



McKenzie County Employee Handbook

July 1, 2021



McKENZIE COUNTY

Employee Handbook

Introduction

Citizens of McKenzie County elect the Board of County Commissioners and some department heads. Remaining department heads are appointed by the Board of County Commissioners. Employees are hired by department heads with the approval of the Board of County Commissioners or within guidelines authorized by the Board of County Commissioners.

Employees are accountable to their department head, a designated supervisor, or organized Board. Department heads are responsible for day-to-day activities within their departments and are accountable to the Board of County Commissioners. The Commissioners and other elected officials are directly accountable to the citizens of McKenzie County.

McKenzie County has developed this Employee Handbook as a tool to communicate employee policies to all County employees.

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 County 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.

All employees will operate under the most current version of the Handbook as maintained in the offices of 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.

This handbook is designed to acquaint you with McKenzie County and contains personnel policy guidelines outlining benefits and the minimum requirements of job performance expected of you. These are conditions of your 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 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.

Contents

FROM THE BOARD OF COUNTY COMMISSIONERS.....	6
ELECTED OFFICIALS & DEPARTMENTS/BOARDS.....	7
STATEMENT OF ETHICS.....	8
EMPLOYMENT.....	9
EMPLOYMENT AT-WILL.....	9
EQUAL EMPLOYMENT OPPORTUNITY.....	9
AMERICANS WITH DISABILITIES ACT (ADA).....	9
CLASSIFICATIONS OF EMPLOYMENT.....	9
EMPLOYEE FILE POLICY.....	10
ACTIVE EMPLOYEE PERSONNEL FILE RECORDS REQUEST.....	10
CONFLICTS OF INTEREST.....	11
OUTSIDE EMPLOYMENT.....	11
RECRUITMENT.....	12
RECRUITMENT & SELECTION.....	12
NEPOTISM.....	12
SELECTION CRITERIA & TOOLS.....	12
RELOCATION.....	12
RE-EMPLOYMENT POLICY.....	12
REFERENCE & BACKGROUND CHECKS.....	13
RELEASE OF INFORMATION.....	13
EMPLOYEE BENEFITS.....	14
HEALTH/DENTAL/VISION INSURANCE.....	14
VACATION HOURS.....	14
SICK HOURS.....	15
FAMILY SICK LEAVE.....	16
TRANSFER SICK LEAVE BENEFITS.....	16
HOLIDAYS.....	17
NDPERS – RETIREMENT PROGRAM.....	17
DEFERRED COMPENSATION.....	17
FLEX SPENDING ACCOUNT.....	18
NDPERS – TERM LIFE INSURANCE.....	18
VOLUNTARY SUPPLEMENTAL INSURANCE.....	18
LEAVE OF ABSENCE POLICIES.....	19
FAMILY MEDICAL LEAVE.....	19
MILITARY CAREGIVER LEAVE.....	19
INTERMITTENT LEAVE.....	20
CONCURRENT LEAVE.....	20
BEREAVEMENT/FUNERAL LEAVE.....	20
JURY DUTY LEAVE.....	20
WITNESS DUTY LEAVE.....	21
UNPAID LEAVE.....	21
NOTICE OF LEAVE.....	21
RETURN FROM LEAVE.....	21
MEDICAL CERTIFICATIONS.....	22
FITNESS FOR DUTY CERTIFICATIONS.....	22
MAINTENANCE OF BENEFITS.....	22
MILITARY LEAVE.....	23
MILITARY LEAVE BENEFITS.....	23
MILITARY LEAVE SICK/VACATION DONATIONS.....	23

USERRA	23
TIMEKEEPING/PAYROLL	25
TIMEKEEPING	25
WORK SCHEDULES	25
BREAKS	25
NURSING MOTHER BREAKS	25
PAYDAYS.....	26
OVERTIME PAY	26
FLEXIBLE 'FLEX' TIME	26
COMPENSATORY 'COMP' TIME	26
STAND-BY PAY.....	26
WORKING REMOTELY	26
VOTING	27
UNPAID TIME OFF	27
PAY ADVANCES	27
ADMINISTRATIVE PAY CORRECTIONS.....	27
PAY DEDUCTIONS.....	27
TRAINING & DEVELOPMENT	28
JOB-RELATED TRAINING.....	28
TRAVEL TIME.....	28
TRAVEL & RELATED EXPENSES	28
CLASSIFICATION & COMPENSATION.....	31
CLASSIFICATION SYSTEM	31
CLASSIFICATION SPECIFICATION	31
POLICIES FOR ONGOING MAINTENANCE.....	31
JOB ANALYSIS & RECLASSIFICATION	33
COMPENSATION	34
PERFORMANCE REVIEWS.....	35
ELECTRONIC DEVICES.....	37
USE OF ELECTRONIC DEVICES	37
ACCESS & MONITORING OF ELECTRONIC DEVICES	37
SECURITY OF ELECTRONIC DEVICES	37
GUIDELINES FOR USE OF ELECTRONIC DEVICES	38
SOCIAL NETWORKING	39
WIRELESS ACCESS	39
BUILDING SECURITY	40
ID BADGE/KEY CARD POLICY.....	40
WEAPONS	40
COUNTY INFORMATION REQUESTS.....	40
COUNTY PROPERTY.....	40
UNAUTHORIZED AREAS	40
EVACUATION PLANS	40
SAFETY.....	41
SAFETY INSPECTIONS OR AUDITS	41
SAFE OPERATING PROCEDURES.....	41
PERSONAL PROTECTIVE EQUIPMENT (PPE).....	41
ERGONOMICS.....	41
WORKFORCE SAFETY & INSURANCE (WSI)	41
SERVICE & WORKING ANIMALS	43
MAIL.....	43
SMOKING	43
BUILDING CLOSURES.....	43

COUNTY VEHICLES & EQUIPMENT	45
PARKING	45
PERSONAL USE OF COUNTY VEHICLES	45
GPS	45
LICENSE REQUIREMENTS	45
DRIVING RECORDS	45
MAINTENANCE	45
CELL PHONE USE WHILE DRIVING	46
COMMERCIAL DRIVERS' LICENSE	46
DRIVING ACCIDENTS/DAMAGE	46
EMPLOYEE CONDUCT	47
EMPLOYEE CONDUCT & WORK RULES	47
FINANCIAL, PERSONNEL, & OTHER RECORDS	47
APPEARANCE & HYGIENE	48
CONFIDENTIALITY	48
CRIMINAL CHARGES	48
ANTI-HARASSMENT	48
WORKPLACE VIOLENCE	49
RETALIATION	49
DRUG-FREE WORKPLACE	50
PRESCRIPTION MEDICATIONS	50
SOLICITATION	50
COUNTY SPOKESPERSONS	50
POLITICAL ACTIVITY	50
CREDIT CARDS & EXPENSE REIMBURSEMENT	51
DISCIPLINARY ACTION	52
EMPLOYMENT TERMINATION	52
HANDBOOK ACKNOWLEDGEMENT	54

From the Board of County Commissioners

Welcome

On behalf of the McKenzie County Board of County Commissioners, we wish to welcome you to our staff. At McKenzie County we strive to give the general public the best products and services possible.

