

# STARK COUNTY PERSONNEL HANDBOOK



*Approved by the Board  
of Commissioners on  
June 2, 2015.*

## INTRODUCTORY STATEMENT

Stark County has endorsed the policies within this manual as a guideline in order to ensure fair and consistent application. The policies are not intended to create or be interpreted as a contract of employment between the County and any of its employees.

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

## PLEASE NOTE

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

Social Service employees

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

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

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

## **NATURE OF EMPLOYMENT**

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

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

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

## **DISCLAIMER**

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

### **Social Service employees**

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

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

Stark County will comply with all applicable laws and regulations and expects its officials, department heads, employees and volunteers to conduct business in accordance with the letter and spirit of relevant laws and refrain from dishonest or unethical conduct. Expected standards of conduct are as follows:

- 1. Reprisal:** The Public Relations Act, as provided for in State Law, provides that an employee may, without fear of reprisal, report in writing to the employee's Elected Official/Department Head, or other related County officials the existence of a job-related violation of state or federal law or, rules, or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.
- 2. Appearances of Impropriety:** Stark County employees and officials should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality, making decisions outside official channels, or adversely affecting public perception of the integrity of Stark County or any of its departments or programs.
- 3. Prohibited Activities:** Stark County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.
- 4. Employee Conduct:** Stark County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee projects an image of Stark County and its employees. Instances where the public has been offended will be reported to the supervisor. Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Stark County, the employee's activities may reflect upon Stark County and may affect the employee's ability to perform their job.
- 5. Dress Code and Personal Appearance:** Employees of Stark County are expected to show a well-groomed, clean and neat appearance. This is a general overview of appropriate business casual attire. Items that are not appropriate for the office are also listed. Neither list is all-inclusive and both are open to change. The lists tell you what is generally acceptable as business casual attire and what is generally not acceptable as business casual attire.

No dress code can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable, professional business casual attire for work, please ask your supervisor or the Elected Official/Department Head.

Elected Officials/Department Heads may further clarify exceptions to the dress code and personal appearance for their department.

**Slacks, Pants, and Suit Pants:** Nice looking dress pants of either cotton or synthetic material, wool pants, flannel pants, dressy capris and leggings, and appropriate jeans that are not overly faded or with holes. Inappropriate slacks or pants include sweatpants, exercise pants, shorts, bib overalls, and any spandex or other form-fitting pants such as people wear for biking.

**Skirts, Dresses, and Skirted Suits:** Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be at a length at which you can sit comfortably in

public. Short, tight skirts that ride halfway up the thigh are inappropriate for work. Mini-skirts, beach dresses, and spaghetti-strap dresses are inappropriate for the office.

**Shirts, Tops, Blouses, and Jackets:** Casual shirts, dress shirts, sweaters, tops, golf-type shirts, and turtlenecks are acceptable attire for work. Most suit jackets or sport jackets are also acceptable attire for the office, if they violate none of the listed guidelines. Inappropriate attire for work includes tank tops; midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; hooded sweatshirts, and t-shirts unless worn under another blouse, shirt, jacket, or dress.

**Shoes and Footwear:** Conservative athletic or walking shoes, loafers, clogs, sneakers, boots, flats, dress heels, dress flip flops and sandals are acceptable for work. Wearing no stockings is acceptable in warm weather. Flashy athletic shoes, thongs, casual flip-flops, beach sandals and slippers are not acceptable in the office.

**Jewelry, Makeup, Perfume, and Cologne:** These items should be in good taste, with limited visible body piercing. Remember, some employees are allergic to the chemicals in perfumes and make-up, so wear these substances with restraint.

**Hats and Head Covering:** Hats are not appropriate in the office, with the exception of department issued head covers. Head Covers that are required for religious purposes or to honor cultural tradition are allowed.

**Special Considerations:** Certain days can be declared dress down days, generally Fridays. On these days, sweatshirts, t-shirts and other more casual clothing, although never clothing potentially offensive to others, are allowed.

If clothing fails to meet these standards, as determined by the employee's supervisor and/or the Elected Official/Department Head, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. All other policies about personal time use will apply. Progressive disciplinary action will be applied if dress code violations continue.

Amended May 3, 2016

## **WORK RULES**

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

- Theft or inappropriate removal or possession of property.
- Falsification of timekeeping records.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place while on duty or while operating employer-owned vehicles or equipment or while using privately owned vehicles conduction county business.
- Fighting or threatening violence in the work place.
- Boisterous or disruptive activity in the work place.
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property.
- Insubordination or other disrespectful conduct.

- Violation of safety or health rules.
- Smoking in prohibited areas.
- Sexual or other unlawful harassment.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place, with the exception of the Sheriff's Department.
- Excessive absenteeism or any absence without notice.
- Unauthorized absence from work station during the day.
- Unauthorized use of telephones, mail system, computers and related electronic devices, or other employer-owned equipment.
- Inappropriate use of computer equipment relating to non-county business or to access unprofessional, pornographic or demeaning web sites.
- Unauthorized disclosure of business "secrets" or confidential information.
- Violation of human resource policies.
- Unsatisfactory performance or conduct.

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

### **EQUAL EMPLOYMENT OPPORTUNITY**

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

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

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## Chapter 1

### **Employee Definitions**

#### **Employment Categories**

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

Each employee is designated as either non-exempt or exempt from the federal and state wage and hour laws.

**Non-exempt** employees are entitled to overtime pay under the specific provisions of federal and state laws and in accordance with applicable resolutions of the County Commissioners.

**Exempt** employees are excluded from specific provisions of federal and state wage and hour laws.

As an exempt or non-exempt employee, each individual will belong to one of the classifications outlined below:

**Regular Full Time Employees:** Full time employees are employees not in a temporary status who usually work a 40-hour work week in a regularly funded position. Full-time employees are eligible to participate in the full benefit package.

The Stark County work week for non-law-enforcement employees is defined as a seven consecutive-day period beginning on Sunday at 12:01 AM and ends on Saturday at 12:00 midnight.

Stark County Social Services work week is defined as a seven consecutive-day period beginning Friday at 6:01 PM and ends on Friday at 6:00 PM.

**Regular Part Time Employees:** Part time employees are employees not in temporary status who work 20 or more hours per work week for 20 or more weeks per year in a regularly funded position. These employees are eligible to participate in the full benefit package.

Regular part time employees are eligible for annual leave and sick leave, the percentage of benefits will be prorated to average hours worked.

**Part Time Employee:** Persons employed not on a temporary basis, and who are regularly scheduled to work less than 20 hours per week are not considered eligible for the benefits and leave time available with the exceptions of Social Security, Workmen's Compensation and other benefits mandated by the state or federal government.

**Temporary Employees:** Employees that are full time employees under the Affordable Care Act, but not under state law, which includes an employee working or reasonably expected to work 30 or more hours per week, or 130 hours per month or 1,560 hours per year, and is not a seasonal employee. Temporary employees are not considered eligible for the benefits and leave time available with the exceptions of health care coverage, Social Security, Workmen's Compensation and other benefits mandated by the state or federal government.

**Variable Hour Employee:** Temporary employee under the Affordable Care Act, whose hours cannot be determined to be reasonably expected to average 30 or more hours per week. Variable hour employees are not considered eligible for the benefits and leave time available with the exception of health care

coverage after a 12 month standard measurement period has been completed to determine full time status under the Affordable Care Act. Variable hour employees will also be eligible for Social Security, Workmen's Compensation and other benefits mandated by the state or federal government.

**Seasonal Employees:** Employees that are hired during the same season each year and is less than six months in duration. Seasonal employees are not considered eligible for the benefits and leave time available with the exceptions of Social Security, Workmen's Compensation and other benefits mandated by the state or federal government.

With the consent of the Stark County Commission, Elected Official/Department Heads may hire temporary employees under different terms.

## Chapter 2

### **Business Hours and Work Schedules**

**Business hours** for the public are Monday thru Thursday 8:00AM to 5:00PM and Friday 8:00AM to Noon. If possible, lunch hours may be staggered within the department to accommodate being open for business from noon to 1:00PM. Employees are allowed one hour off for lunch. Fifteen-minute breaks are allowed in the morning and afternoons.

Each Elected Official/Department Head can determine the need to be available to the public additional hours, and may extend their hours without approval of the Board of Commissioners.

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

**\*\* Exceptions to these business hours will be filed with the Stark County Auditor's Office.**

## Chapter 3

### Payroll

#### Section 1 - General Policies

1. The payroll period is from the 1<sup>st</sup> day of the month to the last day of the month. Payroll earnings will be *Direct Deposited* on the 25<sup>th</sup> of each month. The Employee will receive an earnings statement with all the payroll deductions listed.
2. Part-time and temporary employees are paid on the 10<sup>th</sup> of the month, with *Direct Deposit*, for time accrued in the preceding month.
3. New employees must complete a W-4 form and an eligibility to work form (I-9). The I-9 form requires two sources of identification such as Social Security Card, passport, or driver's license.
4. Payroll deductions can be made for payment of the employee's share of the benefits offered by the county, for example United Way Contributions, real estate taxes, etc.
5. Neither pay advances nor extensions of credit on unearned wages will be provided to employees.
6. Administrative Pay Corrections. Stark County takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Benefits/Payroll Administrator so that corrections can be made as quickly as possible. Once incorrect payments are identified, they will be corrected in the next regular paycheck.
7. Timekeeping. Accurately recording time worked is the responsibility of every nonexempt employee. Nonexempt employees should accurately record the time they begin and end their work. Beginning and ending time of any split shift or departure from work for personal reasons should also be recorded. Tampering, altering, or falsifying time records or recording time on another employee's time record may result in disciplinary action up to and including discharge.
8. Exempt employees are responsible to submit an accurate record reflecting vacation and sick leave used.
9. Personnel Data Changes. It is the responsibility of each employee to promptly notify the Benefits/Payroll Administrator of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other status reports should be accurate and current at all times.
10. Resignation. Resignation is a voluntary act initiated by the employee to terminate employment with Stark County. Although advance notice is not required, the County requests a minimum of two weeks written notice of resignation along with a stated reason for termination from all employees.

