



MCKENZIE COUNTY

Employee Handbook

DECEMBER 5, 2023





McKENZIE COUNTY

Employee Handbook Introduction

All employees will operate under the most current version of the Handbook as approved by the McKenzie County Commissioners. This handbook is not intended to be all-inclusive. The guidelines in this handbook are not intended to cover every situation that an employee, Department Head or manager may encounter. It should be understood that this handbook must be used as a guide only. Any exceptions or changes to policy must be approved by the Board of County Commissioners.

No employee handbook can anticipate every circumstance or question about policy. As the conditions in the County continue to change, the need may arise to change policies described in the handbook. The Board of County Commissioners retains the right to revise, change, add to, suspend or cancel, in whole or in part, any of the policies contained in this Handbook, at any time, without notice. A good faith effort will be made to communicate revisions, changes, additions to, suspensions or cancellations to employees.

This handbook is designed to acquaint employees with McKenzie County as a business and contains personnel policy guidelines outlining benefits and the minimum requirements of job performance expected of you. These are conditions of employment with McKenzie County. Any part of the Handbook which is not clear to any employee should be discussed with their Department Head, their designee or Human Resources.

The contents of this Handbook are not to be considered a part of any employment agreement or contract with any employee. Employment with McKenzie County is on an 'at-will' basis and is for no definite period and may, regardless of the date or method of payment of wages or salary, be terminated at any time with or without cause and with or without notice. Other than McKenzie County Commissioners or an elected official, no Department Head, manager, or other person, regardless of title or position, has authority to alter the at-will status of your employment or to enter into any employment contract for a definite period of time with you. Any agreement with you altering your at-will employment status must be in writing and signed by the McKenzie County Commissioners. Employees are free to leave the employ of McKenzie County at any time for any reason with or without notice.

Should any policy in this handbook be found to conflict with requirements of the law or be declared illegal by a court of competent jurisdiction, said policy will be automatically rescinded to the extent that it violates the law. The remaining policies shall remain in full force and effect until rescinded or amended by the Board of County Commissioners.

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From the Board of County Commissioners

Welcome

Welcome to the team at McKenzie County! On behalf of the Board of Commissioners (BOCC), we are thrilled to have you join our community of dedicated professionals. This handbook has been meticulously crafted to provide you with a comprehensive overview of our organization's policies, guidelines, and expectations.

As a county, we are committed to delivering exceptional services to our residents, and our success is rooted in the collective efforts of our employees. You are now an integral part of our mission to enhance the quality of life for our community members and promote growth and development in this beautiful region.

This handbook serves as an essential tool to acquaint you with our values, policies, and procedures. It covers a wide range of topics, from workplace conduct and performance expectations to benefits, safety protocols, and opportunities for professional development. We encourage you to familiarize yourself with its contents, as it will guide you in navigating your role effectively and professionally.

At McKenzie County, we foster an environment of inclusivity, collaboration, and innovation. We believe in the power of diverse perspectives and ideas to drive progress. As you embark on this journey with us, we encourage you to engage with your colleagues, ask questions, and contribute your unique insights to help us continue thriving as an organization.

Should you ever need assistance or have questions regarding the contents of this handbook, our Human Resources (HR) department is here to support you. Your growth and well-being are paramount to us, and we are committed to providing the resources and support you need to succeed.

Once again, welcome to the McKenzie County team. We are excited to witness the positive impact you will undoubtedly make and look forward to working together to create a brighter future for our community.

Sincerely,

Board of County Commissioners
McKenzie County, North Dakota

Statement of Ethics

Statement of Ethics

All employees of McKenzie County are expected to observe the highest standards of ethics and integrity in their conduct. Serving the general public is the primary reason for the existence of County government.

This means following a basic code of ethical business behavior, which includes:

- When any reasonable request for assistance is made, we will respond positively and see the concern through to its completion. If we are unable to provide requested assistance immediately we will inform the general public when we will be able to grant their request, (if it is to be granted) keep them apprised of the progress and adhere to that commitment.
- Employees, while on duty or representing the County in an official capacity, are expected to follow the policies of Department Heads and Board of County Commissioners and in the case of the general public will present McKenzie County's position in a positive manner. Any employee observing an unprofessional approach to the general public or observing an employee misrepresenting the County's employee policies or procedures shall report the incident to their immediate Department Head or Human Resources for proper action.
- Complying with the letter and spirit of all applicable laws.
- Faithfully carrying-out County policies, rules, regulations, and contracts.
- Dealing honestly, fairly and compassionately with the general public, co-workers, and elected officials.
- Respecting McKenzie County's ownership of all County equipment, supplies, books, records, and proprietary information.
- Preserving the confidentiality of County records classified as confidential under the North Dakota Century Code.
- Understanding that books and records are County property and it is against County policy to remove them except in the course of doing their job and with the permission of their Department Head or their designee.
- Declining any gifts, gratuities, or payments offered by anyone with whom McKenzie County offers of free service, travel, merchandise, etc. Borrowing from such sources (except banks or where credit is extended as a general practice to the public) is absolutely prohibited. Only token gifts, including imprinted pens, calendars, and unsolicited gifts valued less than \$15 may be accepted without the authorization of the employee's Department Head or their designee.
- Disclosing any outside financial interests that might influence an employee's decisions or actions on the job, including interests in suppliers, or clients. Employees should not acquire such interests except for publicly traded securities in which the employee owns less than a one-percent interest.
- Not accepting any outside employment with a supplier or any other employment that could interfere with responsibilities to McKenzie County. Employment with any person or business that has dealings with McKenzie County must be approved by the Department Head in writing, including the acceptance of directorships, honoraria for speeches, or consulting fees.
- Not using information or authority derived from employment with McKenzie County for personal gain.
- Alerting the employee's Department Head or the McKenzie County Commissioners as soon as possible to any situations regarding the employee, public or nonpublic information that may reflect negatively or positively on McKenzie County.
- Any unusual requests which are beyond the scope of the employees' normal job responsibilities or which seem inappropriate to the employee should be referred to the Department Head or the McKenzie County Commissioners as soon as possible.

Employees who have questions about how this code of business ethics applies in particular situations should discuss the exact circumstances with their Department Head. Each situation disclosed will be considered on its merits.

Employment

Employment At-Will

Neither this Handbook nor any other County publication is an employment contract (formal or implied) between McKenzie County and any employee. Employment with McKenzie County is on an “at-will” basis and is for no definite period and may, regardless of the date or method of payment of wages or salary, be terminated at any time with or without cause and with or without notice. Other than the Board of County Commissioners or an elected official, no one has the authority to alter the at-will status of any employee’s employment or to enter into any employment contract for a definite period of time with an applicant or employee. Any agreement with an applicant or employee altering the applicant’s or employee’s at-will employment status must be in writing and signed by the Board of County Commissioners.

Equal Employment Opportunity

McKenzie County is an equal opportunity employer. It is the policy of McKenzie County to recruit, hire, train and promote employees without discrimination because of race, color, religion, sex, national origin, age, genetics, sexual orientation, mental or physical disability, status with regard to marriage or public assistance, political opinions or affiliations, or participation in lawful activity off the employer’s premises during non-working hours that is not in direct conflict with the essential business related interest of the County except where specific age, gender, or physical requirements are a bona fide occupational qualification.

Veteran's Preference: Qualified veterans may have preference for employment with McKenzie County as outlined in [NDCC 37-19.1](#)

Americans With Disabilities Act ([ADA](#))

The Americans with Disabilities Act (ADA) requires an employer to provide reasonable accommodations for individuals with disabilities, unless it would cause undue hardship to the County. A reasonable accommodation may include changes in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities.

If you require an accommodation, you must inform your supervisor and Human Resources (HR) that there is a need for an adjustment or change at work for a reason related to a disability. The County may require an employee to submit to a medical examination if the County believes it is necessary to assess the employee’s continuing ability to perform the essential functions of their position and for other reasons deemed necessary by the County. Annual certification of the need for reasonable accommodation may be required.

If it is determined that an employee is unable to perform the essential functions of the position, with or without reasonable accommodation, and no vacant position exists in which the employee is qualified for and could be transferred to as an accommodation, employment may be terminated.

Classifications of Employment

For purposes of salary administration and eligibility for overtime payments and employment benefits, the County classifies employees as follows:

- *Full-time Employees* - Employees who work forty (40) hours per week. Such employees may be “exempt” or “nonexempt” as defined below.
- *Part-Time Employees* – Employees who work less than forty (40) hours per week. Such employees may be “exempt” or “nonexempt” as defined below.
- *Seasonal Employees* - Employees hired as an interim replacement to supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Such employees may be “exempt” or “nonexempt” as defined below.
- *Temporary Employees* - Employees appointed for a special project for a designated period of time, typically not exceeding six (6) months.

- Cannot work over 1,000 hours annually
- *Nonexempt Employees* - Employees either full or part-time who are paid a wage based on an hourly rate. Nonexempt employees are required to complete and provide accurate records of their hours worked.
- *Exempt Employees* - Employees either full or part-time that are paid a pre-determined rate. Exempt employees are not eligible for overtime.

Employee File Policy

McKenzie County keeps records relating to employees and employment in multiple, distinct files; documents contained within these files are the property of McKenzie County. Access and maintenance of files connected with an employee are strictly governed by this policy and the Open Records Laws of North Dakota. All original documents and forms concerning required and voluntary personal information relating to employees' tenure with McKenzie County will be kept within these files.

All information, except the "Confidential Information" outlined below, are records of a public entity and are subject to the North Dakota Open Records Law. Generally, persons other than the employee's Department Head, Payroll, and Human Resources (HR) may not inspect an employee file without the file first being reviewed for confidential information that may require protection; HR is responsible for redacting confidential information when Open Records requests are received.

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

Confidential Information

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

Records related to the use of employee assistance programs are confidential under [NDCC 44-04-18.1\(1\)](#).

Employees' medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law. Medical information will be maintained in a separate confidential file as required by [NDCC 44-04-18.1](#).

An employee's health condition and medical information are personal and confidential and not subject to open record. McKenzie County will take necessary and appropriate action to respect the rights of privacy and confidentiality of any employee. Dissemination of information concerning an individual with a communicable disease will occur as provided under Federal and State law.

Records pertaining to an employee's participation in a retirement program, uniform group insurance program, or pretax benefits program are confidential and will be released only to those specified by statute. [NDCC 54-52.26](#) (retirement); [NDCC 54-52.1-11](#) (group insurance); [NDCC 54-52.3-05](#) (pre-tax benefits).

No County files or documents are allowed outside of County premises without the expressed approval of the Department Head. Certain assets must be periodically tracked and inventoried. Specific guidelines for inventory procedures are covered under [NDCC 44-04-07](#).