We believe each employee contributes directly to McKenzie County's success, and we hope you take pride in being a member of our team. We feel the wages, employment benefits, and policies outlined in this Handbook will contribute to an excellent work experience for County employees. The Employee Handbook is developed by McKenzie County to describe some of the expectations of our employees and to help you understand some of the personnel policies and procedures that affect your employment. Please review the policies closely and note that our policies and procedures change from time to time.

We and the McKenzie County staff are here to serve the general public. To properly serve them, we need to be cognizant of changes needed as well as providing the best service and holding expenses to acceptable levels. Employee input is always welcome. We recommend you make these types of suggestions to your department head or Human Resources as situations arise or considerations are warranted.

As you begin your employment with McKenzie County, we wish you nothing but success in your new role. Thank you for joining our team and making a difference in our community. We hope your experience here will be challenging, enjoyable, and rewarding.

Sincerely,

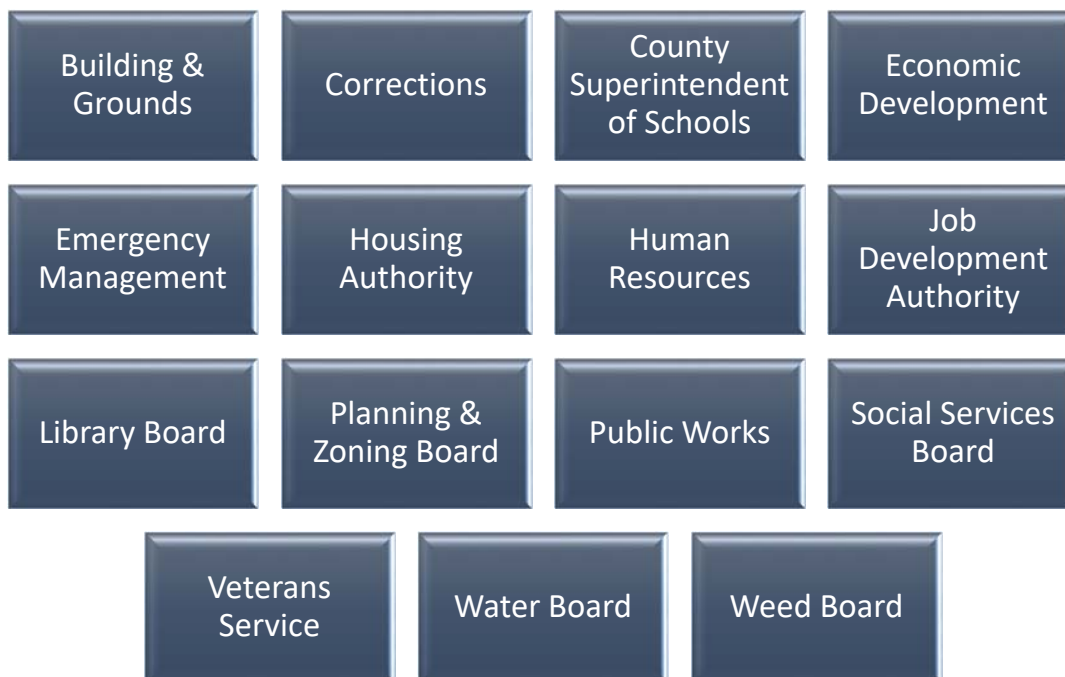
Board of County Commissioners
McKenzie County, North Dakota

Elected Officials & Departments/Boards

Elected Officials



County Commission Appointed Departments & Boards



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 problem 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 set forth 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.

- *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. Inspection of files by the general public or the employee shall be supervised by Payroll, HR, the employee's department head or their representative to assure that no items are removed, added, or modified.

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](#).

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).

Articles that are considered "exempt" under the [NDCC 44-04-18.1](#) are considered confidential by McKenzie County and are not subject to public viewing:

"An employee's home address; personal telephone number; date of birth, photographs, medical information; motor vehicle operator's identification information; payroll deduction information; the name, address, phone number, date of birth, and social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or financial institution..." [NDCC 44-04-18.1](#)

Active Employee Personnel File Records Request

Active employees who request records from their personnel file including hiring documents, disciplinary actions, EINs, insurance application forms, retirement forms, are subject to comply with general public records request laws. Employees seeking documentation in their personnel file related to or involving

training and development may receive one copy of each relative page free of cost. Copy requests after the first will be subject to Record Request Laws as specified by NDCC Chapter 44-04.

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 Human Resources. 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.

Recruitment

Recruitment & Selection

Authorization to initiate recruitment for a vacant position is provided if the position has been budgeted for and approved by the Board of County Commissioners. All applicants must 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.

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.

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.

Selection Criteria & Tools

Human Resources and the applicable department head will identify the criteria to be used to evaluate candidates for positions. The criteria will be job-related and intended to result in the selection of the best qualified candidate.

Additional screening may be required and will only be used when an offer for employment has been made based on the condition the individual meets the requirements of the job including the satisfaction of required testing in compliance with all applicable State and Federal laws.

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

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 will then communicate in regards to a plan of transition for the employee to the new position.

Relocation

McKenzie County does not offer relocation to potential employees. Any exceptions must be pre-approved by the Board of County Commissioners.

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 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 reference and background checks on potential applicants as part of the selection process. Human Resources or the department head in charge of selection will conduct reference checks before an offer of employment with McKenzie County.

When possible, reference checks will be made with all previous employers of the applicant listed on the application. Personal reference checks can also be made to non-relative, non-employer references.

If any applicant is found to have intentionally falsified any information regarding reference or background history, the applicant will not be considered for employment.

Release of Information

Human Resources or applicable department heads are authorized to release official personnel information. 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 one of the above cited individuals. This information must be limited to dates of employment, pay level, job description and duties, wage history, and job performance and must be truthful and provided in good faith ([NDCC 34-02-18](#)).

