department Head. The transfer will be negotiated between the Department Heads but will be delayed no longer than 30 days.

**Posting jobs**

All vacant positions, including temporary positions, must have a staff requisition form signed either electronically or in writing by the Portfolio Commissioner and the Commission Chairman prior to advertising. In the absence of the Portfolio Commissioner, another Commissioner shall be appointed by either the Portfolio Commissioner or the County Administrator to sign and/or approve the staff requisition form. When the Commission Chairman is the department portfolio, the staff requisition for vacant positions shall be signed by

the Commission Chairman and Vice Chairman. If a temporary position is recruited through an employment agency, the Human Resources Department must be informed of the individual's name and length of employment.

Promotions from within a department may occur. However, the position must be posted within the County. In general, these vacancies are posted for 5 working days.

### **Hiring and Referral Bonus**

#### **Hiring Bonus – Hard to Fill Positions:**

Hiring Bonuses of \$1,000 will be paid to new full-time Cass County employees hired into hard to fill positions who meet certain requirements. Positions and new employees eligible for the hiring bonus will have the following characteristics: the new employee will have successfully completed six months employment. Prior to filling the position with the new employee, the position was advertised and vacant for at least 90 days. Current employees promoted into a hard to fill position are not eligible to receive this bonus. Individuals who successfully complete internships in County departments and are hired into hard to fill positions at the conclusion of the internship are eligible to receive a hiring bonus.

#### **Referral Bonus for Current Employees:**

Referral bonuses of \$500 will be paid to current full-time Cass County employees who refer new employees to full-time Cass County employment. Referral Bonuses will only be paid after the new employee has successfully completed six months of employment.

A current employee is only eligible to receive a Referral Bonus if the new employee lists the referring employee on their initial employment application submitted to Cass County Human Resources. Department Heads are not eligible to receive a referral bonus related to a position within their department. Referral bonuses will not be paid related to interns hired into a full-time county position.

Eligible hiring and referral bonuses will be paid related to employment applications received after January 1, 2022.

## 201 Employment Categories

*Effective Date: 05/07/2018*

Your employment status and benefit eligibility depend upon your employment classification. All employees in all classifications described below are subject to our employment-at-will policy described earlier in this handbook.

Your position is classified as either nonexempt or exempt from state and federal wage and hour laws. Nonexempt employees are entitled to overtime pay and other benefits under the wage and hour laws, whereas exempt employees are excluded from specific provisions of the wage and hour laws and are not eligible to receive overtime pay. The classification of exempt versus nonexempt is determined based on guidelines set forth by the Fair Labor Standards Act. (FLSA)

In addition to the above categories, you belong to one or more of the following employment categories:

- **Full Time** employees are those who are not in a temporary category and who are regularly scheduled to work our full time schedule of at least 40 hours per week. Generally, regular full time employees are eligible for our entire benefit package, subject to the terms, conditions, and limitations of each benefit program.
- **Part Time** employees are those who are not assigned to a temporary category and who are regularly scheduled to work less than 40 hours per week. Regular part time employees may be eligible for some benefits sponsored by us, subject to the terms, conditions, and limitations of each benefit program.
- **Temporary** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and typically are employed six months or less. However, employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees hired directly by us receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they typically are ineligible for all of our other benefit programs.

**202 Access to Personnel Files**

*Effective Date: 05/07/2018*

We maintain a personnel file on each employee. The personnel file includes such information as your job application, resume, records of training, documentation of performance appraisals and salary increases, as well as other employment records.

Personnel files are our property, and we restrict access to the information they contain. N.D.C.C. §44-04-18.1(2) exempts certain confidential personal information from public review. Disclosure of personnel files will be made upon request and pursuant to open records law and pertinent exemptions. However, supervisors and managers who have a legitimate reason to review information in a file may do so. In the event someone other than your supervisor or department head requests access your personnel file, you will be informed in writing. Medical information and **I-9 forms** will be kept separate and will not be released without written consent.

If you wish to review your file, contact the Human Resources Department. With written advance notice, you may review your personnel files. The files may be reviewed **in the Human Resources Office** and in the presence of an individual appointed by our office to maintain the files.

### 301 Employee Benefits

*Effective Date: 05/07/2018*

We provide eligible employees with a wide range of employee benefits. This handbook may contain general descriptions of those benefits. You can find detailed descriptions of benefits in our benefit enrollment materials and the summary plan descriptions and/or insurance certificates for the plans, where applicable, or in policies within this handbook.

Your eligibility for benefits depends on a variety of factors, including your employee classification. The Human Resources Department can identify the programs for which you are eligible.

The following benefit programs are available to eligible employees:

- Annual Leave
- Dental Insurance
- Dependent Care & Medical FSA
- Funeral Leave
- Paid Holidays
- Jury Duty Leave
- Medical Insurance
- Medical Leave
- Military Leave
- Sick Leave
- Retirement
- Supplemental Life Insurance
- Uniform and Uniform Maintenance
- Personal Leave (unpaid)

Some benefit programs require you to make contributions, some may be unpaid, and others may be fully paid by us.



**Observed Holidays**

We observe the following holidays:

- New Year’s Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents’ Day (third Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans’ Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Christmas Day (December 25)
- **At the discretion of the County Commission, any other holiday declared by the Governor of North Dakota**

**Eligibility for Paid Holidays**

All full-time and part-time employees working more than 20 hours per week receive holiday pay. If eligible, you will receive holiday pay at your regular rate of pay times the number of hours you would otherwise have worked on that day (up to a maximum of 8 hours). Part-time employees will receive pro-rated holiday pay based on straight time pay. If you are not scheduled to work on a holiday, you will receive holiday pay as outlined above or compensable time (up to a maximum of 8 hours).

A recognized holiday that falls on a Saturday will usually be observed on the preceding Friday. A recognized holiday that falls on a Sunday will usually be observed on the following Monday. Christmas will be observed as follows:

<b>Christmas falls on a....</b>	<b>Christmas will be observed on...</b>
Monday	Monday
Tuesday	Monday & Tuesday
Wednesday	Tuesday afternoon & Wednesday
Thursday	Wednesday afternoon & Thursday
Friday	Thursday afternoon & Friday
Saturday	Preceding Friday
Sunday	Following Monday

You are expected to report to work on the day after Thanksgiving, and the Friday after Christmas where Christmas falls on a Thursday, unless you request and use annual leave, subject to our policy. Department heads are strongly encouraged to comply with all reasonable annual leave requests, keeping in mind the requirements of the department. If a department chooses to close a department, the phones must be forwarded, and messages must be posted referring customers to other open county departments.

If you have been authorized to work on a recognized holiday, you will normally be given an alternate paid day off. Non-exempt employees who have been authorized to work on a recognized holiday will normally receive their hours worked, in addition to holiday pay or compensable time on an hour for hour basis. If you are non-exempt and must work due to an emergency call-out on a holiday, you will receive 1 ½ times your normal rate of pay for hours worked.

Except for pre-approved paid time off, you are expected to work both your normally scheduled days before and after the holiday in order to be eligible for holiday pay. If you call in sick or take unpaid time on either of those days, you may jeopardize your ability to be paid for the holiday. If a recognized holiday falls during your paid time off (such as annual leave), you will receive holiday pay instead of the paid time off benefit you otherwise would have received. However, if you are on an unpaid leave of absence, you will not be paid for holidays.

Holiday pay will not be counted as hours worked for the purposes of determining whether nonexempt employees are entitled to overtime for the week in which the holiday falls.

### 304 Leave Donation

*Effective Date: 05/07/2018*

To provide assistance to those who otherwise may need to take unpaid leave due to a serious health condition, you can donate some of your accrued annual leave to a leave bank. All requests must be solicited through and approved by the Department Head, the Human Resources Director, and one other Department Head. The maximum number of hours contained in the leave bank may not exceed 1000 hours.

