



BURLEIGH COUNTY



Personnel Policy Manual & Handbook

Burleigh County

Personnel Policy Manual & Handbook

Burleigh County has described the policies within this manual as a guideline in order to ensure the fair and consistent application. The policies are not intended to create, nor are they interpreted to create, a contract of employment between the County and any of its employees.

It is important to note that the policies and practices outlined in this manual are subject to change and may change at any time with approval from the Board of County Commissioners. The County reserves the right to add, delete and/or revise policies as deemed necessary. All changes will be published and forwarded to the departments for distribution.

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

Social Service employees are also covered by the North Dakota Merit System and in addition to County policies, will adhere to the North Dakota Administrative Code.

Table of Contents

| | | |
|------------------|---|----|
| Chapter 1 | General Policies | |
| | General Policies | 1 |
| | Hours of Operation | 2 |
| Chapter 2 | Employment and Hiring Policies | |
| | Employment Policies | 3 |
| | Equal Employment Opportunity | 4 |
| | Recruitment | 5 |
| | Application | 6 |
| | Internal Candidate Hiring | 7 |
| | External Candidate Hiring | 10 |
| | Reference Checks | 12 |
| | Drivers Record Checks | 13 |
| | Re-Employment | 14 |
| | Starting Salary | 15 |
| | Probationary Period | 16 |
| | Relative/Relation Employment | 17 |
| | Transfers | 18 |
| Chapter 3 | Classification and Compensation Policies | |
| | Classification Review and Appeal Policy | 19 |
| | Compensation Plan Policy..... | 22 |
| | Workweek/Work Period and Comp Time..... | 23 |
| | Overtime Pay..... | 26 |
| Chapter 4 | Benefits | |
| | Group Health Insurance..... | 27 |
| | Group Life Insurance..... | 29 |
| | Holidays..... | 30 |
| | Sick Leave..... | 32 |
| | Annual Leave..... | 35 |
| | Funeral Leave..... | 37 |
| | Employee Assistance Program (EAP)..... | 38 |
| | Military Leave..... | 40 |
| | Jury and Witness Leave..... | 41 |
| | Retirement | 42 |
| | Deferred Compensation..... | 43 |
| | Supplemental Insurances..... | 44 |
| | Flexible Benefits | 45 |
| | Rest Periods/Breaks..... | 46 |
| | Training and Development..... | 47 |
| | Tuition Reimbursement..... | 49 |
| | Service Awards and Recognition Program..... | 53 |

| | | |
|-------------------|--|-----|
| Chapter 5 | Family and Medical Leave | |
| | Family Medical Leave..... | 55 |
| | Leave Sharing Program..... | 68 |
| | Leave Donation Request Form..... | 72 |
| | Leave Without Pay..... | 73 |
| Chapter 6 | Harassment | |
| | Harassment Policy..... | 74 |
| Chapter 7 | Disciplinary Action and Separations of Employment | |
| | Tenure of Employment..... | 78 |
| | Resignation..... | 79 |
| | Reduction in Force (RIF)..... | 80 |
| | Disciplinary Action..... | 81 |
| | Suspension..... | 82 |
| | Demotion..... | 83 |
| | Dismissal..... | 84 |
| | Driver’s License Suspension..... | 85 |
| Chapter 8 | Grievance and Appeals | |
| | Grievance Policy and Procedures..... | 86 |
| | Grievance Report Form..... | 93 |
| Chapter 9 | Employee and Management Relations | |
| | Model Performance Appraisal Process..... | 96 |
| Chapter 10 | Risk Management | |
| | Workforce Safety and Insurance..... | 101 |
| | Safety Policy..... | 103 |
| | Ergonomics..... | 104 |
| | Near Miss/Incident/Accident/Supervisor Report..... | 106 |
| | Occupational Exposure Policy and Procedure..... | 109 |
| | Alcohol and Controlled Substance Workplace Policy..... | 111 |
| | Weapons on Premises..... | 113 |
| | Designated Medical Provider..... | 114 |
| | Emergency Evacuation..... | 116 |
| Chapter 11 | Payroll Procedures | |
| | Deduction Schedule..... | 117 |
| | Vacation and Sick Leave Accrual..... | 118 |
| Chapter 12 | Administrative Policies | |
| | Open Door Policy..... | 119 |
| | Conflict of Interest Policy..... | 120 |

| | |
|--|-----|
| Political Activity Policy | 121 |
| Time Off to Vote Policy | 122 |
| Legislative Lobbying Policy | 123 |
| Job Sharing Policy..... | 124 |
| No Smoking Policy..... | 125 |
| Payroll Deductions..... | 126 |
| Personnel File Policy..... | 127 |
| Policy for Inclement Weather..... | 129 |
| County Owned Vehicle Use Policy..... | 130 |
| County Owned Property Use Policy..... | 133 |
| Computer Usage Policy..... | 134 |
| Travel Expense Voucher..... | 138 |
| Expense Account..... | 139 |
| In and Out of State Travel..... | 140 |
| Mileage Reimbursement..... | 141 |
| Infant at Work..... | 142 |
| Employee Parking..... | 144 |
| License Fee Reimbursement..... | 146 |
| Clothing Allowance..... | 147 |
| Identification Cards..... | 148 |
| Social Media..... | 149 |
| Wireless Communications Device..... | 152 |
| Wireless Communications Device Authorization Form..... | 153 |

