



# CAVALIER COUNTY EMPLOYEE POLICY MANUAL

*LAST UPDATED JANUARY 1, 2024*

**\*\*\*DISCLAIMER\*\*\***

CAVALIER COUNTY AND ITS EMPLOYEES HAVE AN AT-WILL EMPLOYMENT RELATIONSHIP. EMPLOYMENT IS NOT FOR ANY SPECIFIC TIME AND MAY BE TERMINATED AT WILL WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE BY THE ORGANIZATION, OR AN INDIVIDUAL MAY RESIGN FOR ANY REASON AT ANY TIME. THE POLICIES CONTAINED IN THIS HANDBOOK DO NOT LIMIT OR MODIFY THE EMPLOYMENT AT-WILL RELATIONSHIP. THESE POLICIES DO NOT FORM AN EXPRESS OR IMPLIED EMPLOYMENT AGREEMENT OR EMPLOYMENT CONTRACT, NOR DOES IT GUARANTEE ANY FIXED TERMS OR CONDITIONS FOR AN INDIVIDUAL'S EMPLOYMENT. NO SUPERVISOR, MANAGER, OR OTHER REPRESENTATIVE OF THE ORGANIZATION WITH THE EXCEPTION OF THE CAVALIER COUNTY COMMISSION HAS THE AUTHORITY TO ENTER INTO ANY AGREEMENT FOR EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME OR TO MAKE ANY AGREEMENT CONTRARY TO THE ABOVE.

**\*\*\*SOCIAL SERVICES EMPLOYEES\*\*\***

SOCIAL SERVICE EMPLOYEES ARE NOT SUBJECT TO THIS EMPLOYEE POLICY MANUAL. SOCIAL SERVICE EMPLOYEES ARE SUBJECT TO THE MANUAL, POLICIES AND PROCEDURES, IF ANY, ADOPTED BY THE NORTHERN VALLEY HUMAN SERVICE ZONE.

Welcome employee!

On behalf of your colleagues we welcome you to employment with Cavalier County and wish you every success here.

We believe that each employee contributes directly to Cavalier County's growth and success, and we hope you will take pride in being a member of our team.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Board of Commissioners

Cavalier County, North Dakota

## TABLE OF CONTENTS

INTRODUCTORY STATEMENT.....	7
100 NATURE OF EMPLOYMENT AND HIRING PRACTICES.....	7
101 EQUAL OPPORTUNITY EMPLOYMENT .....	7
102 DISABILITY ACCOMODATIONS .....	8
103 HIRING OF RELATIVES .....	8
104 CONFLICTS OF INTEREST .....	9
104.1 UNUSUAL GAINS .....	9
104.2 OUTSIDE EMPLOYMENT.....	9
104.3 POLITICAL ENGAGEMENTS.....	10
105 NONDISCLOSURE .....	10
200 EMPLOYMENT CATEGORIES.....	10
201 EMPLOYMENT CATEGORIES DEFINED.....	10
300 BENEFITS .....	11
301 BENEFIT ELIGIBILITY .....	11
302 HOLIDAYS .....	12
303 SICK LEAVE .....	12
304 VACATION .....	15
305 BEREAVEMENT LEAVE.....	16
306 MILITARY LEAVE .....	17
307 MATERNITY-RELATED ABSENCES .....	18
308 PERSONAL LEAVE .....	19
309 JURY DUTY.....	19
310 WITNESS DUTY .....	19
311 ON THE JOB INJURIES AND CLAIMS MANAGEMENT .....	20
311.1 EMPLOYEE RESPONSIBILITIES .....	20
311.2 CLAIMS MANAGEMENT .....	21
311.3 RETURN TO WORK .....	21
312 THE VILLAGE BUSINESS INSTITUTE EMPLOYEE ASSISTANCE PROGRAM .....	21
313 BENEFITS CONTINUATION (COBRA).....	21
400 PAY .....	22
401 TIMEKEEPING .....	22
402 PAYDAYS.....	23

403 PAY ADVANCES ..... 23

404 PAY DEDUCTIONS..... 23

405 ADMINISTRATIVE PAY CORRECTIONS ..... 24

406 FINAL PAY ..... 24

500 WORKING CONDITIONS AND WORKPLACE EXPECTATIONS ..... 24

    501 GENERAL CONDUCT EXPECTATIONS..... 25

    502 GENERAL SAFETY RULES..... 25

    503 ATTENDANCE AND PUNCTUALITY..... 26

    504 INCLEMENT WEATHER ..... 26

    505 REST AND MEAL PERIODS ..... 27

    506 OVERTIME ..... 27

    506.1 OVERTIME COMPENSATION ..... 27

    507 SMOKING ..... 28

    508 VEHICLE USE..... 28

    509 USE OF EQUIPMENT..... 28

    510 COMMUNICATIONS AND COMPUTER SYSTEMS..... 29

    510.1 AUTHORIZED SOFTWARE AND HARDWARE ..... 30

    510.2 CONVENTIONAL MAIL AND TELEPHONE SYSTEMS ..... 30

    510.3 E-MAIL AND ELECTRONIC COMMUNICATIONS..... 31

    510.4 INTERNET USAGE ..... 31

    510.5 SOCIAL MEDIA..... 32

    510.6 VIRUS PROTECTION..... 33

    511 ACCESS TO PERSONNEL FILES ..... 33

    512 PERSONNEL DATA CHANGES ..... 33

    513 PERFORMANCE EVALUATIONS ..... 33

    514 FRAUD PREVENTION AND INVESTIGATION ..... 34

    515 TERMINATION AND REDUCTION IN FORCE ..... 35

    515.1 DISCHARGE..... 35

    515.2 RESIGNATION..... 35

    515.3 REDUCTION IN FORCE..... 35

    515.4 MEDICAL TERMINATION ..... 36

    515.5 RETIREMENT ..... 36

    516 RETURN OF PROPERTY..... 36

517 DRUG AND ALCOHOL POLICY .....	36
518 DRUG TESTING .....	37
519 SECURITY AND INSPECTIONS .....	39
520 SOLICITATION, DISTRIBUTION, AND POSTING .....	40
600 SEXUAL HARASSMENT, IMPERMISSIBLE CONDUCT, AND FORMAL COMPLAINTS .....	40
601 SEXUAL HARASSMENT AND IMPERMISSIBLE CONDUCT .....	40
602 FILING A COMPLAINT AND THE GRIEVANCE POLICY .....	41
602.1 STEPS TO FILING A GRIEVANCE .....	42
602.2 ADDITIONAL CONSIDERATIONS WHEN FILING A GRIEVANCE .....	43
602.3 TIPS FOR CONFLICT RESOLUTION .....	44
700 FAMILY MEDICAL LEAVE ACT .....	44
701 FMLA AS IT PERTAINS TO CAVALIER COUNTY .....	45
701.1 ELIGIBLE EMPLOYEES .....	45
701.2 LENGTH/FREQUENCY OF FAMILY LEAVE.....	46
701.3 NOTICE OBLIGATIONS .....	47
701.4 STATUS WHILE ON FAMILY LEAVE .....	47
701.5 CONTINUATION OF PAY AND BENEFITS.....	47
701.6 PROCEDURE TO OBTAIN FMLA .....	48
701.7 CERTIFICATION AND REPORTING REQUIREMENTS.....	48
701.8 REINSTATEMENT .....	49
701.9 ACTIVITIES PROHIBITED DURING FMLA .....	49
701.10 ADMINISTRATION .....	49
800 SHARED LEAVE POLICY .....	50
801 REQUESTING SHARED LEAVE .....	50
801.1 REVIEW AND DETERMINATION.....	50
802 DONATING SHARED LEAVE .....	50
TOBACCO-FREE PROPERTY POLICY .....	51
CONTACT HUMAN RESOURCES: .....	52
EMPLOYEE ACKNOWLEDGMENT FORM .....	53

**INTRODUCTORY STATEMENT**

Citizens of Cavalier 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 Commissioners or within guidelines authorized by the Commissioners and in certain circumstances under guidelines from the State of North Dakota.

Employees are accountable to their Department Head or to a designated supervisor. 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 accountable to the citizens of Cavalier County.

This handbook was developed to describe the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible. It will answer many questions about employment with Cavalier County.

No employee handbook can anticipate every circumstance or question about policy. It is not intended to be comprehensive or to address all the possible applications of or exceptions to the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice you should address your questions to your designated supervisor or Human Resources. The Commissioners reserve the right to revise, vary, change, supplement, or rescind any policies or portion of the handbook from time to time as they deem appropriate at their discretion.

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

**100 NATURE OF EMPLOYMENT AND HIRING PRACTICES****101 EQUAL OPPORTUNITY EMPLOYMENT**

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

## **102 DISABILITY ACCOMODATIONS**

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

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

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis. Reasonable accommodation is available to all disabled employees where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

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

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

## **103 HIRING OF RELATIVES**

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

### **THE POLICY OF CAVALIER COUNTY:**

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



b. A conflict of interest or the appearance of a conflict of interest.

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

## **104 CONFLICTS OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Below are behaviors prohibited by the Conflict of Interest Policy.

### **104.1 UNUSUAL GAINS**

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

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

An employee of the County shall not hold any position, not serve on any board in which such interest or position would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.

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

### **104.2 OUTSIDE EMPLOYMENT**

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their jobs or from the use of County owned facilities, materials, equipment or tools used while off duty, unless approved by the Commissioners.

An employee may hold a position with another organization as long as he or she discloses in advance that situation and satisfactorily performs his or her job responsibilities with Cavalier County, unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or their office.

In general, County positions shall be considered the primary employer with outside employment considered as secondary. The Department Head will be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be rated by performance standards and be subject to the County's scheduling demands, regardless of any existing outside work requirements.

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

### **104.3 POLITICAL ENGAGEMENTS**

An employee engaged in political activity as defined in NDCC 39-01-04 may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head to determine if a conflict of interest exists. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

### **105 NONDISCLOSURE**

Employees are expected to protect confidential business information, personal information, and any non-public information he or she may encounter during their employment with Cavalier County. Any employee who discloses confidential information will be subject to disciplinary action (including possible discharge), even if he or she does not benefit from the disclosure.

Cavalier County complies with all aspects of HIPPA.