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.

Employee Benefits

Full-time and part-time employees are eligible for certain McKenzie County benefits. A number of the programs cover all employees in the manner prescribed by law. Benefit eligibility is dependent upon a variety of factors, including employee classification.

Part-time employees qualify for full medical/dental/vision insurance benefits and 50% of their allotted sick leave, vacation leave, or holiday pay. This can include a combination of hours actually worked, comp time, vacation and/or sick leave.

The following benefit programs are available:

- Health/Dental/Vision Insurance
- Vacation Hours
- Sick Hours
- 10 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 notify 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.

The County covers 100% of the employee's premium for all regular full-time and part-time employees and 85% of the premium for all other plans.

Vacation Hours

Vacation hours begin to accrue following the first full pay period worked. All regular full-time and regular part-time employees are entitled to use annual vacation. Part-time employees are eligible for 50% of the full-time employee benefit.

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.

Employees who have satisfied all eligibility requirements may submit vacation requests to their 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.

Employees are strongly encouraged to take earned vacation during the benefit year of its accrual. A benefit year is defined as the year beginning on the date of employment. Employees may carry over vacation time accrued during a year into the following year. Vacation hours may be accumulated year by year 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.

Annual vacation with full pay must be accrued prior to being taken and will be granted on the following basis:

- Employees with less than two (2) full years of service shall accrue at a rate of four (4) hours per pay period for the first two pay periods of each month during which the employee actually works (including use of sick and vacation leave) no less than 80 hours.
- Employees entering their 3rd year of employment, with two (2) full years but less than six (6) years of service shall accrue at a rate of five (5) hours per pay period for the first two pay periods of each month during which the employee actually works (including use of sick and vacation leave) no less than 80 hours.
- Employees entering their 6th year of employment, with five (5) full years but less than ten (10) years of service shall accrue at a rate of six (6) hours per pay period for the first two pay periods of each month during which the employee actually works (including use of sick and vacation leave) no less than 80 hours.
- Employees with ten (10) years or more of service shall accrue at a rate of seven (7) hours per pay period for the first two pay periods of each month during which the employee actually works (including use of sick and vacation leave) no less than 80 hours.

The Table below defines when vacation benefits become available to regular full-time employees:

<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 begin to accrue following the first full pay period worked. Sick leave is allowed only in the event of actual illness or disability of the employee or to obtain dental, physical, or mental and emotional examinations. Temporary and seasonal employees are not eligible for paid sick leave.

Regular full-time employees will be granted 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 will be granted 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 year to year 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. Because sick time benefits are intended to provide income protection in the event of an actual illness or injury, unused sick time benefits cannot be used for any other paid or unpaid absence and employees will not be compensated for such leave upon time of termination of employment.

Employees who are unable to report to work due to an illness or injury 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 calendar days or more.

Sick leave pay will be calculated based on the employee's straight time hourly rate (in effect when sick leave benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence. Sick leave pay does not include any special forms of compensation, such as incentives, commissions, bonuses, shift differentials or overtime. Sick leave benefits for salaried employees will be based on their normal wages.

Regular appointments and office visits to the Doctor, Dentist, Optometrist, etc. should be scheduled for non-work time, but in the event that employees must be absent for such appointments during normal working hours, sick leave may be taken if approved in advance.

Cash payment in lieu of sick leave privileges is not allowed.

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.

Family Sick Leave

Up to 80 hours of sick leave per calendar year may be used for Family Sick Leave, defined as an absence due to a medical condition, illness or injury sustained by an immediate family member. The employer defines "immediate family" as the employee's spouse, parent (natural, adoptive, foster, court-appointed guardian or step-parent), child (natural, adoptive, foster, or step-child), sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

The County reserves the right to increase the allowable hours of Family Sick Leave on a case-by-case basis. An employee requesting an increase will contact the department head for review and approval. If approved, the request is forwarded to HR for review and approval. Once both parties have approved the request, HR presents the employee's request to the Board of County Commissioners for the final decision.

Transfer Sick Leave Benefits

The County reserves the right to determine eligibility for transferring/donating sick leave benefits on a case-by-case basis. An employee requesting leave donations will contact their department head for review and approval. If approved, the donation request is forwarded to HR for review and approval. Once both parties have approved the donation, HR will present the employee's request to the Board of County Commissioners for the final decision. If 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. On each payroll period, the leave will be deducted from the donor(s) in a maximum of ten (10) hour increments in the order the donations were received. Only enough leave to cover the current payroll shall 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 receive donated leave if the following criteria are met:

- The employee has exhausted all of his/her paid (comp time, vacation, and sick) leave benefits
- In the past six (6) month period, the employee has not:
 - Received a verbal or written reprimand related to attendance or job performance
 - Received suspension or similar disciplinary action related to attendance or job performance

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 of maximum of 40 hours per request notification

Holidays

A holiday calendar will be provided to employees annually. 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 (last half of the day, 4 hours)
- Christmas Day

Any other day designated by the Board of County Commissioners.

General Courthouse business offices will be closed for business on the days listed above. According to applicable restrictions, eligible employees unable to work their regular schedule due to the Courthouse closure will not lose any pay due to the closure; they will 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. All regular full-time employees are entitled to holiday pay. 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. Offices and departments that operate 24 hours a day, seven days a week will observe the Holiday on the same day observed by all others.

If a regular full-time 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. If a regular part-time employee is required to work on a recognized holiday, the employee will receive wages at the employee's straight time hourly rate for the hours worked on the holiday, in addition to 4 hours holiday pay. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will not be 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 – Retirement Program

All new 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.

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 through [Nationwide](#) for full-time employees and handled as a payroll deduction. Information regarding deferred compensation is available from Payroll, HR or the Nationwide website.

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 \$2,750.00 annually for medical expenses and up to \$5,000 annual for day care expenses. These amounts are approved by the Board of County Commissioners and are subject to change according to Federal regulations.

NDPERS – Term Life Insurance

McKenzie County pays for a \$7,000.00 term 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.

Leave of Absence Policies

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 company, have worked at least 1,250 hours within the preceding 12-month period, and work at a worksite where there are at least 50 employees within a 75-mile radius. 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).

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.

A covered service member is (1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A “serious injury or illness” means: (1) For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or (2) For a veteran who was a covered service member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Calculation of 12-Month Period

The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

For the military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave taken for other FMLA circumstances during this 12-month period will be deducted from the total of 26 weeks available.