You may be eligible to receive donated leave after you have otherwise exhausted all paid leave and you either suffer from a serious health condition, as defined under federal Family and Medical Leave Act, or your spouse, parent, or child suffers from a serious health condition.

If you need donated leave and meet the criteria, you may request solicitation of leave from your Department Head. Do not solicit donations on your own. Your Department Head may provide basic information in order to request donations from your fellow employees in the same department. The maximum use of donated leave may not exceed 480 hours (12 weeks) in any 12-month period. Once you receive donated leave, you must use the leave within 365 days from the time of the request. If you are unable to use the donated leave within that time frame, it will be moved from your balance to the County Donated Leave bank.

Any information to request leave donations will be reviewed with you before it is publicized. While we will withhold your name on request, please understand we cannot provide assurances that co-workers will not figure out the identity—for example, based on the timing of your absence.

**To donate,** please submit a signed statement or e-mail to the Department Head indicating the number of accrued annual leave hours you wish to donate. Your Department Head will then provide this information to the Human Resources Department. The donations must be in full hour increments. Once leave is donated, it is not returnable. If you want to donate annual leave hours, you are doing so on a strictly volunteer basis.

**305 Sick Leave***Effective Date: 05/07/2018*

We provide paid sick leave benefits to all full-time and part-time employees for periods of temporary absence due to illnesses or injuries. Elected officials, temporary, per diem, and emergency employees are not eligible.

If you are eligible and full-time, you will accrue sick leave benefits at the rate of 8 hours per month, 12 days per year. We pro-rate sick leave benefits if you are part-time. Accruals cease after 30 calendar days of continuous unpaid leave.

You may use sick leave benefits for an absence due to your own illness or injury, or for medical and dental appointments. You can also use sick leave to care for certain family members who are ill or need assistance obtaining medical or health services. For the purposes of this policy, eligible family members include your spouse, parent, child (natural, adoptive, foster, or step), and any other family member financially or legally dependent upon you or who resides with you for the purpose of you providing care to the family member. You can use up to 160 hours per year for the purpose of caring for family members under this policy. If you need to use more than 160 hours to care for a family member, you will need advance approval from the County Administrator and your Department Head.

If you are unable to report to work due to illness or injury, you should notify your direct supervisor before the scheduled start of the workday if possible. Your direct supervisor must also be contacted on each additional day of absence. In general, calls from friends or family members are not acceptable. If you are absent for three (3) or more consecutive days due to illness or injury, or at our discretion, a physician's statement may be required to verify the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Sick leave benefits will be calculated based on your base pay rate at the time of absence.

Unused sick leave benefits will be allowed to accumulate until you have accrued a total of 960 hours' worth of sick leave benefits. If your benefits reach this maximum, you will receive monetary compensation for 50% of all hours accumulated over 960 at your hourly rate of pay. This compensation will occur annually in December or upon termination. **Human Service Zone** employees, pursuant to the North Dakota Merit System, are not subject to this cap or payout.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence, except where specifically provided for in this handbook. Please use your sick leave only for legitimate illnesses and injuries, and keep in mind that if you are out of sick leave and/or annual leave, then any other absences will be unpaid, may be considered unexcused, and may be subject to disciplinary action up to and including termination of employment. In rare circumstances, unpaid time off may be permitted if approved in advance. Note that unpaid time off will not count against you if it is approved under another leave policy within this handbook.

Sick leave is transferable from one department to another. However, Human Service Zone employees may only transfer up to 960 hours of sick leave to another department, unless they move to another Human Service Agency, in which case they may transfer their entire sick leave balance. Human Service Zone employees transferring in from another State Merit System Agency will be allowed to transfer unused sick leave to Cass County. For all other Cass County employees, leave is not transferable to Cass County from any other agency or employer.

Years of service credit will be for continuous years of employment with a break of less than one year. If you are laid off, and return within 12 months of layoff, you will receive years of service credit for continuous years of employment.

### 306 Impact of Leaves of Absence on Employee Benefits

*Effective Date: 05/07/2018*

In addition to paid absences, such as holidays, annual leave, or sick leave, we offer a number of leaves of absence which either become unpaid at some point, or are unpaid in their entirety. Unless otherwise noted in a specific leave policy, your employee benefits will be handled as described below.

#### **Insurance and related benefits**

During your leave, we will continue to provide you with the benefits in which you have enrolled for as long as any law might require us to do so, or until such time as you cease to be eligible under the terms, conditions, and limitations of the applicable plans.

While you are on leave, you will continue to be responsible for your share of the insurance premiums, and will be required to make regular payments in order to continue your coverage. During any parts of your leave for which you may also be using annual leave or sick leave, we will continue to make payroll deductions as normal to collect your share of the premiums.

However, at the point that your leave becomes unpaid (e.g., you use up your available paid leave benefits), you will be required to submit monthly payments to the Human Resources Department by the 30th day of each month of your leave. If the payment is more than 30 days late, your health and other coverage may be terminated for the remainder of your leave.

In some cases, you may be offered COBRA or USERRA continuation coverage if you are gone from work long enough, or if we are not required by law to continue your benefits. If so, you will have to formally elect continuation in order to stay on the applicable insurance plans. See our COBRA Continuation Coverage or Military Leave policy for more information.

If you lose coverage or have elected COBRA during your leave, we will reinstate you as an active participant upon your return from leave, according to the terms of each plan. This may mean that you have reapplied and undergone underwriting for certain benefits, (ex: life or cancer insurance). If we have chosen to pay your portion of the premiums on your behalf during your leave, you will be required to repay us any such amounts at the end of your leave.

#### **Other benefits**

Retirement contributions cease during any unpaid leave period.

Annual leave, sick leave, and other accrual-based benefits will cease accruing after 30 continuous days of leave not being paid directly by us. So, for instance, unpaid leave time, or leave periods that are being paid by third parties (such as worker's comp) will result in the cessation of accruals after 30 days of unpaid leave. However, absences during which annual leave or sick leave is being used, or that are paid by us (such as jury duty), will not result in accrual discontinuation. Similarly, holiday pay will not be provided during any unpaid leave periods.

**310 Funeral Leave**

*Effective Date: 05/07/2018*

If you wish to take time off due to the death of an immediate family member, notify your supervisor immediately.

If you are a regular full-time employee, except those in the **Human Services Zone**, you may be eligible for the following amounts of paid bereavement leave:

- **Up to 32 consecutive working hours** for your spouse, parent, child, sibling; your grandparents or grandchildren, at the discretion of the Department Head.
- **Up to 16 consecutive working hours** for extended family, which includes your spouse's parents, siblings, and grandparents, foster parents, foster children, your child's spouse, or any other person you had a relationship with that is similar to any of the previously listed individuals (i.e., aunts, uncles, etc.), at the discretion of the Department Head.

If you are a part-time employee, you may be eligible for leave, as outlined above, but on a pro-rated basis. Full time employees in the **Human Services Zone** receive the following leave:

- **Up to 24 consecutive working hours** for your spouse, parent, stepparent, child, sibling; your spouse's parent, stepparent, child, sibling; foster parent or foster child; grandparents or grandchildren.

Part-time employees may be eligible for pro-rated leave.

You may, with your supervisor's approval, use any available annual leave for additional time off as necessary.

Bereavement pay is only paid for hours for which you would normally have been scheduled.

**311 Jury Duty**

*Effective Date: 05/07/2018*

We encourage you to fulfill your civic responsibility by serving jury duty when summoned. While all employees are eligible to take jury duty leave, employees who have completed a minimum of 90 calendar days of service may request up to twenty (20) working days of paid jury duty leave over a calendar year.

Your jury duty pay will be calculated by multiplying your base pay rate times the number of hours you would otherwise have worked on the day of absence. We may also require you to sign over any compensation you may receive from the court for serving jury duty as a condition of receiving pay under this policy. If you take annual leave, you will not be required to sign over any compensation.