Chapter 13

Employee Code of Conduct

| | |
|---|-----|
| Public Employees Relations Act..... | 154 |
| Avoiding Appearances of Impropriety..... | 155 |
| Prohibited Activities..... | 156 |
| Employee Conduct..... | 157 |
| Prohibition of Acceptance of Anything of Value; Exceptions and Disclosure..... | 158 |
| Personal Gain or Profit – Use of Persons, Money, or Property..... | 159 |
| Conflict of Interest..... | 160 |
| Items Acceptable to Receive..... | 161 |
| Confidential Information..... | 162 |
| Code of Conduct Disclosure Form | 163 |
| Code of Conduct Employment Outside Burleigh County..... | 165 |

Chapter 14

Fraud

| | |
|-------------------|-----|
| Fraud Policy..... | 166 |
|-------------------|-----|

Chapter 1

SECTION 1: GENERAL POLICIES

1. The Burleigh County Personnel Policies and Procedures have been established for all County Departments and Agencies. Fair, equitable, and uniform personnel policies will assist in maintaining employee morale, effectiveness, and efficiency.
2. Some chapters or sections are based on state law; these are identified by a reference to the appropriate section of the North Dakota Century Code that has been placed in parentheses at the end of the section or chapter.
3. These policies shall cover all employees of Burleigh County, except where federal policies and procedures may be in conflict for Social Service employees. In that case, the federal policies or procedures will govern. Administrators or managers in using these policies will assure uniform, equitable and fair treatment to all employees of Burleigh County. Consistent application of these policies will eliminate the need for many independent interpretations and decisions by members of management and will assist to insure uniform treatment of all employees. However, the policies described herein are not intended to create a contract between the County of Burleigh and its employees.
4. These policies are provided to agencies in loose leaf form. Personnel administration is a rapidly changing field; there will be changes made based on need. The County Human Resource Director will accept and appreciate input from all departments and will continually be receptive to change based on experience, problems and/or new laws, rules and regulations.
5. Departments whose work, organization and responsibilities are such that exceptions to the policies are necessary shall make written request to the County Human Resource Director stating the policy in question, the problems encountered and a suggested revision/solution. If justified, the County Human Resource Director shall submit such change request to the County Commission and receive authorization to change the policy in question.
6. The County Human Resource Director will review and hear comments from any concerned individuals, departments, agencies, and their representatives on any rules or modifications adopted.
7. In addition to these policies, the Burleigh County Sheriff is empowered to promulgate policies and procedures for the administrations of the Sheriff's Department and the Burleigh County Detention Facility, which are binding on his personnel. Such policies and procedures shall be reviewed at least annually by the Burleigh County Commission, revised as necessary and formally approved.

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Chapter 1

SECTION 2: OFFICE HOURS

1. The Burleigh County Courthouse and other County buildings shall be open to the public for the conduct of public business during the hours of 8:00 AM until 5:00 PM - Monday through Friday throughout the year except holidays, unless exempted by the Board of Commissioners. All offices within the County buildings will remain open with these hours except for cases of emergency.
2. Elected officials may extend office hours without prior approval of the Burleigh County Commission if the reason is to accommodate the public for a specific purpose for a short period of time, such as opening Saturday mornings for election work, jury duty, trials, and to receive tax payments.

Chapter 2

SECTION 1: EMPLOYMENT POLICIES

1. Recruitment, selection and advancement of employees shall be on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointments.
2. Departments are encouraged whenever possible and reasonable to fill a vacancy internally by promoting qualified regular employees. It should however, be the ultimate goal of each department to obtain the best qualified applicant for the vacancy regardless of the method utilized. Departments shall notify the County Human Resource Director of such openings so that it can be posted on the employees' bulletin board prior to any advertising of the position in the local papers.
3. All procedures shall provide for fair treatment without regard to an individual's sex, race, age, color, religion national origin, handicapped condition, political affiliation or other non-merit factors.

Chapter 2

SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY

1. This policy applies to the County Commission and all agencies and departments of the Burleigh County Government.
2. The County of Burleigh does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of service in accordance with North Dakota Century Code 34-01-19, a law to prohibit employment discrimination.
3. It is the policy of Burleigh County to prohibit discrimination in all employment practices including hiring, firing, promotion, compensation and other tenures, privilege and conditions of employment.
4. The statutory appointing authority of each department and agency is required to establish and maintain a positive program of equal employment opportunity for all employees and applicants for employment within its jurisdiction in accordance with the policy set forth in this statement.
5. A person who believes he or she has been discriminated against in violation of paragraph two (2) above, may contact the North Dakota department of Labor; or the Equal Employment Opportunity Commission at 1-800-669-3362.