Intermittent Leave

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, or for military caregiver leave. Employees are required to cooperate with McKenzie County to arrange reduced work schedules or intermittent leave so as to minimize disruption of business operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Leave because of the birth or adoption of a child may not be taken intermittently and must be completed within the 12-month period beginning on the date of birth or placement of the child.

Concurrent Leave

Employees must use any accumulated extended illness leave, vacation time, or paid personal leave to the extent available during FMLA leave unless such leave is covered under worker's compensation or other paid disability leave, in which case the employee may use accumulated leave time only for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

Bereavement/Funeral Leave

Regular full-time employees may be granted up to (3) three days of bereavement leave for any funeral an employee needs to attend, upon prior approval of the employee's immediate supervisor. Part-time employees may be granted 50% of the regular full-time employee benefit. The employee can use any available paid leave for additional time off as necessary with supervisor's approval.

Bereavement pay is calculated based on the straight time hourly rate that an employee would otherwise have earned had he or she worked on the day of absence, up to a maximum of eight (8) hours.

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, he/she may use any available paid time off (for example, vacation benefits) 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 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 allows employees to appear in court for witness duty whenever summoned to do so. Regular full-time and part-time employees will be granted a maximum of sixteen (16) hours of paid time off to appear in court as a witness. Employees will be paid at their straight time hourly rate, minus any witness fees paid.

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.

If the employee has been summoned as a witness of the employer as a result of a job-related event, he or she will receive paid time off for the entire period of witness duty.

An employee who is personally interested in, or a party to, a criminal or civil action, or who voluntarily appears as a witness must have supervisory approval and must charge the absence against earned annual leave.

Employees who receive witness fees 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.

Unpaid Leave of Absence

Regular full and part-time employees who wish to take time off from work duties to fulfill personal obligations may be provided an unpaid leave of absence. Employees are required to use all accrued comp time, vacation, and sick leave before they are eligible for unpaid leave.

Employees may request an unpaid leave of absence in writing, only after having completed one year of service in an eligible employment classification. An unpaid leave of absence may be granted for a period of up to 45 calendar days, per calendar year. Pending the supervisor's approval, an employee must take any available vacation leave or if applicable, sick leave, prior to the effective date of the unpaid leave of absence. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 45 calendar days, per calendar year. Employees with less than a full year of employment may be granted an unpaid leave of absence only with the prior approval of the department head, Human Resources and the Board of County Commissioners.

Employees must complete the Leave of Absence request form and submit it to their supervisor and HR prior to the leave beginning. Requests for an unpaid leave of absence will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

McKenzie County will continue to provide its normal portion of health/dental/vision insurance benefits until the end of the month in which the leave begins, at which point the employee shall be responsible for payment of the full premium until they return to work. Accruals of all other benefits are suspended during the period of the unpaid leave of absence.

Notice of Leave

When requesting leave, the employee must:

- Supply sufficient information for McKenzie County to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of 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 leave being delayed or denied.

Return from Leave

Upon return from leave, the employee will be restored to his or her original or an equivalent position. 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.

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, his or her leave request may be denied.

McKenzie County, at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, McKenzie County may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

Fitness for Duty Certifications

Any employee returning from FMLA leave for his or her own serious health condition will need to provide a Fitness for Duty (FFD) certification signed by his or her health care provider. An employee who fails to provide an FFD certification will be prohibited from returning to work until it is provided. FFD certifications 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.

Maintenance of Benefits

McKenzie County will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the 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 the leave.

Military Leave

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 Human Resources 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, 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 a maximum of ten (10) hour increments in the order the donations were received. Only enough leave to cover the current payroll shall 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 receive donated leave if the following criteria are met:

- The employee has exhausted all of his/her paid (comp time, vacation, and sick) leave benefits

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

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

Employees returning from a military leave of absences shall be reinstated in accordance with the law and County policy. To be eligible for reinstatement under this policy, the employee must have been absent as a result of a call to duty in the United States uniformed forces on a voluntary or involuntary basis under

competent authorization (for example, was enlisted, drafted called to Active Duty from reserve status) and meet the following requirements.

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

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

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

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

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

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

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

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

Termination or Demotion

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

A reinstated veteran with a period of active duty for training of more than 360 days may not be terminated or demoted without cause within six months after the date of the reinstatement from military leave.

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 shall be 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 employees, except elected officials and exempt personnel, will accurately record the time they begin and end their work. Employees must punch in or out within seven (7) minutes of their designated start/stop time. The beginning and ending time of any split shift or departure from work for personal reasons should also be recorded.

The departments requiring each employee to document hours without the use of Kronos must include a signature written in permanent ink by the employee verifying the weekly total is correct.

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. All buildings within the County will remain open during these hours, at minimum, except in the event of an emergency. 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 Human Resources and the Board of County Commissioners.

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

The standard work week for full-time employees consists of five consecutive eight hour days, normally Monday through Friday.

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. Employees are provided a flexible schedule for expressing breast milk for the child. The time should not exceed normal time allowed for lunch and breaks. However, if additional time is necessary, annual leave must be used or the employee can use a flex schedule to come in

early or stay late to make up the time. Flexible schedules must be approved by the supervisor prior to implementation. Employees are to consult their supervisor in regards to a location in each building.

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 regular work hours. If a non-exempt employee must be away from work during the week, the employee may make up these hours outside the usual work hours with prior supervisor approval *within the same week* and under the 40-hour guidelines of the U.S. Department of Labor and the State of North Dakota wage and hour guidelines. Flex time is not guaranteed.

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 hours will be paid 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.

Working Remotely

Employees are expected to report to their assigned work locations on scheduled work days. Working remotely during regular scheduled hours must be approved in advance by the Board of County Commissioners.

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, vacation, and sick leave before they are eligible for unpaid time off. 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.

Administrative 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 County 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. Among these are 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

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 Human Resources will determine which programs are considered to be 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 shall coordinate all job-related training with their department head and Human Resources.

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 a series of mandatory trainings through NDRF within the first 90 days of employment.

All employees are required to complete:

- Anti-Harassment in the Workplace training every calendar year
- Claims Management & Drug Free Workplace training every calendar year
- All other required training as determined by the needs of McKenzie County or the employee's department

Any employee who fails to complete their mandatory new employee, new supervisor, and/or ongoing training requirements within the guidelines outlined above, shall lose his/her eligibility to receive an annual step increase if one is approved by the Board of County Commissioners. Failure to complete the mandatory training requirements, with the exception of elected officials, 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.