Conflicts of Interest

The following actions by an employee are deemed a conflict of interest and subject to disciplinary action as appropriate:

- Use or attempted use of the employee’s official position to secure benefits, privileges, exemptions, or advantages for the employee or the employee’s immediate family or an organization with which the employee is associated which are different from those available to the general public.
- The use for private interest, gain, or advantage of county time, facilities, equipment receipt, or acceptance by the employee of any money or things of value from anyone other than the county for the performance of an act which the employee would be required or expected to perform in the regular course or hours of county employment or as part of the duties as an employee.
- Actions as an agent or attorney in any action or matter pending before the County except in the proper discharge of official duties or on the employee’s own behalf.
- Acceptance of other employment or contractual relationship that will affect the employee’s independence of judgment in exercise of official duties, absent advance written permission of the employer.
- Employment by a business which is subject to the direct or indirect control, inspection, review, audit, or enforcement by the employee, absent advance written permission of the employer.
- The performance of an act in other than the employee’s official capacity which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee.

Outside Employment

Employees must disclose secondary employment to their Department Head and supervisor. They also must submit a completed ‘Disclosure of Outside Employment’ form to their Department Head for each case of outside employment. Department Heads are responsible for providing a copy of any outside employment forms to HR. Work requirements, including County overtime, must have precedence over any outside employment. If a conflict should arise between outside employment and McKenzie County requirements, McKenzie County requirements must take precedence.

If a Department Head has secondary employment, they must submit a completed ‘Disclosure of Outside Employment’ form to HR. HR will then submit the request to the Board of County Commissioners for approval.

Recruitment

Approval of Positions

Department Heads are responsible for including all anticipated staff for the year in their annual budget. If there is a business necessity to add an additional position (not accounted for in the budget), the Department Head is to collaborate with Human Resources to develop a job description. Once the job description is created, the Department Head is to present the position to the Board of County Commissioners and seek approval to process a compensation analysis (PDQ) for the position. Once the analysis is complete, the Department Head is to present the results to the Board of County Commissioners and seek approval to fill the position. If a Department Head wishes to fill a position that has been included in the approved budget, but has not previously been filled, the same process applies. For more information on PDQs, refer to page 17.

If an already budgeted position is vacated, the Department Head is to make any necessary updates to the job description and request approval to backfill from HR. If HR does not feel the position is required, the Department Head can seek approval from the Board of County Commissioners.

Selection Criteria

All applicants will be considered on the basis of their job-related merits as related to the position. External applicants must complete and submit approved application forms including resumes and consent forms. Internal applicants may be required to submit a statement of interest in a position.

All application materials, resumes, letters of qualification, selection interview forms, and/or documents relating to the selection process will be retained in the Human Resource Department for six (6) years from the date the position was filled.

Persons eligible to receive veteran's preference are entitled to preference in employment, in accordance with [NDCC 37-19.1](#), through external recruitment and selection. Veteran's preference does not apply to internal recruitment and selection.

Nepotism

McKenzie County employees, in the exercise of that official's or employee's duties, may not serve in a supervisory capacity over, or enter a personal service contract with, that official's or employee's parent by birth or adoption, spouse, son or daughter by birth or adoption, stepchild, brother or sister by whole or half blood or by adoption, brother-in-law or sister-in-law, or son-in-law or daughter-in-law. As used in this section, "supervisory capacity" means the authority to appoint, employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate. As used in this section, "evaluate" does not include evaluations by peers or subordinates. This does not apply to any temporary work arrangement necessary to meet a critical and urgent need. This is specifically referenced in [NDCC 44-04-09](#).

It is the County's policy that relatives, as listed above, of County Commissioners, other elected officials or any other persons currently employed by the County may not be hired, within the same department, without the prior approval of the Board of County Commissioners.

Department Head Recruitment

Department Heads are appointed by the Board of County Commissioners. If a position is vacated, Human Resources will present the Board of County Commissioners with the current job description for the position. Human Resources will implement any recommended changes to the job description and post the job as directed by the Board of County Commissioners. Interviews will commence per direction of the BOCC.

Internal Transfers

If an employee has interest in another role within the County, they are to submit a letter of interest to HR to be considered for the position. The employee is encouraged to notify their supervisor of their interest. If selected for the position, the employee is to notify their supervisor; the supervisors and HR will then communicate in regards to a plan of transition for the employee to the new position. The goal is for the employee to transfer as

soon as feasible for both parties, within reason. Further detail on internal transfers can be found in the Compensation section, page 17.

Relocation

McKenzie County does not offer relocation to potential or current employees.

Re-Employment Policy

A former employee who resigned or separated in good standing may be eligible for consideration of re-employment if the employee applies and meets the minimum qualifications for the positions available. Upon meeting the minimum qualifications, the employee must go through the hiring process and be selected for the position.

A previous employee who is eligible for re-employment will be treated as a new employee and subject to the compensation rate and hiring process for the position as advertised or assigned to that job classification. Previous years of employment service will not be credited to their accrual for the amount of vacation and/or sick leave no matter the length gone from service.

Employees involuntarily terminated will not be considered for future employment with McKenzie County.

Reference & Background Checks

McKenzie County conducts employment reference and background checks on potential applicants as part of the selection process. If any applicant intentionally falsified any information regarding reference or background history, the employment offer may be rescinded.

If an applicant's background check results in information not disclosed by the applicant, Human Resources and the Department Head will determine how to move forward. Employment is contingent upon successful completion of an application for employment, a pre-employment drug test, a background investigation, proof of eligibility to work in the United States within 72 hours of reporting to work and completion of all onboarding paperwork.

Driving Record Requirements

If a prospective employee whose job requires them to operate a county vehicle and/or equipment has the following on their background, the offer for employment will be rescinded:

1. Three or more moving violations within a one-year period.
2. Two or more at-fault motor vehicle crashes within a two-year period.

Any exceptions must be pre-approved by the Board of County Commissioners.

Any employee who receives a request for work history or other personnel information regarding current or former employees, whether written or verbal, should refer the request to HR.

All information given or received from reference or background checks must be evaluated in compliance with the Fair Credit Reporting Act ([FCRA](#)), the American with Disabilities Act ([ADA](#)), Title VII of the Civil Rights Act of 1964 ([Title VII](#)), and any other applicable State and Federal Law.

Hiring of Third Parties/Contractors

All third parties/contractors hired by the County must be licensed, insured and in good standing with the state prior to any business being conducted. It is the responsibility of the County employee coordinating the work to ensure compliance; failure to do so may result in disciplinary action, up to and including termination.

Employee Benefits

Benefit eligibility is dependent upon a variety of factors, including employee classification. The following benefit programs are available:

- Health/Dental/Vision Insurance
- Vacation Hours
- Sick Hours
- 12 Paid Holidays
- Retirement Program
- Flex Spending Account
- Life Insurance
- Voluntary Supplemental Insurance
- Family/Medical Leave
- Employee Assistance Program
- Military Leave
- Bereavement/Funeral Leave
- Jury Duty Leave
- Witness Duty Leave

Health/Dental/Vision Insurance

Group health/dental/vision insurance coverage is available through Blue Cross & Blue Shield of ND ([BCBSND](#)). Health Insurance benefits, for those who enroll in the plan, benefits begin on the either the 1st or 16th of the month following the date the employee begins employment. Enrollment paperwork must be completed and returned within the first 3 days of employment. If the employee fails to provide the paperwork to the County within the first 3 days, the employee will be required to wait to enroll during the next open enrollment period. Employees are eligible to alter their coverage in the event of a qualifying event (within 30 days of the event) as defined by the insurance company that provides the County's insurance coverage.

For all full-time employees, the County covers 100% of the employee's premium and 85% of the premium for all other options. The County covers 50% of part-time employee's premium and 42.5% for all other plans for part-time employees.

Vacation Hours

Vacation hours begin to accrue following the first full pay period worked. Part-time employees are eligible for 50% of the full-time employee benefits. Temporary and seasonal employees are not eligible to accrue vacation hours.

Vacation pay is paid at the employee's straight time hourly rate in effect when vacation benefits are used. Vacation pay does not include shift differentials, incentive pay, bonuses, overtime rate, or other special forms of compensation. Vacation benefits for salaried employees will be based on their regular salary.

Vacation requests are to be submitted to the employee's Department Head or supervisor. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence.

Vacation hours may be accumulated to a maximum of 240 hours. Once an employee has reached their maximum accrued vacation level, they will cease to earn additional vacation until their level falls below 240 hours. Cash payment in lieu of vacation privileges is not allowed except in the event of termination. Vacation hours accrued during an active pay period cannot be used until the following pay period.

Vacation hours will only accrue if an employee has a total of (including the use of sick and vacation hours) 80 hours per pay period or more.

Vacation hours for full-time employees will be accrued on the following basis:

<u>Length of Service</u>	<u>Hours Accrued per pay period</u>	<u>Hours per year</u>
0 - 2 full years	4 hours	96 hours
3 - 5 full years	5 hours	120 hours
6 - 9 full years	6 hours	144 hours
Over 10 full years	7 hours	168 hours

Sick Hours

Sick hours are intended to be used in the event of an absence for medical purposes (including those related to mental health). Employees are encouraged to schedule routine medical appointments for non-working time if possible. Temporary and seasonal employees are not eligible for paid sick leave.

Full time employees hired after December 5, 2023 are provided 24 hours of sick time upon hire; part-time employees are provided 12 hours of sick time upon hire.

Full-time employees earn four (4) hours of sick time per pay period for the first two pay periods of each calendar month of full-time service for each month during which the employee actually works (including use of sick, vacation and personal leave) no less than 80 hours. Regular part-time employees earn two (2) hours of sick time per pay period for each calendar month of part-time service for each month during which the employee actually works (including use of sick, vacation and personal leave) no less than 40 hours.

Sick time may be accumulated up to a maximum of 480 hours. Once an employee has reached their maximum accrued level, they will cease to earn additional sick hours until their level falls below 480 hours.

Employees who are unable to report to work must notify their supervisor before the scheduled start of their shift. The supervisor must be contacted each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be requested verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for other sick time absences as well and may be the basis for payment authorization of sick time benefits. An employee may be requested to provide a physician's verification that they may safely return to work if sick for three consecutive shifts or more.

Cash payment in lieu of sick hours is not allowed. Employees are not compensated for sick hours upon termination of employment.

Employees must be able to perform normal job duties and meet regular performance standards. Department Heads and supervisors reserve the right to send employees home if they feel the employee's continued presence poses a risk to the health of the employee, other employees and/or public.

Transfer Sick Leave Benefits

The County reserves the right to determine eligibility for transferring/donating sick leave benefits on a case-by-case basis. To request leave donations, employees are to contact their Department Head for review and approval. If approved, the donation request is forwarded to HR for review and approval. Human Resources reviews and makes the final decision on requests. Once an employee submits a resignation notice, they are no longer eligible to donate hours.