## **200 EMPLOYMENT CATEGORIES**

### **201 EMPLOYMENT CATEGORIES DEFINED**

Each employee is designated as either NONEXEMPT or EXEMPT from the federal and state wage and hour laws.

NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws (i.e. Fair Labor Standards Act).

In addition to NONEXEMPT and EXEMPT, each employee will belong to one other employment category:

**REGULAR FULL-TIME:** Employees who are not in a temporary status and who are regularly scheduled to work the organization's full-time schedule (35 hours or more per week). Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit

program. (For purposes of classification and eligibility for benefits, all elected officials are considered to have the same benefits entitlements as full-time employees).

**REGULAR PART-TIME:** Employees who are not in temporary status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for a pro-rated percentage portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program in direct relation to the average number of hours the employee works.

**TEMPORARY/SEASONAL:** Employees hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are limited and for an indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/Seasonal employees retain their status until notified of a change. While temporary/seasonal employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.

## 300 BENEFITS

### 301 BENEFIT ELIGIBILITY

*Effective Date: 01/01/2024*

Benefits eligibility is dependent upon a variety of factors; including employee classification. The following benefit programs are available to eligible employees:

[Benefit conversion at Termination \(COBRA\)](#)

[Family Medical Leave](#)

[Employee Assistance Program](#)

[Jury Duty Leave](#)

[Holidays](#)

[Retirement Program](#)

[Bereavement Leave](#)

[Sick Leave](#)

*Medical Insurance (limited as mandated by NDPERS)*

*Uniform Allowance (Sherriff's Dept only)*

[Vacation Benefits](#)

*Vision & Dental options*

*Deferred Compensation*

[Witness Duty Leave](#)

*Life Insurance options*

*On Call Comp. (Sheriff's Dept)*

Some benefit programs require contributions from the employee, but most are fully paid by Cavalier County.

### 302 HOLIDAYS

*Effective Date: 01/01/2024*

The official holidays for Cavalier County are as follows:

- New Years Day (January 1<sup>st</sup>)
- Martin Luther King Day (Third Monday in January)
- President's Day (Third Monday in February)
- Good Friday
- Memorial Day (Last Monday in May)
- Juneteenth (June 19<sup>th</sup>)
- Independence Day (July 4<sup>th</sup>)
- Labor Day (First Monday in September)
- Veteran's Day (November 11<sup>th</sup>)
- Thanksgiving Day (Fourth Thursday in November)
- Day after Thanksgiving\*\*
- Christmas Eve (December 24<sup>th</sup>)\*
- Christmas Day (December 25<sup>th</sup>)\*

\*County offices will be closed at twelve noon on December 24<sup>th</sup>, Christmas Eve Day. If that day falls on a Monday the county offices will be closed all day. This is considered an office closure and not a holiday; However, if December 25<sup>th</sup>, Christmas Day, falls on a Saturday, county offices must be closed all day on the preceding Friday, which would be a holiday.

\*\*In a motion on October 6<sup>th</sup>, 2015, the Columbus Day holiday was relinquished in favor of the Friday following Thanksgiving.

\*\*\*Benefited employees will receive one (1) paid day off to be taken during the month of the employee's birthday, use it or lose it. The specific day of use will require approval by the department head.

Including any other day appointed by the President of the United States or the Governor of the State of North Dakota, or by resolution of the Board of County Commissioners.

Full time employees will be given up to eight (8) hours (based number of hours in employee's normal work day) paid holiday time for each of the holidays listed above. Regular benefited part-time employees who consistently work 20 or more hours per week will receive pro-rated holiday time, rounded up to the full day.

All non-exempt employees who are scheduled to work or called out to work on any holiday will be paid straight time for all hours worked, plus additional \*\*\*holiday pay or comp hours on an hour for hour basis. If the holiday occurs on a day, which is a regularly scheduled day off for the employee, he/she will receive additional pay for that holiday equal to up to eight (8) hours pay at straight time or up to eight (8) hours of comp time (based on number of hours in employee's normal work day). Part time non-benefited employees who work under twenty (20) hours per week are not eligible for holiday pay.

\*\*\*Comp hours will be accrued for all employees, except for dispatchers. Dispatchers will be paid holiday pay.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. (In accordance with provisions of the North Dakota Century Code for those that are covered by NDCC 1-03-02.)

Eligible employee classification(s):

- Regular benefited full-time employees
- Regular benefited part-time employees (pro-rated in relation to full-time regular)

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

Department heads are encouraged to comply with all reasonable annual leave requests, keeping in mind the requirements of the department.

### **303 SICK LEAVE**

*Effective Date: 01/01/2023*

Cavalier County provides paid sick leave, including maternity, benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. The following employee classifications are eligible for sick leave benefits according to the guidelines set forth in this policy:

- Regular full-time
- Regular part-time
- Elected Officials\*\*

\*\*Elected Officials are not required to track sick leave/accrual, but are allowed to if they choose to follow the sick leave policy below. Regular employees that become Elected Officials shall choose if they wish to continue tracking sick leave upon taking office. If the Elected Official chooses NOT to track sick leave, the county will pay out the employee's sick leave balance (per policy below) at the rate of pay prior to becoming elected and the Elected Official will no longer have an accrual of sick leave.

\*\*Commissioners and State's Attorney are elected part-time exempt positions, which will not accrue or track sick leave.

Sick leave benefits begin to accrue from the day of hire at the rate of eight (8) hours per month, and will continue to accrue at that rate. Sick leave benefits will continue to accrue at the same rate and will accumulate without limit. Part-time employees receive a pro rata of full-time in proportion to the hours they are regularly scheduled to work. Sick leave benefits can be used as earned (after thirty (30) days of employment).

Paid sick leave can be used in minimum increments of fifteen (15) minutes. An employee may use sick leave benefits when:

- 1) The employee is unable to work due to mental or physical condition (including maternity).

- 2) The employee has an appointment for the diagnosis or treatment of medically related condition (to include dental, vision, etc.).
- 3) The employee wishes to attend the needs of an eligible family member who is ill or to assist them in obtaining other services related to their health. Eligible family members include the employee's spouse, parent (natural, adoptive, foster, and step-parent), child (natural, adoptive, foster, and step-child), or any other family member who is financially or legally dependent upon the employee.
  - a) Sick leave for these purposes shall not exceed eighty (80) hours per calendar year.
  - b) In the case of a serious health condition of an eligible family member, an employee may take up to a total of four-hundred-eighty (480) hours of sick leave in any twelve-month (12) period, including the eighty (80) hours in subsection (a) above. The employer may require the employee to provide written verification of the serious health condition by a health care provider.
- 4) The employee is caring for a newborn child or for a child placed with the employee, by a licensed child-placing agency for adoption. Sick leave in such cases is limited to six (6) weeks during the first six (6) months from the birth or placement.
- 5) It is appropriate as a participant in an employee assistance program.

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness.

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness, injury, or care for a family member, the employer may require the employee to provide written verification of a serious health condition by a health care provider verifying the nature of the disability, its expected beginning and ending dates, and verification of when the employee may safely return to work. Such verification may be the basis for payment authorization of sick leave benefits.

Upon resignation, termination or death, you or your beneficiary (in the event of death according to NDCC 34-01-12) will be eligible for a lump-sum payment equal to ten (10) percent of an employee's unused sick leave accrued. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time of termination of employment.

Sick leave will be calculated based on the employee's salary or wage at the time of absence multiplied by the number of hours the employee would otherwise have worked on the day(s) of absence, but not greater than twelve (12) hours. Sick leave pay does not include overtime or shift differentials, incentive pay, bonuses, or other special forms of compensation.

Each department, to include eligible elected officials choosing to track sick leave, shall submit a record of leave showing actual hours absent for each employee, at the end of each calendar month to the Auditor's office. Such record shall be signed certifying its accuracy.

Tampering, altering, or falsifying the time records of any employee's time record may result in disciplinary action, up to and including discharge.

### **304 VACATION**

*Effective Date: 01/01/2023*

Cavalier County provides an opportunity for eligible employees to accrue and use vacation time as described in this policy. Vacation time off with pay is available to employees to provide opportunities for rest, relaxation, and work-life balance. The following employee classifications are eligible for vacation benefits according to the guidelines set forth in this policy:

- Regular full-time
- Regular part-time
- Elected Officials\*\*

\*\*Elected Officials are not required to track vacation time/accrual, but are allowed to if they choose to follow the vacation policy below. Regular employees that become Elected Officials shall choose if they wish to continue tracking vacation time upon taking office. If the Elected Official chooses NOT to track vacation time, the county will pay out the employee's vacation balance (per policy below) at rate of pay prior to becoming elected and the Elected Official will no longer have an accrual of vacation time.

\*\*Commissioners and State's Attorney are elected part-time exempt positions, which will not accrue or track vacation time.

Vacation leave benefits begin to accrue from the day of hire. Following the successful completion of an employee's first six (6) months of employment, an employee can request use of accrued vacation time, including that accrued during the first six (6) months of employment. Any use of vacation time prior to 6 months of employment must be authorized by the department head. Department head approval in the first 6 months of employment shall not be allowed beyond the amount of vacation leave the employee has accrued. The employee will go unpaid if additional time off is approved. Part-time employees receive a pro rata of full-time in proportion to the hours they are regularly scheduled to work. A benefit year is the twelve (12) month period following being hired in an eligible employment classification. This benefit year will be adjusted to reflect the length of any unpaid leave of absence.

Vacation time will be paid at the employee's salary or wage at the time of absence times the number of hours the employee would otherwise have worked on the day(s) of absence, but not greater than twelve (12) hours. Vacation time can be taken in minimum increments of fifteen (15) minutes. Vacation pay does not include overtime or shift differentials, incentive pay, bonuses, or other special forms of compensation.

A request to use vacation time must be approved before the employee is authorized to take the leave. 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 following its accrual. Accrual of vacation is limited in that no more than two-hundred-forty (240) hours of vacation may be carried forward beyond December 31 of each year. Employees will lose any hours over two-hundred-forty (240) after December 31.