Paid time spent at training or a seminar is limited to the educational time excluding meals, appetizers, parties, socials, etc. Any variance from this policy must be approved by the department head 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 & Related Expenses

In the course of performing the duties and responsibilities of their respective offices, elected officials, department heads, and departmental staff will, from time to time, incur expenses related to travel which are necessary components of performing those same duties. To the extent that these expenses are reasonable, justifiable, and properly documented, the officials and employees of the County 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 McKenzie County

equipment will need to be presented to the board prior to booking travel arrangements. Policy non-compliance and/or 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 shall also be reimbursed for meals, lodging, and miscellaneous expenses pursuant to [NDCC 44-08-04](#). Travel expense advances will not be allowed.

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 at least two weeks prior to the trip. 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.

Transportation

Reimbursable transportation expenses include:

- Public transportation – airfare, bus, taxi, etc.
- Personal automobile mileage
- County vehicle expenses
- Automobile rental costs upon having Board of County Commissioners approval

Reimbursement for transportation expense shall be limited to the cost of the most reasonable transportation means available. Receipts are required.

Rental Car Policy

Reimbursement for a rental vehicle as a primary mode of transportation must be pre-approved by the Board of County Commissioners and is authorized only if the rental vehicle is more economical than any other type of transportation, or if the destination is not otherwise accessible.

Employees requesting authorization for a rental vehicle must be able to provide documentation that public transportation systems (bus, train, etc.), taxis, or ride sharing companies (Uber, Lyft, etc.) are either not available, or are more expensive than the most economical rental vehicle available.

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. 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. 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 must be followed.

Parking fees, tolls, and other incidental costs associated with the vehicle use are not covered by the rental agreement. If the employee extends the duration of the rental car for personal reasons, the employee will be responsible for any additional charges.

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.

Reimbursement is allowed only for overnight travel and other 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 and third 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>Meal Allowance – Day Shift</u>	<u>In-State</u>	<u>Out of State</u>
First Quarter – 6:00 am to 12:00 noon	\$7.00	20% of GSA M & IE Rate
Second Quarter – 12:00 noon to 6:00 pm	\$10.50	30% of GSA M & IE Rate
Third Quarter – 6:00 pm to 12:00 midnight	\$17.50	50% of GSA M & IE Rate
Fourth Quarter – 12:00 midnight to 6:00 am		

[NDCC 44-08-04](#) provides detailed guidance for reimbursement of travel expenses.

Classifications & Compensation

Classification System

McKenzie County has adopted a classification system designed to achieve internal equity between positions. All full-time and part-time positions are subject to the classification plan; no person shall be appointed or promoted to any position until it has been properly classified.

New positions, reclassifications and/or promotions must be planned and budgeted. Exceptions relating to unusual and unanticipated circumstances and anything above a step 5 may be granted upon review and consideration by the Board of County Commissioners.

Human Resources is responsible for maintaining the classification plan to reflect the duties performed by each position, including:

- Establish new position classes, delete, and/or revise existing classes
- Review the duties and responsibilities of each position established and allocated to the position class. It is the responsibility of the department head to submit in writing to HR a detailed description of each position.
- Review all positions in the service semi-annually, if necessary, and conduct periodic position studies to determine the changes in responsibilities and duties. Based on those findings, positions may need to be reclassified or duties reallocated. Classification studies may also be requested by the employee to their department head or HR.
- Review the classification system and make the recommendation to the Board of County Commissioners when an outside consultation is needed to maintain an equitable and competitive rate of compensation, salary structure, and organization.

Classification Specification (Class Spec) or ‘Classification Specification Standards’

Classification specifications are broadly written summaries of work that provide a systematic method of grouping positions with similar essential functions, and clarify the distinguishing characteristics of the class, which include:

- Level of Decisions, direction received, direction given, responsibilities, complexity, education/training, and work experience
- Description of the type and level of work, including career level distinctions, where appropriate
- Description of the characteristics which distinguish this class from others which may be in the same occupation or at the same level of authority and responsibility
- Information which indicates standards for recruiting and selecting staff, determining appropriate pay, defining career growth opportunities, identifying performance expectations, and complying with the Americans with Disabilities Act (ADA)

Classification Specifications are not created or used to reward individual employees or detailed descriptions of the duties and responsibilities of each individual employee in a class. Classification specifications describe the collective responsibilities of all employees that are allocated to that job.

Policies for Ongoing Maintenance

Classification systems must abide by certain rules or policies in order to maintain consistency throughout the system. Following are nine policies the County’s classification system addresses.

Policy 1: Broad or Narrow Classes

Determines how the County shapes its classification structure in order to support its objectives. McKenzie County currently follows a moderately broad approach to the design of the classification structure that utilizes career levels to accommodate classifications.

Policy 2: Job Family

A job family groups related classes into a hierarchy differentiated by level of decision-making, responsibility and accountability (reference previous definition of “Job Family”). An example of a job family is:

- Administrative Clerk
- Administrative Specialist
- Administrative Supervisor

Policy 3: Distinguishing Characteristics

Each level of a job family must be distinguished from other levels by distinct differences in level of decision-making, responsibility, and/or accountability. Determining the distinguishing characteristics between levels in a class series requires judgment and knowledge of the work performed. To be a separate, higher class, a group of positions should require some or all of these:

- Significantly different and more complex mental or physical processes.
- Significantly higher impact from the class’s decisions, both positive and negative.
- Significantly higher accountability. Accountability can be measured in terms of accomplishment of objectives, internal or external customer satisfaction, and control over work.

Some factors, as a sole measure, do not distinguish lower-level from higher-level classes in a series are:

- Existing rates of pay.
- Level or position in the County’s hierarchy.
- Number of people reporting to the position.
- Volume of work (of the same type and level).
- Number or variety of specific assignments.
- Employee's longevity in a current position.

Policy 4: Essential Functions or ‘Typical Class Responsibilities’

Essential functions are basic duties for which the job was created; they make up the major purpose of the job consistent with the requirements of the American’s with Disabilities Act. Essential functions normally cannot be transferred to another position without disruption in the flow or process of work. The list of essential functions in a class spec is meant to be illustrative only and not inclusive of every task that could possibly be assigned to a position.

Policy 5: Knowledge and Skills

The knowledge and skills listed in a class spec are required at entry to the class. Knowledge refers to the possession of concepts and information gained through experience, training, and/or education. Skills refer to proficiency that can be demonstrated. All knowledge and skills required in a class spec must relate to an essential function. For example, knowledge of computers implies possession of the concepts for their use. Skill in computers implies proficiency in their use.