Chapter 2

SECTION 3: RECRUITMENT POLICY

1. The Human Resource Director is to be notified of the intent to hire needed staff, for all openings. This notification should be completed as far in advance as possible to ensure sufficient time to recruit the best candidate(s).
2. The purpose of all recruiting efforts will be to attract the most qualified applicants for all positions. Recruiting efforts shall be planned and carried out in a manner that assures open competition, internally and externally.
3. Ordinarily all job openings shall be posted externally however, in select circumstances, the Human Resource Director in conjunction with the Department Head may elect to use an interdepartmental posting and/or intradepartmental posting.
4. Recruiting efforts shall be based on the current and projected work force needs along with budgeted funding. Recruitment shall be a coordinated effort between the Department Head and the Human Resource Director.
5. Definitions for the purpose of this policy:
 - Intradepartmental posting – posting the job opening within the immediate department, only.
 - Interdepartmental or Internal posting – posting the job opening within all of the departments in the county agencies.
 - External Posting – posting the job opening within a variety of external sources through use of media, utilization of placement offices or temporary agencies, and university or college placement offices.

Chapter 2

SECTION 4: APPLICATION POLICY

1. All applications will be made on approved County applicant forms and filed with the County Human Resource Director. A resume along with a cover letter of application may be jointly included, but will not be accepted in lieu of a completed application.
2. Applications shall include a statement from the applicant of all pertinent information regarding education, work experience, employment history, training and reference information. Applicants must sign the application verifying the truth of statements contained on the application; which certifies the information provided.
3. Application forms will be available from and distributed by the Human Resource Office.
4. The County Human Resource Director may research the applicant's application information to verify statements contained in the application form. The Director may also research in order to secure factual information regarding the applicant's character and fitness.
5. A "Wartime or Disabled" veteran (defined in subsection 2 and 5 of NDCC, Section 37-01-40) of a qualifying service may qualify for preference over all other applicants in appointment or employment by Burleigh County departments, if such Veteran meets the minimum qualifications for the position. Any applicant who is claiming Veteran's preference must request such preference on the initial application and will need to attach a copy of the report of separation, form (DD214).
6. Veterans who qualify for preference may not be disqualified from holding any position with a department because of physical or mental disability unless such disability renders them unable to properly perform the essential duties of that position. Veteran employment is referenced in Chapter 37-19.1, Veteran's preference, North Dakota Century Code. (37-19. 1-02 NDCC).

Chapter 2

SECTION 5: INTERNAL CANDIDATE HIRING POLICY

Statement of Philosophy: It is the policy of Burleigh County to take prospective hires through a consistent application and selection process. This will ensure equal treatment of all applicants, while providing the Department Head/Supervisor in charge of selection along with the interviewers the tools to complete the hiring process.

Procedures (for internal candidates):

1. When a vacancy occurs, the Department Head will notify the Human Resource Department of the need to hire. In response, the Human Resource Department will refer to the Recruitment Policy and will select the scope of recruitment; and advertise or post a notice of the position opening as appropriate.
2. If upon completion of the selection process an internal candidate fills the vacancy, the position will be considered closed. If upon completion of the selection process, the applicant pool is not considered satisfactory in fulfilling the qualifications of the position, then the position may be re-advertised through the external sources of recruitment.
3. Job Postings will describe the position, the department, the location, job classification, the summary of job responsibilities, salary grade, compensation range, opening date and closing date for the receipt of applications. All internal positions must be posted and remain open for a minimum of (5) business days.
4. Candidates must submit their application to the Human Resource Department as directed in the job posting. Applications are then processed by the Human Resource Department and distributed to the Department Head or supervisor in charge of selection.
5. Top applicants are chosen and scheduled for interviews.
 - a) For any internal candidate to be considered, they must be a regular status employee not within their probationary period, except in the Social Services Department which is governed by the North Dakota Merit System) and must have a positive performance standing. If the applicant is a previous employee, a member from Human Resources will authenticate their performance standing along with terms and length of service and separation. Before scheduling interviews, a member from the Human Resource Department will review all file(s) of the candidates for relevant information, i.e. performance evaluations, conduct notices, etc. that may be relevant to the selection process.
 - b) For any internal candidate that is to be interviewed, the employees' current Department Head/Supervisor must be informed of the pending interview.
 - c) Dependent upon applicant flow, it is recommended that the choice be narrowed to between 4-8 of the most qualified applicants for review. It is not required that every applicant be interviewed.