Vacation benefits will accrue according to the following schedule:

<u>LENGTH OF SERVICE</u>	<u>RATE OF ACCRUAL</u>
1 through 3 years	8 hours per month/96 hours per year
4 through 7 years	10 hours per month/120 hours per year
8 through 12 years	12 hours per month/144 hours per year
13 through 18 years	14 hours per month/168 hours per year
Over 18 years	16 hours per month/192 hours per year

Upon resignation, termination or death, you or your beneficiary (in the event of death according to NDCC 34-01-12) will be eligible for full payment of balance at your current salary or wage.

Each department, to include eligible elected officials choosing to track vacation time, shall submit a record of leave showing actual hours absent for each employee, at the end of each calendar month to the Auditor's office. Such record shall be signed certifying its accuracy.

Tampering, altering, or falsifying the time records of any employee's time record may result in disciplinary action, up to and including discharge.

### **305 BEREAVEMENT LEAVE**

*Effective Date: 01/01/2024*

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. Paid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death. Up to three days of paid bereavement leave for funerals of immediate family members will be provided to eligible employees of the following classifications:

- Regular full-time employees
- Regular part-time employees



Bereavement pay is calculated based on the base pay that an employee would otherwise have earned had he or she worked on the day of absence. Approval of bereavement leave will occur during regular operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The employer defines "immediate family" as the employee's spouse, parent, child, sibling, grandparent, or grandchild. Also included as an immediate family member is an employee's spouse's parent, child, or sibling and also an employee's child's spouse or any other family member that the employee's supervisor determines to be immediate.

### **306 MILITARY LEAVE**

#### **ND STATE LAW PROVISIONS - NDCC 37-01-25**

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 the proper authority to active non-civilian employment, employees shall be entitled to a leave of absence from such civil service without loss of status or efficiency rating. If such individuals have been in the continuous employ of the State political subdivision (Cavalier County) for 90 days immediately preceding the leave of absence, they shall receive 20 workdays each calendar year without loss of pay. In addition, any leave of absence necessary by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days 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 or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

#### **The Uniformed Services Employment and Reemployment Rights Act (USERRA)**

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

1. Has provided advance notice, either written or oral, of the need for the leave, unless notice is unreasonable or impossible
2. Has received an honorable discharge
3. Has taken a total of less than five years of military leave during the time of employment with the County

4. Has applied for reemployment or reported back to work in a timely manner, depending on the length of the leave:
  - a. Less than 31 days: must report back to work not later than the first regular work day following discharge and an eight-hour period allowing for safe transportation from place of service to the employee's residence
  - b. More than 30 but less than 181 days: must reapply for employment within 14 days of discharge
  - c. Over 180 days: must reapply for employment within 90 days of discharge

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

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

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

#### ADDITIONALLY

- For employees who are members of the national guard or reserves, there are no limits to the amount of training time the employee may take during the year, regardless whether ordered to do so or if the employee volunteers for such training.
- The employee may not be penalized or treated adversely in any way for exercising this right.
- A veteran, who is not otherwise eligible for reinstatement under this policy, may be considered for employment with the County as any other similarly situated former employee.
- Following a period of military service of 31 days or more, the returning employee must, at the County's request, be able to provide documentation that establishes the length and type of military leave, and be timely with the application for re-employment as outlined above.
- Reinstated veterans who have served the longest tour of active duty are to receive preference in case of conflict in selection of jobs available.

#### DISCHARGE OR DEMOTION

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

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

#### **307 MATERNITY-RELATED ABSENCES**

Cavalier County will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy.

For more information on Maternity/Pregnancy/Family absences, see section [700 Family Medical Leave Act](#).

### **308 PERSONAL LEAVE**

In accordance with the guidelines set forth in this policy, Cavalier County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations and who have completed 365 days of consecutive service. The employee classification(s) eligible for personal leave are:

- Regular full-time employees
- Regular part-time employees

Personal leave may be granted for a period of up to 30 calendar days. Pending the Commissioner's approval, employees may take any available vacation leave prior to the effective date of the personal leave of absence. Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The County will continue to provide insurance benefits. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the personal leave. To the extent possible, employees returning from personal leave will be returned to their former position or will be offered the first available comparable position for which they are qualified.

If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

### **309 JURY DUTY**

Cavalier County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request paid jury duty leave. Jury duty pay will be calculated on the employee's base pay rate, minus any jury fee or mileage paid by the court. Employee classifications that qualify for paid jury duty leave:

- Regular full-time employees
- Regular part-time employees

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

Accrual for benefits calculations, such as vacation, sick leave, or holidays benefits, will not be affected during jury duty leave.

### **310 WITNESS DUTY**

Cavalier County encourages employees to appear in court for witness duty whenever summoned. Employees in an eligible classification may request paid witness duty leave. Witness duty pay will be

calculated on the employee's base pay rate, minus any witness fee or mileage paid by the court.  
Employee classifications that qualify for paid witness duty leave:

- Regular full-time employees
- Regular part-time employees

When an eligible employee is called as a witness (including expert witness) on behalf of the County where the employee's department is a party to the action and the department reimburses the employee for mileage, sustenance, and room and board, no fees or mileage shall be charged by said employee as a witness and no time shall be deducted for the absence of such employee while performing these duties or services for the County.

When an employee is summoned as a witness and the department is not a party to the action they are eligible for witness duty leave upon approval less any witness fees and mileage. If for any reason the employee is not on authorized leave or on duty, they may collect witness fees and mileage from the proper party.

When law enforcement personnel are called as witnesses in a criminal case as a result of matters arising out of official duties they are deemed to be performing duties and services for the County, and as such shall not be subject to any loss of time or pay. If they receive reimbursement for mileage, sustenance and room and board from the County, they will not collect witness fees or mileage as a witness. When witness duties are performed during off-duty time, the employee may receive witness fees and mileage provided he/she is not reimbursed by the County for these services. In all other instances the policies governing other employees applies.

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

The witness summons should be shown to the employee's supervisor immediately after it is received to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

## **311 ON THE JOB INJURIES AND CLAIMS MANAGEMENT**

### **311.1 EMPLOYEE RESPONSIBILITIES**

1. Injuries on the job are serious regardless of how large or small the scope of medical treatment required to treat the condition. It is the responsibility of every employee to report all work-related injuries and accidents to their supervisor and Risk Manager within 24 hours\* of the injury/accident occurring. If necessary, medical first aid must be administered immediately.
2. An incident is a situation where an employee has an injury, accident, or exposure and does not feel the need to seek medical attention. Under these circumstances it is important that an employee contact the Risk Manager immediately to ensure the incident is properly reported to Workforce Safety and Insurance within 24 hours\*. If medical attention is required at a later date, the employee is required to contact the Risk Manager prior to scheduling a medical appointment.

*\*Failure to report an incident or injury within 24 hours of its occurrence may result in denial of the claim.*

**311.2 CLAIMS MANAGEMENT**

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

**311.3 RETURN TO WORK**

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

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

**312 THE VILLAGE BUSINESS INSTITUTE EMPLOYEE ASSISTANCE PROGRAM**

The County has arranged for The Village Business Institute (VBI) to provide an Employee Assistance Program (EAP) to all County employees and their households. The EAP can help with financial problems, relationship or family difficulties, depression, drug and alcohol abuse, or conflicts at work.

The EAP is strictly confidential, makes counseling available free of charge to all members of an employee's household, and offers a wide variety of counseling services.

To use VBI's EAP call 1-800-627-8220 to schedule an appointment at any location. Identify yourself as a member of *Cavalier County*. The website is [www.VillageEAP.com](http://www.VillageEAP.com); use username: Cavalier County.

**313 BENEFITS CONTINUATION (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Cavalier County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Cavalier County's group rates plus an administration fee. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. This notice contains important information about an employee's rights and obligations.

## **400 PAY**

### **401 TIMEKEEPING**

*Effective Date: 01/01/2024*

Accurately recording time worked is the responsibility of every non-exempt employee, no matter how small the increment. Federal and state laws require Cavalier County to keep an accurate record of time worked in order to calculate employee pay and benefits. The work week shall be from 12:01 am Saturday through 12:00 midnight Friday unless otherwise established for individual positions.

*\*\*\*Summer Hours: From May 1<sup>st</sup> to September 30<sup>th</sup> employees will have the option to leave at 12 PM on Fridays, granted their required number of weekly hours are met and there is approval from the department head.*

#### **Time Worked**

Time worked is all the time actually spent on the job performing job duties. Time worked is used to determine overtime pay required for non-exempt employees. Overtime work must always be approved before it is performed. The following provisions are included as time worked:

- *Break time:* Rest periods of fifteen (15) minutes or less are counted as time worked. Employees may be allowed a rest period of fifteen (15) minutes each half day to be arranged by the department head. The work day may not be shortened and lunch periods may not be lengthened by omitting rest periods.

#### **Time Not Worked**

Per the Fair Labor Standards Act (FLSA), Cavalier County does *not* count the following provisions as time worked:

- *Lunch or dinner periods:* Uninterrupted time off for lunch or dinner is not counted as time worked.
- *Paid leave:* Approved paid absences, including sick leave, vacation leave, holiday leave, military leave, jury and witness duty, and bereavement leave are not counted as time worked.

#### **Timekeeping**

Non-exempt employees should accurately record the actual time worked each day. They should also record the actual time of any split shift or absences from work for personal reasons, including vacation or sick leave or compensation time.

Non-exempt employees should report to work no more than five (5) minutes prior to their scheduled starting time nor stay more than five (5) minutes after their scheduled stop time without expressed prior authorization from their supervisor.

To ensure fairness and accuracy, hours should be recorded in fifteen (15) minute or quarter-hour increments. Up to seven (7) minutes after a quarter-hour should be rounded to the prior quarter, and eight (8) minutes or more past the quarter-hour should be rounded to the next quarter.

Exempt employees are not required to keep time records, however they must keep an accurate record of actual number of hours absent from work for personal reasons, including vacation or sick leave.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

Tampering, altering, or falsifying the time records of any employee's time record may result in disciplinary action, including discharge.

#### **402 PAYDAYS**

Payday is the 26<sup>th</sup> of the month for all employees of the County. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. Direct deposit is required for all County employees.

#### **403 PAY ADVANCES**

Neither pay advances nor extensions of credit on unearned wages will be provided to employees.

#### **404 PAY DEDUCTIONS**

The law requires that Cavalier 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 matches the amount of Social Security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Employees who wish to participate may voluntarily authorize deductions from their pay.