Policy 6: Supervisory Classes

Supervisory classifications are used only in situations where the incumbent is regularly responsible for the supervision of two or more full-time equivalent employees. Supervisory duties generally include: prioritizing and assigning work; conducting performance evaluations; developing policies and procedures; ensuring that employees follow policies and procedures; ensuring staff are trained; maintaining a healthy and safe working environment; and making hiring, termination, and disciplinary decisions or effectively recommending them.

Policy 7: Classification Titles

Classification titles should be easily understood by employees, applicants, other organizations, and the public. All classifications should follow a standard titling convention that indicates the general level of authority of the classification.

Policy 8: Working Titles

In some cases, it may be necessary for the County to approve working titles for individual positions as a matter of business necessity. A working title is a customized, descriptive title that provides greater understanding of an individual employee's responsibilities and job scope within the context of an assigned classification title. Working titles are generally based on current industry/professional standards. If working titles are necessary, the County utilizes the following guidelines for their use:

- Titles should be consistent with other titles used throughout the County; must be approved by HR.
- Titles should describe the position responsibilities and reflect the job family to which it is assigned.
- Titles should be short and should communicate an immediate understanding of the position.
- Titles should not include any descriptive words that would suggest the individual position is performing work at a higher level than the assigned classification title. For example, words such as 'manager' and 'director' should not be used in a working title unless the position has the authority of a manager or director.
- Titles will be used on business cards, job postings and other relevant documentation. Working titles will appear on internal forms in addition to classification titles.
- Titles will not replicate an existing classification title.

Career levels will be established for classifications that exhibit a significant range of responsibility, decision-making authority, autonomy, complexity, or other job-related characteristics, but are not significant enough to warrant separate classifications.

Job Analysis & Reclassification

A job analysis is a systematic way of collecting data and making judgments about the duties and nature of a specific job. The job analysis provides HR with the information needed to allocate the position to an existing classification, or to develop a new classification.

When permanent, substantive changes in the responsibilities and duties assigned a position are anticipated, the employee, department head and/or supervisor, and HR shall perform a job analysis by updating the PDQ (Position Description Questionnaire) and job description setting forth the responsibilities and duties assigned to the positions. Change in duty assignments must be considered permanent.

A job analysis will be performed if a new position is created in the County or if the positions or classifications essential duties of the position have substantially changed. Substantially changed means that 30% or more of the duties have changed; if the duties have not substantially changed, the process is complete and there is no basis for a job analysis or appeal.

Reclassification review requests will be accepted by HR throughout the year, but will only come before the Board of County Commissioners twice a year – typically in February and July. 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 classification review does not guarantee a change in classification.

The classification review will be conducted with HR and McKenzie County's contracted vendor using a PDQ to review classifications and job descriptions. Once the classification review has been conducted by the contracted vendor, a classification response will be forwarded to the department head. If a classification change is anticipated, HR will present the change to the Board of County Commissioners.

If after a classification review, an employee or department head perceives a classification inequity exists, an appeal may be initiated to the Board of County Commissioners. The appeal must be initiated no later than ten (10) working days from the date the classification response was received from HR. HR will submit the appeal to the agenda of the Board of County Commissioners for consideration. The decision of the Board of County Commissioners is final.

Compensation

The compensation plan reflects the classification system, which provides a complete inventory of all positions in the County and specifications for each class of work. Pay rates within the compensation plan will be reviewed by HR and presented to the Board of Commissioners on an annual basis.

McKenzie County has one pay schedule with 26 grades. Each grade has a 40-step salary range. Step 1 will be entry level. The Board of County Commissioners has the right to award pay increases based upon such factors as performance and market pressures to employees as a whole, department, or individual.

The evaluation of new classes for placement in the appropriate pay scales should be done at the time the class is added to the classification structure. The County should utilize the HR department for the evaluation process in reviewing job changes. In the case of reorganization or redistribution of duties and responsibilities, the duties added to one position are most often accompanied by a reduction in responsibilities to another position. Reclassifications and changes in grade assignment should be made both upward and downward in this instance.

DBM Evaluations and Job Slotting

When the development of a new classification is warranted, it will be necessary to 'Band' and 'Grade' the classification using the DBM job evaluation method. Once the evaluation is completed, one must 'slot' (level) the classification into the salary structure. Following are the steps that should be followed when slotting classifications into a market-based salary structure.

- Available market data should be examined to determine if an appropriate market match can be made. If sufficient market data are available, the market actual salary for the classification should be matched to the closest midpoint within the salary structure to determine the appropriate 'sub-grade'.
- If market data is not available, the classification should be slotted in accordance with its overall responsibility level and location within the classification structure. Factors to consider when slotting the classification could include; responsibility level, decision making authority, level of experience, education, and degree of impact on the organization.

Determination of Hiring Salaries

In general, when incumbents meet the minimum qualifications required starting salaries should be at the minimum of the assigned range for the classification and/or career level. The HR Director has the ability to increase starting salaries higher than the minimum if the following criterion is met:

- Previous years of directly related experience equals 1 step for every two (2) full years of experience up to Step 5
- Previous years of related experience equals 1 step for every four (4) full years of experience up to Step 5

Incumbents that do not meet minimum qualifications are considered an "under fill" and may start below the minimum of the assigned range for the classification and/or career level. In general, they would start at the minimum of the next lowest classification. They may be moved to the minimum of that classification once they have met the minimum qualifications presented in the job description.

Starting salaries beyond Step 5 requires special consideration, such as extreme market or recruitment conditions, and Board of County Commissioners approval.

Promotional Increases (both within and across classifications)

A person promoted or transferred to a classification or career level in a higher range should receive an immediate increase. This increase is separate and distinct from any annual salary adjustment. The adjustment can place the salary at a point that provides an increase from 3% to a maximum of 8% and places the individual on an actual step. In determining the promotional increase, two other guidelines shall be used:

- An employee's salary should be increased at least to the minimum rate of the new salary range; and

- In no case should a promotional increase place an employee's salary above the maximum of the assigned range.

Annual Employee Increases

Annual salary increases, such as COLA (cost of living adjustment) 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.

Unpaid Leave of Absence

Salary increases are not earned while on unpaid leave of absence. Upon reinstatement, the employee shall be paid at the same rate prior to the leave of absence. If, during the absence, a merit increase had been provided, the salary of the incumbent should be reviewed at the time of returns for any pay action by the department head and HR. The final recommendation will need to be approved by the Board of County Commissioners.