The donated hours will be transferred at the donor's pay rate and used at the recipient's pay rate. Payroll will track donations and use them on a "first received" basis. Each payroll period, the leave will be deducted from the donor(s) in the order the donations were received. Only enough leave to cover the current payroll will be deducted. Once the employee returns to work, or is no longer eligible for leave, any remaining unused

donated hours will be returned to the donors without any leave deductions occurring. Name(s) of donors are not revealed to the recipient. Any leave donations used by the recipient are non-refundable to the donor.

Eligibility Requirements

An employee may receive donated leave if the employee has exhausted all paid leave benefits (comp time, vacation, and sick).

An employee may donate leave if the following criteria are met:

- The employee must retain a minimum of 80 hours of sick leave
- The employee can only donate a maximum of 40 hours per request notification per pay period.

Holidays

McKenzie County recognizes the following holidays for each calendar year:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and the day after
- Christmas Eve
- Christmas Day
- Any other day designated by the Board of County Commissioners.

General County business offices will be closed for business on the days listed above. A holiday calendar is provided to employees annually. Eligible employees receive holiday pay without a waiting period from date of hire. Holiday pay will be calculated based on the employee's straight time hourly rate (as of the date of the holiday) times the number of hours the employee would otherwise have been scheduled to work that day. Part-time employees are eligible for 50% of the full-time employee benefit.

County offices and departments that regularly operate Monday through Friday will observe Holidays that fall on a weekend day with a closure on Friday or Monday per the following schedule: a recognized holiday listed above that falls on a Saturday will be observed on the preceding Friday. A recognized holiday listed above that falls on a Sunday will be observed on the following Monday in accordance with provisions of the North Dakota Century Code. All departments observe holidays on the same day regardless of operating schedule.

If an employee is required to work on a recognized holiday, they will receive wages at the employee's straight time hourly rate for the hours worked on the holiday, in addition to holiday pay.

Paid time off for holidays is not counted as hours worked in the calculation of overtime. Any changes to the holiday schedule must be approved by the Board of County Commissioners.

NDPERS (ND Public Employees Retirement System) – Retirement Program

All new full-time or part-time non-elected employees who are at least 18 years of age and are working an average of 20 hours per week for five (5) or more months of the year are required to participate in the North Dakota Public Employees Retirement System ([NDPERS](#)) Group Retirement Plan. Membership will become effective immediately upon employment. Information regarding the NDPERS Group Retirement Plan is available from Payroll, HR, or the NDPERS website. Temporary and Seasonal employees are not eligible for NDPERS benefits.

Employees contribute a percentage of their gross salary (pre-tax); McKenzie County contributes the remaining percentage after the employee fulfills the three-year vesting period of employment.

Deferred Compensation

Deferred Compensation, under Internal Revenue Service (IRS) Code Section 457B, is a tax deferred supplemental retirement program that allows public employees to contribute a portion of their salary into a retirement account. It is a voluntary program for full-time employees and handled as a payroll deduction. Information regarding deferred compensation is available from Payroll or HR.

Employees can change their voluntary deduction at any time by reaching out to Payroll. Employees seeking to withdraw funds from their deferred compensation account should contact the vendor directly as the funds are restricted for withdrawal unless specific circumstances or employee age requirements are met.

Flex Spending Account

The County offers full-time employees a flex spending account through Total Administrative Services Corporation ([TASC](#)). Tax-free dollars can be set aside each month, up to \$3,050.00 annually for medical expenses and up to \$5,000 annually for day care expenses. These amounts are approved by the Board of County Commissioners and are subject to change.

NDPERS – Term Life Insurance

McKenzie County provides all employees a \$12,000.00 life insurance policy through the NDPERS. Employees will be eligible the first of the month following their first day of work. Additional coverage is available for employees to purchase through payroll deductions for the employee, employee's spouse, or dependents. Information regarding the NDPERS Group Retirement Plan is available from Payroll, HR, or the NDPERS website.

Voluntary Supplemental Insurance

All full-time employees have the opportunity to purchase supplemental insurance coverage through third party vendors. Employees are responsible for 100% of the premium cost through payroll deductions. Any changes to the supplemental insurance sponsored by the County must be approved by the Board of County Commissioners.

Employee Assistance Program

McKenzie County utilizes The Village Business Institute to provide an Employee Assistance Program. The Village offers professional guidance for a variety of topics to employees and their families at no cost. These services are strictly confidential and available 24/7.

Compensation

McKenzie County strives to ensure that all employees are compensated fairly and consistently. To do so, a classification system is used to provide a complete inventory of all positions in the County and specifications for each class of work. Pay rates within the compensation plan are provided by a third party, which are reviewed by HR and presented to the Board of Commissioners. The Board of County Commissioners has the right to award pay increases to employees, departments, or individuals based upon factors such as performance, cost of living and market pressures. The County reevaluates its overall structure at regular intervals, depending upon market movements, to ensure that its salary levels are consistent with the marketplace.

Annual salary increases, such as COLAs (cost of living adjustments) or step increases are not guaranteed and are determined by the Board of County Commissioners. If approved, step increases are effective the first pay period of each year.

Determination of Hiring Salaries

Salaries upon hire are based on the applicant's related experience, both direct and indirect. Human Resources and the Department Head will conduct a review of the job description in correlation to the employee's experience and skillset. Based on this review, applicants are granted steps based on the following criteria:

- 1 step for every two full years of directly related experience
- 1 step for every four full years of indirectly related experience

Incumbents that do not meet the minimum qualifications of a position may start below the minimum of the assigned range for the classification. Once they have met the minimum qualifications presented in the job description, they are to move to the minimum of that classification at the start of the next pay period.

Internal Transfers and Promotions

To determine the compensation for a promotion or internal transfer to a position with a classification in a higher range, the same process as above is followed; the increase in pay would be effective beginning on the next pay period (minimum of a 3% increase for promotions). This increase is separate and distinct from any annual salary adjustment. In no case should a promotional increase place an employee's salary above the maximum of the assigned range.

When an employee transfers to a position with a classification that is equivalent or less than the employee's present classification, the employee's salary will be adjusted at the beginning of the next pay period as deemed appropriate by HR and the Department Head.

Job Analysis & Reclassification

When new positions are created, a job analysis is required to determine the appropriate salary range for the position. To do so, the Department Head is to collaborate with HR to develop a job description. Based on the job description, a Position Description Questionnaire (PDQ) that sets forth the responsibilities and duties assigned to the position is completed by the Department Head. The process for approval of new positions can be found under **Recruitment**, page 10.

A review and possible reclassification of a position is warranted if the duties have changed 30% or more. Review requests will be accepted by HR throughout the year, but will only come before the Board of County Commissioners twice a year. The same position may be reviewed only once in a twelve (12) month period, this period beginning from the date of the last action. The review does not guarantee a change in classification.

If a Department Head perceives a classification inequity exists after a classification review, an appeal may be made. To do so, the Department Head must submit a letter of explanation to Human Resource no later than ten (10) working days from receipt. HR will submit the appeal to the agenda of the Board of County Commissioners for consideration.

Leave of Absence Policies

Requesting a Leave of Absence

To request a leave of absence, the employee must:

- Complete a Leave of Absence Request form that defines the anticipated timing and duration of the potential leave;
- Provide notice of the need for leave at least 30 days in advance or as soon as practicable;
- Cooperate with all requests for information regarding whether absences are FMLA-qualifying.

Failure to comply may result in the leave request being delayed or denied.

Family & Medical Leave

Employees of McKenzie County are eligible for leave under the Family and Medical Leave Act ([FMLA](#)) if they have at least 12 months of service with the County, have worked at least 1,250 hours within the preceding 12-month period. If eligible, an employee may be able to take up to 12 weeks of unpaid leave during a 12-month period for the following reasons:

- The birth of a child or to care for a child within the first 12 months after birth;
- The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months after placement);
- The care for an immediate family member who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the functions of his or her position; or
- The employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. Covered active duty means duty during deployment with the Armed Force to a foreign country (for a member of a regular component of the Armed Forces); or duty deployment with the Armed Forces to a foreign country under a call or order to active duty (for a member of a reserve component of the Armed Forces).

Employees must use any accumulated sick time, vacation time, or paid personal leave to the extent available during FMLA leave unless such leave is covered under worker's compensation. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

When medically necessary, employees may take FMLA leave intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, the birth or adoption of a child, or for military caregiver leave. Employees are required to communicate with HR to arrange reduced work schedules or intermittent leave to minimize disruption of business operations.

Military Caregiver Leave

An employee who is the spouse, parent, child, or next of kin caring for a covered military service member or veteran recovering from an injury or illness may be eligible for up to 26 weeks of FMLA leave in a 12-month period. The total of 26 weeks of FMLA leave includes any non-military caregiver FMLA leave taken during the 12-month period, such as those listed above.

Medical Certifications

Employees will be required to provide a medical certification if the leave request is: (1) For the employee's own serious health condition; (2) To care for a family member's serious health condition; or (3) military caregiver leave. Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a certification, the leave request may be denied.

Bereavement Leave

Regular full-time employees are eligible for up to (3) three shifts of bereavement leave following the loss of a loved one, upon prior approval of the employee's immediate supervisor (per instance). Part-time employees are eligible for 50% of the regular full-time employee benefit. Employees can use any available paid leave for

additional time off as necessary with supervisor's approval. Bereavement pay is calculated based on the employee's straight time hourly rate times the number of hours the employee would otherwise have been scheduled to work that day.

Bereavement Office Closures

In the event that an entire office or department will be out for bereavement due to an unforeseen event a backup plan shall be in place to allow for business to continue, utilizing employees from other departments if necessary. Office closures should not be frequent and must be approved by HR.

Jury Duty Leave

McKenzie County encourages employees to fulfill their civic responsibilities by serving jury duty when required. An employee who receives a notice that they have been selected for jury duty must notify their Department Head as soon as possible in order that arrangements may be made to cover the job duties. Regular full- and part-time employees who are subpoenaed for jury duty may choose to take vacation time or may choose to turn the jury duty payment over to the County and receive up to two weeks of paid jury duty leave over any one-year period.

If an employee is required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (ex: vacation) or may request an unpaid jury duty leave of absence. The Board of County Commissioners may approve other paid leave on a case-by-case basis, based on the individual situation.

An employee working jury duty and continuing to be paid by McKenzie County will be expected to work as much of their regularly scheduled shift as the jury duty schedule permits, to the extent that combined time on jury duty and at work does not exceed forty hours in a given week. Expenses paid to the employee for jury duty work (aside from regular wages) may be kept by the employee.