Pay setoff or garnishments involve pay deductions taken by the County, usually to help pay off a debt or obligation to the employer or others.

#### **405 ADMINISTRATIVE PAY CORRECTIONS**

In the unlikely event that there is an error in the amount of pay, the employee should promptly inform the County Auditor. Once under-payments are identified, they will be corrected in the next regular paycheck. Overpayments will be corrected in the next regular paycheck unless this presents a burden to the employee, where there is a substantial amount owed, in which case the County will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience.

#### **406 FINAL PAY**

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination. For more information, see section [515 TERMINATION AND REDUCTION IN FORCE](#).

#### **500 WORKING CONDITIONS AND WORKPLACE EXPECTATIONS**

The County will attempt to maintain a safe environment and comply with federal, state, and local safety regulations. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to report any unsafe conditions to their supervisor immediately. Employees of all levels are expected to correct unsafe conditions as promptly as possible.

Refer to Section [311 ON THE JOB INJURIES AND CLAIMS MANAGEMENT](#) for what to do in the event of an accident or injury.

#### **501 GENERAL CONDUCT EXPECTATIONS**

Employees of Cavalier County serve the public. All employee actions in this capacity reflect favorably or unfavorably upon the employee, their supervisor, and the County government as a whole. We expect that employees will maintain favorable visibility with the public and will act responsibly within the means of their position in meeting the needs of the public. Employees will be held accountable for their actions in this capacity.

The following general rules of conduct apply to all County employees:

*Reprisal:* The Public Relations Act, as provided by State Law provides that an employee may, without fear of reprisal, report in writing to the employee's Department Head, or other related County officials the existence of a job-related violation of state or federal law or, rules, or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal.

*Appearances of Impropriety:* Cavalier County employees and officials should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality, making decisions outside



official channels, or adversely affecting public perception of the integrity of Cavalier County or any of its departments or programs.

*Prohibited Activities:* Cavalier County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise a working relationship.

*Employee Conduct:* Cavalier County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee projects an image of Cavalier County and its employees. Instances where the public has been offended will be reported to the supervisor. Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Cavalier County the employee's activities may reflect upon Cavalier County and may affect the employee's ability to perform their job.

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

## 502 GENERAL SAFETY RULES

The following safety rules are considered minimum safety standards for usual work conditions and will be adhered to by all who enter the specific job location. The following should be posted in a conspicuous manner at fixed work sites and where possible in remote mobile locations. All individual and officials will adhere to the following:

1. Report injuries, near misses, accidents, or unsafe acts immediately to the Risk Manager and Department Head/Supervisor.
2. Employees are required to attend all job-related and safety trainings to ensure that all work is performed in a safe and efficient manner along with heightened awareness.
3. Report dangerous situations encountered or faulty equipment immediately to the Risk Manager and your supervisor.
4. Understand the proper usage of available safety equipment (fire extinguishers, first aid kits, related tools, personal protective equipment).
5. Make observations, recognize and make recommendations to the Risk Manager and your supervisor.
6. Use proper lifting techniques (bend knees with back straight, lift with weight close to the body and do not twist while lifting). Use mechanical devices when available to assist in lifting.
7. Horseplay in the workplace is prohibited.
8. Employees will wear seat belts when driving or riding in County-owned vehicles or vehicles owned and operated by other organizations conducting County business.

9. Personal protective equipment appropriate for the job will be worn at all times and employees are required to follow safe operating procedures for their respective departments.
10. Maintain clean worksites at all times.

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

### **503 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, Cavalier County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on the other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence. Excessive absenteeism or any absence without notice may result in disciplinary action, including suspension or termination of employment.

### **504 INCLEMENT WEATHER**

*Effective Date: 01/01/2020*

In the event of County offices delayed openings or closures due to inclement weather, it is the policy of the County to provide coverage for emergency and/or essential services and pay continuity to employees for absences which may result in the partial operation of the County. Sheriff Department's services will be continued regardless of an authorized closing.

A decision to close or delay opening the County offices due to inclement weather shall be made by the Chair of the County Commission, upon consultation with the County Sheriff, based on determination of a no travel advisory. The County Auditor will make the necessary arrangements to notify employees.

If there is a delayed opening or closure of County offices due to inclement weather, time off from scheduled work will be paid. Employees who are required to work during an emergency closure because their positions have been designated by the County as emergency and/or essential to County operations during emergencies, will receive the number of hours the offices are closed as annual leave hours credited to the employee's annual leave balance plus straight time pay for hours worked. Employees not scheduled to work during the closure because of previous arrangements, including annual or sick leave, will not be charged for that closure.

When County offices remain open, employees unable to report for work due to inclement weather shall notify their supervisor and take annual leave or leave without pay.

**505 REST AND MEAL PERIODS**

Each work day, full-time non-exempt employees are provided with two rest periods. Normal rest periods are 15 minutes in length unless exceptions are made and approved by a supervisor. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time employees are provided with one meal period each work day no less than 30 minutes in length. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods.

**506 OVERTIME**

*Effective: December 1, 2016*

Overtime is defined as the amount of time worked over 40 hours in a seven day work period; or for emergency service personnel - 160 hours in a 28-day work period. When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work additional hours. When possible, advance notification of these mandatory assignments will be provided. All hours worked beyond the regular work schedule must receive the supervisor's prior authorization. Additional assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

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

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

Additional work compensation is allowed for exempt employees in an emergency situation where the decision to incur extra time, extra duties, and the timing of the work is dictated by the event. An emergency is defined as an unforeseen combination of circumstances that calls for immediate action. Compensated additional work must be approved by the County Commission.

**506.1 OVERTIME COMPENSATION**

All non-exempt employees are eligible to be compensated for any overtime required by their job duties. To compensate these employees fairly, the County will utilize Compensation Time, or "Comp Time" as payment for overtime.

COMP TIME will be a bank of hours accumulated from working overtime to be tracked and recorded by department. It is important to note with Comp Time that:

- A. Comp Time is only accrued after an employee has exceeded 40 actual hours worked in a week. (i.e. Comp Time will not accrue if other Comp/Vacation/Sick time is taken in the same week.)
- B. Overtime must be approved ahead of time. It is to be approved only when it is not avoidable and necessary to meet the needs of the County.

- C. Approval for overtime will be at the discretion of the Department Head. In the event that a Department Head is considered non-exempt, the approval for overtime must be given by the department's designated commissioner.
- D. Comp Time will be accrued at a rate of 1.5 (one and a half) hours per overtime hour worked and banked to be used at a later time.
- E. Accrued Comp Time hours shall be used before vacation hours.
- F. At the time of termination, any unused Comp Time will be paid out at the employee's regular hourly rate.
- G. Law enforcement will adhere to overtime policies specified in the department-specific policy manual reviewed and updated to current regulation as required.

## **507 SMOKING**

Smoking in any county building or on county property is prohibited. Further, smoking is prohibited in all county-owned motorized vehicles, including but not limited to motor graders, trucks, pickups, and cars.

The County has a Tobacco-Free Property Policy in place, a copy of which is at the end of this handbook. This policy applies equally to all employees, customers, and visitors. Please See [TOBACCO-FREE PROPERTY POLICY](#) for more information.

## **508 VEHICLE USE**

*Effective: February 11, 2019*

It is the policy of the County to provide County-owned vehicles when the use of such is fiscally possible and is required to facilitate the expedient operation of County business. Use of County-owned vehicles and a personal vehicle while conducting County business are subject to the following provisions:

1. County-owned vehicle reservations are taken 8:30 am to 4:30 pm by contacting the Auditor's office.
2. Only County employees, elected officials, and authorized service individuals are allowed to operate County-owned vehicles.
3. Employees driving while conducting County business must possess a valid North Dakota driver's license. This license shall be in the possession of the employee at all times when operating a vehicle, and be of appropriate class governing the vehicle being operated. Employees must notify their department head any time their driver's license is suspended or revoked.
4. County-owned vehicles may not be used for personal use unless approved by a department head or County Commissioner.
5. County officials who are required to respond to emergency-related situations "day or night" may be authorized to have a County vehicle at their disposal at all times and may house such vehicle at their residence when off duty. This practice will be at the discretion of the department head and the County Commission.
6. Only individuals having a business relationship with Cavalier County are allowed to ride in County-owned vehicles.
7. All County employees must wear properly fastened safety belts whenever traveling on County business. Employees shall require passengers being transported in County-owned and County non-owned vehicles to use safety belts.

8. Employees are responsible to keep the County vehicle in the condition they receive it. Any unsatisfactory condition of the vehicle and/or repair needed of the vehicle shall be reported to the department head or the County Commission.
9. Employees must comply with all laws and regulations relating to the operation of a motor vehicle.
10. Smoking or tobacco use in County vehicles is prohibited.
11. Employees who operate a motor vehicle while conducting County business may not use a wireless communications device to compose, read, or send an electronic message. The term includes e-mail, a text message, an instant message, a command or request to access the internet or other data that uses a commonly recognized electronic communications protocol.
12. Every County employee should be cognizant and protective of a positive image for Cavalier County. The improper, careless, negligent, destructive, or unsafe use or operation of County vehicles as well as excessive or avoidable traffic and parking violations, can result in disciplinary action up to and including termination.
13. Employees must report all accidents occurred while driving for County business immediately to their department head and the employee may be asked to undergo drug/alcohol testing. See section [311 ON THE JOB INJURIES AND CLAIMS MANAGEMENT](#) and section [517 DRUG AND ALCOHOL POLICY](#) for more information. It is important to cooperate with law enforcement in the event of an accident, however, make no voluntary statements other than to reply to questions of investigating officer.
14. Employees who are requested and approved by a department head or the County Commission to use their personal vehicle to conduct County business shall be authorized to submit a claim for mileage within ninety (90) days which must be signed by their department head. Personal vehicle mileage reimbursement rate will be as defined by the Internal Revenue Service. When employees are using their personal vehicle to conduct County business, the employee must carry liability insurance coverage as required by NDCC 39-08-20.

Any employee who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment.