You must show the jury duty summons to your supervisor as soon as possible so that your supervisor may make arrangements to accommodate your absence. Of course, you are expected to report for work whenever the court schedule permits. Where court rules permit jurors to call in the night before to find out whether they have to come into the courthouse the next day, you may have to provide written confirmation from the court that you actually were called in on the day in question in order to be eligible for jury duty pay under this policy.

You or your supervisor may request **to be excused** from jury duty if, in our judgment, your absence would create serious operational difficulties.

For information about what happens to your insurance benefits, annual leave and sick leave accruals, and eligibility for holiday pay during an extended leave taken under this policy, see our Impact of Leaves of Absence on Employee Benefits policy.



**317 Retirement**

*Effective Date: 05/07/2018*

All new non-elected employees employed twenty **hours (20)** or more per week, for more than five **(5)** months per year, are required to participate in the North Dakota Public Employees Retirement System (NDPERS). Elected officials may apply for membership.

We pay a portion of your gross monthly salary on your behalf, if eligible. You must contribute a percentage on a pre-tax basis. NDPERS provides for invested retirement benefits after three years of service.

The NDPERS Portability Enhancement Provision (PEP) allows vesting in our contribution if you participate in an approved pre-tax Deferred Compensation Program. This means that if you leave employment and do not wish to draw a pension, you have the opportunity to take both your contribution and our contribution out of the NDPERS system.

If you terminate employment prior to being vested (three years), you may be required to receive a refund. If you terminate employment after becoming vested, you should work with Human Resources and NDPERS.

If you are a temporary or part-time employee employed less than 20 hours per week, you can elect to participate in NDPERS. You shall make monthly payments in an amount equal to the applicable percentage as defined times the present monthly salary to the fund. You may continue to participate as a temporary or part-time employee in the public employee's retirement system until termination of employment or classification as a standard employee.

Refer to the appropriate North Dakota Public Employees Retirement System handbook for more details.

If you began employment prior to the mandatory date (May 1971) for NDPERS enrollment, you are not required to participate in NDPERS. At that time, you had the option to enroll under the NACo Deferred Compensation Program. Under NACo, we contribute a portion of your gross monthly salary as a benefit.

**402 Paydays**

*Effective Date: 05/07/2018*

You are paid monthly on the last day of the month. If you are exempt or non-exempt salaried, your paycheck will reflect pay for the entire calendar month, less any annual leave, sick leave, or compensatory time entered prior to the 15<sup>th</sup> of the month. If you are part-time hourly, your paycheck will include all earnings for all work performed through the 15<sup>th</sup> of each month. Seasonal employees may have an alternate pay method.

You must have your paycheck directly deposited into a bank account of your choice. An itemized statement of your paycheck will be available in your online UKG portal on the last day of each month.

**404 Deductions from Pay***Effective Date: 05/07/2018*

The law requires us to make certain deductions from your pay. We must deduct applicable federal, state, and local income taxes. We also must deduct Social Security taxes on your earnings up to a specified limit that is called the Social Security “wage base.” We match the amount of Social Security taxes paid by each employee.

From time to time, we may be required to make deductions to pay off a debt, loss, or other obligation you may owe to us or to a third party (such as garnishments, liens, or child support orders). In such cases, you may be required to sign a payroll deduction authorization form and/or enter into some other sort of pay back or reimbursement agreement during the course of employment or at the time you separate employment from us, regardless of the reason for separation.

Upon recommendations from your Department Head, the Human Resources Department, and the **Finance Director**, we may authorize deductions for equipment needed to function in your position. This relates to equipment used exclusively for work purposes. The initial purchase of equipment will be made by us and we’ll maintain ownership until repayment through payroll deduction is complete. You will need to sign a payroll deduction authorization form prior to receipt of the equipment.

We offer various programs and employee benefits beyond those required by law. If eligible for such programs and/or benefits, you may voluntarily authorize deductions from your paychecks to cover the costs of participation.

Additionally, if you are an exempt employee, deductions from your regular salary may be made under the following circumstances:

- Absences from work for one or more full days for personal reasons other than sickness or disability;
- Absences of one or more full days due to sickness or disability if the deduction is made in accordance with our Annual Leave/Sick Leave Policy;
- To offset amounts you receive as jury or witness fees, or for military pay;
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions;
- Days not worked during your initial or terminal week of employment;
- Penalties imposed in good faith for infractions of safety rules of major significance; or
- For any increments of time taken as unpaid leave under FMLA.

We will make sure that any such deductions will be in full compliance with the wage and hour regulations under the Fair Labor Standards Act (FLSA).

If you have questions concerning why deductions were made from your paycheck or how they were calculated, ask your supervisor for assistance.

## 406 Wage and Salary Administration

*Effective Date: 05/07/2018*

We maintain a wage and salary administration system for all employees. Annually, as part of the budget development cycle, the Board of County Commissioners shall set the specific structure for pay administration plan based on our financial condition, changing personnel needs/concerns that are identified through Department reviews, and the changing community pay standards. The Commission may choose to distribute salary adjustments based on cost-of-living increases, merit, changes in the grades/classification, and/or changes in community salary standards.

Every three years, we will conduct a comprehensive system review that includes both a review of select positions and a market study to determine the base for our salary scale. Between studies only special adjustments will be considered based on documented significant changes.

Each Department Head is accountable to forecast and control salary expenditures within the approved annual salary budget. Salary adjustment increases outside the annual pay administration schedule shall be initiated by the request of the Department Head, approved by the County Commission, and administered by the Human Resources Department.

### Overview of the Classification System

All positions have been assigned a Decision Band Method (DBM) rating by our professional consultant. These ratings are the current structure for the pay and classification system. A Position Analysis Questionnaire (PAQ) is filed in the Human Resources Department for all standard positions. These positions will all be assigned a position number. You may be asked to complete a PAQ, which will be reviewed by your supervisor and your Department Head. Each PAQ designates essential functions according to the Americans with Disabilities Act.

Certain designated positions have specific training and/or experience requirements related to their DBM rating/classification. If you meet those specific requirements, your position classification (DBM rating) may be adjusted.

### Policies for Adding New Positions

Prior to the addition of any positions, the Department Head will be responsible for writing a PAQ describing the proposed duties and submit the PAQ to the Human Resources Department. The Human Resources Department and Department Head will then present a recommendation(s) to the Personnel Overview Committee.

Department Heads must submit PAQs for new regularly budgeted positions for review by 5:00 PM on the 1<sup>st</sup> Monday of April of each year. If a position is added in the middle of the year, a temporary DBM rating/classification will be assigned by the Personnel Overview Committee with full review by our professional consultant as part of the annual review process, if needed.

The PAQ and recommendation will be reviewed by the Personnel Overview Committee:

1. If the position is similar to an existing position, a DBM rating/classification title may be assigned by the Personnel Overview Committee, if there is agreement with the department head's recommendation.
2. If the position is not similar to an existing position, the Human Resources Department will review the information to ensure that it is complete, and then submit it to the County's salary consultant for assignment of a DBM rating and classification/title.

### **Re-Classification Procedures**

In the event there is a permanent and significant (more than 25%) change in duties, you or your immediate supervisor may request a re- classification. Re-classification requests will require that a current PAQ be submitted with written documentation from you and the Department Head stating the reasons for the request with a list of similar positions. Re-classification requests will be considered once each year prior to budget preparation. Requests must be submitted no later than the first Monday in April of each year to the Human Resources Department.

All reclassification requests will be reviewed by the Personnel Overview Committee to ensure that all relevant information is provided and to identify other positions that could be affected by the positions. The Personnel Overview Committee will then send all material to our salary consultant for final recommendation.

Re-classifications will then be appropriately budgeted for and will become effective the first of the following year unless there is an emergency reason for immediate change.

If a position has been re-classified at a higher grade, your salary will be placed at least at the minimum of the range. If your position is reclassified to a lower grade because re-evaluation indicates reduced duties, no salary reduction should occur. If your salary is above the maximum of the new grade:

1. No new salary increments or general structure increases will apply until the maximum for the new grade equals or exceeds your salary.
2. If there has not been a substantial change in duties, classification review can only be done as part of the overall structure review (every three years) or once per position between comprehensive reviews.