## **Section 2 - Overtime – Non-Exempt Employees**

1. This section does not cover the Sheriff's Department law enforcement personnel as they follow the 207 K Exemption plan, their overtime is covered under Section 4 below.
2. The normal work week for County employees, shall be identified as a seven day work period beginning on Sunday at 12:01 AM and ending on Saturday at 12:00 midnight.
3. All hours worked by non-exempt employees in excess of 40 hours per work week should be specifically authorized in advance and in writing by the Elected Official/Department Head except in situations deemed unforeseeable necessary or as an emergency as determined by the Elected Official/Department Head. Overtime authorization forms should be submitted to the payroll department for proper documentation of overtime being paid.
4. Non-exempt employees are encouraged to flex any overtime hours within the same work week. If a non-exempt employee is unable to flex the overtime hours within the same work week as the overtime hours are incurred, the non-exempt employee will be paid at one and one-half times the employee's regular rate of pay for all hours worked over 40 in the work week. Overtime hours may not be "banked" and used for time off in another work week. When determining the total number of hours worked, the time record must be rounded to nearest quarter hour.
5. Annual leave, sick leave or other paid leave time, such as holidays, is not considered work time for purposes of determining overtime pay.
6. Employees working excess hours without authorization or good cause shall be subject to disciplinary action, up to and including termination of employment.

**Section 3 - Longevity Pay**

1. **Description of Benefit:** Each Regular Full-Time and Regular Part Time employee, who has been employed with the County for a period of five consecutive years or more shall be considered qualified and shall receive, in addition to his/her regular pay, a longevity payment. An employee who leaves his/her employment in good standing by method of departure as determined by the governing body and who has completed fifteen years of service shall be entitled to percentage pay-out of his/her longevity pay based on the percentage of calendar year completed at the time of termination/retirement.

If an employee leaves employment with Stark County, and is rehired at a later date, their previous employment with Stark County will not be counted for longevity purposes.

2. **Rate:** Each qualified employee shall receive a longevity payment each year, for each month's service completed, computed as follows:

One through ten years of service	\$3.00/month
Eleven through twenty years of service	\$3.50/month
Twenty one years and over service	\$4.00/month

3. **Time of Payment:** Payments shall be made on or about December 15 of each year. No early payment will be made except as authorized by the Stark County Board of Commissioners.
4. **Withholding of Payment:** Upon a finding that an employee(s) is not in good standing, the Board of County Commissioners may withhold or not authorize longevity payment to any one, several, or all employees. In this case the employee(s) affected will be notified of the reason for non-payment.

Amended October 6, 2015

#### **Section 4 - 207 K Exemption Plan – Sheriff's Office**

1. All licensed peace officers in the Sheriff's Department, consistent with the provision of the Fair Labor Standards Act, shall work under the 207K Exemption Plan. The normal twenty-eight (28) day work period consists of up to 171 hours for non-exempt, shift employees. This work period for the Sheriff's Department began on January 1<sup>st</sup>, 2012 for all Patrol Staff. The Patrol Staff will be scheduled 168 hours in a twenty-eight (28) day work period, with eight of those hours preferably flexed, if not able to flex then the eight hours will be paid at straight pay.
2. Any overtime attributed to an employee being called in for minimum personnel power or transports of any kind shall be paid overtime (time and a half rate). If an employee is entitled to be paid at an overtime rate (time and a half), but has not met the required 160 base hours per 28 day work period, the hours paid at time and a half shall be lessened to meet the base salary requirement of 160 hours before payout at the overtime (time and a half rate) begins.
3. All hours worked exceeding the scheduled 168 hours in a 28 day work period, shall be specifically reviewed and approved by an immediate supervisor before additional hours are accumulated. In the event of an emergency, or an unforeseeable situation, verbal approval shall be obtained from an immediate supervisor. If an immediate supervisor is unavailable, either Major, or then the Sheriff, shall give verbal consent before proceeding. All required paperwork will be completed during the next regularly scheduled shift.

## Chapter 4

### **Section 1- Holidays**

Stark County will observe the same ten holidays as the State of North Dakota as outlined in the North Dakota Century Code, Chapter 1-03.

Those holidays are as follows:

- New Year's Day
- Martin Luther King Day (M)
- Presidents Day (M)
- Good Friday
- Memorial Day (M)
- July 4<sup>th</sup>
- Labor Day
- Veteran's Day (November 11)
- Thanksgiving Day plus the Friday after
- Christmas Day
- County Offices will close at noon on December 24<sup>th</sup>, unless it is a holiday or weekend pursuant to NDCC 1-03-02.
- Any other day appointed by the President of the United States or the Governor of North Dakota as a public holiday, or by motion of the Board of County Commissioners.

Monday holidays are indicated by the (M).

When a holiday falls on a Saturday, the holiday will be observed the preceding Friday. When a holiday falls on a Sunday, the holiday will be observed on the following Monday.

### **Standard Holiday Policy**

Regular full-time employees who are scheduled to work, shall take each holiday off and receive full pay (8 hours of pay). In the event the County Commissioners designate a portion of a day as a holiday, only that portion will be considered as a holiday.

Regular part time employees who are scheduled to work, shall take each holiday off and shall be paid holiday pay based on a prorated number of hours worked. Holiday pay will be prorated based on the number of hours worked in a pay period divided by 173.33 monthly work hours.

Regular full-time employees, who are not scheduled to work, will take the holiday as a floating holiday, within the same week approved by the department head. This would not pertain to the Sheriff's Department law enforcement personnel who are on shift work.

Part time, seasonal, variable and temporary employees shall receive neither paid holiday time nor additional compensation for working on a holiday.

Regular full time and regular part time employees who work on a holiday shall receive hour for hour compensation (up to 8 hours) in addition to their regular pay.

## Chapter 5

### Leave Time

#### Section 1 - Vacation

Vacation leave begins to accrue for each new employee from the first day of employment. Regular full time employees earn vacation leave in relation to length of service as follows:

1 <sup>st</sup> through 3 <sup>rd</sup>	8 hours per month
4 <sup>th</sup> through 7 <sup>th</sup>	10 hours per month
8 <sup>th</sup> through 12 <sup>th</sup>	12 hours per month
13 <sup>th</sup> through 18 <sup>th</sup>	14 hours per month
19 and over	16 hours per month

Regular part-time employees earn leave, on a pro-rated base, following the same schedule as listed above. **Employees may only carryover 240 hours of vacation each year based on the anniversary month of their employment with the county. Stark County Social Services employees may only carryover 240 hours of vacation each year as of December 31<sup>st</sup> of each year.** At no time shall an employee's vacation leave balance drop below zero. The employee will have to request leave without pay (see Section 10 Leave without Pay).

If an employee leaves employment with Stark County, and is rehired at a later date, their previous employment with Stark County will not be included to establish the amount of vacation hours earned per month.

Amended November 3, 2015

## **Section 2 - Sick Leave**

Regular full time employees earn 8 hours of sick leave per month. Regular part-time employee sick leave is pro-rated based upon % of time worked. Sick leave is an approved absence from work, with pay, when an employee is ill or in need of medical care. **Up to 80 hours of sick leave may be used in a calendar year as family sick leave for an illness or medical need in the employee's immediate family.**

***"Eligible family member"* means the employee's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild), or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.** An employee must bring in a doctors statement if they have had an absence, for themselves or an immediate family member (family sick leave), for three days or more. A supervisor has the right to request a doctor's note for even one day of absence if there has been excessive use of sick leave or if there is suspected abuse of the sick leave policy. At no time shall an employee's sick leave balance drop below zero. Once an employee's sick leave balance is zero an employee may choose to substitute vacation leave for sick leave, or the employee will have to request leave without pay (see Section 10 Leave without Pay).

At termination of employment, the employee is entitled to a lump sum payment of 10% of the pay attributed to the employees' unused sick leave accrued.

### **Section 3 - Funeral Leave**

Three eight hour days of funeral leave is granted for immediate family members to include, spouse, parents, brothers, sisters, children, grandparents, grandchildren, foster child, foster parents, stepchild, stepparents and these same persons as in-laws, and also any persons who are part of your household. Employees should notify their Elected Official/Department Head of their intention to take funeral leave.

#### **Section 4 - Family Medical Leave Act: (includes maternity leave)**

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

1. Because of the birth of a child.
2. Because of the placement of a child with the employee for adoption or foster care.
3. To care for a spouse, child or parent or the employee whose serious health condition requires the employee's absence from work.
4. Because of an employee's own serious health condition which renders the employee unable to perform the functions of their position.
5. Because of any qualifying exigency arising out of the fact that the spouse, or child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation: or
6. **Military Caregiver Leave:** In addition and subject to the certification requirements spelled out below, an eligible employee who is the spouse, child, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the service member. This leave shall only be available during a single 12 month period that begins on the first day of such leave. If a leave qualifies as both service member family leave and leave to care for a family member with a serious health condition, the leave will be designated first as Military Caregiver leave.

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

Employees will be required to use accrued paid leave, such as sick leave or vacation leave to cover some or all of the FMLA. Employees will be allowed to reserve up to 40 hours of vacation leave and 40 hours of sick leave. Any leave which exceeds the combination of reserved leave and paid leave shall be unpaid pursuant to FMLA. The employer is responsible for designation if such paid leave counts as FMLA leave.

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

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

1. A Parenting FMLA leave shall be taken in a continuous block of days, unless advance written approval is obtained from the Elected Official/Department Head to allow parenting leave to be taken in more than a single continuous block of days. If such leave is requested and granted, it must be in full day increments. When such leave is approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting FMLA must end within 12 months of the birth or placement of the child.
2. Leave due to an employee's own serious health condition or that of the employee's spouse, child or parent may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period is one hour. The County may require those taking intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits. In addition, those using intermittent leave must make a reasonable effort to schedule leave so as not to unduly disrupt County operations.
3. If an employee notifies the County that they do not intend to return to work after their leave, their termination date will be the end of the leave period.
4. The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12 month period if the leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

**Notice Obligations:**

1. Foreseeable Leave: Where the need for leave is foreseeable, the employee must provide at least 30 days' notice to the County before the leave is to begin. If the leave is to begin in less than 30 days, the employee must notify the County as soon as practicable. Failure to comply with this notice requirement may result in the delay or denial of leave. For leaves due to qualifying exigency, notices must be provided as soon as practicable regardless of how far in advance leave was foreseeable.
2. Unforeseeable Leave: Where the need for leave is unforeseeable, the employee must give notice to the County immediately, absent extenuating circumstances. Failure to comply with this notice requirement may result in the delay or denial of leave. This requirement should not be confused with any required call-in procedures for reporting absences, which is a separate obligation.