Insurance benefits will remain in effect and unchanged for the full term of jury duty absence. Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during jury duty leave.

Witness Duty Leave

McKenzie County supports employees to appear in court for witness duty whenever summoned to do so. Employees are granted a maximum of two (2) scheduled shifts of paid time off to appear in court as a witness. If summoned as a witness of the employer as a result of a job-related event, the employee will be paid for the entire period of witness duty. Employees will be paid at their straight time hourly rate, minus any witness duty payments. Employees who receive witness duty payment must provide copies of all benefit checks received to the payroll officer in the County Auditor/Treasurer's Office so that salary records may be adjusted.

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

Administrative Leave of Absence

Anytime an employee is directed to remain at home during regularly scheduled work hours, it is considered administrative leave. While on administrative leave, the employee continues to receive regular pay and benefits for any scheduled shifts they do not work.

Unpaid Leave of Absence

Regular full and part-time employees who wish to take time off from work duties to fulfill personal obligations can request an unpaid leave of absence. An unpaid leave of absence may be utilized for a period of up to 45 calendar days, per calendar year. Pending the supervisor's approval, an employee must exhaust any accrued comp, vacation hours or if applicable, sick hours, prior to the effective date of the unpaid leave of absence.

Requests for an unpaid leave of absence will be evaluated based on a number of factors, including anticipated

operational requirements, length of employment and staffing considerations during the proposed period of absence.

**Nothing in this policy replaces or supersedes applicable provisions of the Family and Medical Leave Act of 1993, as amended.*

Maintenance of Benefits

McKenzie County will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying their normal monthly contribution. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse McKenzie County for the cost of premiums paid for maintaining coverage during the leave period, except as set forth in the FMLA regulations. All other benefits cease to accrue during the unpaid portion of a leave.

McKenzie County will continue to provide its normal portion of health/dental/vision insurance benefits for the employee while on unpaid leave until the end of the month in which the leave begins, at which point the employee is responsible for payment of the full premium until they return to work. If the employee fails to pay the full premium during this time, the plans will be cancelled and the employee cannot reenroll until open enrollment begins. Accruals of all other benefits are suspended during the period of the unpaid leave of absence.

Return from Leave

Upon return from leave, the employee will be restored to their original or an equivalent position, paid at the same rate prior to the leave of absence. If a step increase was provided during the absence, the salary of the incumbent should be reviewed at the time of returns for any pay action by the Department Head and HR. If the employee fails to report to work at the expiration of the approved leave period, it will be considered job abandonment and employment will be terminated.

Return to Work (RTW) Release

Any employee returning from a leave for their own serious health condition will need to provide a Return to Work Release form signed by the health care provider. An employee who fails to provide an RTW release will not be eligible to return to work until it is provided. A RTW release may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume their duties safely.

Military Leave

McKenzie County complies with all regulations outlined by the Uniformed Services Employment and Re-employment Rights Act as defined by the US Department of Labor.

All employees of this State or political subdivision who:

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

When ordered by proper authority to active non-civilian employment, employees shall be entitled to a leave of absence from such civil service without loss of efficiency rating. If such individuals have been in the continuous employ of the State or political subdivision (McKenzie County) for ninety days immediately preceding the leave of absence they shall receive twenty workdays each calendar year without loss of pay. In addition, any leave of absence necessary by 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 the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. However, if leave is required for weekend, daily or hourly periods of drill for military training on a day in which an employee is scheduled to perform their County work, the employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the reserve or national guard weekend, daily, hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

Upon receipt, employees are to provide HR with a copy of the orders received that establishes the length and type of military leave. While on Military Leave, McKenzie County will continue to compensate the employee at 100% pay, following the standard work week of 40 hours, for a maximum of 480 hours.

Military Leave Benefits

McKenzie County provides employees on Military Leave the option to continue their health, dental and vision coverage while on leave. McKenzie County will continue to provide their portion of the premium on condition that the employee continues to pay their contribution (if applicable).

Military Leave Sick/Vacation Donations

Employees on Military Leave are eligible to receive donations of sick and vacation time from other employees up to a maximum of 480 hours of combined employee paid leave benefits and donated time. The donated hours will be transferred at the donor's pay rate and used at the recipient's pay rate. Payroll will track donations and use them on a "first received" basis. On each payroll period, the leave will be deducted from the donor(s) in the order the donations were received. Only enough leave to cover the current payroll will be deducted. Once the employee returns to work, or is no longer eligible for leave, any remaining unused donated hours will be returned to the donors without any leave deductions occurring. Name(s) of donors will not be revealed to the recipient. Any leave donations used by the recipient become the property of the recipient and are not refundable to the donor.

Eligibility Requirements

An employee may donate leave if the following criteria are met:

- The employee must retain a minimum of 80 hours of sick leave if donating sick hours
- The employee must retain a minimum of 80 hours of vacation leave if donating vacation hours
- The employee can only donate of maximum of 40 hours per request notification per pay period

Timekeeping / Payroll

Timekeeping

Accurately recording time worked is the responsibility of every employee and the Department Head. Federal and State laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Time worked is recorded to the nearest quarter hour.

Supervisors are responsible for reviewing and approving timesheets in a timely manner to prevent errors in employee pay or delays in processing. Failure to do so may result in disciplinary action.

All hourly employees will accurately record the time they begin and end their work. The beginning and ending time of any split shift or departure from work for personal reasons should also be recorded. Exempt employees are responsible for ensuring their own hours worked are entered accurately and in a timely fashion.

All employees, except elected officials, will accurately record time away from work including vacation hours, sick hours, unpaid hours and comp time.

Tampering, altering, or falsifying timesheets or recording time on another employee's timesheet may result in disciplinary action, including termination and possible criminal charges.

Work Schedules

A regular work week begins at 12:01 a.m. on Sunday and ends at midnight the following Saturday. The standard work day is from 8:00 a.m. to 4:30 p.m. The standard workweek for full-time employees is defined as five consecutive eight-hour days, normally Monday through Friday. Work schedules for employees vary throughout McKenzie County. Employees will be advised by their Department Head of their individual work schedules. Any variations to department standard work schedules must be approved by the Department Head, HR and the BOCC.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours scheduled each day and week.

Employees who fail to show for their regular scheduled shift for two (2) consecutive days and fail to contact their supervisor regarding their absence will be considered to have abandoned the job and their employment will be terminated.

Breaks

Supervisors will advise employees of the regular breaks and schedule. To the extent possible, breaks will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees are not released from their work duties in the same manner as the unpaid meal period. Not taking a break does not result in accumulated free time which may be later taken as paid time off.

Nursing Mother Breaks

In accordance with the Patient Protection and Affordable Care Act Amendment ([PPACA](#)) of the Fair Labor Standards Act, McKenzie County employees will be given reasonable paid break time to express breast milk for a nursing child for one year after the child's birth. McKenzie County will be as flexible as possible in regards to a schedule for expressing breast milk for the child. Employees are to consult their supervisor for arrangements in regards to a location in each building and timing.

Paydays

All employees are paid bi-weekly with regular paydays on every other Friday. Each paycheck will include earnings for all work performed through the end of the pay period. Calendars with all the relevant dates for payroll related activities will be available each year prior to the end of the first pay period.

In the event a regularly scheduled payday falls on a scheduled office closure such as a weekend day or holiday,

employees will be advised by Payroll when paychecks will be issued.

Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with Federal and State wage and hour restrictions.

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Supervisors are responsible for the management and approval of overtime. Anticipated overtime work must always be approved and a business necessity. All hours in the regular 40-hour work week will be accounted for as time worked or as leave time for sick, vacation, bereavement or approved unpaid time off. Failure to work scheduled overtime or overtime worked without authorization from the supervisor may result in disciplinary action, up to and including possible termination.

Flexible 'Flex' Time

It is expected that all employees will be in their usual work place during scheduled work hours. If an hourly employee must be away from work during the week, they may make up these hours outside usual work hours with prior supervisor approval *within the same week*. Flex time is not guaranteed.

Exempt employees are expected to fulfill a minimum of 40 hours per work week.

Compensatory 'Comp' Time

If a non-exempt County employee's total time worked exceeds 40 hours for the week, the employee may elect to convert their overtime for that week into comp time. All comp time must be pre-approved by the employee's supervisor and is not guaranteed. Every hour of overtime will be converted to 1.5 hours of comp time. Comp time will be paid at the employee's regular base wage when the comp time is used. Comp time is noted on the employee's timesheets and tracked in the payroll system. Comp time must be used prior to the use of vacation and sick hours. If comp time hours are not used within 60 days after the pay period in which the hours were accrued, the comp hours will be paid out to the employee on the next payroll date at the employee's regular base wage.

Stand-By Pay

Employees required to be available to physically report to work on their scheduled days off and have to be within a radius of a specific response time are eligible for Stand-By pay if they are not called into work. Stand-by pay consists of two hours of paid time per day at the rate of the 1st salary step of the employee's salary band. If the employee is called into work, they are not eligible for stand-by pay that day. Stand-by pay is processed once each month.

Remote Positions

All positions are expected to report to their assigned work locations on scheduled work days. If a Department Head identifies a business need for a remote-work position, it must be pre-approved by the Board of County Commissioners and HR.

Voting

Pursuant to [NDCC 16.1-01-02.1](#) when an employee's regular work schedule conflicts with the time when polls are open, an employee may ask for reasonable time off to vote. Department Heads and supervisors are encouraged, but not required, to allow time off to vote.

Unpaid Time Off

Employees are required to use all accrued comp time and vacation time (or sick time if applicable) before they are eligible for unpaid time off (except in the event of an unpaid suspension). Unpaid time off must be approved by the Department Head and is not guaranteed. Employees are only eligible to utilize unpaid time off for three full, consecutive work days before they are required to complete the Leave of Absence request form.

Pay Advances

Pay advances or extensions of credit on unearned wages will not be provided to employees, with no exceptions.

Pay Corrections

McKenzie 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 Auditor/Treasurer so that corrections can be made as quickly as possible.

Overpayments or underpayments, once they are identified, will be corrected by the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the County will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

Pay Deductions

The law requires that McKenzie County make certain deductions from every employee's compensation. Including applicable Federal, State, and local income taxes. The County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The County contributes the amount of taxes as required by law.

The County offers programs and benefits beyond those required by law. Employees who wish to participate in these programs may voluntarily authorize deductions from their checks. For clarification of any deductions or the calculation of those deductions, contact the Department Head, payroll or HR.

Training & Development

Performance Reviews

Aligning resources to accomplish organizational priorities is one of the most important functions of Department Heads, supervisors, and managers. The Department Head is accountable for ensuring each team member has clearly defined performance plans including key performance measures, core competencies, department and/or role specific competencies, project assignments, and developmental initiatives.