### **Starting Salary/Promotional Adjustments**

New employees, other than seasonal employees, are generally hired at the minimum of the salary range. Seasonal employees are paid at 92% of the full DBM salary. New employee salaries will commence on the first day of actual work.

In some unusual instances, employees may be hired above the minimum of the salary range. Justification for hiring a new employee at a step above the minimum includes but is not limited to:

1. Market conditions that create recruitment difficulties for certain skill sets.
2. Availability of a candidate whose qualifications significantly exceed the position's minimum qualifications if it is determined that it is in the County's best interest to hire the exceptionally qualified candidate over other candidates that meet the minimum qualifications.
3. Consideration should be given to maintaining internal equity within the department.
4. Department heads may hire new employees at step two (2) through five (5) with the approval of both the County Administrator and Portfolio Commissioner. In the event that either or both the County Administrator and Portfolio Commissioner are not in agreement with the department head request, the department head may request that the matter be placed on the Commission agenda for consideration by the entire board. Hiring above step five (5) must be approved by the full County Commission. Requests to hire above step five (5) will be submitted by the department head to the Human Resources Office with written justification. The County Administrator will forward the request to the County Commission with a disposition recommendation. All requests for hiring a new employee above a step one (1) must be done at the time of hire and will not be considered retroactively.

Starting step for appointed Department Heads will be determined by the County Commission.

The starting salary for newly elected officials will generally be the minimum of the County pay scale for that position. Salaries for County Commissioners shall be established at the rate allowed by state law.

In recognition of increased duties and responsibility, if you have been promoted, you will be granted a salary increase to the first even step that is at least 5% over the current salary, assuming that this promotional adjustment does not adversely impact any other employees by creating an internal inequity. If an inequity among employees within a DBM rating will be created by a 5% adjustment, the Department Head and the Human Resources Department will recommend a fair salary adjustment using the criteria established in the starting salary policy.

### **Lateral Transfers**

If you are transferred or you transfer to a class of comparable value or worth as determined by the DBM rating method, you will not receive an adjustment in pay, and your status date will not change.

### **Salary Increases**

All salary increases are contingent on satisfactory performance of assigned duties and responsibilities as documented through annual performance evaluations and subject to County Commission approval. Employment status date will change.

**501 Safety***Effective Date: 05/07/2018*

To assist in providing a safe and healthful work environment for our employees, customers, and visitors, we have established a workplace safety program. This program is a top priority. The County Administrator has responsibility for implementing, administering, monitoring, and evaluating the safety program. Everyone here must be involved and committed to safety. This must be a team effort. Together, we can prevent accidents and injuries.

We provide information to you about workplace safety and health issues through new hire orientation and regular internal communication channels such as the **county intranet**, newsletters, or other written communications. We also provide more formalized periodic workplace safety training, where necessary. The training covers potential safety and health hazards, as well as specific workplace practices and procedures to eliminate or minimize hazards. Everyone is expected to be familiar with our safety, fire prevention and disaster programs and the role each of us may play.

**Employee Conduct and Responsibilities**

You are expected to perform the functions of your position in a safe manner. We are only truly efficient when high productivity is achieved with safe work habits. No job is so important, nor any service so urgent, that time cannot be taken to perform the work safely. The use of proper safety devices and tools and equipment and wearing appropriate clothing and footwear is essential.

Horseplay at work is inappropriate. No matter how playful or well intentioned, horseplay is by its nature unpredictable, and may inadvertently result in accident, injury, or unsafe conditions. As a result, anyone engaging in horseplay may be subject to discipline, up to and including termination of employment.

You are expected to take ownership of your surroundings, to obey safety rules, and to exercise caution in all work activities. This includes being familiar with and observing all rules and policies for health, safety, and preventing injuries while at work. You must immediately report any unsafe condition or near miss to the Department Head. In the event of an injury to a visitor, you should find proper assistance and follow established incident reporting procedures for that Department. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, immediately notify the Department Head or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.



**502 Work Schedules & On Call***Effective Date: 12/16/2019*

Work schedules vary throughout our organization. Your typical work week, except for designated law enforcement personnel in the Sheriff's Office or Coroner's Office), will be forty (40) hours. Our work week starts at 12:01 a.m. on Saturday through midnight on Friday. Your supervisor will normally determine your work schedule, as well as any variations from week to week. For those employees performing work in the office, office hours are usually 8:00 a.m. - 5:00 p.m. Some employees may be asked to be "on call" periodically. Department Heads may establish adjusted work hours, such as summer flex time, providing all County offices remain open between 8 a.m. – 5 p.m. Monday – Friday and the departments are sufficiently staffed to handle the needs to the public and other County offices.

Staffing needs, operational demands, and individual workloads may necessitate variations in starting and ending times, as well as variations in the total hours that may need to be worked each day and week. This can be particularly true if you are an exempt employee, since although you are normally expected to be available during our core business hours and work at least 40 hours per week, you may find that the job you are performing requires additional time over and above the regular work week.

In certain circumstances, job-sharing between two part-time employees (assigned to the same job equivalent to a one full-time employee) may be permitted. A Department Head must authorize the arrangement and there is an expectation of continuity of work. The position would be assigned one work station, which would be shared between the individuals job-sharing.

**On Call**

The following departments may require on-call status from time to time: Information Technology, State's Attorney, Sheriff, Human Services, Coroner, and Buildings and Grounds.

If you are on-call, you are required to be available to provide a specific essential County function outside of your regularly assigned duties or work schedule. If you are non-exempt and on-call, you will receive, at the discretion of the Department Head, either:

- a) An additional salary base of \$100.00 for each week served on-call. Where this coincides with a paid holiday, you will receive an additional salary base of \$100.00 for that week. You will be paid for actual time worked (excluding travel time) at the appropriate FLSA rate dependent on your weekly work schedule, but will be paid a minimum of two (2) hours of pay for each call that requires you to travel to work; or
- b) Four (4) hours of compensation time for each week on-call and four hours for each County paid holiday worked. You will be paid for the actual time worked.

Exempt employees will not receive additional pay for being on-call, but you may receive time off at the discretion of the Department Head.

As a non-exempt employee, if you are called back to work for an emergency, and you are not otherwise on call, you will be entitled to pay according to the FLSA and your weekly work schedule. You will be paid a minimum of three (3) hours pay or comp time.

**503 Emergency Closings***Effective Date: 02/16/2021*

On occasion, we may close county offices for emergencies or extreme weather.

Unless an emergency closing is announced, we expect you to report to work in a timely manner and in accordance with applicable policies. In the event of inclement weather, use your own discretion in deciding whether you can commute safely to work. You should follow the call-in and notice procedures set forth by **Cass County Government**.

**Decisions to Close and Communication**

In the event of hazardous weather or emergency closings, the **County** Administrator, in coordination with the Sheriff and County Commission Chair, may delay opening of County offices or announce an early closing. Where it appears that closure of County offices for the full day is prudent, the **County** Administrator, in coordination with the Sheriff and County Commission Chair, may close County offices. When the decision has been made to delay opening for the day, local media and employees will be notified by 6:30 a.m. Information shall also be posted on the County website. You are responsible for obtaining the information regarding inclement weather and emergency closings. The County storm line phone number is 241-5880. Additional methods of communication will also be used.

For protection and safety reasons, you are not allowed to work at County offices during any periods of closure unless work has been approved by your Department Head.

**Leave Use and Compensation**

If we decide to close prior to the start of the workday, including for inclement weather, you will typically be paid for the day, except for hourly employees, who may use annual leave. If you were scheduled to be off, you will not be entitled to any change in compensation. If you are required to work and the County is closed, you may receive compensatory time, at the discretion of your Department Head.

Where the decision is made to close during the workday, you will receive full pay if you have worked all the hours the County was open during that day. Otherwise, you may be required to use annual leave. If the workday is less than five hours, no lunch breaks are allowed.