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

**Continuation of Pay and Benefits:**

1. Vacation/Sick-All benefits accrued before, and not used during an employee's leave will remain.
2. Use of Paid Leave-Employees will be required to use vacation and sick leave during FMLA leave up to the 40 hour reserve for both vacation and sick leave.
3. Employees taking FMLA leave to care for family members will be allowed to use up to 80 hours of sick leave. Employees requiring additional time caring for a family member may use either vacation up to the 40 hour reserve or unpaid leave. If the

leave is for the birth of a child the leave certified for medical leave for the mother will also be granted for the father.

4. Paid vacation and paid sick leave will run concurrently with FMLA and may not be used to extend leave under this policy.
5. Holidays-Employees will not be paid for holidays during FMLA.
6. If an employee is on unpaid FMLA, no vacation or sick leave will be accrued.
7. Wages and Salary-Any wage or salary increases otherwise due during leave shall be suspended during leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.
8. Health insurance coverage will be provided on the same terms as if the employee continued to work. However, an employee who fails to return to work will be required to reimburse the county for the county's share of the medical coverage paid during the FMLA.

### **Procedure to Obtain FMLA**

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

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

### **Activities Prohibited During FMLA**

While on leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions as that of the employee's current position. Doing so is a voluntary resignation of employment.

An employee on leave shall not engage in any activity that conflicts with the best interests of the County. Such conduct will result in disciplinary action up to and including termination of employment.

### **Administration**

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

### **Section 5 - Jury Leave**

An employee called to jury shall be granted time off with pay – less the amount of fees received for jury service. Employees will receive reimbursement from the County once they sign over the fees and mileage they receive from the court. Jury fees may be retained if the employee is on authorized annual leave.

If employee receives mileage reimbursement from the court for jury duty, employee may retain if using personal vehicle.

## **Section 6 - Witness Leave**

Stark County encourages employees to appear in court for witness duty whenever summoned to do so. Employees may request paid witness duty leave. Witness duty will be calculated on the employee's base pay rate, minus any witness fee, unless the employee signs over the fees they receive from the court. Witness fees may be retained if the employee is on authorized annual leave.

Employee called as a witness on behalf of Stark County:

- If employee not scheduled to work, employee may retain witness fee paid by the court.
- If employee scheduled to work, employee signs witness fee paid by the court over to the County.
- If employee uses Stark County vehicle, mileage reimbursed by the court is signed over to the County by the employee.
- If employee uses personal vehicle, mileage reimbursed by the court may be retained by the employee.

Employee called as a witness not on behalf of Stark County:

- If employee not scheduled to work, employee retains witness fee paid by the court.
- If employee scheduled to work, employee signs witness fee paid by the court over to the County.
- Mileage, meals, room and board reimbursed by the court will be retained by the employee.

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

## **Section 7 - Work Related Injury Leave**

Any employee who sustains a work related injury or illness as defined by law must inform the Risk Manager/County Auditor immediately and submit a written claim within 24 hours. No matter how minor an on the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. If an employee is receiving Workers Compensation disability benefits as a result of a work related injury, the employee may **not** elect to use either the employee's accumulated sick leave or annual leave in conjunction with or to supplement their Workers Compensation disability benefits. Employees returning to work from a job related injury must provide a signed medical release from the designated medical provider that certifies they are physically capable of performing the essential duties of their job.

## **Section 8 - Donated Leave**

A Stark County employee may donate sick leave to another Stark County employee in cases of serious illness, injury, impairment, or mental condition that has or is likely to cause the employee to take leave without pay or terminate employment. Sick leave may be donated or received only by regular full and part time Stark County employees who are not temporary or otherwise limited in term. The submission of a medical certificate shall be required.

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

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

Social Services will assign their own designee to develop appropriate procedures to follow to monitor within the personnel files of the donor and the recipient of donated sick leave with their department.

## **Section 9 - Military Leave**

All officers and employees of this State or of a political subdivision thereof who:

- Are members of the National Guard;
- Are members of the Armed Forces Reserve of the United States of America;
- Shall be subject to call in for Federal service by the President of the United States;
- Shall volunteer for such service

When ordered by proper authority to active non-civilian employment, shall be entitled to a leave of absence from such civil service without loss of status or efficiency rating. If such persons have been in the continuous employment of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive twenty workdays each calendar year without loss of pay. In addition, any leave of absence necessary by a full or partial mobilization of the reserve and National Guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. However, if leave is required for weekend, daily or hourly periods of drill for military training on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the options of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the reserve or National Guard weekend, daily or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating. (NDCC 37-01-25)

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

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

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

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

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

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

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

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

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

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

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

**Discharge or Demotion:**

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

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

## **Section 10 - Leave Without Pay**

Leave without pay may be granted to regular full and regular part time employees or a new employee who has not accumulated vacation or sick leave. All accrued vacation leave must be used for non-medical reasons before leave without pay will be granted. If leave without pay is requested for medical reasons all accrued sick leave must be used before leave without pay will be granted.

Requests for leave without pay shall be made by employees in writing to their Elected Official/Department Head. Elected Official/Department Heads may grant up to five (5) days of leave without pay. Leave without pay of greater duration must receive approval of the Board of Commissioners prior to the commencing of such leave. Elected Official/Department Heads may approve leave without pay for longer than five (5) days in an emergency situation pending approval of the Personnel Commissioner. Department Head requests for leave without pay shall receive approval of the Board of Commissioners prior to the commencing of such leave, and in an emergency situation shall receive approval of the Personnel Commissioner.

If an employee is on leave without pay for ten working days or less, the employee will continue to accrue vacation and sick leave.

If a road department employee is on leave without pay for eight working days or less, the employee will continue to accrue vacation and sick leave.

If a sworn road deputy is on leave without pay for seven working days or less, the officer will continue to accrue vacation and sick leave.

## Chapter 6

### Section 1 - Insurance and Retirement

1. **North Dakota Public Employees Retirement:** Stark County pays 15.26%, the county and the employee share, of the employee individual wages (excluding overtime) to the main retirement fund. For more information, contact the Stark County Human Resource Office.
2. **North Dakota Law Enforcement with Prior Service Retirement Plan:** Stark County participates in the Law Enforcement with Prior Year Retirement Plan, whereby Stark County contributes 15.26%, plus an additional 1.19% of the law enforcement employee's monthly gross salary(excluding overtime) into the fund.
3. **Life Insurance:** Stark County contributes the full premium on a \$3,500 term life insurance policy for each eligible employee. Additional life insurance is available at the expense of the employee for themselves, spouse, or dependents and may be arranged as a payroll deduction.

Employees may also consider payroll deductions for any of the following insurance plans: AFLAC, VOYA/Reliastar Life Insurance Company, Unum Life Insurance Company of America, and USABLE Life.

4. **Medical Insurance:** Stark County contributes 75% of the monthly billing for employees in the group plan contracted through NDPERS. Please consult your plan documents for terms of coverage or the Stark County Human Resource Office.

Under the Affordable Care Act, to measure full time status the monthly measurement period for full and part time employees in regularly funded positions and temporary employees meeting full time status under the Affordable Care Act will be utilized. For seasonal, variable and part time temporary employees the 12 month measurement period will be utilized running from November 1 through October 31 and an administrative period running from November 1 through December 31, and a 12 month stability period running from January 1 through December 31,

The rate of pay safe harbor formula will be used to ensure the County's health insurance coverage is affordable.

Any employee eligible for benefits and also eligible for Medicare, if they so wish may go on Medicare in lieu of county group health plan. Stark County will pay (All or 75%) for health-Medicare supplement and Medicare Part D Prescription Drug.

Terminated employees may continue to participate in the group plan for a period of 18 months at their own expense, please contact Human Resource Office for COBRA information.

5. **Flex Comp:** Employees may participate in the Flex Comp Program to set aside out-of-pocket medical and day care expenses. The administrator for Stark County's Flex Comp Program is available from the Stark County Human Resource Office.
6. **Deferred Compensation:** Upon approval of the North Dakota Public Employees Retirement Office, the employee may contribute, within the limits established by State and Federal Law, to a tax-deferred fund.
7. **Roth 457 Contributions:** Employees may contribute to an after tax Roth 457 within the limits established by State and Federal law.

8. **Social Security, Workers Compensation, and Unemployment Benefits:** Stark County participates in these programs to the extent required by law. An employee who is injured in the course of employment should immediately report the injury to their supervisor and Risk Manager/County Auditor to insure this coverage.
9. **Voluntary Vision Insurance:** Stark County offers group vision insurance through Avesis Vision Insurance on a 100% voluntary basis. Premiums may be arranged as a payroll deduction. Consult the plan documents for terms of coverage or the Stark County Human Resources Office.
10. **Voluntary Dental Insurance:** Stark County offers group dental insurance through Delta Dental of Minnesota on a 100% voluntary basis. Premiums may be arranged as a payroll deduction. Consult the plan documents for terms of coverage or the Stark County Human Resources Office.

Amended April 5, 2016

Amended June 7, 2016

## Chapter 7

### Section 1 – Mileage

The mileage reimbursement for Stark County employees is determined by following the I.R.S. schedule for mileage reimbursement and the rate fluctuates as determined by I.R.S.

Out of State personal vehicle mileage is .575 per mile up to 300 miles beyond the borders of North Dakota and .18 per mile thereafter. If travel is by truck, required by employing agency, the rate is .27 per mile.

## Chapter 8

### Section 1 - Per Diem

**In State** - Per Diem payments for Stark County Employees follows the rates as established by the North Dakota State Legislature and set forth in North Dakota Century Code.

Example:

1. Maximum quarter-day reimbursement for meals and lodging as follows, but employee must be away from normal place of employment on or before quarter beginning time to receive any reimbursement:

1 <sup>st</sup> quarter 6:00 am to 12:00 noon.....	\$7.00
2 <sup>nd</sup> quarter 12:00 noon to 6:00 pm.....	\$10.50
3 <sup>rd</sup> quarter 6:00 pm to 12:00 midnight.....	\$17.50
4 <sup>th</sup> quarter 12:00 midnight to 6:00 am actual lodging expense not exceeding.....	\$80.10

Receipts are not required for first three quarters and only lodging receipt or a certificate of a member of the legislative assembly is required for 4<sup>th</sup> quarter, but the amount paid for such lodging is not required to be listed. If all 4 quarters are claimed write word ALL in column 7, otherwise list quarters claimed by number. Amount approved by department for meals and lodging for each day must be entered in column 8.

**Out of State** – Those persons engaged in travel outside of North Dakota shall be reimbursed for meals equal to the per diem meals rate in the city of which a claim is made on that day as established by rule for federal employees plus actual lodging expenses. Receipts are only required for lodging expenses.