- d) An interview list will be scheduled. Interview questions will be reviewed and approved by the Human Resource Department. The interview process occurs between prospective candidates and the Department Head/Supervisor in charge of selection. The interview process may opt to include an interview panel, which may include a representative from Human Resources as well as the Department Head/Supervisor in charge of selection.
6. Immediately after the interviews, all hiring managers and/or selection panel members should rank their candidates before opening it up for discussion. At that point, recommendations should be discussed to allow comments for each candidate and their qualifications.
7. After discussion, a final decision will be made. For a transfer to take place there must be consent from the current Department Head/Supervisor regarding time considerations for any pending offer to an internal candidate.
 - a) Candidates who are finalists for positions with the Road and Bridge departments will be required to submit to a drug test and pass a physical exam. Final candidates for positions with the Sheriff's Department and Detention office will be required to pass a background check, written exam, a physical exam, and a psychological exam as required. Finalists for all other departments will be subject to reference and background checks. The County will pay the costs associated with the exams.
8. Following the completion of pre-employment exams (if needed), the Department Head/Supervisor will extend an offer including start date, compensation and terms of the probationary period. The Human Resource Director will be notified of acceptance or a rejection.
9. Upon acceptance of a job offer, the selected individual will be sent an offer letter by the Human Resource Department. All other applicants who are not selected for the position are sent a "thank you" letter signed by either the Human Resource Department or Department Head/Supervisor in charge of selection.
10. Upon completion of the selection process, a Department Head, in conjunction with the Human Resource Department, may choose to establish a selection list of eligible applicants in which to hire candidates for future openings. The selection list may be active for a period, not to exceed six (6) months and does not limit the Department Head from allowing the selection list to expire prior to the end of the designated period.
11. Candidates for positions with the Social Services Department will be hired in accordance to the North Dakota Merit System requirements.

12. Definitions for the purpose of this policy:

- **Internal Candidate** – an applicant currently employed by a department in the county agencies.
- **Regular Status employee** – an employee currently categorized within their employment on an open basis and has successfully completed a probationary period review.
- **Temporary Status employee** – an employee currently categorized within their employment on a time-limited basis.
- **Probationary Status employee** – a newly hired or recently promoted employee who has not yet completed a satisfactory performance review or completed the criteria conditional of their position and employment. This is usually within the initial six months probationary period of employment or promotion, with an extended period not to exceed one year in length.
- **Previous employee** – an employee previously employed by a department in the county agencies, which had resigned or separated employment while in good standing.
- **Internal** – as used in this policy means intradepartmental, interdepartmental, or both.

Chapter 2

SECTION 6: EXTERNAL CANDIDATE HIRING POLICY

Statement of Philosophy: It is the policy of Burleigh County to take prospective hires through a consistent application and selection process. This will ensure equal treatment of all applicants, while providing the Department Head/Supervisor in charge of selection along with the interviewers the tools to complete the hiring process.

Procedures (for external candidates):

1. When a vacancy occurs, the Department Head will notify the Human Resource Department of the need to hire. If no present employees apply or there are not acceptable applicants from within the County employee group, the Human Resource Department will refer to the Recruitment Policy to post and advertise a notice by using the necessary external sources.
2. Job announcements will describe the position, the department, the location, job classification, summary of job responsibilities, salary grade, compensation grade, opening and closing date for the receipt of applications. Applications will be accepted for the dates and timelines specified in the advertisement, with no applications being accepted after the deadline indicated.
3. Candidates must submit their interest to the Human Resource Department as directed by the posting. Applications from internal candidates that are classified as a regular status employee, and/or temporary status employee will also be included in the selection process.
4. Applications are then processed by the Human Resource Department and distributed to the Department Head/Supervisor in charge of selection. Top applicants are chosen and scheduled for interviews. The Human Resource Department will refer to the internal hiring policy for any candidate selected for an interview that qualifies as an 'internal candidate.'
5. An interview list will be created and an interview schedule established. Interview questions will be reviewed and approved by the Human Resource department. The interview process occurs between prospective candidates and the Department Head/Supervisor in charge of selection. The interview process may opt to include an interview panel, which may include a representative from Human Resources as well as the Department Head/Supervisor in charge of selection.
6. Immediately after the interviews, all hiring managers and/or selection panel members should rank their candidates before opening it up for discussion. At that point, recommendations should be discussed to allow comments concerning each candidate and his/her qualifications.
7. After discussion, a final decision will be made. Upon the completion of reference checks, (refer to the Reference Check policy) the Department Head/Supervisor will

extend an offer including start date, compensation and terms of the probationary period. The Human Resource Director will be notified of an acceptance or a rejection.

a) Candidates who are finalists for positions with the Road and Bridge Departments will be required to submit to a drug test and pass a physical exam. Final candidates for positions with the Sheriff's Department and Detention Office will be required to pass a background check, written exam, a physical exam, and a psychological exam. Finalists for all other departments will be subject to reference and background checks. The County will pay the costs associated with the exams.

8. Upon acceptance of a job offer, the selected individual will be sent an offer letter by the Human Resource Department. All other applicants who are not selected for the position are sent a "thank you" letter signed by either the Human Resource Department or Department Head/Supervisor in charge of selection.
9. Upon completion of the selection process, a Department Head, in conjunction with the Human Resource Department, may choose to establish a selection list of eligible applicants in which to hire candidates for future openings. The selection list may be active for a period, not to exceed six (6) months and does not limit the Department Head from allowing the selection list to expire prior to the end of the designated period.
10. Candidates for positions with the Social Services Department will be hired in accordance to the North Dakota Merit System requirements.
11. Definitions for the purpose of this policy:
 - **Internal Candidate** – an applicant currently employed by a department in the county agencies.
 - **External Candidate** - an applicant not employed by a department within any of the County agencies.
 - **Temporary Status employee** – an employee currently categorized within their employment on a time-limited basis.
 - **Probationary Status employee** – a newly hired or recently promoted employee who has not yet completed a satisfactory performance review or completed the criteria conditional of their position and employment. This is usually within the initial six months probationary period of employment or promotion, with an extended period not to exceed one year in length.
 - **Previous employee** – an employee previously employed by a department in the county agencies, who had resigned or separated employment while in good standing.