**At the discretion of your Department Head, you may be allowed to work remotely during times of inclement weather or emergency closings.**

If we decide to stay open, but you choose not to work, you must use any annual leave. If you do not have annual leave available, you must take the day unpaid.

**505 Rest and Meal Periods**

*Effective Date: 05/07/2018*

If you are an hourly and/or nonexempt employee, you will usually be provided with one unpaid meal period, with the length determined by the Department Head. In general, shifts exceeding five (5) hours of work require a minimum of 30-minute uninterrupted break between the 3<sup>rd</sup> and 5<sup>th</sup> hour. If you choose, exceptions may be made if also approved by the Department Head. Hourly and/or nonexempt employees usually are provided two (2) paid rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods.

Nonexempt employees are generally required to take an unpaid 30 minute meal period, and are not permitted to perform work during this time (unless specifically authorized by a supervisor). Similarly, you are strongly encouraged to take your breaks, and not to perform work while on break. Typically, you are not allowed to combine your breaks, take them with your meal periods, or use them to leave early with pay. Since break time is counted and paid as time worked, you must not be absent from your work stations beyond the allotted rest period time.

**508 Use of Vehicles and Equipment***Effective Date: 05/07/2018*

As part of your job, you may be expected to use certain types of equipment, or drive for work purposes. To reduce the risk of damaging equipment, or causing harm to yourself or others, you are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines, when using our property or equipment, or while driving for work purposes.

You must keep any work vehicle clean that you drive. Please notify a supervisor if any equipment, machines, tools, or vehicles need repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to others. Supervisors can answer any questions about your responsibility for maintenance and care of equipment or vehicles used on the job.

Please use county issued credit cards for purchases of fuel from the appropriate County vendor. Purchase orders will be utilized for parts, and emergencies such as batteries, or tire repair necessary for operation of the vehicle.

You must obey all traffic laws and safety rules concerning the safe operation of motor vehicles while driving our vehicles or driving your own vehicles for work purposes. You must refrain from reading, sending e-mails, text messages, and/or instant messages, searching or scrolling for audio, and accessing the Internet from your cell phone or other wireless devices while operating a motor vehicle at any time the vehicle is in motion, part of traffic (e.g., while sitting at a stop sign or stop light), or is anything other than parked. In addition, if you must make or receive a call while driving for work purposes, pull off the roadway and park your vehicle for the duration of the call, or limit your conversation to the minimum time necessary and utilize a hands-free device.

You must participate in defensive driving course prior to operating a County vehicle, every 3 years thereafter, or any time you are in an accident. You must have a valid driver's license, which you should always have when you operate a vehicle. Do not place unauthorized bumper stickers or equipment in our vehicles.

We will not pay the costs of any parking tickets or traffic violations that you incur. In the event of overweight fines, you may be responsible for the first \$50. If you drive your own vehicle for work purposes, you must adequately insure the vehicle, and provide us with proof of insurance upon request. For insurance purposes, we may occasionally check your driving record, and if you fail to meet our standards, your driving privileges will be revoked.

You are expected to use our property, including our vehicles, for business use only. Occasional personal use while traveling for work purposes may be permitted. Non-employees such as guests or family members may be passengers if reasonable to transport them. However, our insurance may not cover their transportation. Do not transport hitchhikers.

In the event of an accident, you are required to immediately report the accident to your Department Head and, obtain a police report. An accident form must be completed and filed with

the Finance Director for insurance purposes.

**510 Business Expenses and Reimbursements***Effective Date: 05/07/2018*

We will reimburse you for reasonable business expenses you incur while performing work, including expenses incurred while travelling for work purposes. The reimbursement rate is set by the County Commission and follows the state reimbursement rate or the federal reimbursement rate, whichever is greater. All business travel must be approved in advance by your Department Head.

We reimburse the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing your job duties. You must limit all such expenses to reasonable amounts. We will provide per diem for meals when you are away from your normal place of employment for a minimum of **four** (4) hours. However, meals within the County, while attending formal meetings required by your Department Head, or attending conferences directly related to work, and you are restricted from leaving the conference or meeting, will be reimbursed. You cannot claim a meal for reimbursement if it was provided to you or if you were not away from your normal work location for at least **four** (4) hours. Reimbursement for in-county meals will be at the actual expense, not to exceed the state rate.

You should submit completed expense reports within 60 days of incurring the expense or by December 31, whichever is sooner. Reports must include receipts for each separate expense, other than for meals, which will be paid for using the per diem. For those submitting expense vouchers, expenses shall not be reimbursed by any other governmental agency or business. Payment of travel expenses over \$100 will be reimbursed as soon as vouchers are processed. Payment under \$100 will be made monthly.

If you can save substantial transportation costs by incurring additional meals/lodging, you **are** encouraged to travel at the lowest overall cost. If you choose to travel in an alternative method, you are responsible for payment of the difference of any cost and any additional travel time must use accrued annual leave.

If you travel for business purposes and are accompanied by family, a spouse, or a significant other, you are responsible for any costs associated with your travel companions.

Contact your supervisor for guidance and assistance on procedures related to expense reports, reimbursement for specific expenses, or business travel issues.

**Training Time**

All time spent in training that is required and approved by your supervisor is considered as time worked for non-exempt employees. Travel to and from such required training will be compensable if located outside the Fargo/Moorhead area.

## 511 Visitors in the Workplace

*Effective Date: 05/07/2018*

To provide for the safety and security of you and your coworker's, only authorized visitors are allowed in certain areas of County **buildings**. For purposes of this policy, visitors include all non-employees, including family members. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards your welfare, and avoids potential distractions and disturbances.

All persons, with the exception of law enforcement and those who have County identification badges are subject to screening when entering the Courthouse or Annex. The hours of regular security operation in the Courthouse and Annex are 8:00 a.m. through 5:00 p.m. Monday through Friday. You must escort visitors conducting business with you after hours through the facilities.

If an unauthorized individual is observed on our premises, immediately notify your supervisor or, if necessary, escort the individual to the security area.

**602 Drugs and Alcohol**

*Effective Date: 05/07/2018*

We want to maintain a healthful and safe workplace that is free from improper drug or alcohol use. Our policies described below help us promote this goal.

**Prohibited Uses of Alcohol, Illegal Drugs, and Legal Drugs**

While on our premises and while conducting business-related activities off our premises, you may not use, possess, distribute, sell, or be under the influence of alcohol, illegal drugs, or any legal drugs (including prescribed drugs) that might cause you impairment or impact your ability to fully or safely perform the functions of your position.

**Employee Assistance Program**

Our Employee Assistance Program (EAP) provides confidential counseling and referral services if you need assistance with such problems as drug and/or alcohol abuse or addiction. We encourage you to address any questions or concerns you may have about substance dependency or abuse with the EAP, and to review the treatment programs that may be covered under our health insurance program or any other health insurance program that provides coverage to you. You can discuss these matters with your supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

**Alcohol in County-Approved Situations**

From time to time, the consumption of moderate amounts of alcohol may be permitted at conferences or with the express approval of management. If you consume alcohol under such circumstances you must drink responsibly, must not become intoxicated, and must not return to work after drinking. You may not operate our vehicles while under the influence.

If you have any questions on this policy or issues related to drug or alcohol use in the workplace, please raise your concerns with your supervisor or the Human Resources Department.



## 603 Drug and Alcohol Testing

*Effective Date: 05/07/2018*

Using or being under the influence of drugs or alcohol on the job poses serious safety and health risks. To help ensure a healthful and safe working environment, employees in safety sensitive positions may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit, illegal, or impermissible use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

There are a variety of circumstances under which we might test for drugs or alcohol, including, but not limited to, in connection with a workplace accident or injury, randomly (for safety-sensitive positions), with reasonable suspicion, and on applicants to whom a conditional job offer has been made.