**If an employee is claiming reimbursement for meals for travel when no overnight stay is involved, the meal reimbursement is taxable.** When completing the Travel Expense Voucher, taxable meals must be noted accordingly. The employee will receive the full meal reimbursement and the taxes will be withheld through the payroll system during the next payroll cycle.

## Chapter 9

### **Section 1 - Employee Assistance Program**

Stark County Commission provides for an Employee Assistance Program (EAP) to benefit the employees of Stark County. The EAP is committed to assisting employees with distress as a means of facilitating (1) a resolution of problems and (2) the maintenance of satisfactory job performance.

In pursuing the above objective, the EAP can be used by employees to help prevent problems from hindering one's capacity to fulfill job requirements.

Employee Assistance Program may be used in one of two primary ways:

**1. Confidential:**

- a. An employee experiencing difficulties may, on his/her own initiative seek information, guidance or personal therapy. In this pursuit of assistance, the employee's confidentiality will be maintained.
- b. Employees wishing to use this program may contact the EAP provider. This outpatient service will be available for up to a maximum of four (4) sessions.
- c. The Stark County EAP is a pre-paid benefit for Stark County employees and their family members. If services are needed beyond the scope of the EAP, a recommendation to a preferred provider will be made. If this occurs and you accept the referral, you will be financially responsible and can utilize your insurance coverage at that time.

**2. Employer Involvement:**

- a. When an employee's job performance is determined to be unsatisfactory as a result of personal difficulties, the Supervisor has the option of encouraging the use of EAP. In cases where there is a serious concern about the employee's performance, the Supervisor can require participation in EAP as part of an action plan. When EAP is used in this manner, Stark County has the right to require the provider to provide:
  - i. Notifications of employee's follow through to initial and subsequent appointments to Supervisor.
  - ii. Treatment recommendations to Supervisor.
  - iii. Treatment follow through/completion to Supervisor.
- b. Further, if such an employee refuses the EAP option the employee may be subject to disciplinary actions as in accordance with Stark County's policies and procedures.

For information on the Program services available, contact information, or questions, contact the Stark County Human Resource Office.

## Chapter 10

### **Section 1 - Personal Property and Valuables**

**Theft of Employee Belongings:** The County is not responsible for employees' personal property. Employees should report all thefts of employee belongings to their immediate supervisor, documenting the item taken, the location of the item before the theft, the approximate time of the theft and a description of the item taken. The employee's immediate supervisor is responsible for reporting the theft to their supervisor. It is the employee's responsibility to report the theft to the Sheriff's Department, or appropriate law enforcement agency

## Chapter 11

### **SAFETY & HEALTH**

#### **Section 1 – Safety & Health**

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

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

All employees must become familiar with institutional and department safety, fire prevention and disaster programs. All employees are required to become familiar with the plan and with the particular role they must play.

## **Section 2 -Report of Injury and Claims Management**

### **Employee Responsibilities:**

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

### **Claims Management:**

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

### **Return to Work:**

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

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

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

### **Section 3 – General Safety Rules**

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

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

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

#### **Section 4 - Smoking Policy**

Smoking Policy – This policy applies to the County Commission and all agencies, departments and equipment of the Stark County Government. It is the policy of Stark County to provide a healthy, smoke-free environment for all employees. It is the intent of this policy to protect nonsmokers from the health hazards created by second hand smoke: for this reason:

- a. Smoking of any kind will be prohibited in any building, agency, and/or department of Stark County.
- b. Smoking of any kind will be prohibited in any vehicle or equipment, which is considered property of the County. For safety reasons as well as health reasons, this includes equipment with or without an enclosed cab.
- c. Employees who wish to smoke may do so during regular breaks and meal periods, but must do so outside – and not within twenty (20) feet of entrances, exits, operable windows, air intakes and ventilation systems.

## **Section 5 - Seat Belt Policy**

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

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

It will be Stark County policy that seat belts shall always be used by both drivers and passengers while traveling on official company business. The purpose of this policy is to establish mandatory belt use as an organizational priority and designate responsibility for implementation and enforcement.

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

## **Section 6 - Distracted Driving Policy**

The use of electronic devices while operating a motor vehicle can cause unnecessary distractions and presents a negative image to the public.

Stark County prohibits the use of any and all electronic devices in the operation of Stark County vehicles or while using Employee's personal vehicle to conduct county business, such as but not limited to: cell phones, laptops, MP3 players, Global Positioning System (GPS), and PDA's, that would require the driver to take their hands off the steering wheel and/or their eyes off the road.

Calls must be made prior to or after the completion of a trip if a hands free device is not available. If no hands free device is used, pull over into a safe location and bring the vehicle to a stop before using the device. Making / receiving calls, composing/answering text messages, programming/resetting your GPS, use of laptops, et cetera will all be conducted using the above protocol.

Headphones are allowed for the purpose of hands free calling. Any other use of headphones for purposes such as listening to music that could impair the hearing of emergency vehicles is strictly prohibited.

Violation of this policy will subject the employee to discipline up to and including termination.

Special provisions to the distracted driving policy for the following departments are:

**Sheriff's Department – See Attachment A**  
**Department of Emergency Services – See Attachment B**  
**Social Services – See Attachment C**  
**Road Department – See Attachment D**

### **ATTACHMENT A**

Sheriff's Department Special Provision:

Deputies operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device. (N.D.C.C. §39-08-23(3)).

Except in the case of an emergency, members who are operating non-emergency vehicles shall not use a personal communication device while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **ATTACHMENT B**

Department of Emergency Services Special Provision:

Department of Emergency Services personnel operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device. (N.D.C.C. §39-08-23(3)).

Except in the case of an emergency, members who are operating non-emergency vehicles shall not use a personal communication device while driving unless the device is specifically designed and configured to

allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **ATTACHMENT C**

#### Social Services Special Provision

If a Stark County Social Services employee is transporting a client in a county vehicle or a personal vehicle, they are NOT allowed to use any type of electronic device, including hands free devices. The employee must stop the vehicle when returning any calls or messages.

### **ATTACHMENT D**

#### Road Department Special Provision:

Road Department employees are to use their discretion if their job duties require the use of electronic devices to complete their job functions while driving a vehicle or operating equipment. Regardless of the circumstances, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle or equipment before placing or accepting a call.

## **Section 7 – Vehicle/Equipment Policy**

**Purpose:** The purpose of this policy is to provide a program to ensure the security, protection and well-being of personnel and property of Stark County Government and the general public.

### **Definitions:**

Only county employees or authorized representatives are defined as “drivers” in the following sections:

1. Drivers shall possess a valid driver’s license which authorizes the driver to operate a vehicle/equipment. This license shall be in the possession of the driver at all times while operating county-owned vehicle/equipment.
2. Drivers shall utilize county-owned vehicles/equipment for conducting county business only and shall not use any county-owned vehicle/equipment for personal or private use.
3. Drivers shall comply with all laws and regulations relating to the operation of motor vehicles/equipment, including rules relating to the consumption of alcohol and speed regulations.
4. Drivers must pay, without reimbursement, all illegal parking fees and traffic violations, with the exception of overweight fees, which will be paid by the County. Truck drivers and loader operators will give their best effort to keep within legal weight limits.
5. Drivers shall not place unauthorized bumper stickers or unauthorized equipment in or on county-owned vehicles/equipment.
6. Drivers shall not transport hitchhikers in county-owned vehicles/equipment. Drivers may permit other than county employees to be passengers in county-owned vehicles/equipment only if it is necessary to conduct county business.
7. Drivers of county vehicles/equipment have a responsibility to maintain their assigned vehicle/equipment. This includes check of fluid levels and maintaining the vehicles/equipment interior/exterior appearance.
8. Drivers whose physical or mental condition may be impaired, even temporarily, must notify their Elected Official/Department Head of the impairment (including conditions created by use of medication, drugs or alcohol). Stark County reserves the right to check driver’s license records for insurability as circumstances dictate.

### **Insurance:**

Stark County Government provides liability coverage for all county-owned vehicles/equipment under its jurisdiction.

### **Safety Belts:**

All drivers shall wear properly fastened safety belts whenever they travel on county business. Drivers of county-owned vehicles/equipment shall require passengers to use seat belts.

### **Accidents:**

Drivers shall immediately report all accidents involving county vehicles/equipment to their Elected Official/Department Head. Accident reports made out in detail are a necessity. Employees should obtain an accident form from their department or if unavailable provide a narrative summary with appropriate attachments, such as a law enforcement report. A copy of all accident reports must be filed with the county auditor’s office for insurance purposes and the Elected Official/Department Head will be responsible for proper reporting of all accidents. Personal injuries, as a result of an accident, are also to be reported immediately to the Elected Official/Department Head and Risk Manager so the appropriate Workforce Safety and Insurance forms will be submitted for any injuries regardless if medical attention was required or not.

Any elected official, department head or employee involved in an accident involving a county vehicle/equipment shall be subject to post-accident testing. Post-accident breath alcohol tests must be completed within 2 hours of the accident or it should not be done. The post-accident drug test should be completed within 32 hours of the accident or it should not be done. If post-accident testing is not administered, Elected Official/Department Head must maintain records stating the reason for delay and lack of testing.

Drivers of personal vehicles that are being used for County business shall be subject to post accident testing also.

**Misuse or Abuse of County-Owned Vehicles/Equipment:**

Any employee who misuses or abuses any county-owned vehicle/equipment in violation of this policy will be subject to corrective action, including loss of privilege, possible termination of employment, legal action and criminal liability.

**Department Specifications:**

Some departments within Stark County Government have internal policies which are more specific than the guidelines outlined in this general policy. Drivers of vehicles/equipment assigned to those given departments are required to comply with all regulations and guidelines established within their departments. Examples might include for emergency operation of sheriff's vehicles, pursuit driving regulations or a ride-a-long program.

## **Section 8 - Drug and Alcohol Policy**

**Statement of Philosophy:** In accordance with the Federal Drug-Free Workplace Act and the North Dakota Workforce Safety and Insurance Risk Management Program, it is Stark County's intent to establish a policy to maintain a safe and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug or alcohol use.

**Policy:** County employees may not possess or consume alcoholic beverages or controlled substances in County buildings, offices, vehicles, or while driving or doing business on behalf of the County. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on any work site and during all working hours by employees. No employee will be allowed to perform job duties when impaired or under the influence of mind altering drugs, illegal drugs and/or alcohol during working hours. The following is a partial list on controlled substances. Human Resources can provide a more detailed explanation of controlled substances:

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

Any employee violating the above policy is subject to discipline, up to and including termination for the first offense. Employees have the right to know the dangers of drug abuse in the workplace, and are encouraged to seek information through Human Resources or the Employee Assistance Program.

Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the county subjects the employee to disciplinary action up to and including termination for the first offense.

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

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

In an effort to prevent injuries and deaths due to drug or alcohol-impaired drivers operating commercial vehicles, the United States Congress enacted the Omnibus Transportation Employee Testing Act of 1991 (the "Act"). This federal law mandates drug and alcohol testing for certain classes of transportation employees.

All employees of the Stark County Road Department, who, as a requirement of their job, operate vehicles classified as commercial and have a commercial driver's license, are considered to be in "safety-sensitive positions" and are subject to the Act. In addition, Stark County has also chosen to include employees who have access to county owned vehicles or who operate privately owned vehicles while on county business. The County retains the right to determine who meets the criteria of vehicle usage, and in turn, is covered under the provisions of this policy. Provisions for disciplinary actions are based on the independent authority of the County.

Employees in the classes below are subject to the controlled-substance requirements of this policy at all times when on duty, regardless of the task they are performing. Employees are subject to alcohol testing requirements while on duty or just prior to, just after, or when performing safety-sensitive functions or driving vehicles on county related business.

Equipment Operators operating commercial vehicles  
Engineering Technicians operating commercial vehicles  
Other employees operating either commercial vehicles, county owned passenger vehicles or privately owned vehicles used for county business.  
Temporary and seasonal employees operating commercial vehicles.

**Alcohol Prohibition:**

Employees must:

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

The policy requires that covered employees be available to be tested for alcohol while on duty and just prior to, just after, or while performing a safety-sensitive function or related vehicle use. Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, are subject to termination procedures.

**Controlled-Substance Prohibition:**

Employees must:

1. Test when requested.
2. Not use illegal controlled substances.
3. Not use prescription drugs containing controlled substances contrary to the physician's instructions.
4. Notify their supervisor if using a prescription containing a controlled substance. Individuals in safety sensitive positions must notify their supervisor if using a prescription drug containing a controlled substance.

Drivers of commercial vehicles and passenger vehicles used for county business and equipment operators must also provide documentation that use of the drug does not adversely affect the driver's ability to operate a commercial motor vehicle, passenger vehicle or related equipment.

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

Employees who refuse to be tested or to cooperate in testing, or who attempt to alter test results, are subject to termination procedures.

**ALCOHOL AND CONTROLLED-SUBSTANCE TESTS**

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

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

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

**Definition of Positive Alcohol Test:**

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

If an alcohol test indicates an alcohol concentration of at least .02, but less than .04, the test is considered negative, but the driver or individual holding a safety sensitive position will be taken out of service for 24 hours. Supervisor will explain the employees options (listed under Test Results-Required Action) on pages 4-5.

**Testing Vendor Responsibilities in Alcohol Tests:**

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

**Definition of Positive Controlled-Substance Test:**

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

**Testing Vendor Responsibilities in Controlled-Substance Tests:**

Controlled-substance tests must use proper laboratory procedures.

If a test is positive, it will be reviewed by the physician serving as the testing vendor's medical review officer (MRO). The MRO will follow specific procedures required by the federal guidelines. These procedures are intended to make sure that the test result is a true positive. The MRO will call the employee who has tested positive, discuss what might have caused the test result to be positive, and make sure of the result before notifying the County. If the test remains positive, the employee may request, at his or her expense, that a second independent analysis be performed on the untested portion of the sample.

**Pre-Employment Tests:**

All candidates considered for employment will be subject to pre-employment drug testing. Candidates qualified and selected for specific non-safety sensitive positions will be given conditional offers of employment provided they successfully pass a drug screen administered by the designated testing site. Individuals eventually hired into non-safety sensitive positions will be subject to reasonable suspicion testing in accordance with this policy.

Individuals considered for safety sensitive positions will be given a conditional offer of employment provided they successfully pass a drug test administered by the designated testing site. Candidates for employment will be asked to disclose records of drug testing from past employers for the previous two years and to disclose any related drug activity during this period.

All County job announcements will indicate that the County is a drug free workplace and that pre-employment drug testing is required for all positions.

**Post-Accident Tests:**

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

A driver who is subject to post-accident testing shall remain readily available for 2 hours for such testing or may be deemed to have refused to submit to testing. Post-accident breath alcohol tests must be completed within 2 hours of the accident. The drug test should be completed within 32 hours of the accident.

Employees must be tested for alcohol within 2 hours and controlled substances within 32 hours where the driver is cited for a moving violation.

If the alcohol test is not administered within 2 hours, the supervisor must file and maintain records stating why. If no alcohol test is administered within 8 hours of the accident, no test will be given, and the supervisor must file and maintain records stating the reason for the delay and the lack of testing. Employees must remain at work, but must not perform safety-sensitive functions, until the post-accident alcohol test is administered or 8 hours after the accident.

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

### **Random Tests:**

All drivers of County vehicles are subject to random drug testing including, road equipment operators, truck drivers and drivers of County passenger vehicles and employees using privately owned vehicles to conduct County business. A minimum number of alcohol tests, equal to 25 percent of the average number of County drivers covered under this policy, will be performed each year. The vendor will select drivers and operators using a computerized random-selection program. Truck drivers and operators selected will be tested any time the driver is on duty, regardless of the duties being performed at the time of testing. Passenger vehicle drivers will be notified of testing when on duty or in the office and subject to immediate testing.

A minimum number of controlled-substance tests, equal to 50 percent of the average number of drivers, will be performed each year. Tests may be performed at any time the driver is on duty, regardless of the duties being performed at the time of testing. Due to the randomness of computerized selection, drivers may be tested more than once in a short time period. Once a driver or operator is notified of the testing, he or she must report immediately to the testing site. Drivers of passenger vehicles will generally be notified of random selection for testing when on duty or in the office and will report to the appropriate testing site.

### **Reasonable-Suspicion Tests:**

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

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

If the alcohol test is not administered within 2 hours following the supervisor's observation, the supervisor must file and maintain records explaining the reason for the delay. If the alcohol test is not administered within 8 hours following the supervisor's observation, no tests will be given, and the supervisor must file and maintain records explaining the reason for the delay and the lack of testing. Employees must remain at work, but must not perform safety-sensitive functions, until the reasonable suspicion test is administered or 8 hours after the reasonable suspicion was determined.

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

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

**Return-to-Duty Tests:**

If any test result is positive and the course of treatment recommended by The Village Business Institute or other local drug/alcohol evaluation program has been completed, the driver must submit to return-to-duty alcohol or controlled-substance tests prior to resuming duties. The return-to-duty alcohol test must indicate a breath-alcohol concentration of less than .02. Controlled-substance test results must be negative.

**Follow-up Tests:**

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

**Test Results—Required Action**

**CONTROLLED SUBSTANCE TEST**

<b>Results</b>	<b>Employee Status</b>	<b>Required Action</b>
positive	applicant	not hired
positive	any employee	referred to The Village Business Institute or other local drug/alcohol evaluation program and terminated

**ALCOHOL TEST**

<b>Results</b>	<b>Employee Status</b>	<b>Required Action</b>
<b>Required Action</b> .02-.039	any employee	taken out of service for 24 hours without pay (may take annual leave if available)
.04+	part time, temporary, variable, and seasonal employee	taken off duty and terminated (employment conditional and terminated upon negative test)
.04+	any employee	taken off duty; referred to The Village Business Institute or other local drug/alcohol evaluation program for

evaluation and treatment;  
subject to County discipline, up  
to and including termination

.1+	any employee	referred to The Village Business Institute or other local drug/alcohol evaluation program and terminated
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**OTHER PROHIBITED CONDUCT – REQUIRED ACTION**

<b>Employee Status</b>	<b>Prohibited Conduct</b>	<b>Required Action</b>
applicant	refusing to be tested	not hired
any employee	refusing to test	terminated
any employee	reporting to duty fewer than 4 hours after having a drink	taken off duty; referred to EAP for treatment; subject to county disciplinary action up to and including dismissal
any employee	unless the test is complete, consuming alcohol within 8 hours after a reasonable suspicion occurrence or an accident	taken off duty; referred to EAP for treatment; subject to county disciplinary action up to and including dismissal
any employee	possessing or consuming alcohol, i.e. beverage as defined in Title V of the ND Century Code, while on the job	taken off duty; referred to EAP for treatment; and terminated
any employee	possessing or consuming cough syrup, mouthwash or any other substance containing alcohol while on the job	taken off duty; referred to EAP for treatment; subject to county disciplinary action up to and including termination
any employee	possessing or using a controlled substance without a doctor's permission	taken off duty; referred to EAP for treatment; and terminated
any employee	performing a safety-sensitive function while using a prescription containing a controlled substance when a physician has not instructed the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle	taken off duty; referred to EAP for treatment; subject to county disciplinary action up to and including termination

**Employee Assistance Program:**

Any employee who has a positive test result or engages in prohibited conduct as described in this policy will be referred to The Village Business Institute or other local drug/alcohol evaluation program professional for an evaluation to determine what help is necessary. If a rehabilitation program is prescribed, The Village Business Institute or other local drug/alcohol evaluation professional will determine whether the driver has followed the program. Costs associated with the evaluation and rehabilitation will be paid by the employee.

If an employee receives a positive test result on an alcohol test, The Village Business Institute or other local drug/alcohol evaluation professional will recommend the frequency of follow-up testing. (However, if an employee receives a positive test result on a drug test, the MRO recommends follow-up testing.) Follow-up testing will consist of at least 6 unannounced tests in the first 12 months. These follow-up tests are in addition to any random tests that the employee might happen to be chosen for. No follow-up testing will be conducted more than 60 months after the driver's return to duty. However, potential random tests will continue to be administered for which the employee may be randomly selected.

**Out-of-Service Request:**

All drivers are subject to call for emergency duties. However, if the driver has had even one drink in the 4 hours prior to the call, or suspects that he or she may have a breath-alcohol concentration .02 or above, the driver must take himself or herself out of service. No disciplinary measures will be taken when the driver requests to take him or herself out of service.

**Disciplinary Action:**

The charts on previous pages show the required action required for controlled-substance tests, alcohol tests, and prohibited conduct. Any employee who commits any of the acts where the required action says "terminated" will automatically lose employment with the County.