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Approved by the Board of Commissioners 4/3/00

Modified and approved by the Board of Commissioners 5/3/04

Chapter 2

SECTION 7: REFERENCE CHECK POLICY

Statement of Philosophy: It is the policy of Burleigh County to conduct reference and background checks on potential applicants as part of the selection process. This will ensure equal treatment of all applicants, while providing the Department Head/Supervisor in charge of selection along with the interviewers the tools to complete the hiring process.

1. A critical factor to the completion of the selection and hiring process is the completion of Reference checks. Only a completed application containing required information about references would be accepted.
2. In response, the Human Resource Department or Department Head in charge of selection will conduct reference and background checks before an offer of employment with Burleigh County. Any references conducted by the individual departments will be turned into the Human Resource Department upon completion of the selection process to become part of the application file and/or the individual's personnel file.
3. When possible, reference checks shall be made with all previous employers of the applicant listed on the application. An individual reference check form will be completed for each employer to verify the candidate's employment and work performance.
4. Personal Reference checks shall also be made to non-relative, non-employer references. An individual reference check form is to be filled out for each personal reference. For any applicant who has been in school/education system may submit school associated references in lieu of past employment and/or personal references.

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Approved by the Board of Commissioners 4/3/00

Modified and approved by the Board of Commissioners 5/3/04.

Chapter 2

SECTION 8: DRIVER'S RECORD CHECK

1. A driving record investigation must be made on any applicant who upon being hired will be driving a County vehicle. An applicant will not be hired to work in these departments if his/her driving record shows a current gain of four (4) or more points over the last year, or twelve (12) or more points over the last three (3) years.

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Modified and approved by the Board of Commissioner 5/3/04

Chapter 2

SECTION 9: RE-EMPLOYMENT POLICY

1. A former employee who previously had regular or temporary employment status may be eligible for consideration of re-employment up to one year from the date of separation if the following are met:
 - a) The employee resigned or separated while in good standing.
 - b) The employee applies and meets the minimum qualifications for the position available. Upon meeting the minimum qualifications, the employee must go through the hiring process and be selected for the position.
2. The Human Resource Director shall certify that the individual meets the current qualifications before being re-employed.
3. Regular employees who are subject to reduction in force (RIF), who were incumbents in positions and who resigned and/or separated while in good standing, may also be eligible for reinstatement.
4. A previous employee may have an adjusted accrual date for the purpose of determining the amount of annual leave. This will be based upon length of employment and amount of separation time. This will be determined by the Human Resource Director or the service technician in charge of payroll duties.
5. A previous employee will have their previous years of employment service credited to their accrual for the amount of annual leave. The accrual date will be lengthened by the number of months gone from service (ie if an employee is gone for a period of six (6) months, six months will be added to their accrual schedule before the next level of accrual is reached).
6. A previous employee who is eligible for re-employment will be subject to the compensation rate for the position as advertised or assigned to that job classification, along with a probationary period. The Human Resource Director and the Department Head in charge of selection will refer to the Minimum Starting Salary policy as a guideline.

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Chapter 2

SECTION 10: STARTING SALARY

1. The beginning salary for a newly hired employee shall normally be at the minimum of that salary grade for the job classification.
2. A newly hired employee with related experience or other qualifications may be paid a salary more than the published minimum salary.
3. The department head in charge of selection and the Human Resource Director will jointly determine a salary outside of the minimum for that job classification and salary grade. Adjusted starting salary shall not exceed Step 5 of the Burleigh County Pay Grade and Step Structure.
4. Any discrepancies between the Department Head in charge of selection and the Human Resource Director regarding adjusted starting salary shall be directed as a request for variance to the County Board of Commissioners. All request(s) for variance will be made by the Department Head in charge of selection.
5. Criteria for a salary outside of the minimum starting for that job classification shall be based on the relative experience of the selected candidate in relation to and/or above the minimum standard(s). Additional criteria which include the job market, unemployment rate, number of qualified applicants, and previous salary history may also be considered.

Chapter 2

SECTION 11: PROBATIONARY PERIOD

The following proposal pertains to newly hired and promoted employees of Burleigh County for all departments for the continuation of probationary periods. Each employee hired would be subject to:

1. The probationary period shall be an essential part of the selection process and shall be utilized as an effective means of evaluation of a new employee for a regular status, excluding any elected official(s). The probationary period shall be an opportunity to evaluate the performance of a newly promoted employee. The probationary period should be for a period of six months in length from the date of hire or promotion with the option for an extension not to exceed six additional months.
2. If the department head extends the probationary period, the employee shall be notified in writing of the extension and the reason(s) with a copy forwarded to the Human Resource Department.
3. An employee's employment may be changed to a regular status based upon satisfactory performance of services, which shall be decided upon by a performance review made by the supervisor or department head. Based on the performance evaluation, the decision to continue employment on a regular status, extend the probationary period or terminate employment will be disclosed to the employee during the performance review and verified in writing prior to the end of the probationary period.
4. An employee may be separated from service during a probationary period without right of appeal to the County Human Resource Department, except in cases of alleged discrimination. The Human Resource Director shall be notified in writing the reason for separation.
5. An employee is eligible for a merit/performance increase based upon satisfactory performance at the end of their probationary period and upon movement to a regular status. A one step increase based on the Burleigh County Pay Grade and Step Structure may be granted by the Department Head, or a County Commissioner for appointed positions. Any employee on probationary status at the end of the first pay period in December will not be eligible for an additional step increase in the following year if the step increase is authorized by the Board of Commissioners for eligible employees of Burleigh County. Probationary salary increases become effective on the first working day of the next pay period after completion of the probationary period.

Approved by the Board of Commissioners 9/6/00

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Modified and approved by the Board of Commissioners 5/3/04

Modified and approved by the Board of Commissioners 10/5/09

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Modified and approved by the Board of Commissioners 2/7/2011

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Chapter 2

SECTION 12: RELATIVE POLICY

It is the policy of Burleigh County that:

1. A member of an employee's immediate family will be considered for employment by the County provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:
 - (A) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
 - (B) Create either an actual conflict of interest or the appearance of a conflict of interest.
2. Criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" means the employee's spouse, child (natural, adoptive, foster, or stepchild), or any other family member who is a member of the employee's household.
3. 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; or
 - (B) An actual conflict of interest or the appearance of a conflict of interest.
4. 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 of them will resign.
5. Nepotism by county officials restricted. No head of any executive or administrative department or agency, either elective or appointive, of any county in this state, may appoint that official's 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 (NDCC 11-10-25)

Chapter 2

SECTION 13: TRANSFERS

1. The Board of County Commissioners may authorize in-service transfers. These transfers shall be requested by the appointing authorities and shall be submitted in writing to the Human Resource Director.
2. Transfers from a department, which is partially funded and supervised by Burleigh County personnel shall be, permitted a transfer to a Burleigh County position with loss of benefits and/or time-in-service credit.

Chapter 3

SECTION 1: CLASSIFICATION REVIEW AND APPEAL POLICY

Statement of Philosophy: It is the policy of Burleigh County to allow an equitable process to review the position(s) in which the scope of responsibility and essential duties have changed to merit a review of the classification.

1. The classification plan provides a complete inventory of all positions in the County service and specification for each class of work. The plan standardizes titles, each of which is indicative of a definite range of responsibilities, duties and has the same meaning throughout the service.
2. All positions in the department shall be allocated to one of the classes established by the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided.
3. With the approval of the Board of County Commissioners, the Human Resource Director shall be charged with the responsibility of maintaining the classification plan to reflect the duties performed by each position. It shall be the duty of the Human Resource Director to:
 - a) Establish new position classes, delete and/or or revise existing classes.
 - b) Review the duties and responsibilities of each position established and allocated to the position class. It is the responsibility of the Department Head to submit in writing to the Human Resource Director a detailed description of each position.
 - c) Review all positions in the service annually, if necessary, and conduct periodic position studies to determine the changes in responsibilities and duties. Based on those findings, positions may need to be re-classified or duties reallocated. Classification studies may also be requested by the employee, these requests can be made to the Department Head or to the Human Resource Director.
 - d) Review the Classification system and make the recommendation to the Board of County Commissioners when an outside consultation is needed to maintain an equitable and competitive rate of compensation, salary structure and organization.

Approved by the Board of Commissioners 4/3/00
Amendments approved by the Board of Commissioners 5/3/10
Amendments approved by the Board of Commissioners 10/18/10
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4. Whenever permanent, substantive changes in the responsibilities and duties assigned a position are anticipated, the Department Head shall notify the Human Resource Director. In conjunction with the Department Head, the Human Resource Director shall create a job description setting forth the responsibilities and duties assigned to the position. Changes in duty assignments must be more than temporary in nature.
5. The Department Head and/or employee must provide in writing, a letter of intent requesting a Classification Review. This must be in accordance with the procedures specified in this policy.
6. The same position may be reviewed only once in a twelve- (12) month period, this period beginning from the date of the last action.
7. The Human Resource Director shall assist the Department Head and/or employee in preparing for a classification review. It must be understood that classification review does not guarantee a change in classification.
8. When proposing, amending, or abolishing a class specification, the Department Head shall prepare and submit the following:
 - a) Letter of intent requesting a Classification Review, specifying the position to be reviewed.
 - b) Description of responsibilities and duties as outlined in a standardized job description.
 - c) Completed County Position Information Questionnaire.
 - d) Letter of Determining Factors (depicts and highlights the reasons for requesting re-classification).
9. The Classification Review will be conducted with Burleigh County's contracted vendor in reviewing classifications and job descriptions. Once the Classification Review has been conducted by the contracted vendor, the results will be forwarded to the Human Resource Director, who will review and forward the results to the employee and/or Department Head.

Classification Review Appeal Process:

1. If after a Classification Review, an employee or Department Head authority perceives that a classification inequity exists, an appeal may be initiated to the Board of County Commissioners.