To the extent that a drug test is conducted in connection with a workplace accident or injury, we will not require post-injury or post-accident drug testing unless the circumstances of the injury or accident are such that there is a reasonable possibility that alcohol or drug use could have been a contributing factor to the occurrence of the injury or accident.

A lengthier and more detailed policy setting forth the various steps and procedures involved in our drug testing program for those in a safety-sensitive position can be found in Appendix A.

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations shall be kept confidential and maintained in secure files separate from normal personnel files, to the extent required by law.

Questions concerning this policy or its administration should be directed to the Human Resources Department.

**604 Bullying, Harassment & Offensive Behavior***Effective Date: 05/07/2018*

We are committed to providing a work environment where you and all other employees are treated with dignity, decency, and respect. In keeping with this policy, we will not tolerate bullying, harassment, offensive behaviors, or retaliation (hereinafter, “harassment,” unless otherwise noted). This policy extends to workplace harassment involving non-employees, such as outside vendors, suppliers, consultants, or customers. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside of the workplace, such as during business trips, business meetings and social events, or where there is an impact in the workplace.

**What is Harassment?**

Harassment is hostile or offensive physical conduct, verbal comments, or written comments including, but not limited to, electronic communications, such as online posts or text messaging if that conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- Unreasonably interferes with an individual’s work performance or opportunities; or
- Otherwise affects the terms and conditions of employment.

Harassment because of the individual’s race, color, religion, sex, pregnancy, citizenship, national origin, age, disability, military service, veteran status, genetic information, union membership, marital status, status with regards to public assistance, participation in lawful activity off our premises during non-working hours (which is not in direct conflict with our essential business-related interest) or any other status protected by law is unacceptable and will not be tolerated.

**Definition of Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, comments (verbal or written), or physical conduct of a sexual nature when:

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

Sexual harassment may involve individuals of the same or different gender.

## Examples of Harassment

Examples of harassment include, but are not limited to:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Leering or making sexual gestures.
- Displaying or circulating sexually suggestive objects, pictures, cartoons, e-mails, or posters.
- Displaying or circulating offensive objects, pictures, cartoons, e-mails, or posters based on a legally protected characteristic such as race, religion, or sexual orientation.
- Making or using derogatory comments, epithets, slurs, or jokes.
- Electronic communications, such as online posts or text messaging, which are offensive or derogatory in nature about an individual due to their membership in a protected class.
- Graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Unwelcome physical conduct including touching, assaulting, impeding, or blocking movements, or threatening and intimidating behavior.

## Reporting Procedure

You are responsible for, and have an obligation to, report harassing or inappropriate behavior, whether it is directed at you or is something you saw or heard that was directed at someone else. Any manager or supervisor who learns of or observes harassing or inappropriate behavior, or receives a complaint about this kind of behavior, must immediately report the behavior or complaint to the Human Resources Department.

If you experience harassment in the workplace, whether by employees or non-employees, take the following steps:

- Take immediate action rather than ignoring the problem and waiting for it to go away;
- Tell the offending person, if you feel comfortable doing so, that his or her actions or comments are unwelcome, that the behavior is offensive, and it must stop immediately;
- Report the incident as soon as possible to a supervisor, the Human Resources Department, or a Department Head; and
- Remember that we will **not** tolerate any retaliation against you for reporting concerns about harassing behavior or conduct.

If you witness harassment, take the following steps:

- Take the incident(s) seriously;
- Refuse to condone or participate in the behavior;

- Encourage the victim to speak with his or her supervisor or the Human Resources Department; and
- Express suspicions or concerns to the appropriate supervisor, the Human Resources Department, or a Department Head so that we can be alerted to any possibly harassing situations.

If you engage in harassing behavior or have been accused of engaging in harassing or inappropriate behavior, take the following steps:

- Stop the behavior immediately;
- Listen to the person complaining about the behavior; and
- Learn from the experience and do not repeat it.

You are protected from retaliation for making a complaint or exercising other rights protected by law.

### **Supervisors**

For purposes of this policy, Supervisors are employees whose primary duties involve managing a division of the County and directing the work of at least two full time employees or equivalents. Among other duties, supervisors are responsible for hiring, firing, and disciplining others. Employees who direct the work of employees, but do not have the authority to hire, fire, or discipline others, are not supervisors.

If you are a Supervisor who is responsible for hiring, firing, and disciplining employees, and if you engage in harassment, permit others under your supervision to engage in such harassment, retaliate or permit retaliation against an employee who reports such harassment, you are guilty of misconduct and shall be subject to immediate disciplinary action that may include termination of employment.

### **Investigations**

We will promptly investigate any report of harassment and will take swift and appropriate action at the end of our investigation. Complaints will be handled as discreetly as possible, although we cannot guarantee absolute confidentiality, since the alleged harasser is entitled to answer the charges, particularly if discipline or termination is a possible outcome.

You must cooperate fully during any investigation or fact-finding we conduct and must provide honest and complete information. You cannot choose to “stay out of it” if you are asked for information that you have or have access to. This is true whether you are the complaining party, the accused party, or a potential witness.

Failure to participate fully and honestly in the investigative process, or in any fact-finding process initiated by us, is a serious violation of our policy and grounds for disciplinary action, which may include termination from employment.

## **Retaliation**

We do not tolerate any retaliation against any employee who reports an incident of alleged harassment or inappropriate workplace behavior, or provides information during an investigation, and will take measures to protect all such employees from retaliation. *Engaging in retaliatory behavior is a violation of this policy, and is grounds for corrective action, up to and including termination of employment.*

## **Off-Site Events**

On occasion, you may have the opportunity to participate in off-site County-sponsored events, such as social gatherings, planning sessions, retreats, customer meetings, or conferences. These settings, which may be more informal than our workplace, can facilitate new learning, creative thinking and camaraderie among employees, vendors, and third parties. We expect that you will demonstrate the same professional standards of behavior at these events as you would in the workplace. Two specific guidelines should be kept in mind:

- If alcoholic beverages are served, they must be consumed in moderation.
- Harassment in any form will not be tolerated.

## **Liability for Harassment**

If you violate this policy, you will be subject to disciplinary action, up to and including termination from employment. You may also be subject to personal legal liability for violation of this policy.

If you want more information about our harassment policy or complaint process, please contact a supervisor or the Human Resources Department.

**608 Weapons & Violence in the Workplace***Effective Date: 10/01/2018***Weapons**

Threatening and violent behavior is prohibited throughout the workplace, and we have adopted this policy to ensure that all employees can work in an environment that is safe from, and free of, such behaviors. This policy is in addition to North Dakota Century Code §62.1-02-09, which makes it a felony for a person, other than a law enforcement officer, to possess certain weapons in government buildings without express written consent.

In order to carry a weapon, you must be a licensed peace officer in the state you are currently employed in the capacity of a peace officer and have met all the requirements for continuing education as mandated by the peace officer's board. You must be "qualified" to carry the weapon on duty and "qualify" for the same ammunition that you carry while on duty. We use the same qualification procedures as established by the State of North Dakota. The Sheriff, or his designee, as entrusted by the Commission, is the qualifications administrator.

For the purposes of this policy, weapons include but are not limited to any gun (loaded or unloaded), stun gun, BB gun, CO<sub>2</sub> gun, air gun, machete, sword, knife (with blades of 5" or more), bow & arrow, spear, any martial arts weapon, or any other device intended to cause bodily harm to another person.

**Violence in the Workplace**

Employees, customers, vendors, and other members of the public should be always treated with courtesy and respect. You are expected to comply with our Safety and Employee Conduct and Work Rules policies, and refrain from fighting, "horseplay," and other conduct that may be dangerous to others.

At no time may you commit an act of violence against anyone you meet while working. Similarly, you may not threaten or otherwise intimidate an employee, vendor, customer, or other member of the public.

If you receive or observe a threat of violence or actual violence, call 911 immediately and then take appropriate action to be safe. This includes threats or conduct by employees, customers, vendors, and other members of the public. Be as specific and detailed as possible when reporting a threat or act of violence.