However, in order to determine the appropriate progressive disciplinary action, all other violations—such as situations where the employee will be evaluated and treated under The Village Business Institute or other local drug/alcohol evaluation program – will be evaluated based on their severity, the degree of danger to other employees and the general public, and the frequency of occurrence.

**Self-Referral to Employee Assistance Program:**

All drivers who feel they have a problem with the use of alcohol or controlled substances may refer themselves for evaluation and any needed rehabilitation through The Village Business Institute or other local drug/alcohol evaluation program. No employee will be subjected to disciplinary action for self-referral. However, repeated work absences due to repeated self-referral could result in a determination of unsatisfactory attendance and work performance.

**Supervisors' Responsibilities:**

Supervisors include:

- County Road Superintendent, Road Operations Specialist, and Crew Leaders
- County Commissioners
- Other Elected Officials/Department Heads and supervisors

No County Commissioner, Elected Official/Department Head, or supervisor of employees in safety-sensitive positions will permit any driver to violate this policy. All supervisors must require reasonable-suspicion testing of any employee who would appear to be in violation of this policy. Failure to carry out supervisory duties under this policy will result in disciplinary action up to and including discharge.

All responsible administrators and supervisors will receive the training necessary to perform their supervisory duties. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. The testing vendor or EAP provider will train supervisors.

All supervisors and administrators are bound by the rules of confidentiality. No information may be released except as provided in this policy or expressly authorized by 49 CFR 382.405. No administrator or supervisor responsible for implementing random testing may give any notice or information about upcoming test requirements. Any violation of these confidentiality requirements will result in disciplinary action up to and including termination.

### **Program Administration**

The Association of Counties will be the County's coordinator for the program, responsible for implementing and overseeing the program. Duties will include managing the vendor contract, responding to inquiries from the U.S. Department of Transportation, and relaying information on positive test results directly from the vendor to the county contact personnel and the appropriate division director or district engineer.

Each affected division and district will have a designated position and backup position for coordinating testing with the vendor. Coordinators will receive the list of employees to be tested; arrange test dates, times, and places; and notify the employees who will be tested. The coordinator will also make sure that each employee with a breath-alcohol test result of .02 or greater has a safe ride home from the work site.

### **Required Records**

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

The following records retention schedule must be used.

Retain for 5 years

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

Retain for 2 years

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

Retain for 1 year

Records of negative and canceled controlled-substance test results and alcohol-test

results with a concentration of less than .02.

By March 15 of each year, the primary vendor will prepare an annual summary, in the format prescribed by US DOT, of the program results for the previous calendar year. The summary will be retained 5 years.

All testing information about individual drivers is confidential and is not in the public domain. Such information may not be released except as required by law or expressly authorized by 49 CFR 382.405.

**County Requirements to Inquire With Previous Employers:**

The County must inquire with previous employers before hiring someone to fill a safety-sensitive position. Prior to being hired by the County, applicants must sign a release of information allowing County officials to inquire with previous employers about the applicant's drug-testing history during the previous two years. Information that may be requested includes:

1. Previous test dates.
2. Positive test results.
3. Refusals to test.
4. Evaluation and rehabilitation results.

**County Requirements to Inform Prospective Employers:**

If asked, and the proper release of information is provided, the County will disclose the following information to any potential future employers of drivers covered under the County's alcohol and drug testing programs:

1. Results of any tests taken by a driver.
2. Any referral for evaluation and rehabilitation.
3. The results of any such referral.

**County Requirements to Notify Employees about This Policy:**

New employees will be notified about this policy after they are hired but before they report to work with the County. They must sign off, indicating that they have read and understand the policy, before they begin work duties with the County.

**Employee Questions:**

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

## Chapter 12

### **Electronic Tools**

#### **Section 1 - Electronic Tools Guidelines Policy**

To better serve the public and provide our employee with the best tools to do their jobs, Stark County makes available to our workforce access to one or more forms of electronic devices, media and services (referred to as 'electronic tools' in this document) including, BUT NOT LIMITED TO, computer hardware and software, PDA's, e-mail, telephone, cellular phones, voicemail, fax machines, wire services, online services, intranet and internet.

Stark County encourages the use of the electronic tools because they can make communication more efficient and effective and because they are valuable sources of information about vendors, clients, technology and services. However, all employees (and everyone connected with the County) should remember that electronic tools provided by the County are County property and their purpose is to facilitate and support County business. All users of electronic tools have the responsibility to utilize these resources in a professional, ethical and lawful manner.

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

This policy applies to the County Commission and all agencies and departments of the Stark County government. Stark County reserves the right to alter, amend, modify, rescind or otherwise change the content of this policy as permitted by law, in its sole discretion and without advance notice to any employing unit or employee affected by the provisions of this policy.

#### **Statement of Responsibility**

General responsibilities pertaining to this policy are set forth in this section. The following sections list additional specific responsibilities. Only authorized personnel such as IT will be allowed to delete or modify any system files.

*Directors and Supervisors must:*

- Ensure that all appropriate personnel are aware of and comply with this policy
- Create appropriate performance standards, control practices and procedures designed to provide reasonable assurance that all employees observe this policy

*Information Technology Department must:*

- Develop and maintain written standards and procedures necessary to ensure implementation of and compliance with these policy directives.
- Provide appropriate support and guidance to assist employees to fulfill their responsibilities under this directive.
- Only IT can install, remove and update all Hardware and Software

#### **Internet and E-Mail Usage**

Access to the Internet is provided to employees for the benefit of Stark County and its people. Employees are able to connect to a variety of business information resources around the world. Conversely, the Internet is also replete with risks and inappropriate material. To ensure that all employees are responsible and productive Internet users and to protect the County's interests, the following guideline have been established for using the Internet and E-Mail.

**Acceptable Use:** Employees using the Internet are representing the County. Employees are responsible for ensuring that the Internet is used in an effective, ethical and lawful manner.

Examples of acceptable use are as follows:

- Using Web browsers to obtain business information from commercial Web sites.
- Accessing databases for information as needed.
- Using e-mail for business contracts
- Limited personal use during breaks and after hours with permission from Management.

**Unacceptable use:** Employees must not use the Internet for purposes that are illegal, unethical, harmful to the County or nonproductive.

Examples of unacceptable use are as follows:

- Sending or forwarding chain e-mails, i.e., messages containing instructions to forward message to others.
- Broadcasting e-mail, i.e., sending the same message to more than 10 recipients or more than one distribution list. Except for business purposes.
- Extensive personal business using County resources
- Transmitting any content that is offensive, harassing or fraudulent.
- Sending or forwarding of e-mails without the express consent of the receiving party i.e. Spam, for purposes other than business.
- Engaging in Social Networking Websites for personal use, i.e. writing on walls, chatting and games of Social Networking websites: Facebook, Twitter, MySpace and etc.
- Engaging in online chatting (i.e. MSN Messenger, Yahoo chat, Facebook and countless others). May only be used for on a case by case bases decided by Management and the IT Department.
- Streaming of Online Radio (i.e. Pandora, XM, SIRIUS and countless others) and Video (i.e. YouTube, HULU and countless others)
- Internet gaming sites (i.e. Yahoo, MSN, etc.), as well as networking games (i.e. solitaire, hearts, etc.)

Stark County reserves the right to inspect an employee's computer system for violations of this policy. Stark County also reserves the right to block and Internet site deemed inappropriate.

Inappropriate e-mail messages can give rise to claims of discrimination, harassment, defamation, and copyright infringement. Under no circumstances shall any employee use the e-mail system for messages that are or could reasonably be considered offensive to another on the basis of race, gender, age, sexual orientation, religious or political beliefs, national origin or disability.

Stark County may access e-mail messages within the e-mail system for all individuals covered by this policy for any purpose not specifically prohibited by law. If practicable, the employee will be notified in advance of such access. Where advance notice is not practical, the employee will receive notice within a reasonable time thereafter of the date of access, the purpose of the access and the identity of the person(s) who accessed the information and the information obtained.

Employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

**Downloads:**

Downloads from the Internet are NOT permitted unless specifically authorized in writing by supervisors and/or directors.

**Employee who uses the Internet or Internet e-mail shall:**

- Ensure that all communications are for professional reasons and that they do not interfere with his/her productivity.
- Be responsible for the content of all text, audio or images that (s) he places or sends over the Internet. All communications should have the employee's name attached.
- Do not transmit copyrighted materials without permission.
- Know and abide by all applicable Stark County policies dealing with security and confidentiality of County records.
- Avoid transmission of nonpublic customer information. If it is necessary to transmit nonpublic information, employees are required to take steps to ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use.

**Copyright:**

Employees using the Internet are not permitted to copy, transfer, rename, add or delete information or programs belonging to others or the county unless given permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action by the County and/or legal action by the copyright owner.

**Monitoring:**

All messages created, sent or retrieved over the Internet are the property of the County and may be regarded as public information. Stark County reserves the right to access the contents of any message sent over its facilities if the County believes, in its sole judgment, that it has a business need to do so.

All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. ***THIS MEANS DO NOT PUT ANYTHING INTO YOUR E-MAIL MESSAGES THAT YOU WOULDN'T WANT TO SEE ON THE FRONT PAGE OF THE NEWSPAPER OR BE REQUIRED TO EXPLAIN IN A COURT OF LAW.***

**Computer Viruses:**

Computer viruses are programs designed to make unauthorized changes to programs and data. Therefore viruses can cause destruction of corporate resources. Viruses are commonly received by improper use of computer systems.

*Directors, Supervisors and Information Technology Department shall:*

- Install and maintain appropriate antivirus software on all computers.
- Respond to all virus attacks, destroy any virus detected and document each incident.

*Employees shall follow the following directives:*

- Employees shall not knowingly introduce a computer virus into County computers.
- Employees shall not load diskettes, DVD \ CD's, jump drives or other media of unknown origin.
- Incoming diskettes, DVD \ CD's, jump drives or other media shall be scanned for viruses before they are read.
- Any employee who suspects that his/her workstation has been infected by a virus shall IMMEDIATELY POWER OFF the workstation and call the Information Technology Department. Employees WILL NOT attempt to remove or fix any viruses themselves.

**Cellular Phone(s):**

Stark County will provide cellular phone plans and equipment for employees whose work duties dictate that they be available for immediate consultation (as approved by the Stark County Board of Commissioners). Purchase/renewal of plan contracts, telephones and air cards must be coordinated by Auditor's Office (456-7630). Any air cards and corresponding data installation will be installed by the IT Department. Personal use of cell phones which results in billable charges must be reimbursed to Stark County. If personal use of a county supplied cell phone is abused it could result in losing that privilege.