## **509 USE OF EQUIPMENT**

Cavalier County will provide necessary equipment in proper and safe working condition to perform effectively the duties and tasks required by all departments. The following guidelines must be followed by all County employees, including elected and appointed:

1. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is in such operating condition that it hinders their job or subjects the employee to a safety hazard.
2. Personal use of County equipment, property and/or facilities shall not be permitted.
3. No personal vehicles or property shall be serviced or stored in county-owned facilities.
4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

## **510 COMMUNICATIONS AND COMPUTER SYSTEMS**

All systems, including PCs and laptop hardware, software and physical storage components are property of Cavalier County. Cavalier County employees may use the information systems and technology for business use in office administration, training and other professionally related activities.

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

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

### **510.1 AUTHORIZED SOFTWARE AND HARDWARE**

The following guidelines apply to the authorized use of the County's personal computers and servers:

1. Software that has been licensed by Cavalier County or that has been authorized to conduct business is allowed on Cavalier County's personal computers and servers. All software purchases and installation must be preauthorized.
2. No software, including screen saver software, wallpaper or any other freeware, shareware, demo software or games, which have not been purchased by the County, are to be installed or downloaded on any computer without specific authorization.
3. Cavalier County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Cavalier County computers or servers. Any unauthorized or unlicensed software will be removed from the system.
4. An individual may not:
  - a. Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
  - b. Make copies of the user manual as well as copying system diskettes; this is also illegal.
  - c. Make alterations to the software source code.
  - d. Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
5. All hardware modifications and repairs must be approved and completed by an authorized source.
6. Employees should take precautions to protect their User ID and password, including screensaver passwords, as all employees are responsible for their own workstations.

### **510.2 CONVENTIONAL MAIL AND TELEPHONE SYSTEMS**

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

**510.3 E-MAIL AND ELECTRONIC COMMUNICATIONS**

1. E-mail, electronic communications and other similar messaging systems are intended for business use and should be treated as any other business communication device. Messages should routinely and regularly be cleaned or deleted from an employee's mailbox, so as not to overload the system with unnecessarily-stored items.
2. Certain occasional and limited personal use of e-mail communication is permitted, but such messages should be treated no differently from other messages, including private e-mail accounts (e.g. Hotmail, Yahoo, etc.)
3. Personal use is not to be excessive and/or interfere with the assigned work duties, work productivity and job performance. Personal use is subject to the discretion of the Department Head or supervisor and will be based on the employee's workload and job performance.
4. E-mail is not a confidential medium and any message that is composed, sent or received, may be public record and subject to public viewing under the North Dakota Open Records Law.
5. All messages composed, sent or received on all electronic systems are and will remain the property of the County; as well as all messages are subject to random monitoring.
6. Cavalier County may access e-mail messages within the County e-mail system of all individuals covered by this policy, for any purpose not specifically prohibited by law.
7. Cavalier County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over any electronic communication system for any purpose.
8. Inappropriate e-mail messages can give rise to claims of discrimination, harassment, defamation and copyright infringement. Under no circumstances shall any employee use the e-mail system for messages that are or could reasonably be considered offensive to another. Among those which are considered offensive, are any message(s) which contain sexual orientation, religious or political beliefs, national origin or disability.
9. E-mail may not be used for the solicitation of funds, employee personal monetary gain, or to support/advocate for non-County related business profit or nonprofit organizations of any kind, is prohibited. Charitable endeavors such as the United Way may be communicated through electronic means provided they are endorsed and approved by the County Commission.
10. The e-mail system and computers shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
11. Use of e-mail to send or forward messages known as "chain letters" is prohibited.

**510.4 INTERNET USAGE**

1. Internet access is available and provided by Cavalier County to employees for conducting official business, such as researching business related issues, accessing business related data, information and training.
2. Employees using Cavalier County's Internet link are acting as representatives of the County. As such, employees should act accordingly so as not to damage the reputation of the County.
3. Employees are authorized to access the Internet for certain occasional and limited personal use as long as such use is not interfering with the employee's assigned work, work productivity and/or job performance.

4. Limited personal use is not to be used for any interest averse to the County, must not subject the County to any potential liability, does not violate any term of this Computer usage policy, and does not involve any offensive or inappropriate material. Participation in chat rooms, the introduction of viruses or malicious tampering with any computer system is expressly prohibited.
5. All software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder. Any authorized file or file attachments must be scanned with virus detection software before installation and/or execution.
6. Any infringing activity by an employee may be the responsibility of the County; therefore, the County may choose to hold the employee liable for their actions.
7. Misuse of Cavalier County's Internet access during or after work hours is prohibited. Viewing, printing, disseminating, or downloading web pages, electronic messages and/or documents that are discriminatory, defamatory, insulting, romantic, pornographic or breaches of confidentiality or violations of copyright are prohibited. Misuse of the Internet will result in disciplinary action up to and including termination.
8. The County reserves the right to block any Internet site it may deem inappropriate.

#### **510.5 SOCIAL MEDIA**

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

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

When using Social Media use the following precautions:

1. Adhere to the County Technology, Internet and E-mail Policy.
2. Do not post confidential or proprietary information about the organization, our staff members, elected officials, clients or business partners.
3. The County logo or other organizational images may not be used on personal social media sites without permission from the County Commission or their designee. The County's name may not be used to promote a personal cause, product, political party or candidate.
4. County computers and time on the job are reserved for organizational business as approved by management and in accordance with the Technology, Internet, E-mail and other work-related information policies.
5. Be respectful to the organization, other staff members, elected officials, vendors and business partners.
6. If you come across positive or negative remarks about the County or County-related services that you believe are important, please forward this information to your supervisor or the Auditor.
7. Be conscious of mixing your business and personal lives. The Internet is immediate and nothing posted is ever truly private, nor does it expire. Online, your personal and business personas are likely to intersect. The organization respects the free speech rights of its staff members, but



asks you to remember that other organizations, colleagues, and business partners may have access to the online content you post.

8. Employees are responsible for their own actions. Recognize that you are legally liable for anything you post online. Understand that anything you post that can potentially tarnish the County's image will ultimately be your responsibility. Be aware that your actions captured via posts, images, or comments may reflect upon the County. While the organization does not discourage your participation in social media we urge you to do so properly, exercising good judgement, common sense, and good taste.

#### **510.6 VIRUS PROTECTION**

Computer viruses can cause potential major problems to hardware and software systems, not only for individual users, but also for the entire computer system and network. Virus protection software is available through the County, or network administrator. All imported files and file attachments are required to be checked prior to usage.

To prevent computer viruses from being transmitted, unauthorized downloading of software, shareware, or freeware from the Internet and/or other sources is restricted unless authorized.

Intentionally creating or spreading of a computer virus is a serious violation of Cavalier County's policy and may be cause for disciplinary action up to and including termination.

#### **511 ACCESS TO PERSONNEL FILES**

Personnel files are the property of Cavalier County, and access to the information they contain is restricted. Generally, only officials and representatives of the Commissioners who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his/her file but only in the County Auditor's office and in the presence of the individual appointed by the Commissioners to maintain the file, unless otherwise mandated by state law.

#### **512 PERSONNEL DATA CHANGES**

It is the responsibility of each employee to promptly notify the County Auditor of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependent, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all time.

#### **513 PERFORMANCE EVALUATIONS**

Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted after six (6) months in any new position. This allows the supervisor and employee to discuss job responsibilities, standards, and performance requirements of the new position. Formal performance reviews are conducted annually to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. If

deemed necessary in individual situations, performance evaluations may be conducted on a more frequent basis. Employees cannot assume they will receive a wage or salary increase each time their performance is reviewed.

#### **514 FRAUD PREVENTION AND INVESTIGATION**

The County expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with the County to act with integrity, due diligence, and in accordance with all laws in their duties involving the County's fiscal resources. The County is entrusted with public dollars and no person connected with the County should do anything to erode that trust.

The Auditor shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the County. Every member of the County's administrative team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Auditor. The Auditor shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the County's legal counsel, auditing firm, and other internal or external departments and agencies, including the State's Attorney and law enforcement officials, as the Auditor may deem appropriate. The Board of County Commissioners shall receive regular reports as to the status of any investigations.

In the event the concern or complaint involves the Auditor, the concern shall be brought to the attention of the Chair of the Board of Commissioners who shall be empowered to contact the County's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Auditor may elect to employ the County's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. With the approval of the Board of County Commissioners, the Auditor is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to the County.

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the County.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.
5. Profiteering because of "insider" information to outside parties.
6. Disclosing confidential and/or propriety information of county information or activities.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the County.
8. Destroying, removing, or inappropriately using county records, furniture fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest act involving county monies or resources.

The Auditor shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Auditor (or Board Chair if the investigation centers on the Auditor) shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with legitimate right to know until the results are made public.

## **515 TERMINATION AND REDUCTION IN FORCE**

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

Employee benefits will be affected by employment termination. 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 following details the various types of employment termination:

### **515.1 DISCHARGE**

Employment termination initiated by the County.

### **515.2 RESIGNATION**

Resignation is a voluntary act initiated by the employee to terminate employment with Cavalier County. Although advanced notice is not required, the County requests at least two weeks written resignation notice from all employees stating the reason for termination.

### **515.3 REDUCTION IN FORCE**

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

Should it be necessary, reduction of force will be handled in the following manner:

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

The Department Head will submit a proposed plan to the County Commission specifying how work will be reallocated or reorganized to meet statutory requirements and satisfy the salary reductions. These recommendations will specify what functions can be eliminated and which classification of positions could be eliminated or reduced under the reallocation or elimination of work.

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

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

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

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

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

#### **515.4 MEDICAL TERMINATION**

Medical termination is employment termination initiated by the employee or by the County when and employee is unable, for health reasons, to continue to work.

#### **515.5 RETIREMENT**

In the event of voluntary retirement from active employment status initiated by the employee, employees will receive their final pay in accordance with applicable state law. Employees wishing to retire should put their intent to retire in writing as soon as their final date of employment has been decided.

#### **516 RETURN OF PROPERTY**

Employees are responsible for all property materials, or written information issued to them or in their possession or control. All property must be returned by employees upon request or before the last day of work.