To better evaluate the goals and objectives, supervisors will perform formal reviews once a year using the McKenzie County Employee Performance Review Form. Additionally, a mid-year check-in with employees is required, using the Mid-Year Performance Review form. Once completed, a copy of the reviews are to be sent to HR to be retained in the employee's file. Department Heads, with the exception of elected officials, are responsible for ensuring this is completed; repeated failure to perform evaluations by any Department Head may result in disciplinary action up to, and including termination.

Department Standard Operating Procedures

All departments are strongly encouraged to have all processes and procedures specific to their department documented. The Standard Operating Procedures (SOPs) are to be maintained and updated regularly to ensure fluid continuation of operations in the event of turnover.

Job-Related Training

McKenzie County encourages the professional development of County employees and encourages job-related training which enhances an employee's present job performance or potential for increased responsibility. Participation does not guarantee improved earnings or job reclassification.

Department Heads and HR will determine which programs are considered job-related. This determination will be made based on the content of the training program and its value to improving the ability of an employee to perform the job, achieve work plans, or assist the division in achieving stated goals. Employees coordinate all job-related training with their Department Head.

McKenzie County utilizes North Dakota Insurance Reserve Fund (NDRF) as one of the resources for a training platform. All new employees are required to complete the following trainings through NDRF within the first 90 days of employment:

- Anti-Harassment in the Workplace
- Ethical Behavior for Local Government
- Successful Customer Interactions
- Family & Medical Leave Act

All new or promoted employees hired into a supervisory role are required to complete the following classes within 90 days of hire:

- FMLA Training for Supervisors
- Discipline and Termination
- Interviewing Skills for Managers
- Performance Management

Additional training for all employees will be required annually. Failure to complete the mandatory training requirements may result in disciplinary action up to and including termination.

Employees requesting to attend a conference, workshop, or seminar are required to obtain approval from their Department Head prior to registering for the event. The criteria used to select training are as follows:

- Topic is relevant to the employee's job.
- Attendance is warranted to keep an employee abreast of continuing developments in his/her professional field or specific area of employment and is important to the operation and function of the

- department.
- Requirements for the maintenance of professional or technical license.
- Estimated cost of attendance.

**See below for out of state travel requirements.*

Paid time spent at training or a seminar is limited to the educational time excluding meals, parties, socials, etc. The Department Head must approve any variance from this policy prior to payment.

Travel Time

If travel is required for business purposes, employees are encouraged to do so within the regular scheduled workday. The time a non-exempt employee spends in travel status is considered work time and is considered in determining the number of hours worked during the week. Travel from home to work or work to home is excluded from this definition.

Travel Expenses

In the course of performing the duties and responsibilities of their respective offices, employees may incur expenses related to travel. To the extent that these expenses are reasonable, justifiable, and properly documented, employees may request reimbursement of the expenses. There is a maximum baggage allowance of 1 regular weight checked bag per traveler when flying. Anything in addition to 1 bag will be at the cost of the employee. Exceptions due to traveling with McKenzie County equipment will need to be presented to the board prior to booking travel arrangements. Failure to submit expense reimbursement requests and appropriate documentation in a timely manner (not to exceed 60 days) may result in forfeiture of the employee's right to claim reimbursement.

General Reimbursement Guidelines

Original detailed receipts must be submitted for all employee reimbursement requests. Employees incurring business expenses are expected to be cost conscious and judicious in their expense management, exercising good judgment and ensuring reimbursement requests are well documented including the business necessity of the expenses. Employees are reimbursed for meals, lodging, and miscellaneous expenses pursuant to [NDCC 44-08-04](#). Advances for travel expenses are not offered.

Out of State Travel

When a trip not previously budgeted and approved requires travel outside of North Dakota, a detailed request must be submitted to the Board of County Commissioners for approval. This request should outline the following itinerary:

- Purpose of trip
- Destination
- Transportation and estimated cost
- Lodging, meals and incidental estimated costs
- Total estimated cost of the trip

Emergency situations that arise in certain departments involving investigation, transportation of clients, prisoners, etc., may be exempt from pre-approval due to inadequate lead time.

Employees are expected to choose modes of transportation in a fiscally responsible manner.

Rental Car Policy

Reimbursement for a rental vehicle as a primary mode of transportation must be pre-approved by the Board of County Commissioners.

Because McKenzie County has insurance coverage to cover the business use of rental vehicles, McKenzie County will not reimburse fees for additional insurance purchased from the car rental company. If approved,

the rental agreement must clearly show the date and the points of departure/arrival, as well as the total cost. Drivers must adhere to the rental requirements and restrictions.

Parking fees, tolls, and other incidental costs associated with the vehicle use are typically not covered by the rental agreement and eligible for reimbursement. If the employee extends the duration of the rental car for personal reasons, the employee will be responsible for any additional charges. Personal use of the rental car must be covered by the employee either by purchasing additional coverage from the rental car company or through the employee's personal vehicle insurance.

Lodging

Charges for lodging will be reimbursed for only the night prior to the start of the conference, seminar, meeting, etc. and those nights when the event is actually in session and only when travel on the day of the event is not practical due to length of travel and conference starting time. Receipts are required for all lodging expenses. Lodging charges billed directly to the County require Department Head approval. Telephone charges, movies and related incidental charges are not reimbursable. Employees are expected to book state-rate rooms when available and be cognizant of financial considerations.

Reimbursement for Meals

If meals are included as part of a registration fee for a conference, seminar, or other meeting, the employee should be reimbursed for the entire registration fee, if paid by the employee. However, the employee cannot claim reimbursement for the applicable meal allowance for that quarter. An employee should be reimbursed for meals paid by the employee while attending a meeting at the request of, or on behalf of, the County or any of its subdivisions, agencies, boards, or commissions, up to the allowable rates established below.

Meal reimbursement is allowed for travel while away from the normal place of employment for four hours or more. Employees will not be reimbursed for the first quarter if travel began after 7:00am. In order to claim expenses for the second, third and fourth quarters, the employee must have been in travel status one hour before the start of the quarter being claimed, and travel status must extend at least one hour into the quarter being claimed. The expense allowance for each quarter of any 24-hour period is as follows:

<u>Time Period</u>	<u>Rate</u>
First Quarter – 6:00 am to 12:00 noon	\$9.00
Second Quarter – 12:00 noon to 6:00 pm	\$14.00
Third Quarter – 6:00 pm to 12:00 midnight	\$22.00

[NDCC 44-08-04](#) provides detailed guidance for reimbursement of travel expenses and out of state expense allowance.

Employees must have pre-approval from the BOCC to purchase meals with County funds for meetings, groups, or other employees. Failure to do so may result in denial for reimbursement, or disciplinary action up to and including termination.

Electronic Devices

McKenzie County provides access to electronic devices, media and services including, but not limited to: computer hardware and software, e-mail, telephones, cellular phones, voicemail, fax machines, wire services, online services, intranet, and access to the internet. Electronic devices provided by the County are County property and their purpose is to facilitate and support County business. All users of electronic devices have the responsibility to utilize these resources in a professional, ethical, and lawful manner.

Use of Electronic Devices

Electronic devices cannot be used to knowingly access, create, transmit/send, retrieve, download/upload, or store any offensive or disruptive material. In determining whether other types of material are offensive or disruptive consideration is given both to the material's content and to the circumstances surrounding the creation, transmission, retrieval, or storing of the material.

Electronic devices may not be used to solicit commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. When an employee is faced with a situation not specifically covered by this policy, the employee should seek assistance from their respective Department Head or HR.

Electronic devices, personal and County provided, should not be used in a manner that is likely to cause network congestion or significantly dampen the ability of other people to access and use the system. Streaming online content on County networks impacts the bandwidth available and could potentially hinder the ability of others to conduct business.

Electronic devices may not be used in violation of any license governing the use of software or for any purpose that is illegal or in opposition to McKenzie County policies.

Access & Monitoring of Electronic Devices

McKenzie County is subject to the [North Dakota Open Records Law](#); all records, including electronic records or information relating to electronic devices are subject to disclosure upon request of any citizen unless classified as confidential or exempt by state law. All electronic mail messages, electronic documents, voicemail messages or other information in the County computers or telephone systems may be public record and may be subject to public access upon request. In addition, if County business is conducted on personal electronic devices, those devices may also be subject to public access upon request. In accordance with [NDCC 44-04-17.1 through 44-04-32](#) personal devices used for County business, whether or not the device is paid for in whole or in part by the County, may be subject to North Dakota Open Records Law. Electronic Records are retained for a period of six (6) months, unless the BOCC has approved a separate policy for a specific electronic record.

All material created, transmitted/sent, received, deleted, downloaded or stored using electronic devices are the property of the County.

The County reserves the right to review, audit, intercept, access and disclose all material accessed, created, sent, received, deleted, downloaded, or stored using County property. The contents of electronic communications may be disclosed without the permission of the employee.

The confidentiality of any material accessed, created, sent, received, deleted, downloaded, or stored using County electronic devices should not be assumed. Even when material is erased, it could still be possible to retrieve and read that material. The use of passwords for security does not guarantee confidentiality.

Security of Electronic Devices & Files

Employees shall not access materials, or retrieve any stored information unless authorized to do so. No e-mail or other form of communication may be used that attempts to hide the identity of the sender or represent the sender as someone else.

Except in cases in which explicit authorization has been granted by the Department Head or HR, employees

are prohibited from engaging in, or attempting to engage in:

- Monitoring or intercepting the files or communications of other employees or third parties;
- Hacking or obtaining access to systems or accounts they are not authorized to use;
- Using other people's log-ins or passwords;
- Breaching, testing, or monitoring computer or network security measures.

Electronic devices assigned to an individual are not to be used by others without permission from the Department Head or HR. The individual is responsible for proper use of the electronic device including proper password protection.

Employees may use encryption software supplied to them by the County for purposes of safeguarding sensitive or confidential information. Employees who use encryption on files stored on a County computer must provide their Department Head or HR with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

Guidelines for Use of Electronic Devices

Cellular Phones

Cellular phones are issued to individual employees and/or a group of employees after determining the:

- Business need for cellular communication of the department and employee
- The amount of time the employee spends away from the customary work site
- The need for immediate contact with the employee

Purchase/renewal of plan contracts and telephones are handled by the cellular phone administrator. The administrator and HR will determine eligibility and provide equipment based on the list provided under the Government plan of the cellular service vendor, as well as arrange for the new service. In order to take advantage of volume pricing discounts, McKenzie County has standardized cellular device equipment, cellular service packages, and cellular accessories.