You must also immediately report any suspicious activities or unaccompanied non-employees in the workplace to the Sheriff's Office (701-241-5800). Do not place yourself in peril. If you see or hear commotion or a disturbance, do not try to intercede.

In the event of an active shooter or other situation posing imminent danger, you will be notified through the Alertus system on your workstation desktop or mobile device. If you observe an incident that may pose imminent danger you should:

- Run if there is an accessible escape path;

- Hide if evacuation is not possible; and
- Fight if your life is in imminent danger and you have no option other than to attempt to disrupt and/or incapacitate the active shooter.

We will promptly and thoroughly address all reports of threatened or actual violence, as well as suspicious individuals or activities. Employees found to have engaged in threatening or violent behavior will be subject to prompt disciplinary action, up to and including termination of employment.

We encourage you to bring concerns and disputes to the attention of your supervisor, a Department Head, or the Human Resources Department without fear of retaliation.

## 611 Progressive Discipline

*Effective Date: 05/07/2018*

This policy describes how we administer equitable and consistent discipline for unsatisfactory conduct and performance in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all levels.

We want to treat employees fairly and make sure that disciplinary actions are prompt, uniform, and impartial. Our goal for any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although your employment with us is based on mutual consent and either of us have the right to terminate employment at will, with or without cause or advance notice, we may use progressive discipline at our discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, performance improvement plan, or termination of employment -- depending on the severity of the problem and the number of occurrences.

Progressive discipline means that, with respect to most disciplinary problems, the following steps will typically be followed:

- 1<sup>st</sup> warning: A first offense may require your supervisor to verbally counsel you about an issue of concern, and a written record of the discussion will be placed in your file for future reference.
- 2<sup>nd</sup> warning: A subsequent offense may require a written warning which will be placed in your personnel file.
- Suspension or performance improvement plan: If you have failed to resolve performance issues despite prior discussion, coaching or discipline, you may either be suspended, or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within that time period, you must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by your supervisor and the organization. At the end of the performance improvement period, the PIP may be closed or, if established goals are not met, a new PIP created or termination may occur.
- Termination of employment.

Certain types of problems may be serious enough to justify bypassing some of these steps, or, in extreme situations, going straight to termination. **Human Service** employees will follow the disciplinary procedures established by North Dakota Human Resources Department's Administrative Rules.

While it is impossible to list every type of behavior that may be deemed a serious offense, our Employee Conduct and Work Rules policy includes examples of problems that may result in discipline and/or termination.



By using progressive discipline, we hope that most problems can be corrected at an early stage, without the need to pursue any additional interventions.

## 612 Employment Resignation and Termination

*Effective Date: 05/07/2018*

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** occurs any time you notify us of your intent to end your employment with us. If you wish to resign from your employment with us, please notify your supervisor in writing at least 2 weeks' prior to your last day of employment with us. If you are in management, we ask that you provide 1 month notice. Your last day of work, you must be physically present; you cannot use annual leave or sick leave for the last day.

If you resign, we may schedule an exit interview with you during your notice period to discuss the reasons for your resignation and the effect of the resignation on your benefits.

In some circumstances, we may need to adjust your last day of employment to a date sooner than the date you requested in your resignation.

**Discharge / Termination** occurs when we make the decision to terminate your employment for performance or conduct reasons.

**Layoff** occurs when we make the decision to end your employment for non-disciplinary reasons, such as business slow-downs, reorganizations, etc.

Your employment with us is voluntary and is subject to termination by you or us at will (except **Human Services**, which is subject to North Dakota Human Resources Department's Administrative Rules), with or without cause, and with or without notice, at any time. You will receive your final pay in accordance with applicable state laws.

**613 Health Insurance Portability & Accessibility Act (HIPAA)***Effective Date: 05/07/2018*

The Cass County HIPAA policies contained herein shall apply to **each** affected Department in Cass County relevant to the storage and dissemination of Individuals Identifiable Health Information ("IIHI") (hereinafter "Privacy Regulation").

It is the policy of Cass County to provide for enhanced security and privacy of individual health information and standardize data interchanges between Cass County and healthcare organizations, the State of North Dakota or other business associates.

**Appointment and Duties of Data Privacy Officer**

The Cass County Administrator, **Finance Office, and Human Services Director** shall serve as the Privacy Officers for Cass County (hereinafter "Privacy Officers"). The Privacy Officers shall carry out and implement the policies stated herein and otherwise required under applicable Federal, State, and local laws.

The Privacy Officers shall receive requests or complaints and should provide information about matters covered by HIPAA. The Privacy Officers need to be familiar with privacy regulations. Delegation of some of these duties may be given by the Privacy Officer to those whom they may designate within their departments. The County Administrator is the point person for implementation of these policies in Cass County, as a whole.

**Minimum Necessary Policies**

Cass County will make reasonable efforts to limit the use and disclosure of IIHI. Release will be to accomplish the intended purpose of the use or disclosure. In general, release policies do not apply in the following circumstances:

- Disclosures for treatment;
- Use or disclosures made to the individual subject of the data;
- Disclosures made to DHS, Office of Civil Rights;
- Use or disclosure as required by law or court order;
- Use or disclosure required for compliance with the privacy regulation.

For the appropriate uses, Cass County will provide access to IIHI only to those employees on a "need to know" basis. Employees will only be given information that the employee needs to have **to** accomplish a given function and only for proper administration of HIPAA. Cass County will limit the amount of IIHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure on a case-by-case basis. For appropriate uses, Cass County will release non-routine IIHI when it is determined that the request constitutes a valid request and IIHI to be disclosed will be limited to the amount reasonably necessary to accomplish the purpose of the disclosure.

Cass County may rely on a reasonable request as the minimum necessary for the stated purpose(s) when:

- The disclosure is to a public official as allowed in the social responsibility reporting found in § 45 CFR 164.512;
- The information is requested by another covered entity;
- The information is requested by an employee or business associate of Cass County;
- The disclosure is for research purposes and the County has documented a waiver approval as required by 45 CFR 164.512(1).

### **Access to Designated Record Set**

Individuals have a right to access any protected health information that is used to make decisions about the individual subject of the data, including information used to make healthcare decisions or information used to determine whether a claim will be paid. The individual has a right to access their "designated record set." The right of access also applies to healthcare clearinghouses, healthcare providers that create or receive protected IIIHI other than as a business associate of Cass County.

For Cass County's purposes, the following is defined as a "designated record set:"

- A group of records maintained by Cass County that is: a) the medical records and billing records about individuals; b) the enrollment, payment, claims adjudication and case management record systems maintained by Cass County; c) used, in whole or in part, by or for Cass County to make decisions about individuals.
- The term "record" means any item, collection, or grouping of information that includes protected IIIHI data and is maintained, collected, used, or disseminated by the County.

Cass County will permit any individual to request access to inspect or copy the designated record set applicable to that individual for as long as it is maintained by Cass County, with the following exceptions:

- Psychotherapy notes;
- Information compiled in reasonable anticipation of a civil, criminal or administrative action or proceeding;
- Information held by clinical laboratories if access is prohibited by the Clinical Laboratory Improvements Amendment of 1988 (42 USC 263a);
- Any data that North Dakota State Law classifies as "confidential" or protected nonpublic.

Cass County will require that any individual requesting access to present that request in writing. This is in conformity with Cass County's basic data practices protocol. A Release of Information document must be completed.

Requests for access to IIHI will be handled by the Privacy Officer in the affected department or their designees. Requests should be sent to one of the following:

**Cass County Finance Officer**

211 9th Street South  
Fargo ND 58103

**Cass County Human Resources**

211 9th Street South  
Fargo ND 58103

**Cass County Human Services**

1010 2nd Avenue South  
Fargo ND 58103

If Cass County provides access to IIHI, it will act on the request within thirty (30) calendar days. One thirty (30) day extension will be allowed. Cass County will charge a reasonable, cost-based fee that will only include the cost of copying, postage, and preparation of an agreed upon summary or explanation of the IIHI.