#### **517 DRUG POLICY**

Under the federal Drug-Free Workplace Act, in order for the County to be considered a "responsible source" for the award of federal contracts, the County has developed the following policy:

**Effective immediately, any location at which the County's business is conducted is declared to be a drug-free workplace.**

**All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. This includes ALL controlled substances including misuse of prescription drugs intended for the employee or others.**

Any employee violating the above policy is subject to discipline, up to and including termination, for the first offense. Employees have the right to know the dangers of drug abuse in the workplace, the County's policy about them, and what help is available to combat drug problems. To assist employees in overcoming drug abuse problems, the County may offer the following: *Medical benefits for substance-abuse treatment, Information about community resources for assessment and treatment Counseling program, and the Employee Assistance Program.*

In addition, the County will provide Managerial training to assist in identifying and addressing illegal drug use by employees.

**Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring.** Failure to do so subjects the employee to disciplinary action, up to and including termination for the first offense. By law, the County will notify the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The County reserves the right to offer employees convicted of a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted by the employee, the employee must satisfactorily participate in the program as a condition of continued employment.

## **518 DRUG AND ALCOHOL TESTING**

This policy applies to all employees and parallels DOT/FHWA and FTA regulations and guidelines.

### **POLICY STATEMENT**

Cavalier County has developed, in agreement with regulations issued by the Department of Transportation and the Federal Highway Administration, Federal Transit Administration under authority of Congress via the Omnibus Transportation Employees Testing Act, the following policy for our employees:

Effective immediately, no employee or a contract driver with Cavalier County shall be on duty if the employee uses or tests positive for any controlled substance, including alcohol. Any employee testing positive for alcohol at a level between .02% and less than .04% will be considered medically unfit to work and will be suspended without pay for no less than 24 hours and until they perform a Return-to-Duty test and test below .02%. Any employee testing positive for the specific agents described below or alcohol at a level of .04% or above will be considered to have failed the test and be medically unfit to work. A person refusing to submit to testing shall not be permitted to work since such a refusal shall be considered a positive test. Regardless of the actual or potential alcohol test results, it is a requirement of DOT that no safety sensitive employee consume alcohol with four hours of reporting for duty.

## **DRUG TESTS**

Testing will occur at various times for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine, and Marijuana. The County will pay the cost of all drug and alcohol testing. The testing shall be administered by the County Auditor's Office with random testing selections and pools managed by a contracted company.

## **PERSONS SUBJECT TO TESTING**

1. Employee Candidates - All successful candidates for employment will be required to participate in drug testing as a pre-qualification for employment.
2. Random Testing – The following employees shall be included in a pool for random testing: road maintenance operators, employees required to have a commercial driver's licenses as a condition of employment, employees operating county-owned vehicles, employees of the sheriff's office as determined by their department employment policy, and employees of the social services office as determined by their employment policy.
3. Reasonable Suspicion - A qualified supervisor may require a drug or alcohol test on the grounds of reasonable suspicion of intoxication or drug use. Such suspicion may arise as a result of physical appearance, reduced motor skills, slurred speech or bodily odors. The County Auditor, or separate department head, may require that the employee be included in future Random Testing pools, or request the Cavalier County Sheriff's Office immediately administer drug testing, (by Field Sobriety Test, Breath Test, or Urine Test). Following a reportable accident while on the job, an employee may be asked to undergo testing.

## **ACCESS TO TESTING RESULTS AND CONFIDENTIALITY**

The testing procedure will be carried out so as to protect individual privacy, ensure accountability and integrity of the specimens, confirm any positive screening test, regulate the testing laboratory, protect confidentiality, and be non-discriminatory to the individual. A person testing positive will be informed of the results of the test and alcohol or drug found positive. All other drug reporting will be conducted as per the Medical Review Officer, M.R.O., who is responsible for their interpretation and retention.

## **RESULTS OF A POSITIVE TEST**

Following the first positive test, Cavalier County reserves the right to immediately terminate the employment of that employee. If the driver is an Owner/Operator or Independent Contract Driver, the County may immediately disqualify them from any further driving for Cavalier County or terminate the contractual relationship with the Independent Contractor supplying the driver or Owner/Operator. Under the provisions of the Omnibus Transportation Employees Testing Act, employees thus terminated are still obligated to undergo an evaluation by a Substance Abuse Professional and must successfully pass a Return-to-Duty drug/alcohol test and participate in a follow-up unannounced screening program no less often than six tests in a twelve-month period. Cavalier County assumes no responsibility financially or otherwise for the terminated employee's compliance with the above and offers no guarantee of re-employment or rehire regardless of the terminated employee's actions pertaining to the above follow-up.

## **EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program contains an educational and training program for employees and supervisors which addresses controlled substances among other things. The training program will include a discussion of the effects and consequences of alcohol/drugs on personal health, safety, and the work environment, the manifestations and behavioral effects that may indicate controlled substance use or abuse, and documentation that the above personnel received at least 60 minutes of training. The above is to be construed as the minimum form of Employee Assistance Program that the County can add to at its discretion. Supervisors must receive sixty minutes of alcohol awareness training and sixty minutes of drug awareness training.

For more information on help to quit smoking contact ND QUILTS at [WWW.NDHEALTH.GOV/NDQUITS](http://WWW.NDHEALTH.GOV/NDQUITS) or by phone at 1.800.QUIT.NOW

For more information on the Employee Assistance Program, see section [312 THE VILLAGE BUSINESS INSTITUTE EMPLOYEE ASSISTANCE PROGRAM](#).

### **RELATIONSHIP TO FEDERAL REGULATIONS AND LAWS**

Employees who voluntarily admit to having drug/alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all the County's policies, rules, and prohibitions relating to conduct in the work place, and if they County suffers no "undue hardship" as a consequence of granting the leave.

ALL EMPLOYEES ARE ASKED TO ACKNOWLEDGE THAT THEY HAVE READ THE ABOVE POLICY AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGEMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF CONTINUED EMPLOYMENT.

### **519 SECURITY AND INSPECTIONS**

Cavalier County wishes to remain free of illegal drugs, alcohol, firearms, explosives, and other improper materials. The county prohibits any such materials for any purposes on its premises, except that unopened alcohol containers may be possessed for the purposes of gift-giving or transportation in personal vehicles. Any other waiver of these prohibitions shall only be by written authorization from the Cavalier County Commissioners.

Desks, lockers, and other storage devices may be provided for the convenience but remain the property of the County. Accordingly, they as well as any articles found within them can be inspected by and agent or representative of Cavalier County at any time, either with or without prior notice. At no time may an employee install or utilize their own locking mechanism or device to secure the above.

Likewise, the County wishes to discourage the theft or unauthorized possession of the property of employees, the County, and visitors. To facilitate this, the County or its representative may not only inspect desk and lockers, but also packages and persons entering and/or leaving the premises. Additionally, Cavalier County reserves the right at its sole discretion to install and use security/surveillance cameras or devices on its property. Any employee who wishes to avoid inspection of any articles or materials should not bring them onto the County's premises.

Some areas of the County's premises are designated as "restricted entry", e.g. the vault, jail facilities, storage, etc. Unauthorized entry into these restricted areas may result in disciplinary action up to and including termination.

## **520 SOLICITATION, DISTRIBUTION, AND POSTING**

The County wishes to ensure the continued productivity and efficiency of the County while allowing charitable support and good community relations. As such, the following guidelines for solicitation apply.

### **EMPLOYEE GUIDELINES**

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

### **NON-EMPLOYEE GUIDELINES**

1. Solicitation and/or distribution by non-employees on County property is prohibited.
2. The County Commission may approve solicitation and/or distribution by charitable community organizations from time to time, provided that such activities are non-disruptive and contribute to the County's image or goodwill interests.

## **600 SEXUAL HARASSMENT, IMPERMISSIBLE CONDUCT, AND FORMAL COMPLAINTS**

### **601 SEXUAL HARASSMENT AND IMPERMISSIBLE CONDUCT**

*Effective: March 24, 2016*

The County has adopted the following policy to ensure all employees can enjoy a safe work place free from reasonable interference, intimidation, hostility, or offensive behavior on the part of the commissioners, department heads, supervisors, co-workers, vendors, business partners, and visitors. All employees are responsible for compliance with this guideline as Cavalier County will not tolerate unlawful discrimination or harassment.



1. Sexual and other unlawful harassment of any employee is prohibited. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, sexual orientation, or any other legally protected characteristic shall not be tolerated.
2. Employees have the right to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in, or who perpetuates or condones sexual or other unlawful harassment shall be subject to disciplinary action, up to and including dismissal.
3. Any conduct of a harassing nature should and will be reported to the State's Attorney.

### **HARASSMENT DEFINED**

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

**WORKPLACE HARASSMENT** is defined as any unwelcome conduct, whether verbal, physical, visual, or innuendos that are derogatory, abusive, disparaging, bullying, threatening, or disrespectful; even if unrelated to a 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 it is considered harassment.

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

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

Sexual harassment does not refer to the occasional nonsexual compliment but to any behavior of a sexual nature that is not welcome, is personally offensive and impairs an employee's work effectiveness or is behavior that creates an intimidating, hostile, or offensive working environment.

### **UNACCEPTABLE CONDUCT DEFINED**

All forms of harassment mentioned above are a serious offense and are a form of employee misconduct. All employees, elected officials, department heads, and supervisors are to conduct themselves in such a manner which ensures proper performance of their job responsibilities and maintains the public's confidence. Employees who experience or witness any type of harassment should refer to [602 FILING A COMPLAINT AND THE GRIEVANCE POLICY](#).

### **602 FILING A COMPLAINT AND THE GRIEVANCE POLICY**

*Effective: March 24, 2016*

An employee who feels that he/she has been subject to workplace harassment, sexually harassed or has witnessed harassment has several avenues of reporting the behavior and is encouraged to use the

County's Grievance Policy\* outlined in [602.1 STEPS TO FILING A GRIEVANCE](#). If unreported, the County is severely limited in maintaining a workplace free of sexual or other unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking resolution.

### **602.1 STEPS TO FILING A GRIEVANCE**

This applies to the County Commission and all departments and employees of Cavalier County.

Employees may grieve an employer action of demotion, dismissal, suspension without pay, reduction-in-force, or discrimination in employment. The employee must begin the procedure within ten (10) working days from the date of notice of the employer action. In the case of reprisal, the employee must begin the grievance procedure within ten (10) working days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. HR may extend the time limits based on good cause for the extension.