Internal Transfers

If an employee voluntarily transfers to a new position, HR and the department head of the receiving department will conduct a review of the job description in correlation to the employee's experience and skillset. Based on this review, the employee's salary will be immediately adjusted, if appropriate. If an employee(s) is transferred to a position of comparable value or worth, the move could be considered lateral, not resulting in an adjustment in pay.

When an employee is involuntarily transferred, not resulting from a demotion, to a new classification with a range that is less than the range of the employee's present grade (e.g., elimination of a job and the consequent reassignment of a position with a lower grade), the employee's salary will be adjusted at the next PDQ Review (either February or July, whichever comes first). All exceptions must be approved by the Board of County Commissioners.

If an employee is demoted to a new classification with a range that is less than the range of the employee's present grade, the employee's salary will be immediately adjusted as deemed appropriate by HR and the department head.

Annual Salary Structure Updates

In order to reflect necessary increases, McKenzie County will conduct an annual review of the pay scales including a thorough analysis of factors identified above minimum and maximum rates appropriate for each job. A contracted vendor may provide the County with the average percentage increase for employee salaries and salary structures on an annual basis, or the County may use a labor market index. The respective starting rates and maximums will be increased by a percentage or dollar amount that accurately reflects the market trends and the County's hiring experience.

The County shall reevaluate its overall structure at regular intervals (e.g., two to three years depending upon market movements) to ensure that its salary levels are consistent with the marketplace, which could include a survey analysis.

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.

Annually, the department heads and supervisors establish a work plan for the department. This plan becomes the goals and objectives and a primary consideration in establishing measurable performance levels for each department and/or employee. To better evaluate the goals and objectives, supervisors will perform a bi-annual review using the McKenzie County Employee Performance Review Form. Once completed, a copy of the review is 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.

Electronic Devices

McKenzie County provides access to one or more forms of 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 shall be 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. Gambling and illegal activities are not to be conducted using County resources. 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 hamper the ability of other people to access and use the system. Streaming online content 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.

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

The County reserves and intends to exercise 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 is still possible to retrieve and read that material. The use of passwords for security does not guarantee confidentiality.

Security of Electronic Devices

Employees shall not use a code, 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 must not 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

McKenzie County may provide cellular phone plans and equipment for employees whose work duties dictate they be available for immediate consultation regardless of the time of day, day of the week, or geographical location. The assignment of a cellular phone shall not be considered a benefit to County employees, but a necessary tool to be used for the benefit of the County.

Cellular phones shall be issued to individual employees and/or a group of employees only 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 finding client/work related telephone numbers stored in the device memory.
- 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 Armor Interactive 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

Unless specifically instructed, employees are not authorized to speak on behalf of McKenzie County. Employees may not publicly discuss clients, employees, or any work-related matters, whether confidential or not, outside company-authorized communications.

All social media sites created as a public display of McKenzie County information must be authorized by the department head for their own office with identifiable characteristics of an official County site. Authorized social networking is used to convey information about County services, promote and raise awareness, issue or respond to breaking news, and discuss County department-specific activities and events.

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 first be approved by the Board of County Commissioners.

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

Wireless Access

McKenzie County grants access to computer devices, networks, wireless devices, and other electronic information systems as a privilege and must manage them responsibly to maintain the confidentiality, integrity, and availability of all information assets. Only those devices specifically provided by McKenzie County are granted connectivity to the McKenzie County corporate network. All other devices must use the McKenzie County Guest network.

Building Security

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. There is a replacement fee of \$25.00 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 Information Requests

Employees are reminded that County ethical practices and applicable laws dictate that McKenzie County business should not be discussed among employees or with the public except in the course of their work or in giving information required by the North Dakota Open Records Law. All requests for information regarding County business, including requests from the media and government representatives, shall be referred to the department head.

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 shall be serviced or stored in county-owned facilities. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action. In addition, it shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.

No County files or documents will be allowed outside of the office 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](#).

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.

Evacuation Plans

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

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 general 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 never 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 shall 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. Any required personal protective equipment (PPE) will be provided by the County. If an employee identifies a need for PPE that is not provided, they are to consult their department head.

Workforce Safety & Insurance ([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 upon reporting for their first day of work. McKenzie County pays the entire cost of this coverage. Responsibilities for safety and health are shared. Employees shall 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. The department head is required to complete the Investigation Report Form and file the report with Human Resources. If first aid or medical care is required, employees should seek care without delay.

If an employee fails to report an incident within seven (7) days, WSI may take that failure to do so into consideration when determining compensability of the claim. Though our County policy and the Risk Management Program require an immediate report of any incident, the employee will have seven (7) days to report and complete the Workers Compensation Claim for Injury form.

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

Compensation Benefits

If an employee is receiving workers compensation benefits, the employee may elect to use either the employee's accumulated sick leave, annual leave, or leave without pay during the period the employee is unable to work.

If the employee elects to use leave, the County will pay the employee the difference between the employee's gross salary and the workers compensation benefits received while absent from work. An employee who elects to use leave while receiving workers compensation benefits must be paid by the County an amount equal to the difference between the employee's regular base salary and the amount the employee receives from workers compensation while the employee is on leave. An employee's leave account must then be charged with the number of hours that corresponds to the percentage of salary the County pays. The employee's total compensation from all sources (payment for sick/annual leave and worker's compensation benefits) cannot exceed the employee's regular monthly salary. In addition, the employee's leave account will be charged with the number of hours that corresponds to the percentage of salary the County pays.

An employee, receiving workers compensation benefits, who has either utilized all leave benefits, or has elected not to use accrued benefits, must be placed in a leave without pay status for the remainder of the period that the employee is unable to work. An employee may remain in an unpaid leave status for a time period not to exceed 84 days in a twelve (12) month period as described in the County's policy. An employee not taking available leave who instead uses leave without pay may be eligible for health insurance coverage under the Family and Medical Leave Act.

Employees who receive workers compensation benefits must provide copies of all benefit checks received to the payroll officer in the Auditor/Treasurer's Office so that salary and leave records may be adjusted.

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; sick leave, vacation or unpaid leave may be used for the first five (5) days missed. Determination of wage loss benefits is provided by WSI only after receiving all mandatory claim forms and Doctor's report of injury reports with recommendations and restrictions clearly defined. Employees receiving wage loss benefits from WSI will continue to be paid as though they are working their regularly scheduled shifts; the WSI wage-loss benefit check must be signed over to McKenzie County as reimbursement for non-worked time. In the case of permanent medical restrictions, the County will assess the need for accommodation.