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2. The appeal must have written comments addressing the reason for the appeal and must be dated no later than ten (10) working days from the date the Classification response was signed by the Human Resource Director.
3. The Human Resource Director shall place the appeal on the agenda of the Board of County Commissioners for consideration. The decision of the Board of County Commissioners is final.

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Chapter 3

SECTION 2: COMPENSATION PLAN

1. The compensation plan is a reflection of the classification plan, which provides a complete inventory of all positions in the County service and specification for each class of work. The plan standardizes titles, each of which is indicative of a definite range of responsibilities and duties and has the same meaning throughout the service.
2. The beginning salary for an employee shall normally be the minimum for the class. A newly hired employee with related experience or other qualifications may be paid a salary more than the published minimum salary. The Human Resource Director and Department Head will refer to the Starting Salary Policy as a guideline. (See Starting Salary Policy, Personnel Manual; Chapter 2, Section 10)
3. An employee who is promoted shall have their salary increased to at least the minimum rate of pay for the class. An employee who is demoted shall have the salary reduced to be within the range of pay for that lower class.
4. The salary reduction or increase shall be determined jointly between the Department Head and Human Resource Director. In the event the present salary falls within the range for the upper or lower class, a salary increase/reduction may not be required; this may apply to employees who are re-classified due to a change in duties.
5. The Department Head, when requesting compensation changes for Department employees shall certify that the salary is within the classification and compensation plan and that the employee status and classification within the County system have also been approved by the Human Resource Director.
6. Salary increases should not be automatic but shall be based upon approved budget allocation, position reclassifications and/or performance evaluations. The Human Resource Director shall review department compensation plans to insure sound salary administration and personnel management practices.
7. The Human Resource Director shall monitor the Classification system and recommend to the Board of County Commissioners when an outside consultation is needed to maintain an equitable and competitive rate of compensation, salary structure and organization.

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Chapter 3

SECTION 3: WORKWEEK/WORKPERIOD AND COMPTIME POLICY

Statement of Philosophy: It is the policy of Burleigh County to establish a consistent procedure that defines the workweek and/or work period in which County employees are eligible for overtime or compensatory time compensation. This policy is necessary to ensure that Burleigh County and the Burleigh County Board of Commissioners shall be in compliance with federal and state personnel regulations.

Exempt and Non-Exempt:

1. Positions that are exempt from overtime pay requirements are to be identified within the guidelines of the Fair Labor Standards Act (FLSA) and identified as bona fide executive, administrative and professional personnel.
2. All other positions, which do not meet the criteria, established by the Fair Labor Standards Act (FLSA) not identified as bona fide executive, administrative and professional are determined to be non-exempt. All non-exempt positions are eligible for overtime compensation.
3. A list of County positions identified as exempt and nonexempt shall be on file with the County Human Resource Director.

Work Week and Work Period

1. The normal workweek for all County employees, except for the County Sheriff's Department and County Detention staff, shall begin at 12:01 am on Sunday morning and end at 12:00 am Saturday evening. Each department may adjust these work hours as needed.
2. All departments will utilize time sheets and/or time cards as a means to account for hours worked and to account for all leave time, in addition to the Payroll Transmittal sheets. All non-exempt personnel time must be accounted for.
3. All personnel in the Sheriff's Department and Detention Center, consistent with the provision of the Fair Labor Standards Act, shall work under the 207K Exemption Plan. The normal fourteen (14) day work period consists of 86 hours for non-exempt, shift employees. This work period for the County Sheriff's Department began on July 1, 2002 for all Detention Staff and Patrol Staff.
4. All hours worked by non-exempt employees in excess of 40 hours per week, or 86 hours in a work period, (Sheriff's Department and Detention Center) shall be specifically authorized in advance by the Department Head or Department Supervisor except in situations deemed unforeseeable, necessary or as an emergency as determined by the Department Head.
5. Employees working excess hours without authorization or good cause shall be subject to disciplinary action, up to and including termination of employment.

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Work Beyond Hours Scheduled

1. Hours scheduled to be worked and/or worked by a non-exempt employee during a workweek or work period shall be reduced hour for hour by an excused and compensated absence such as holiday pay, annual or sick leave.
2. Any exclusions to this are provided for in the Overtime Pay Policy, Chapter 3, Section 4.
3. A non-exempt employee working additional hours during the work week or work period which exceed the net hours scheduled, shall be compensated by providing overtime compensation or allowing compensatory time off.
4. Employees classified as exempt are not eligible to receive overtime payment. Such employees are considered to be on a standard forty (40) hour workweek and are expected to work as long as it is reasonably necessary to fulfill their job responsibilities.
5. Circumstances that may arise that require considerable extra work time for exempt employees; the Department Head may authorize time off with pay. Such time off shall be used within a reasonable time frame so as not to disrupt the operations of the Department and/or the County.
 - a. Note: If such compensatory time is given, it is not intended to be part of the employee's salary and benefit package, but is used as a tool to boost morale.