**Please Note:** *A grievance is defined as an act, omission or occurrence which a permanent employee feels constitutes an injustice and can be established on factual information. It may relate to any condition arising out of the relationship between an employer and an employee, including but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement. It does not include position allocation, involuntary transfers, dismissals, demotions, or suspensions.*

### **STEPS TO TAKE WHEN MAKING A COMPLAINT:**

#### **1. ATTEMPT SELF-RESOLUTION**

Employees are encouraged to seek resolution with one another before filing a grievance in a respectful, honest, and work-appropriate manner. If the employee is uncomfortable addressing the individual with whom they have concern, they may approach a supervisor or HR for help resolving the issue with the involved person(s). The County has provided tips included in this handbook for personally resolving conflicts in a respectful, work-appropriate way that is accessible to all employees.

#### **2. IF SELF-RESOLUTION IS NOT EFFECTIVE AND/OR THE EMPLOYEE DOES NOT FEEL COMFORTABLE ADDRESSING THE INDIVIDUAL INFORMALLY, THEY MAY REQUEST A MEETING WITH A SUPERVISOR/HR TO DISCUSS THE CONFLICT BEFORE FILING A GRIEVANCE.**

This step is not mandatory, but is recommended before filing a grievance. All filed grievances will be kept and recorded by HR and in all implemented employees' files, and should thus be taken seriously. Speaking with an impartial individual about a particular incident can help the employee think of new ways to address the problem or provide a buffer/mediator with the other implemented individual(s) to solve the problem prior to filing a grievance. Supervisors/HR should be equipped with tips on how to mediate conflict without bias.

#### **3. AFTER ATTEMPTING STEPS 1 & 2, IF THE CONFLICT CANNOT BE RESOLVED OR REOCCURS, THE EMPLOYEE IS ENCOURAGED TO FILE A GRIEVANCE.**

Speak to Human Resources to file a grievance. All grievances will be recorded at the time of their filing and cannot be retracted; only resolved. Every grievance will be investigated and all concerned parties will be addressed by HR in order to reach resolution. If the grievance is

actionable, a Grievance Committee comprising of Human Resources, the Chair and that persons Department Commissioner of the Cavalier County Board of Commissioners will be responsible for determining what disciplinary action, if any, will be taken. In the event the Chair is the Department Commissioner, the Vice Chair will be the other designated member.

4. IF THE COMPLAINT IS ABOUT COMPANY WRONGDOING OR ILLICIT/ILLEGAL ACTIVITIES, IT SHOULD BE HANDLED BY HR DIRECTLY. IT WILL BE REPORTED TO THE STATE'S ATTORNEY.

## **602.2 ADDITIONAL CONSIDERATIONS WHEN FILING A GRIEVANCE**

THE FOLLOWING EMPLOYEE TYPES ARE ELIGIBLE TO FILE A GRIEVANCE:

- a. Regular full-time employees
- b. Regular part-time employees
- c. Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

NON-ELIGIBLE GRIEVANCE TYPES:

- a. Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
- b. Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.
- c. Temporary work assignments.
- d. Budget and organizational structure, including the number of assigned and employees within any organizational unit
- e. The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
- f. Benefits.

## **PROTECTION AGAINST RETALIATION AND REPRISAL**

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment. Cavalier County will not tolerate reprisal against an individual who, in good faith, reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information is grounds for dismissal.

## **DISCIPLINE**

An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual,

workplace or unlawful harassment or retaliation, shall be subject to disciplinary action; including but not limited to, suspension, loss of salary increment, demotion, and/or termination.

### **602.3 TIPS FOR CONFLICT RESOLUTION**

These tips were adopted by the County to assist with self-resolution during interpersonal conflicts. These do not pertain to any harassment that is illegal, or unwelcome conduct; those may be directly referred to a supervisor/HR/State's Attorney.

#### **SELF-RESOLUTION TIPS:**

*Be Straight-forward with Any Individual Who Makes You Uncomfortable.*

Prevent conflict. Be your own advocate. Everyone has different tastes, tolerances, and preferences. If someone has offended you or made you feel uncomfortable it is important to inform the individual of what happened, how it made you feel, and how you wish to be treated in the future.

*Be Factual When Communicating. Avoid Inflammatory Comments or Accusations.*

Conflict comes in different sizes. It can be difficult to have a discussion that is personal, hurtful, or upsetting. Take time before confronting someone if you feel you can't remain respectful and professional while addressing them. If needed, ask for help in how to address the situation from a supervisor or HR.

*Propose a Solution*

Conflict can affect those around you and doesn't resolve itself. Take steps in supporting an optimal workplace for everyone. Brainstorm and strategize a way everyone involved can contribute to a mutually acceptable solution. If necessary, put it in writing and have all parties sign and commit.

*Agree to Disagree*

Disagreements are going to happen. Respect and appreciate how someone who thinks differently may have a perspective you haven't considered. Together, agree to avoid incendiary topics or stick to work-related matters when communicating. Always be respectful and professional. It's not necessary to be best friends to still work well together.

*Ask for Help*

If you feel uncomfortable approaching the conflict, have tried and not found success, or need assistance with a current conflict: you have support. Contact your supervisor or use the email and phone number found at the end of this handbook to get in touch with HR. If you are not comfortable contacting HR or a supervisor, see section [312 THE VILLAGE BUSINESS INSTITUTE EMPLOYEE ASSISTANCE PROGRAM](#) and contact the employee assistance program provided employees' families free of charge. They can give you additional options.

### **700 FAMILY MEDICAL LEAVE ACT**

The Family and Medical Leave Act is to provide job-protected leave to employees when a personal or family medical situation, or military service requirement results in their absence from work.

The situations covered under this policy may also be covered by other policies, and federal or state mandated rights, including but not limited to:

- Worker's Compensation
- American with Disabilities Act (ADA)
- Applicable Sick Leave Policy
- Applicable Military Leave of Absence Policy

An employee may qualify for leave under one or more of these policies. If more than one policy applies, the leaves shall run concurrently and do not supersede each other.

### **701 FMLA AS IT PERTAINS TO CAVALIER COUNTY**

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

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

#### **701.1 ELIGIBLE EMPLOYEES**

Active employees who have been employed by the County for at least 12 months and who have worked at least 1,250 hours during the previous 12 months are eligible for leave pursuant to this Policy. The 12 months of employment need not be continuous and shall include time spent on military service covered by USERRA. Employment periods prior to a break in service of 7 years or more shall not count toward the 12 months unless the break in service was due to service in the National Guard or Reserves. If an

employee who is otherwise eligible for FMLA reaches the 12-month mark while on leave, the period of leave prior to meeting the 12-month threshold is non-FMLA and the period of leave after the 12-month threshold is FMLA leave.

An employee's eligibility is measured as of the date leave will begin.

#### **701.2 LENGTH/FREQUENCY OF FAMILY LEAVE**

*Effective 2/1/2022*

1. **FOR FULL-TIME EMPLOYEES:** Leave will be available for the period of time certified by the physician and approved by the County, but not to exceed 12 workweeks in the 12-month period. If eligible, you can take up to 12 weeks of leave under this policy during any 12-month period. We use a rolling 12-month period measured backward from the date you use any leave under this policy to determine whether you exhausted your 12 weeks of leave. Each time you take leave, we will compute the amount of leave you have taken under this policy for any form of FMLA leave in the last 12 months and subtract that amount from your 12 weeks of available leave; the balance remaining is the amount you are entitled to take at that time. Military Caregiver leave shall not exceed 26 workweeks in a single 12-month period beginning on the first day of such leave.
2. **FOR PART-TIME EMPLOYEES (For purposes of calculating available leave under this policy only):**
  - a. Regularly scheduled part-time employees
    - i. For a continuous (non-intermittent) Leave, the employee is eligible for up to 12 weeks of Leave (or 26 weeks, where applicable), based on their normal part time workweek.
    - ii. For intermittent or reduced schedule leave, multiply the number of hours in the employee's normal part-time workweek by 12 (or 26 where applicable) to determine the maximum number of Leave hours available.
  - b. Varied schedule part-time employees
    - i. For continuous, intermittent or reduced schedule Leave, average the number of hours worked in the 12 months prior to the start of Leave. Multiply that number by 12 (or 26, when applicable) to determine the maximum number of Leave hours available.
3. **PARENTING LEAVE** shall be taken in a continuous block of days unless advance written approval is obtained from the County. If such Leave is requested and granted it must be in full day increments. When such leave is requested and approved, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits. Parenting FMLA Leave must end within 12 months of the birth or placement of the child.
4. **LEAVE DUE TO AN EMPLOYEE'S OWN SERIOUS HEALTH CONDITION OR THAT OF THE EMPLOYEE'S SPOUSE, CHILD, OR PARENT** may be taken on an intermittent or reduced leave schedule when medically necessary. The minimum length of each period of Leave is one hour. The County may require those taking intermittent leave to transfer temporarily to an alternative position with equivalent pay and benefits. In addition, those using intermittent leave must make a reasonable effort to schedule leave so as not to unduly disrupt County operations.
5. If an employee notifies the County that they do not intend to return to work after their Leave, their termination date will be the end of the Leave period.

6. The aggregate number of workweeks of Military Caregiver leave to which a husband and wife may be entitled if they both are County employees may be limited to 26 workweeks during a single 12-month period if the Leave is all Military Caregiver leave or is a combination of Military Caregiver leave and any other type of leave authorized by this policy.

### **701.3 NOTICE OBLIGATIONS**

#### **FORESEEABLE VS UNFORESEEABLE**

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

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

#### **CONTACT**

The employee must comply with the established process for Leave for each department and the department head, appropriate supervisor, or HR as soon as practicable.

#### **RETROACTIVE DESIGNATION**

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

### **701.4 STATUS WHILE ON FAMILY LEAVE**

Leave due to childbirth will generally begin on the date of the birth but may begin at any time before or after 12 months of the child's birth. Leave due to adoption, placement, or for the care of the associate, their spouse, parent, or child with a serious health condition will generally begin as outlined in the Notice and Certifications portions of this policy.

Parenting FMLA Leave cannot extend beyond 12 months after the birth or placement of the child.