Employees who use their personal cell phone and plan minutes for work-related purposes ON A REGULAR BASIS may be eligible for a flat-rate reimbursement of \$35/month if approved by the Stark County Commissioners. (Revised 12-4-12). If a situation arises and more reimbursement is needed the Commissioners can approve an amount they deem satisfactory.

Personal cell phone use by a Stark County employee should be limited during a normal working period. We understand that circumstances arise that may cause an employee to take or make a personal phone call. However, this should not interfere with employee work performance or pre-empt business activity. Personal cell phones should be placed on *vibrate* or *silent* during working hours.

Acceptable use of personal cell phone:

- Returning missed calls or text messages during breaks
- Making a long distance phone call for personal matters, during breaks

Unacceptable use of personal cell phone:

- Texting periodically throughout the day
- Making or taking personal phone calls throughout a scheduled work day

**Access Codes and Passwords:**

The confidentiality and integrity of data stored on County computer systems must be protected by access controls to ensure that only authorized employees have access. This access shall be restricted to only those capabilities that are appropriate to each employee's job duties.

*Information Technology Department shall be responsible for:*

- The administration of access controls to all County computer systems. Information Technology Department will process additions, deletions and changes upon receipt of a written request from the end user's supervisor.
- Deletions may be processed by an oral request prior to a written request. The Information Technology Department will maintain a list of administrative access codes and passwords and keep this list in a secure area.

Employees shall be responsible for the following:

- Shall be responsible for all computer transactions that are made with his/her User ID and password.
- Shall not disclose passwords to others. Passwords should not be recorded where they may be easily obtained.
- Will change passwords as specified by specific programs.
- Should use passwords that will not be easily guessed by others.

- Should log out or Lock PC when leaving a workstation for an extended period.
- Shall not disclose the password for wireless internet access to others.(Revised 8-6-13)

Directors and Supervisors should notify IT Department promptly whenever an employee leaves the County so that his/her access can be revoked. Involuntary terminations must be reported concurrent with the termination.

**Physical Security:**

It is County policy to protect computer hardware, software, data and documentation from misuse, theft, unauthorized access and environmental hazards.

Employees shall follow the following directives:

- Diskettes or other storage media should be stored out of sight when not in use. If they contain highly sensitive or confidential data, they must be locked up.
- Diskettes or other storage media should be kept away from environmental hazards such as heat, direct sunlight and magnetic fields.
- Critical computer equipment, e.g. file servers, must be protected by an uninterruptible power supply (UPS). Other computer equipment should be protected by a surge suppressor.
- Environmental hazards to hardware such as food, smoke, liquids, high or low humidity and extreme heat or cold should be avoided.
- Since the Information Technology Department is responsible for all equipment installations, disconnections, modifications and relocations, employees are not to perform these activities. This does not apply to temporary moves or portable computers for which an initial connection has been set up by IT.
- Employees shall not take shared portable equipment such as laptop computers out of the County without the informed consent of their department supervisor. Informed consent means that the supervisor knows what equipment is leaving, what data is on it, for what purpose it will be used and when it is expected to return.
- Employees should exercise care to safeguard the valuable electronic equipment assigned to them. Employees who neglect this duty will be accountable for any loss or damage that may result. Including fiscal responsibility for replacement.
- Systems must be turned off during the weekend. Systems may be left on if required for connectivity.
- All Stark County Equipment is to be turned off at the end of each work day. Systems may be left on if required for connectivity.
- Space Heaters WILL NOT be plugged into the same surge protector as the computer. Space Heaters draw too much power and may damage the computer.

**Copyrights and License Agreements:**

Stark County and its employees are legally bound to comply with the Federal Copyright Act (Title 17 of the U.S. Code) and all proprietary software license agreements. Noncompliance can expose Stark County and the responsible employee(s) to civil and/or criminal penalties.

The directive applies to all software that is owned by Stark County, licensed to Stark County or developed using Stark County resources by employees or vendors.

*Information Technology Department will be responsible for:*

- Maintain records of software licenses owned by Stark County.

- Periodically (at least annually) scan County computers to verify that only authorized software is installed.
- May uninstall any unauthorized Software.

*Employees shall not do the following:*

- Install software unless authorized by the IT Department. Only software that is licensed to or owned by Stark County is to be installed on Stark County computers.
- Copy software unless authorized by IT.
- Download software unless authorized by IT.

Violations of copyright law expose the County and the responsible employee(s) to the following civil penalties:

- Liability for damages suffered by the copyright owner
- Profits that are attributable to the copying
- Fines up to \$100,000 for each illegal copy

Violations of copyright law that are committed “willfully and for purpose of commercial advantage or private financial gain (Title 18 Section 2319(b)),” expose the County and the employee(s) responsible to the following criminal penalties:

- Fines up to \$250,000 for each illegal copy
- Jail terms of up to five (5) years

**Stark County Data:**

All information created on company time and all information on the computer is the possession of Stark County. When an employee leaves employment, no data and other documents shall be deleted or copied from their computer.

**Misuse or Abuse of Electronic Tools:**

Any employee who misuses or abuses access to electronic tools in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and criminal liability.

## **Section 2 - Social Media Policy**

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

When using Social Media:

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

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

## Chapter 13

### **Administrative Policies**

#### **Section 1 – Hiring of Relatives - Nepotism**

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

The policy of Stark County is as follows:

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

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

## **Section 2 – Conflicts of Interest**

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

1. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. It is imperative that employees disclose any relationship to an appropriate officer of the organization as soon as possible. Personal gain by an employee or a relative in the form of kickbacks, bribes, substantial gift or special consideration as a result of business transactions with Stark County is prohibited.
2. An employee of the County shall not hold any position, nor serve on any board in which such interest or position would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.
3. An employee of the County shall not receive remuneration in any form from an individual, business, corporation, or any other entity for services rendered while acting as an employee or agent of the County.
4. An employee of the County may hold outside employment unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.
5. In general, County positions shall be considered the primary employer with outside employment considered as secondary. The Elected Official/Department Head shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.
6. An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Elected Official/Department Head to determine if conflict of interests exists. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

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

### **Section 3 – Outside Employment**

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with Stark County. Employees considering outside employment must review this action with their Elected Official/Department Head to ensure that no potential conflict of interest will take place. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

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

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

#### **Section 4 – Reduction in Force**

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

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

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

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

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

All departments' reduction in force recommendations must be in writing to the Stark County Commission. Final reduction in force will be made by the Stark County Commission.

Employees who are terminated pursuant to the reduction in force policy will be given a minimum of one month's notice and offered a severance package. Severance package will include one month's salary and one month's benefits from date of dismissal.

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

## **Section 5 - Political Activity**

North Dakota Code Section 44-08-19 provides “no public employee shall engage in political activities while on duty or in uniform.” In addition NDCC Section 39-01-04 provides a definition for “political activity” to include “any form of campaigning or electioneering, such as attending or arranging for political meetings, transporting candidates, or workers engaged in campaigning or electioneering, distributing campaign literature, political guide cards, and placards, soliciting or canvassing for campaign funds, transporting electors to the polls on election day, and any other form of political work usually and ordinarily engaged in by state officers and employees during primary and general election campaigns.” It is also stated in NDCC Section 16.1-10-02 that “No person may use property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, or commission thereof for any political purpose. “

These rules apply to engaging in political activities during working hours only. They do not make a distinction between “active forms” such as handing out pamphlets or making speeches in support of a candidate, party or issue and “passive forms” such as displaying posters or wearing buttons supporting a candidate, party or issue.

Employees must be careful in forwarding e-mails concerning political issues or candidates. Such acts may violate these laws and also violate Stark County’s policies concerning the misuse of the e-mail system.

Employees who violate provisions of these regulations are subject to disciplinary action up to and including termination.

As stated, employees who are off-duty and not in uniform have the same rights as others to engage in political activities as any other citizen in good standing.

## **Section 6 - Use of Equipment**

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

1. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
2. Personal use of County equipment, property and/or facilities shall not be permitted.
3. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

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

## **Section 7 - Solicitation, Distribution, and Posting Policy**

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

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

### **Policy:**

#### **Employee Guidelines:**

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

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

## **Section 8 - Inclement Weather and Emergency Closing**

**Purpose:** It is the policy of Stark County to provide coverage for essential services and pay continuity to employees for absences which may result in the partial operation of Stark County due to extreme weather conditions or other emergencies such as fire, utility failure, or other forced evacuations. The intent of this policy is to ensure that employees receive reasonable and equitable treatment for absences due to Stark County offices being closed.

**Closing Decisions:** Decisions to apply this policy will be made by the Stark County Board Chairman (or designee). If a closing occurs overnight, every effort will be made to make the closure decision at least one hour before work (7:00am) is scheduled to begin.

Emergency services will continue regardless of an authorized closing.

**Compensation:** Employees who work and perform essential duties for the County when the offices are deemed closed due to inclement weather, will receive the number of hours the offices are closed as annual leave hours credited to the employee's annual leave balance.

**Late Arrivals and Early Departures:** On a day when Stark County Offices do not close, time missed from work will be charged to annual leave balances or leave without pay.

**Announcement of Closing:** If the Stark County Board Chairman (or designee) authorizes any type of closing, the announcement method will include the Stark County Emergency Notification System via the Stark County Auditor and Director of Emergency Services to employees and local media.

**Section 9 – Credit Card Policy**

No Stark County credit card shall be used for personal use at any time.

**Section 10 – Non Discrimination Policy**

Be it resolved that it is the policy of Stark County that no applicant for employment with or any employee of the County shall be discriminated against because of their age, race, color, national origin, creed, sex or disability.

Be it further resolved that the Stark County Commission designated the office of County Auditor/Human Resources as the contact for complaints or grievances on matters of discrimination.

## Chapter 14

### **Section 1 - Harassment**

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

1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation or any other legally protected characteristic shall not be tolerated.
2. Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including dismissal.
3. The County, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

### **Definitions:**

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

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

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

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

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

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

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

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

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

#### **Complaint Procedures:**

An employee who feels that he/she has been subject to workplace harassment, sexually harassed or has witnessed sexual harassment has several avenues of reporting the behavior and is encouraged to use the County procedure to resolve any sexual or other unlawful harassment. If unreported, the County is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking resolution.