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; this includes the C3 form and the Accommodation Request Form. All accommodation requests will be evaluated. Transitional or modified work will be utilized as necessary.

Based on the accommodations identified, department heads will first attempt to identify a position for the injured employee within their department. If that is not possible, transitional work may be identified within other McKenzie County departments.

A transitional job description will be provided which stipulates the essential functions of the transitional job and take into consideration the nature of the illness and/or injury. Once a medical work release is received, contact will be made with the attending provider to discuss the proposed transitional job. If the medical provider approves the transitional job but the employee declines the transitional job offer, the job offer will be terminated and wage-loss benefits will be forfeited.

Under no circumstances will an injured employee be requested to perform any activity that exceeds his/her on or off the job capabilities or restrictions. Hours and working conditions will be modified by the department head or supervisor as necessary for the continued safety of the injured employee until they can successfully return to normal duties. It is the responsibility of the injured employee to report to their department head or supervisor any transitional work conditions they feel are unsafe or that may hinder their recovery.

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.

Mail

Employees are to use their home 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 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. Employees not on duty at the time of the closure will not receive compensation. 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 Board of County Commissioners.

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 short-term use pool of vehicles at each location available to employees who need a County vehicle to visit field locations. Fueling for McKenzie County vehicles is provided at several locations, including the Public Works garage in Watford City, the Public Works garage in Cartwright, the Public Works garage in Alexander, and the Landfill in Arnegard.

Employees who are requested to use their personal vehicle to conduct official business shall be authorized to submit a claim for mileage which must be approved and signed by their department head.

Parking

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 to be used only for County business.

Unless previously authorized, all County-owned vehicles are to be parked overnight at County owned facilities at the principal work location of the assigned driver. 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.

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.

Motor vehicle records are reviewed for all employees who drive County vehicles on a semi-annual basis.

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.

Cell Phone Use while Driving

Employees are expected to refrain from using their phone while driving (or operating equipment). Regardless of the circumstances, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle or equipment before placing or accepting a call.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business uses, are also expected to abide by the provisions above.

Commercial Driver's License

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 to the McKenzie County Drug and Alcohol Testing Policy.

All employees hired or promoted into positions requiring a Commercial Driver's License (CDL) must be given a copy of and sign a receipt for the McKenzie County, Drug and Alcohol Testing Policy, and Driver Post-Accident Information Kit.

A semi-annual check of the driver's motor vehicle record (MVR) shall be conducted by the Human Resources department for all employees who are required to hold a CDL to drive County equipment.

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 or injury to any person by a County employee, the employee will be required to submit to a drug test and/or Breath Alcohol Content (BAC) test. If tested, the employee may be suspended, pending the results of the 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 whose physical or mental condition may be impaired, even temporarily, must notify their department head or Human Resources of the impairment (including conditions created by the use of medication, drugs, or alcohol) prior to operating a County vehicle.

Employee Conduct

Employee Conduct & Work Rules

As an employee of McKenzie County, you serve the public and, specifically, the citizens of McKenzie County. Your actions in this capacity reflect you, your supervisor(s), and County as a whole. It is expected that you will maintain favorable visibility with the public, that you will act responsibly in your position in meeting the needs of the public and that you will be accountable for your 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
- 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, fighting, 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, or threatening language or gestures
- Unsatisfactory work performance or behavior
- Sleeping or loitering during working hours
- 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. Employees who are required to maintain a current driver's license that are arrested or cited for driving under the influence or reckless driving, on or off the job, are subject to disciplinary action, up to and including termination.

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. 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 a staff member's poor hygiene is an issue, their supervisor should discuss the problem with the staff member in private and should point out the specific area(s) to be corrected.

Confidentiality

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.

The department head or supervisor should contact HR if employees have concerns about possible contagious or infectious nature of an illness.

Criminal Charges

McKenzie County employees have a duty to immediately report any criminal charges received. All felony and/or misdemeanor charges received by an employee must be reported to their department head and HR. Whether the charge has an effect on employment status will be determined by the department head 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 or including termination.

Anti-Harassment

Discrimination and Harassment are 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

All acts or threats of violence and threatening behavior by or against employees during assigned duty times are prohibited. Violations of this policy will lead to disciplinary action, up to and including termination. 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. The violent behavior may take the form of verbal threats to harm another person or damage property, physical aggression, or harassment. Threats of violence include possession or display of a weapon of any type or exhibiting an object in such a manner that it appears to be a weapon.

Employees who are subject to or become aware of any violent acts or threats of violence shall immediately report the matter to their department head or HR. In addition, employees will 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.

Any employee who receives a report of violent activity or a threat of violence shall immediately assess the situation to determine the nature of the threat and act as follows:

- When it is apparent that one or more individuals may be in immediate physical danger, call 911 immediately.
- When the danger of physical harm does not appear to be immediate, gather all available information and provide a full report of circumstances to any supervisor, department head, HR, or to any elected official of McKenzie County.

Upon receipt of a report of violence or a threat of violent activity, appropriate action will be taken, which may include requesting the proper authority to remove the violator from the work site and/or to provide appropriate protection of the threatened person(s).

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.

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 this policy.

McKenzie County reserves the right to take disciplinary action, up to and including termination, of any employee who prevents an employee from cooperating or participating in an investigation or harasses them for doing so.

Drug-Free Workplace

As a condition of employment, all newly hired employees and employees returning from a personal unpaid leave of absence for a duration of more than 6 weeks, must pass a drug screen test before starting work. 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.

If the County has reasonable suspicion that an employee is working under the influence of alcohol, other 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 that have not resulted in disciplinary action may be eligible for paid or unpaid time off to participate in a rehabilitation program. To assist employees in overcoming drug and alcohol abuse problems, the County may offer the following help:

- Medical benefits for substance abuse treatment
- Information about community resources for assessment and treatment
- Counseling program

Employees should contact their department head or HR for more information.

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 Human Resources immediately.

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 and/or with prior Board of County Commissioner approval.

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
- McKenzie County Emergency Manager

Calls or visits from the media should immediately be referred to the 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 from directly or indirectly 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 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.

Disciplinary Action

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 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 Human Resources 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 Human Resources 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 Human Resources 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 first 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 shall be 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.



HANDBOOK ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the McKenzie County Employee Handbook dated July 1, 2021 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