If Cass County denies access to IIHI, Cass County will provide a timely, written denial that states the basis for the denial and the procedures for making a complaint to the County Administrator. The individual has a right to a review of the denial of access by the County Administrator who did not participate in the original decision to deny access. In some situations, the individual would have the right to review a denial by a designated licensed health professional who did not participate in the original decision. Those scenarios include, but are not limited to, the following:

- A licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.
- The protected IIHI makes reference to another person (unless such other person is a healthcare provider) and a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.
- The request for access is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

Some information maintained by Cass County is not used to make healthcare decisions, such as management information systems that are used for quality control or peer review analysis. In accordance with the privacy regulations, Cass County is not required to grant an individual access to protected IIHI maintained in these types of information systems.

Cass County will provide upon request, a six (6) year accounting of disclosures made of the individual's IIHI, except for disclosures:

- To carry out treatment, payment or healthcare operations;
- To the individual data subject;
- To facility directories or to persons involved in the individual's care or other notification purposes [45 CFR 164.510(b)];
- For national security or intelligence purposes;
- To corrections officials or law enforcement personnel when the individual is in custody [45 CFR 164.512(k)(5)]; or
- Which were made before the compliance date.

In certain circumstances involving health oversight agencies or law enforcement agencies, Cass County may temporarily suspend the individual's right to receive an accounting of disclosures.

Cass County will permit an individual to request that Cass County amend IIHI. Cass County will require that the request be in writing and that a reason be stated for the amendment. Cass County will so inform any individual of this expectation. All requests to amend IIHI data should be sent to the County Administrator. Cass County will have up to sixty (60) calendar days to act on the request. One thirty (30) day extension is allowed. The subject of the data's written request will become a part of any case file maintained on the subject.

If Cass County decides to accept an amendment, Cass County will:

- Make the appropriate amendment to the protected IIHI or record that is the subject of the request for amendment by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
- Timely informing the individual that the amendment is accepted. Cass County will obtain agreement from the individual to allow Cass County to share the amendment with individuals or entities identified by the individual and Cass County.
- Make reasonable efforts to inform and provide the amendment within a reasonable time to: a) persons identified by the individual as having received protected IIHI about the individual and needing the amendment; and b) persons, including business associates that Cass County knows have the protected IIHI that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

If Cass County denies all or a part of the requested amendment, Cass County will:

- Provide the individual with a timely, written denial. The denial will use plain language and contain: a) the basis for the denial; b) the individual's right to submit a written statement disagreeing with the denial and how the individual may file such a statement; c) a statement that, if the individual does not submit a statement of disagreement, the individual may request that Cass County provide the individual's request for amendment

and the denial with any future disclosures of the protected IIHI that is the subject of the amendment; and d) a description of how the individual may complain to Cass County or to the Office of Civil Rights.

- Permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such agreement. Prepare a written rebuttal to the individual's statement of disagreement.
- Identify the record or protected IIHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, Cass County's denial of the request, the individual's statement of disagreement, if any, and Cass County's rebuttal, if any, to the designated record set.
- If the individual has submitted a statement of disagreement, Cass County must include the material appended, or an accurate summary of any such information, with any subsequent disclosure of the protected IIHI to which the disagreement relates.

If Cass County is informed by another covered entity of an amendment to an individual's IIHI, Cass County will amend the protected IIHI in designated record sets. Amendments will be made in a reasonable time period, as expeditiously as possible.

### **Business Associate Relationships and Amending Business Associate Contracts or Agreements**

A "business associate" is a person or entity who is not a member of Cass County's workforce and who performs a function for Cass County which requires it to use, disclose, create, or receive IIHI. Cass County may disclose IIHI to another entity if it receives satisfactory assurances, provided in a written contract, that the business associate will appropriately safeguard the IIHI. If Cass County and business associate are both governmental entities, a memorandum of agreement will provide satisfactory assurances.

The requirement for business associates does not apply to:

- Disclosures made to a provider for treatment;
- Disclosures made to a health-plan sponsor; and
- Use or disclosures by a health plan that is a government program providing public benefits, if eligibility for, or enrollment in, the health plan is determined by an agency other than the agency administering the health plan, or if the protected IIHI used to determine enrollment or eligibility in the health plan is collected by an agency other than the agency administering the health plan, and such activity is authorized by law, with respect to the collection and sharing of IIHI for the performance of such functions by the health plan and the agency other than the agency administering the health plan.

A contract or other written arrangement will provide satisfactory assurances to Cass County that the business associate will comply with HIPAA requirements necessary to protect the protected IIHI shared by Cass County. The contract or other written arrangement will establish permitted and required uses and disclosures and will also require the business associate to:

- Appropriately safeguard the IIHI;
- Report any misuse of IIHI;
- Secure satisfactory assurances from any subcontractor;
- Grant individuals access and ability to amend their IIHI;
- Make available an accounting of disclosures;
- Release applicable records to Cass County, if requested; and
- Upon termination, return or destroy all IIHI.

The contract or other written arrangement will authorize termination if the business associate violates its terms. If Cass County knows of a pattern of non-compliance with HIPAA by the business associates, Cass County realizes it will be found to be non-compliant unless Cass County took reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful:

- Terminate the contract or arrangement, if feasible; or
- If termination is not feasible, report the problem to the Privacy Officer.

### **Verification Policies**

Before disclosing IIHI, Cass County will verify the identity of the person requesting the IIHI and the authority of that person to have access. Cass County may rely on written statements if such reliance is reasonable. For public officials, Cass County may rely on an identification badge or a letter written on government letterhead. Cass County will treat a personal representative as the individual for purposes of the privacy regulations:

- A personal representative is someone who has, under applicable law, the authority to act on behalf of an individual in making decisions related to health care.
- Cass County will abide by special provisions for unemancipated minors, deceased individuals, and abuse-neglect and endangerment situations.

Cass County will accommodate all reasonable requests from individuals to receive communication of protected IIHI by alternative means or at an alternative location, provided the individual clearly states that disclosure of all or part of that information could endanger the individual.

Cass County will not retaliate against any person for exercising a right under the HIPAA privacy regulations, or for filing a complaint, participating in an investigation, or opposing any lawful act relating to the privacy regulations.

Cass County will reasonably safeguard protected IIHI from any intentional or unintentional use or disclosure that is in violation of the HIPAA privacy standards. Records stored in Cass County will be **always kept secure**, and IIHI will not be stored or kept in unsecured areas.



### **Training**

Cass County will train all members of its workforce in the policies and procedures adopted by Cass County necessary to comply with the HIPAA privacy regulations. Department staff will receive initial training at the time of implementation of the privacy regulations. Additional training will be provided to each new member of Cass County's work force at the time of hire, and each member of the workforce whose functions are affected by a material change in the required policies or procedures.

Cass County will apply appropriate disciplinary sanctions to employees who fail to comply with Cass County's privacy policies or procedures or who fail to comply with the HIPAA privacy regulations.

## Employee Acknowledgement Form

The employee handbook describes important information about my employment, and I understand that I should consult my Department Head regarding any questions not answered in the handbook. I have entered into my employment relationship voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the organization 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, with the exception of Human Services, which is subject to the North Dakota Human Resources Department's Administrative Rules.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the policy of employment at-will. I acknowledge that the handbook is maintained on the Cass County website and that I have been shown how to view it and print it, if desired. Only the County Administrator or the Cass County Commission has the ability to adopt any revisions to the policies in this handbook. All such changes may be communicated through official notices, and I recognize that revised information may supersede, modify, or eliminate existing policies.

I understand a new Employee Acknowledgement Form may not be obtained for any subsequent changes. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received access to the handbook, and I understand that it is my responsibility to read and comply with the policies contained in the handbook and any revisions made to it.

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*Employee's Signature*

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*Date*

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*Employee's Name (typed or printed)*