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; file the Harassment/Bullying Complaint Form with your immediate supervisor who shall immediately notify the Elected Official/Department Head, Personnel Portfolio Commissioner and State's Attorney/Human Resource Director.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Elected Official/Department Head, who shall immediately notify the Personnel Portfolio Commissioner and State's Attorney/Human Resource Director.
4. If the complaint involves the Elected Official/Department Head, the incident should be reported directly to the Personnel Portfolio Commissioner and State's Attorney/Human Resource Director.
5. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney/Human Resource Director.

6. If the complaint involves the State's Attorney/Human Resource Director, the incident should be reported directly to the Personnel Portfolio Commissioner and or any Board of Commissioners.
7. The State's Attorney/Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

#### **Nature and Scope of Investigation:**

1. Any investigation of a complaint of sexual, workplace or unlawful harassment shall be limited to an inquiry of the truth or falsity of a specific complaint.
2. Interviews of all relevant witnesses will be conducted, in confidence to the extent permitted by law, and summaries of witnesses' statements and the investigator findings shall be in writing.
3. To the extent permitted by law, investigations shall be conducted in a confidential manner; the knowledge of a pending investigation, nor the contents and/or findings of an investigation will not be shared except with the appropriate parties, or otherwise required by law.
4. Persons who are asked to cooperate and participate in a pending investigation shall only be informed that a harassment complaint has been brought and that information being sought from the individual is a necessary part of the investigation. Written contents and findings of investigations are done pursuant to the complaint process and shall be maintained by the State's Attorney/Human Resource Director in a secure place. However, it must be noted by all employees, that records of the County are public, except certain confidential records in accordance with NDCC 44-04-18.1.

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

1. It is unlawful to retaliate against an employee for filing a complaint of sexual, workplace or unlawful harassment or for cooperating in an investigation of a complaint for sexual, workplace or unlawful harassment. Stark County will not tolerate reprisal against an individual who in good faith, reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information however is grounds for dismissal.
2. Every employee has the right to report sexual harassment without fear of reprisal. Acts of reprisal against an individual should be reported immediately. Reprisal occurs if someone threatens an employee or his/her career, because the employee filed a complaint or discussed an issue with member of management.
3. Persons who are asked to cooperate and participate in a pending investigation shall be able to do so without fear of reprisal. Stark County shall take disciplinary action up to and including termination of any employee or member of management who directly or indirectly:
  - a) Prevents an employee from cooperating, participating or talking with the parties conducting an investigation of a sexual harassment claim, or
  - b) Harasses an employee and/or creates a negative impact that affects an employee who has cooperated, participated or talked with the parties conducting an investigation.

#### **Discipline:**

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

#### **Dissemination of Policy:**

Prevention and education are the best tools for the elimination of workplace and sexual harassment. The County will take all steps necessary to prevent harassment in any form from occurring such as:

1. Conduct training for elected officials/department heads, supervisors and employees to affirmatively raise the subject by reviewing policies, discussing behaviors to be mindful of, and a general awareness of intimidating, hostile, or offensive workplace environments and sexual harassment.
2. Informing all County employees' of the policy.
3. Investigating all claims of harassment, hostile work environment, and/or any unwelcome conduct in a confidential manner.
4. Taking appropriate disciplinary action for the prevention or reoccurrence of sexual harassment.

## Chapter 15

### **Section 1 – Employee Complaint and Appeal**

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

**Scope:** This policy applies to the County Commission, Elected Officials/Department Heads, and all employees of Stark County Government. Social Service employees are covered by the North Dakota merit system and will refer to the internal grievance policy for Social Services.

Employees may submit a complaint of an employer action of demotion, dismissal, suspension without pay, forced relocation, reduction-in-force, or discrimination in employment. The employee must begin the procedure within fifteen (15) working days from the date of notice of the employer action, except in instance of reprisal. In the case of reprisal, the employee must begin the procedure within fifteen (15) days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. The elected official/department head may extend the time limits based on good cause for the extension. The employee must be notified in writing of such reasons for the extension.

#### **Procedure:**

The employee must submit his/her complaint in writing, utilizing a complaint report form available from the Benefits/Payroll Office.

1. The employee should discuss his/her complaint with the immediate supervisor as the first step in the complaint procedure, within fifteen (15) working days after the incident.
  - If a mutual agreement is reached, both the employee and immediate supervisor will acknowledge this in writing, utilizing the complaint report form.
  - If a mutual agreement is not reached at this level both the employee and immediate supervisor will acknowledge this in writing; the employee may then forward the complaint to the next supervisory level, if one exists within the department.
  - If the origin of the complaint involves the immediate supervisor, the employee may then advance the complaint to the next step.
2. If the complaint is not settled in step one, the employee may forward the complaint to the next supervisory level, the elected official/department head within fifteen (15) working days.
  - The employee and the immediate supervisor will utilize the employee complaint report form to present their positions in writing to the Elected Official/Department Head.
  - The Elected Official/Department Head will have fifteen (15) working days from the receipt of the complaint report form, to provide the employee and immediate supervisor with a decision regarding the complaint.
  - If a mutual agreement is or is not reached, both the Elected Official/Department Head and the employee will acknowledge this in writing, utilizing the employee complaint report form.
  - If the origin of the complaint involves the Elected Official/Department Head, the employee may then advance the complaint to the next step.
3. If the complaint is not settled in step two, the employee may forward the complaint to the Human Resource Director within fifteen (15) working days. The Human Resource Director will work to mutually resolve the complaint and will respond in writing to the employee and supervisory staff within fifteen (15) days from the receipt of all written material.
  - If the origin of the complaint involves the Human Resource Director, the employee may then advance the complaint to the next step.
4. If the complaint is not settled in step three, the employee may request, in writing, that the Human Resource Director forward the complaint to the appointing authority, the Board of County

Commissioners within fifteen (15) working days. The Human Resource Director shall then forward the request to the Board's Chairperson and County Auditor, to be included on the agenda of the next regularly scheduled Board meeting.

5. The Board of County Commissioner's may elect to hear the complaint or to contract a hearing officer to hear or review the complaint. Once the Board of Commissioner's has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.
  - If the Board determines to hear the complaint, they will establish the terms for hearing the complaint, either by requesting all parties submit information in writing, verbally or combine both options.
  - Once the Board has either heard the complaint or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within fifteen days (15) after making a determination.
6. If at any time through the complaint process, either the employee and or supervisory level may request alternative dispute resolution or mediation services. All parties involved must agree to the use of mediation prior to the method being utilized.
  - During the time period when mediation services are being utilized, the time limits of the internal complaint procedure will be considered suspended. At the conclusion of the mediation process, if a resolution is not reached, the time limitations of the complaint procedure are reactivated. Note: The Mediator determines the date of conclusion of mediation process and will notify all parties.

**Additional Provisions:**

1. An employee who is a party to a work-related complaint proceeding may be accompanied, advised, and represented throughout the proceeding by another employee or by a representative chosen by the employee involved in the proceeding in accordance with NDCC 34-11.1-04.2.
  - All representatives will conduct themselves in a respectful and professional manner during the complaint procedure and will be responsible for complying with the requirements identified in the County's Harassment Policy (Section 12).
2. An employee may be granted up to a total of eight (8) hours, without the loss of pay or leave, to prepare for a complaint and appeal as outlined in steps one (1) through six (6). Leave will be approved and granted at the discretion of the Elected Official/Department Head, so as not to interfere with the daily business needs of the department.
  - In the instance of multiple complaints submitted by the same employee and/or group complaints, leave time will not exceed a combined total of eight (8) hours.
  - The employee may not use Stark County equipment, such as the computer, fax, copy machine, etc... for preparation of his/her complaint, unless approval is granted by Elected Official/Department Head.

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

1. Any direct employee of Stark County.

**Non-complaint Items:**

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

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

**Definitions for the Complaint Policy and Procedure:**

**Human Resource Director** – Stark County State’s Attorney will serve as the Human Resource Director and any reference to the Human Resource Director in this policy shall reflect this position.

**Direct Employee** – means any individual employed by Stark County, not on a contract basis but as an employee whose payment for services is run through the payroll program.

**Supervisor** – means an employee who is responsible for and has the authority to assign and evaluate the work of others.

**Elected Official/Department Head** – means an employee who is the administrative division for a County agency, and who has either been appointed by the County Commission or elected into office.

**Employer Action** – means an action taken by the appointing authority that affects a direct employee through a demotion, dismissal, suspension without pay, forced relocation, reduction-in-force or reprisal.

**Reduction-in-force** – means the loss of employment by a direct employee as a result of a reduction in funding, lack of work, curtailment of work and/or reorganization.

**Reprisal action** – means an unfavorable employment-related action taken against an employee for exercising the employee’s rights.

**Forced Relocation** – means the involuntary transfer or reassignment of a direct employee from one work location in the County to another work location in the County that requires the employee to move to a different place of residence.

**Working Days** – means the work days of Monday through Friday, excluding holidays.

## EMPLOYEE ACKNOWLEDGEMENT FORM

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

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

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

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

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

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

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

\_\_\_\_\_  
**Employee Name (please print)**

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

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

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

\_\_\_\_\_  
**Employee Name (please print)**

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

I have read the Stark County **Distracted Driving Policy** including department provisions specific to job function and I agree to abide by the rules, regulations and policies set forth by Stark County.

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

\_\_\_\_\_  
**Employee Name (please print)**

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

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I have read and understand the **Stark County Vehicle/Equipment Policy**, and I agree to abide by the rules, regulations and policies set forth by Stark County.

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

\_\_\_\_\_  
**Employee Name (please print)**

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

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I have read and understand the **Stark County Drug and Alcohol Policy**, and I agree to abide by the rules, regulations and policies set forth by Stark County.

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

\_\_\_\_\_  
**Employee Name (please print)**

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

1. I have received and read a copy of the “**Electronic Tools Guidelines Policy**” and understand the same;
2. I understand and agree that any computers, cell phone, software and storage media provided to me by the county contains proprietary and confidential information about Stark County and its people or its vendors and that this is and remains the property of the County at all times;
3. I agree that I shall not copy, duplicate (except for backup purposes as part of my job here at Stark County), otherwise disclose, or allow anyone else to copy or duplicate any of this information or software;
4. I understand that any misuse or abuse of this policy may be subject to corrective action, including the loss of this benefit, possible termination of employment, legal action and criminal liability.
5. I agree that, if I leave Stark County for any reason, I shall immediately return to the County the original and copies of any and all software, job based documents, computer materials or computer equipment that I may have received from the County that is either in my possession or otherwise directly or indirectly under my control.

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

\_\_\_\_\_  
**Employee Name (please print)**

Date\_\_\_\_\_