Employees receiving a County-owned cellular phone are expected to:

- Care for the equipment in a responsible manner and take appropriate precautions to prevent theft, damage, and vandalism.
 - Employees needing replacement equipment will receive equipment the Cellular Phone Administrator has available.
- Provide adequate security for the wireless communication device to prevent unauthorized users from accessing.
- Pay any overage charges incurred above and beyond the plan monthly available usage.

Cellular phones provided by the County are not to be used for personal use. McKenzie County reserves the right to terminate the County issued cellular phone at their discretion and for any reason.

Employees whose job requires them to use their personal cellular phone and plan minutes for work-related purposes *on a regular basis* may be eligible for a flat-rate reimbursement, if approved by the McKenzie County Commissioners.

Online Forums/Services

Employees should remember that any messages or information sent on County-provided electronic devices to one or more individuals via an electronic network—for example, Internet mailing lists, bulletin boards, Instant Messaging services, and online services—are statements identifiable and attributable to McKenzie County. Participation in some forums might be important to the performance of an employee's job. However, use should be limited to work-related topics and all such use must be conducted in accordance with the preceding guidelines.

Internet

When downloading any material from the internet, users should adhere to the following guidelines:

- The application or tool should be approved by the Department Head
- The download should be from a reputable source
- The file should not subject the County to potential liability
- The download should enhance the employee's productivity

Employees are to contact the County's IT vendor for any specific concerns relating to downloaded material.

Email

McKenzie County encourages employees to utilize email in any manner that increases efficiency and functionality to their performance of job-related duties. McKenzie County email is solely to be used for job-related use and professional judgement should be exercised. Email usage which will cause strain on the County network is prohibited.

Social Networking

Only authorized employees or contractors can prepare and modify content for McKenzie County's website and/or social networking entries. All use of social networking sites must be consistent with applicable State, Federal, and local laws, regulations, and policies. This includes the department and County acceptable use policies and any applicable Records Retention and Disposition Schedules or policies, procedures, standards, or guidelines.

If there is a business need to create a new social media site on behalf of the County, it must be pre-approved by the Board of County Commissioners.

Departments are responsible for establishing and maintaining content posted to their social media sites and must have measures in effect to prevent inappropriate or technically harmful information and links. All content must be professional in nature and accurate. Inappropriate usage of social media can be grounds for disciplinary action up to and including termination.

It is recommended to attach a generic email address to all County social media accounts. If this is not an option, all social media sites representing the County must have a minimum of two administrators at all times.

Building Security & Safety

Employees must comply with rules and regulations for their own safety, for the safety of their fellow workers, and for the safety of the public. Employees who violate safety standards, who cause hazardous or dangerous situations, who fail to report or, where appropriate, remedy such situations may be subject to disciplinary action, up to and including termination. The following rules and practices have been established:

- Obtain medical assistance immediately for any injury or illness requiring more than general first aid.
- Employees are encouraged to be familiar with location of exits, first aid kits, AEDs, and fire extinguishers.
- Aisles, fire extinguishers, and electric power panels must be maintained regularly and cannot be blocked.
- Never use chairs, boxes, or other items for climbing.
- Any chemicals stored on premises or other products with a Material Safety Data Sheets (MSDS) must have a current MSDS sheet available for the product on file and accessible to all employees. In addition, all employees must be knowledgeable on use of the MSDS sheets as applicable.

Safety Inspections or Audits

Any employee having knowledge of representatives from other state or federal agencies, either on premises or to come on premises, must notify their Department Head as soon as possible so the appropriate person is made available to direct the inspection or audit.

Safe Operating Procedures

All McKenzie County Department Heads are responsible for developing, training, and utilizing safe operating procedures for identified risks associated with job-related activities, materials, equipment, and tools. Department Heads and supervisors must ensure employees know all safe operating procedures that apply to their position.

Personal Protective Equipment (PPE)

All employees are required to wear the personal protective equipment (PPE) designated for their position and job tasks. The County will provide any required personal protective equipment (PPE). If an employee identifies a need for PPE that is not already provided, they are to consult their Department Head.

Security Cameras

The Board of County Commissioners designates authorized users for camera systems of all County buildings, with the exception of the Law Enforcement Center. Authorized users have specific business needs and are limited to the named person. Usernames are not to be shared with others at any time. Any changes to the authorized users must be approved by the Board of County Commissioners. Authorized users are to use their access for business needs only. Employees who violate this policy may be subject to disciplinary action.

Employee Parking

Employee parking areas at County buildings are designated by the Board of County Commissioners to ensure parking availability for members of the public coming in to transact business. Employees are to refrain from parking in the public parking areas during normal business hours. Employees who park in unauthorized areas will be required to move their vehicle and repeat violations may result in disciplinary action. All changes to employee parking areas must be approved by the Board of County Commissioners.

On-the-Job Injuries ([WSI](#))

North Dakota Workforce Safety & Insurance ([WSI](#)) provides statutory benefits for on-the-job injuries. This benefit covers any injury or illness sustained in the course of employment, as defined by law, that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, WSI provides time-loss benefits after a short waiting period or, if the employee is hospitalized, immediately.

All employees are covered as of their first day of work. McKenzie County pays the entire cost of this coverage. Employees are expected to comply with rules and regulations for their own safety, for the safety of their fellow workers, and for the safety of the general public.

Employees are required to report all on-the-job accidents, injuries, safety concerns, and property damage to their supervisor or Department Head within 24 hours, even if the employee does not feel it is necessary to seek medical attention.

If first aid or medical care is required, employees should seek care immediately. If the employee does seek medical attention, the Department Head/supervisor is to complete the First Report of Injury form (FROI) online through WSI, followed by the Root Cause Analysis Form (also available online through WSI). If the employee does not seek medical attention, the Department Head/supervisor is to complete an incident report. A copy of all incident reports, FROI forms, and Root Cause Analysis forms must be provided to HR.

False reporting of on the job injuries may result in disciplinary action, up to and including termination.

Compensation Benefits

If an employee is injured in such a way that they will be absent from work for more than five (5) days, the employee may be eligible for wage-loss benefits from WSI. For the first five (5) days missed, McKenzie County will pay the employee Administrative Pay for the hours the employee was scheduled to work. After receiving all mandatory claim forms and Doctor's report of injury reports with recommendations and restrictions clearly defined, WSI will make a determination of wage loss benefits. If approved for wage loss benefits, McKenzie County will provide employees with compensation equivalent to 80 hours per pay period (84 for Law Enforcement). If the employee receives a wage-loss benefit check from WSI, the check must be signed over to McKenzie County as reimbursement. The employee is to coordinate with the Auditor/Treasurer's office to make appropriate compensation arrangements.

Return to Work

McKenzie County's goal is to eliminate the need for an employee to miss work due to a work-related injury. If an employee's medical provider determines the employee is eligible to return to work with restrictions, the coordinating documentation must be provided to Human Resources prior to the employee's next scheduled shift; this includes the C3 form and the Accommodation Request Form. Light Duty or modified work will be offered if available. If a light duty assignment is not available in the employee's department, HR will coordinate with other departments to identify other options.

If an employee returns to work on a light duty assignment after an on-the-job injury, they are required to have their provider complete a C3 at every follow-up appointment for the injury, which must be provided to HR prior to returning to work. Based on the C3 form, HR will adjust the work assignment as needed.

Non Work-Related Injuries

If an employee sustains an injury outside of work and is unable to perform the duties required of their position, the employee is to provide HR with a McKenzie County Return to Work Release Form completed by their medical provider. The accommodation request will be evaluated. If a light duty assignment is available, a McKenzie County Return to Work form must be completed and provided to HR after each follow-up appointment for the injury. If a light duty assignment is not available, the employee can utilize FMLA if eligible, as well as any accrued sick or vacation time. McKenzie County complies with all requirements outlined in the Americans with Disabilities Act (ADA) of 1990.

Service & Working Animals*

Animals are prohibited from all McKenzie County facilities and premises with the exception of authorized service animals and working animals as defined below:

- Service Animals – refers to animals that have been individually trained to do work or perform tasks for the benefit of an individual with a disability.
- Working Animals – refers to those animals specifically trained to provide specialized services to law enforcement personnel.

This policy provides for the health and safety of employees and County facilities by restricting animals in the workplace as follows:

- Unauthorized animals are not permitted in any area within the workplace.
- Employees in need of a service animal must obtain authorization from HR prior to bringing the animal to the worksite.
- Therapy/emotional support animals that do not assist an individual with a disability in the activities of daily living are not permitted in the workplace.

All animals must be leashed and in the continuous full control of their owners. Owners are expected to clean up, completely and immediately, after their animals.

An employee who brings an animal to the workplace is completely and solely liable for any injuries or any damage to personal property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

**This policy does not apply to the McKenzie County Ag Expo.*

ID Badge/Key Card Policy

To protect the security of the County facilities and property, employees who are issued or have access to ID badges/key cards are expected to know and comply with all policies and procedures regarding their handling, storage, and identification. All ID badges/key cards must be safeguarded by and in possession of the employee at all times. ID badges/key cards must be kept on your person and must not be loaned to anyone for any reason, including other employees.

Lost, misplaced or damaged ID badges/key cards must be reported immediately to the Auditor/Treasurer's Office and the Facilities Director. There is a replacement fee of \$15.00 for any ID badge/key card that must be reissued; this amount is subject to change at any time per the Board of County Commissioners. All ID badges/key cards must be returned to the Department Head on the last day of employment.

Weapons

Except for law enforcement officers and weapons used by the Veteran Service Office for honor guards, no weapons are allowed in County buildings, on County property, or in County equipment and vehicles under any circumstance.

County Property

Employees are not allowed to use County property for personal use. This includes preparing for an election or campaigning within an election. County property includes any asset, equipment, supplies, etc. purchased, supplied by grants, and/or donated to the County. No personal vehicles or property can be serviced or stored in county-owned facilities. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

Employees who willfully damage, misuse, steal, or destroy County property or assets may be disciplined up to and including termination.

Unauthorized Areas

Certain areas of McKenzie County facilities are considered off limits to employees that do not work in them. Unauthorized people in those areas (including record areas, security areas, etc.) must be brought to the attention of their Department Head immediately. Unauthorized areas may include departments which are closed and not open for business. If employees are in doubt regarding an area they should contact their Department Head. Doors with restricted access are to remain closed for security purposes.

Evacuation Plans

Evacuation plans for each building may vary; employees are to contact their Department Head for the information specific to their department.

Mail

Employees are required to use their personal mailing address for all non-business subscriptions and material.

Smoking

Smoking refers to the burning of, inhaling from, exhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

McKenzie County buildings, vehicles, and equipment are designated as 'smoke free' per [NDCC 23-12-10](#). Smoking is prohibited within twenty feet of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited. Smoking may be allowed during regular breaks in designated areas and under specific circumstances as determined by Department Head or building policy. Cigarette butts must be disposed of properly. Failure to comply with smoking policy may result in disciplinary action up to, and including termination.