### **701.5 CONTINUATION OF PAY AND BENEFITS**

**VACATION:** All benefits accrued before and not used during an employee's leave will remain.

**SUBSTITUTION OF PAID LEAVE:** Employees may choose to use vacation simultaneously with an otherwise unpaid FMLA Leave.

**OTHER LEAVES:** Available paid Leave under sick leave or worker's compensation will run concurrently with FMLA and may not be used to extend leave under this policy.

HOLIDAYS: Employees will not be paid for holidays during FMLA Leave.

WAGES AND SALARY: Any wage or salary increases otherwise due during Leave shall be suspended during Leave without retroactive adjustment upon the employee's return to work. If the employee does not return to work, any final pay shall be based on the last rate paid before leave commenced.

BENEFITS: Benefits generally continue in accordance with applicable provisions for each benefit plan. Any changes in plan provisions or costs will apply to individuals on Leave in the same manner as they do to active employees.

Accruals for benefit calculations such as sick leave, vacation benefits etc. will be suspended for the duration of the leave. Employees who are on an intermittent FMLA leave will have benefits pro-rated based on days/hours they work.

#### **701.6 PROCEDURE TO OBTAIN FMLA**

An employee requesting Leave should obtain and complete the necessary leave forms (these can be obtained through HR) and attach the required certifications and submit them to HR within the designated amount of time.

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

#### **701.7 CERTIFICATION AND REPORTING REQUIREMENTS**

A Certification is required for Leave. The employee requesting the leave is responsible for ensuring the County's receipt of the Certification within the designated amount of time. The County may deny or delay Leave for failure to submit the Certification on a timely basis.

If the Certification received by the County is vague or incomplete, the employee will be given an opportunity to cure those deficiencies. If the employee is unwilling or unable to do so, leave will be denied.

The County may require a second medical opinion as to the need for Leave. If the Certification and second opinions differ, the County may require a third medical opinion. The third opinion care provider will be binding. This paragraph does not apply to Military Caregiver Leave.

The County may require periodic recertification of the continuing need for Leave. The County may refuse or delay further Leave until the recertification is received. The recertification must be completed by the health Care Provider and may not be a copy of a form previously submitted. Recertification may also be required if the employee requests a Leave extension. This paragraph does not apply to Military Caregiver Leave.



Legal certification may be required for adoption or foster care.

Employees on Leave may be required to periodically report on their status and intention to return to work.

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

#### **701.8 REINSTATEMENT**

Assuming an employee has not exhausted his or her FMLA Leave time, eligible employees will return to their former position or its equivalent following a Leave.

Employees who do not return to work following Leave and who are not approved for continued leave under any other policy will have voluntarily resigned their employment.

#### **701.9 ACTIVITIES PROHIBITED DURING FMLA**

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

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

#### **701.10 ADMINISTRATION**

To the extent that state law may in the future provide a greater benefit than the FMLA, the eligible employee will be entitled to the more generous benefit.

The County reserves the right to deny or restrict coverage to any employee who meets the exclusionary requirements described under the Family and Medical Leave Act of 1993.

The County reserves the right to interpret, amend, modify and administer this policy in accordance with federal and state laws.

The County reserves the right to designate any qualifying time away from work as FMLA leave, regardless of whether or not the employee has requested FMLA.

Where applicable, FMLA will run concurrently with worker's compensation and/or other types of leave for which the employee qualifies.

## **800 SHARED LEAVE POLICY**

Only employees receiving leave benefits from Cavalier County are eligible for Shared Leave.

Eligible employees who have worked continuously for Cavalier County for at least six (6) months and have a satisfactory attendance, work performance and no disciplinary action in the last 12 months and have been approved for Family Medical Leave Act (FMLA).

Shared Leave must run concurrently with FMLA, it is not an extension of FMLA.

Employees who have or who will exhaust all applicable paid leave may apply for Shared Leave for their own medical emergency or a family member's medical emergency that qualifies for FMLA. The medical emergency must be serious, extreme or life threatening, which makes the employee unable to perform their regular work duties and experiencing a substantial loss of income.

Donated leave is paid at recipient's normal compensation rate and recipients cannot receive cash payout in lieu of paid time off. Donated leave is considered gross income and wages for purposes of FICA, FUTA and income tax withholding.

An employee receiving workers' compensation for the same injury/illness or receiving any disability or wage-replacement payments is not eligible for Shared Leave.

Shared leave may only be used in place of regularly scheduled work hours and shall not cause overtime.

Any Shared Leave not used by the employee is forfeited upon return to work or termination. In the event of Intermittent FMLA Leave the Shared Leave can be used while the employee is still working. Employees on Intermittent FMLA leave must use any time accrued before shared leave is used.

### **801 REQUESTING SHARED LEAVE**

To receive shared leave, employees must have depleted their accrued vacation, sick and all accrued time off, including comp time.

Eligible employees may request and receive up to 160 hours of Shared Leave in a 12-month rolling calendar.

To request Shared Leave the employee must complete the Shared Leave Request Form and return it to Human Resources for processing.

#### **801.1 REVIEW AND DETERMINATION**

The Shared Leave Committee shall consist of Human Resources, the Commission Chair and Commission Department Head Supervisor, and the Department Head Supervisor. In the event the Commission Chair is the Supervisor, the Vice Chair will serve on the committee.

The Shared Leave committee will review all requests for shared leave. If the request meets eligibility requirements, the committee will approve, disapprove, or return the request to the employee for additional information or clarification.

The determination about the nature of the medical condition and the decision to approve or deny the request of Shared Leave is final and not subject to appeal. However, additional medical information will be considered if provided.

If Shared Leave is denied, an employee will remain on unpaid FMLA.

### **802 DONATING SHARED LEAVE**

Cavalier County employees may voluntarily donate Vacation Leave to individuals who meet the guidelines for Shared Leave by completing the Shared Leave Donation Form. After approval of Shared Leave, the Human Resources Manager will solicit employees for shared leave donations. All information concerning names of those donating and hours donated will be held confidential.

Donation of leave are in full-hour increments.

Employees who wish to donate Vacation Leave can donate a maximum of 24 hours per qualifying incident. The employee must have a balance of at least 80 hours of their VACATION Leave after donation is made.

All donated hours are designated for a specific employee. The Shared Leave donor may not claim an expense, charitable contribution, or loss of deduction under IRS guidelines.

No employee shall be coerced, threatened or intimidated into donating hours.

## **TOBACCO-FREE PROPERTY POLICY**

*Effective: February 4, 2014*

### **PURPOSE**

This policy has been established to protect and promote the health and well-being of employees and visitors. Tobacco use is the single largest cause of preventable, premature death in the U.S. More than 70% of tobacco users want to quit, and worksite policies like this are one of the most effective ways to help them accomplish their goal. These policies also reduce the death and disease caused by tobacco use such as heart attacks, lung cancer, oral cancer, and other serious and costly illnesses.

The use of tobacco products, which include but are not limited to, smoking (e.g. cigarettes, pipes, cigars, e-cigarettes, etc.) and/or using smokeless tobacco (e.g. snuff, chew, etc.) by employees or visitors compromises the mission of Cavalier County providing a safe and healthy place to conduct business.

### **TOBACCO-FREE AREAS**

All areas of the workplace and property are now tobacco-free, without exception. This includes the building and the grounds, parking lots, and Cavalier County-owned vehicles at all times, and any vehicles on the property.

### **SIGN REQUIREMENTS**

Signs stating the policy will be clearly posted at all entrances, and other prominent places. No ashtrays or other collection receptacles for tobacco trash will be placed on the property.

## **COMPLIANCE**

Enforcement of this policy is the shared responsibility of all Cavalier County personnel. All employees are authorized and encouraged to communicate this policy with courtesy, respect, and diplomacy, especially with regards to visitors. If difficulties arise with compliance of this policy, notify security.

Incidents of smoking and/or tobacco use by employees are to be documented for supervisor follow-up, as well as evaluated for trends and patterns of noncompliance.

## **TOBACCO CESSATION OPPORTUNITIES**

Cavalier County encourages all employees who use tobacco to quit. NDQUITS offers assistance for employees who want to quit smoking or chewing tobacco. Contact NDQUITS at [www.ndhealth.gov/ndquits](http://www.ndhealth.gov/ndquits) or 1.800.QUIT.NOW

## **QUESTIONS**

Any questions regarding the tobacco-free policy should be directed to the Cavalier County Auditor's Office

## **CONTACT HUMAN RESOURCES:**

North Risk Partners  
3170 44<sup>th</sup> St S, Ste. 110  
Fargo, ND 58104

Shannon Uecker, PHR, SHRM-CP  
Account Manager – Employee Benefits

Telephone: (701) 237-5360, Ext. 2  
Facsimile: (701) 234-1680

[shannon.uecker@northriskpartners.com](mailto:shannon.uecker@northriskpartners.com)

[www.northriskpartners.com](http://www.northriskpartners.com)

**EMPLOYEE ACKNOWLEDGMENT FORM**

1. I acknowledge that I have received a copy of the Cavalier County Employee Policy Manual, dated \_\_\_\_\_, and that I have read and understand its provisions.
2. I understand that this employee manual describes important information about my employment with the County and that I should consult my supervisor about any questions that I may have that are not answered by this manual. I understand that this manual is compiled for informational purposes only. I understand that this manual is not a contract of employment and is not intended to create or imply a contract for employment or for the provisions of any employee benefit between the County and myself.
3. I understand that I am an at-will employee and that either the County or I may terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law.
4. I understand that the County reserves the right to change, suspend, or eliminate any or all matters contained in this manual and all other policies, rules, and procedures at any time, without prior notice and without my consent.
5. I understand that the County retains the sole discretion to interpret the provisions of this manual and to depart from those provisions or any other policies, rules, or procedures if the County determines that such action is appropriate.
6. I understand that the provisions of this manual supersede the provisions of all other handbooks, manuals, policies, rules, and procedures that address the subjects covered in this manual or are inconsistent with this manual.
7. I also understand that this manual is mine to use only while I am a County Employee, and that it remains the property of the County, and that I am to return this manual to the County at the conclusion of my employment with the County.

**I acknowledge receipt of the Cavalier County Employee Policy Manual.**

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE'S NAME (TYPED OR PRINTED)**