Building Closures

The County offices will be open for business on all regular business days. The County is prepared to continue operations in the event of an emergency including, but not limited to, weather related emergencies, fire related events, pandemic events, and other disasters.

In cases of emergency, the Board of County Commissioners Chairman (or their designee) and the Sheriff, Road Superintendent or the Emergency Manager will be required to agree on closing any County building(s). Employees and the public will be notified if the building is closed.

When all offices are closed by such announcement, employees who are released from work due to the closure will be compensated as though they worked their scheduled shift (does not apply to employees not on duty). An employee, who had previously been granted leave approval for the time of the closure, will not be charged leave for the affected hours.

An employee who either reports to work late, leaves work early, or chooses not to attend work due to inclement weather when the County offices are still open, will be charged appropriate leave for the time not worked.

Essential personnel may be required to complete their shift and/or be relieved by the next shift prior to leaving their work station. Employees may be deployed to alternate worksites and/or assigned duties that are different than the employee's primary work assignment. Employees who are relieved from duty due to the closure of their office will be paid through the end of their regular shift that day. In the event of an extended closure, pay for employees will be determined by the BOCC.

County Vehicles & Equipment

County owned vehicles are provided when the use of such is fiscally possible and is required to facilitate the operation of County business. County owned vehicles will not be provided to County employees for normal commuting to and from work or for personal use.

Employees who drive County motor vehicles must wear a safety belt and abide by all federal, state, and local laws in accordance to operating a vehicle; failure to do so could result in disciplinary action, up to and including termination.

Fleet Management will maintain a pool of vehicles available to employees who need a County vehicle to visit field locations or to utilize for business travel. Fueling for McKenzie County vehicles is provided at several locations, including the Public Works shop in Watford City, the Public Works shop in Cartwright, the Public Works shop in Rawson, and the Landfill in Arnegard.

It is recommended that employees utilize a County vehicle for all business purposes. However, an employee can utilize their personal vehicle to conduct official business with pre-approval from the Department Head and submit a claim for mileage reimbursement.

Parking

Unless previously authorized, all County-owned vehicles are to be parked overnight at County owned facilities. Exceptions of this policy must come from Fleet Manager. Changes in the driver/operator or overnight parking location of any vehicle should be reported to the Fleet Manager in a timely manner by the appropriate Department Head.

If a Department Head identifies a business need for an employee to take a County vehicle home on a regular basis, they are to submit an Offsite Parking Request form to the Fleet Manager for review and approval. Additional approval may be required by the BOCC.

County officials authorized to drive County owned vehicles and are required to respond to emergency situations at any time are authorized to have a County vehicle parked at their residence when off duty. County vehicles parked at an authorized employee's residence are only for County business. Employees authorized to park a County vehicle at their residence (with the exception of the Sheriff's Office) receive the taxable fringe benefit of commuting to and from work, as a driver or passenger, in an employer-owned and maintained vehicle, and are subject to a daily tax, based on regulations set by the IRS. The Auditor/Treasurer's office manages the administration of this tax in conjunction with payroll.

Personal Use of County Vehicles

Personal vehicle use of County owned vehicles is not allowed under any circumstance and could result in disciplinary action, up to and including termination. County vehicles will only be used for official County business and any passengers must be a party to official County business. No person other than McKenzie County employees are permitted to operate or be a passenger in County vehicles without prior approval of the Department Head.

GPS

GPS monitoring devices are installed in all McKenzie County motor vehicles. The device tracks data which includes, but is not limited to, location/routes, speed, distance, vehicle mileage, idle time, and diagnostics. Department Heads are responsible for monitoring drivers in their departments.

License Requirements

A County employee who is required to operate a vehicle in performance of regular scheduled duties must have a valid driver's license and carry their license with them while driving. If such license is suspended for any violation, the employee has a duty to notify their Department Head and HR within 24 hours of the arrest or citation. The Department Head and HR will determine any potential disciplinary action on a case by case basis,

up to and including termination.

Operators and drivers having a Commercial Driver's License must abide by additional rules regulated by [Federal Motor Carrier Safety Administration](#) (FMCSA). CDLs are regulated nationwide under the Motor Carrier Safety Improvement Act of 1999, and managed internally using a third party.

Human Resources conducts semi-annual checks of motor vehicle records (MVRs) for all employees who drive County equipment. Employees who drive County vehicles are required to provide HR with a copy of their current driver's license.

Employees required to operate County vehicles must report any traffic offenses, speeding tickets or criminal charges received (whether in a personal or County vehicle) to their Department Head or HR within 24 hours. Failure to notify can result in disciplinary action, up to and including termination.

Maintenance

When using County vehicles and equipment, employees are expected to exercise reasonable care, schedule required maintenance, and follow all operating instructions, safety standards, and guidelines. Employees are required to notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Fleet Management Department performs repairs, maintenance, and other fleet services for all County vehicles and equipment. Any costs for repair will be allocated to that department. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination.

The Fleet Manager manages all pre- and post-trip processes and requirements.

Cell Phone Use while Driving

Employees are encouraged to refrain from using their phone while driving (or operating equipment) unless utilizing a hands-free device. 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.

Driving Accidents/Damage

Any employee involved in an accident in a County vehicle or while on County business in a private vehicle must report the accident and/or damage to their supervisor and the Fleet Management office immediately. The supervisor is then responsible for notifying HR and the Auditor/Treasurer's Office. Employees receiving tickets, citations, or moving violations will be responsible to pay for any fines incurred.

In the event of any property damage (outside of normal wear and tear) or injury to any person by a County employee, the employee will be required to immediately submit to a post-accident drug test and Breath Alcohol Content (BAC) test. The employee may be placed on administrative leave until results of the test are received. Refusal to submit to testing will be grounds for immediate termination.

Per the BOCC on January 18, 2022, the Accident Review Committee must review all accidents involving County-owned vehicles or equipment that result in \$10,000.00 in damage or more. The purpose of this committee is to thoroughly review each accident, determine if all County policies were followed, whether the accident was preventable or not, and to identify any factors that could prevent accidents in the future. The committee also forms a recommendation for corrective action (if any) for the employee to ensure consistency amongst all departments for accidents that meet this threshold. The ultimate goal is to emphasize the importance of safe driving, to reduce the number of vehicle accidents, to assign accountability and to create an awareness of the need to drive defensively. The Accident Review Committee consists of the Fleet Manager, Human Resources, one Commissioner (rotational, based on availability), Sheriff's Department Lieutenant, Employee's Department Head or Direct Supervisor.

Employee Conduct

McKenzie County employees serve the public and the citizens of McKenzie County; actions in this capacity reflect the employee, the supervisor(s), and County as a whole. Employees are expected to maintain favorable visibility with the public, act responsibly in their position in meeting the needs of the public and are accountable for their actions in this capacity.

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, however the following are examples of misconduct that may result in disciplinary action, up to and including termination:

- Theft or inappropriate removal or possession of County property
- Falsification of County records and/or timesheets
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the work place, while on duty, or while operating employer owned vehicles or equipment
- Smoking (including e-cigarettes) in prohibited areas or at non-designated times
- Provoking a fight, physical altercation, or threatening violence in the work place
- Bullying or harassment of any kind toward another individual
- Disruptive activity in the work place or solicitation that disrupts the work place
- Negligence or improper conduct leading to damage of property
- Insubordination or other disrespectful conduct
- Violation of safety and health rules
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place
- Excessive tardiness, absenteeism, or any absence without notice
- Unauthorized absence from work station during the work day
- Unauthorized use of telephones, mail system, the internet, or other County owned equipment
- Violation of personnel policies
- Inappropriate work conduct or behavior including the use of obscene, abusive, menacing or threatening language or gestures
- Unsatisfactory work performance or behavior
- Sleeping or loitering during working hours
- Accepting gifts over \$15 in value without prior approval
- Spreading malicious gossip and/or rumors, engaging in behavior which creates discord and lack of harmony, interfering with another employee on the job, restricting work output or encouraging others to do the same

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

Financial, Personnel, & Other Records

Employees must record and report information accurately. McKenzie County financial statements and all books and records on which they are based must accurately reflect all transactions. All disbursements and receipts of funds must be properly authorized and recorded. No undisclosed or unreported County fund may be established for any purpose.

Those responsible for handling funds must assure all transactions are executed as authorized and recorded in accordance with the policies and procedures of McKenzie County. All fee schedules must be approved by the Board of County Commissioners and cannot be waived or altered without prior approval from the Board of

County Commissioners.

Failure to comply with this policy may result in disciplinary actions up to and including reimbursement to McKenzie County for any losses or damages, termination of employment, and/or referral for criminal prosecution. Action will also be taken against those who fail to report a violation or withhold relevant information concerning a violation.

Appearance & Hygiene

Employees should dress in a manner that is consistent with both their place of work and the type of work they perform. The County promotes a business casual work attire program intended to ensure that although dressed comfortably, employees project an appropriate professional image. Slogan tee shirts, workout leggings and excessively ripped jeans are not appropriate in any position. If a staff member comes to work in inappropriate dress, they will be required to go home, change into conforming attire or properly groom, and return to work. If an employee's hygiene is an issue, their supervisor should discuss the problem with the staff member in private and the specific area(s) to be corrected.

Criminal Charges

McKenzie County employees have a duty to immediately report any criminal charges received to their Department Head. The Department Head will determine whether the charge has an effect on employment status after consultation with HR.

If the employee fails to notify their Department Head and HR of criminal charges received, the employee will be subject to disciplinary action, up to and including termination.

Anti-Harassment

Discrimination and Harassment of any kind is strictly prohibited. This applies to conduct or statements by any employee of McKenzie County that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Discrimination is defined as treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. Harassment is defined as verbal or physical behavior which relates specifically to an individual's race, color, national origin, religion, gender, age, sexual orientation, and/or disability and is intended to target these individuals with intimidating and abusive actions.

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

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment refers to conduct which is offensive to the individual, which harms morale, which interferes with the effectiveness of County business, or which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This includes pressure to provide sexual favors, and offensive, intimidating comments, or actions concerning one's gender, sexual orientation, or gender identification.

Any employee found to have violated this policy will be subject to disciplinary action according to the findings of the complaint investigation, up to and including termination. Anyone making a false claim of harassment will be subject to disciplinary action, up to and including termination.

Any employee bringing a harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against because of the complaint. Reports of retaliation will be promptly and thoroughly investigated. Retaliation is strictly

prohibited.

Any employee who believes they or anyone else is the victim of harassment at McKenzie County should report the problem immediately, verbally, and/or in writing directly to any supervisor, Department Head, HR, or to any elected official of McKenzie County.

Workplace Violence

McKenzie County has zero tolerance for violence or threats of violence in the workplace. Violent acts or threats of violence include any activity by an individual that would cause another person to feel unsafe due to the threat of physical harm. Violations of this policy will lead to disciplinary action, up to and including termination.

Employees who are subject to or become aware of any violent acts or threats of violence are to immediately report the matter to their Department Head or HR. In addition, employees must promptly inform their supervisor, Department Head, or HR of any protective or restraining order that they have obtained that lists the workplace as a protected area.

Employees are encouraged to report safety concerns with regard to domestic violence. McKenzie County will not retaliate against employees making good faith reports. The County is committed to supporting victims of domestic violence by providing referrals to appropriate community resources and providing time off for reasons related to domestic violence.

When a reported act of violence or threat of violent activity warrants investigation, and the violator is an employee of McKenzie County, the Department Head and HR will take appropriate action which may include disciplinary action, up to and including termination, and/or reporting the incident to law enforcement authorities (based on the findings of the investigation).

Internal Investigations

Upon receipt of a complaint, Human Resources will evaluate the claim and if necessary, initiate a prompt and thorough investigation. The investigation may include interviews with all involved employees, including the alleged harasser, and any employees who are aware of the facts or incidents alleged to have occurred.

If deemed necessary, the accused employee may be placed on Administrative Leave until the investigation is concluded. During this time, the accused employee would be entitled to their regular pay for all scheduled shifts.

Confidentiality is critical to ensure the integrity of an internal investigation. If an employee discloses information discussed as part of an internal investigation, the investigation could be compromised, and disciplinary action may follow, up to and including termination.

Following an investigation, the County will promptly take any necessary and appropriate disciplinary action. The County may address any workplace issues discovered during an investigation, regardless if it is related to the initial claim.

Retaliation

It is unlawful to retaliate against an employee for filing a complaint against any employee or elected official, or for cooperating in an investigation of a complaint. McKenzie County will not tolerate retaliation against an individual who in good faith, reports or provides information about behavior that may violate any policy.

Drug-Free Workplace

McKenzie County maintains a drug-free workplace. The term “drug” includes alcoholic beverages and prescription drugs, as well as illegal inhalants and illegal drugs and/or controlled substances as defined in schedules I through V of the Controlled Substances Act. Federal laws and regulations supersede state and local law, including state or local laws related to marijuana/THC use. Prohibited activities include the possession, use, sale, attempted sale, distribution, manufacture, purchase, attempted purchase, transfer or cultivation of drugs in the workplace. Employees are prohibited from being at the workplace with an actionable amount of

drugs in their system.

All employees that operate County vehicles and/or equipment in the course of their job duties are subject to a random drug and/or Breath Alcohol Content (BAC) test. The administration of the random drug and/or BAC testing is handled through a third party. McKenzie County provides the third party a list of all applicable employees, and the third party provides a list of employees selected for random testing each quarter. McKenzie County cannot and does not influence who is or is not chosen for random testing.

If a drug test has an initial non-negative result, the employee will be sent home on Administrative Leave until the final results are received.

If the County has reasonable suspicion that an employee is working under the influence of alcohol, drugs, or inhalants, including any chemicals used within the County, the employee may be required to submit to a drug test or Breath Alcohol Content (BAC) test. Test results will be evaluated by the Department Head and HR; disciplinary action may be taken, up to and including termination. Refusal to submit to testing will be grounds for immediate termination.

Employees who voluntarily admit to having drug, alcohol, or other addiction dependency (not following disciplinary action or the request of a drug test) may be eligible for additional assistance in overcoming drug and alcohol abuse problems. Employees are encouraged to reach out to their Department Head or HR for more information and resources.

Employees whose physical or mental condition may be impaired, even temporarily, must notify their Department Head or HR of the impairment (including conditions created by the use of medication, drugs, or alcohol) prior to operating a County vehicle.

Prescription Medications

The prohibition of controlled substances also covers all legal and prescription drugs which may impair an employee's ability to perform his or her job or prescribed drugs that are not being used in the manner prescribed or by the person for which they are prescribed. If an employee is prescribed medication that may impair their ability to perform their job duties, they are required to inform their supervisor and/or HR immediately and provide a copy of the prescription.

Solicitation

In an effort to assure a productive and harmonious work environment, persons whether or not employed by McKenzie County may not solicit or distribute literature in the work place at any time except for County purposes or with prior Board of County Commissioner approval. Employees may place fund raising information (ex: school fundraisers) for their family members in the break rooms, but cannot distribute within work areas or solicit others while working.

County Spokespersons

Effective communication with the media is critical to McKenzie County's ability to promote continued public support for the County. Every effort should be made to meet media deadlines and to ensure all information released is accurate. Unless otherwise authorized, the County's spokespersons are:

- McKenzie County Board of County Commissioners Chairman
- McKenzie County Elected Officials
- Department Heads

Employees are to refer calls or visits from the media immediately to a Department Head.

Political Activity

McKenzie County recognizes that employees, in their individual capacity, may participate in the political process by supporting political parties, candidates, or causes. However, the County is prohibited participating in any political campaign of, support for, or opposition to any candidate. The County may not contribute anything of value, including an employee's time, to political campaigns, publish or distribute materials on

behalf of any candidate or party, or engage in any other activity which may be considered in support of or in opposition to any candidate. Any efforts devoted to political activity must be done outside the employee's working hours or an employee must be on annual leave.

Credit Cards & Expense Reimbursement

McKenzie County credit cards are administered and issued by the Auditor/Treasurer's Office based on business need.

Employees are to be reimbursed for county purchases paid for with personal funds. Employees are expected to submit all reimbursement requests timely, as soon as practically possible or by the next BOCC meeting deadline, and within the same calendar year in which the expense occurred. Reimbursements must be submitted to Accounts Payable on the forms prescribed by the Auditor/Treasurer's Office (travel voucher or claim voucher). Travel vouchers must include meeting agendas and a complete description of the reason for travel along with receipts for airfare/lodging, if applicable, and must be signed by the employee requesting reimbursement and the Department Head. Claim vouchers must include itemized receipts for all purchases and must be signed by the Department Head.

Employee Relations

It is the responsibility of all employees to adhere to the expectations outlined by their Department Head and/or supervisors and to the standard of conduct at McKenzie County. There is not a required number or sequence of warnings or reprimands that must take place before an employee receives disciplinary action or is terminated. Some circumstances may warrant immediate termination.

Verbal Warning - May be delivered orally or in writing by the Department Head/supervisor following a minor offense in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct. The conversation is to be documented by the Department Head.

Written Warning - Following a serious offense, intentional, or repeated minor offenses. The purpose of a written warning is to make certain the employee is fully aware of the misconduct they have committed and what is expected, the written warning will note any previous warnings when it is prepared and will include the dates, times, and actions taken. All written documentation is to be sent to HR and will be maintained in the employee's personnel file.

Suspension without Pay - May be used for serious violations or blatant disregard for established protocols or policies and will be accompanied by a written warning. This may also be used for noncompliance or repeated minor violations. All documentation regarding the circumstance must be sent to HR and maintained in the employee's personnel file.

Suspension with Pay - May be used pending the results of an investigation, internal review, or when a situation occurs that disciplinary action up to, and including termination, could result. All documentation regarding the circumstance must be sent to HR and maintained in the employee's personnel file.

Performance Improvement Plan (PIP)

Under certain conditions, where the reason for adverse action is related to changes in previously satisfactory job performance and/or conduct, the Department Head/supervisor may place the employee on a PIP. A PIP is a plan for correcting the conduct and/or performance deficiency. Following the completion of a PIP, if the conduct and/or performance has not sufficiently improved, the employee may be subject to disciplinary action, up to and including termination.

Conflict Resolution

If a McKenzie County employee disagrees with the implementation or enforcement of established rules of conduct, policies, or practices outlined within the Employee Handbook, they are encouraged to express their concerns in a timely manner. Employees are to bring the concern to their immediate supervisor. If the concern involves the employee's immediate supervisor, the employee should bring the concern to the next level of leadership, Department Head, or HR.

Employment Termination

Employment at McKenzie County is "at will". An employee may be dismissed from employment at any time with or without cause and with or without notice. Employees terminated for cause will not be considered for future employment with McKenzie County.

Employees will receive their final pay in accordance with applicable State Law. Direct deposits or final paychecks for all terminations will be processed on the next regular payday. The final paycheck will be used to reconcile all financial matters. No special pay considerations will be made.

Upon termination, the employee will be paid for unused accrued vacation on their final paycheck. The amount to be paid is based on the employee's straight time hourly rate on the last day worked, exclusive of shift or overtime pay.

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

The County will provide health insurance coverage for employees terminating employment with the County through the end of the month the employee is terminating employment. In addition, McKenzie County will offer the employee and eligible dependents the right to continue coverage as stated in the Consolidated Omnibus Budget Reconciliation Act of 1985 ([COBRA](#)). Further details of this federal requirement are available from HR or the payroll department. An election form will be provided by McKenzie County's third-party vendor upon the occurrence of a qualifying event.

Employees that leave in good standing may be considered for rehire, however will be required to reapply for future employment.

Reduction-in-Force (RIF)

If it is necessary to reduce the work force, McKenzie County may terminate any employee because of lack of funds, curtailment of work, or as a result of reorganization. Employees terminated by a reduction in force may be considered for rehire, however will be required to reapply for future employment.

Employee Exit Interview

Human Resources conducts exit interviews with employees who are terminating their employment with McKenzie County. The purpose of an exit interview is to determine what motivated the employee to resign and collect insight into areas for improvement. The information collected in exit interviews is used to identify trends or consistencies; the information is not directly presented to the employee's former supervisor.



HANDBOOK ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the McKenzie County Employee Handbook dated December 5, 2023 and understand that violations of the policies contained in the Handbook could result in disciplinary action, up to and including termination of employment.

I understand that this Employee Handbook describes important information about McKenzie County and that if I have questions or concerns at any time about the handbook or the Standards of Conduct, I will consult my immediate supervisor, my Department Head, HR, or any County Official. I agree to act in accord with these policies and procedures as a condition of my employment with McKenzie County.

I further agree and consent to all policies contained herein and understand that the information contained in the Handbook represents guidelines for McKenzie County and that McKenzie County reserves the right to modify the Handbook or amend or terminate any policy, procedure, or employee benefit program at any time.

My employment relationship with McKenzie County is voluntarily entered into and is subject, within provisions of State and Federal law, to termination by me or my employer at will, with or without cause, at any time either party believes such action to be appropriate.

I acknowledge that this Handbook is not a contract or implied contract of employment. It is my responsibility to read, understand and comply with both the policies contained in this Handbook and any subsequent revisions.

Employee Printed Name

Employee Signature

Date