Comptime

1. Whenever it is deemed possible, the Department Head or Department Supervisor will, upon agreement with the employee, attempt to grant compensatory time off within the scheduled workweek or work period (as applicable) for hours worked above the net hours scheduled.
2. Employees requesting to utilize his/her compensatory time off shall be permitted to use such time as long as the use of the compensatory time off does not unduly disrupt the operations of the department or County.
3. Hours worked above 40 hours in a work week or 86 hours in a work period, may be compensated with compensatory time off, thus compensating one extra hour of work with an hour of time off when compensatory time is taken in the same work week or work period in which it is earned.
4. Hours worked above 40 hours in a work week or 86 hours in a work period, may be compensated with compensatory time off, thus compensating one extra hour of work with one and a half (1.5) hours of time off when taken in a different work week or work period in which it is earned.
5. Any comp time accumulated in lieu of overtime pay, but not repaid within three months of the week when worked, shall be converted to overtime pay at the rate applicable at the time the excess hours were worked, unless otherwise determined by the Department Head.

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Definitions for the purpose of this policy:

- **Work Week** – Regularly scheduled hours or days of work during a calendar week as defined by Office Hours Policy, Chapter 1, Section 2.
- **Work Period** - Regularly scheduled fourteen (14) days of work during a pay period.
- **Hours Worked** - number of hours performed as work time.
- **Overtime** – Working time in excess of a standard workweek or work period

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Chapter 3

SECTION 4: OVERTIME PAY

1. Unscheduled and scheduled time worked in excess of 40 hours in a workweek or 86 hours in a work period (Sheriff and Detention) and not credited as comp time shall be compensated for at the rate 1.5 times the applicable rate at the time the excess hours were worked.
2. Hours of accumulated comp time, not repaid to the employee in the form of time off within three months of the week worked, shall be converted to overtime pay, using the applicable rate at the time the excess hours were worked.
3. Overtime shall be paid upon submission of a timesheet/timecard signed by the employee and approved by his/her department head and submitted to Payroll.

Definitions For the purposes of this policy:

- **Scheduled Overtime** - Hours above the normal work schedule, and must be scheduled prior to the employee departing from a work shift, or at least 12 hours in advance. These types of hours will cancel out any vacation, ~~or~~ sick leave, or holiday hours taken during the workweek and overtime will be paid for any hours actually worked over 40. Examples would be: if a Holiday falls on Monday or an employee takes annual or sick leave on Monday, then works 10 hours per day Tuesday through Friday, the additional 8 hours would be paid at straight time and not overtime. (For members of the Sheriff's Department and Detention Center, please refer to the 207K Exemption Plan and/or Department Policy.) Comp time will be calculated in the same manner as overtime based on hours actually worked.
- **Emergency Overtime** – Hours above the normal work schedule that were not previously scheduled. Examples would be: *If the supervisor would ask you to work extra-unscheduled time at the end of a regularly scheduled shift to complete a project or task.* (For members of the Sheriff's Department and Detention Center, please refer to the 207K Exemption Plan and/or Department Policy.) **Or, if you were called out** after hours for emergency reasons. These types of hours will be paid as overtime, regardless if any vacation or sick leave was, or is taken during the workweek.
- **Call Time** – the minimum number of hours that a person will be paid for emergency overtime, for the purpose of this policy, the minimum call time will be two (2) hours and will only be able to receive the call time once per work day.

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Chapter 4

SECTION 1: GROUP HEALTH INSURANCE

1. Employees are eligible to enroll in the group health insurance program, under the county contract, provided they meet the eligibility requirements as established.
2. All regular employees working full-time (30 hours per week) and elected officials may participate in the County Health Insurance Program. The county will provide a Medical and Health Insurance policy for employees and shall make contributions to each level of the eligible health plans which include the options of single, and family coverage.
 - A. Contributions will be evaluated and determined by the Board of County Commissioners during the annual budget process.
 - B. A listing of contributions will be maintained and distributed through the Human Resource Department, upon Commission approval.
3. Employees participating in the insurance program shall be responsible for the balance of the premium cost. The employee portion of the premium cost will be deducted through payroll deduction.
4. Employees who are employed less than full-time (30 hours per week) but 20 hours or more per week shall be provided the opportunity to participate in the County Health Insurance Plan. The county shall provide benefits as follows:
 - A. The County shall make a contribution to the part-time employees Group Health Insurance premium based upon a proration of the County's contribution specified above.
 - B. The premium if prorated based on the number of hours worked divided by the number of hours available for work in a pay period.
 - C. Employees participating in this portion of the insurance program shall be responsible for the balance of the premium cost. The employee portion of the premium cost will be deducted through payroll deduction.
5. All new employees' health insurance coverage will begin on the 1st of the month following employment. New employees may elect to pay for health insurance coverage during the waiting period by attaching a personal check for the premium to the insurance application.
6. All new county employees must indicate whether or not they wish to participate in the County Insurance Program within the first 30 days of employment. If the employee fails to notify the county within the first 30 days, the employee will be required to wait to

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enroll during the next open enrollment period, unless there is a qualifying event as defined by the insurance company providing the county insurance coverage.

8. The county will provide health insurance coverage for employees terminating employment with the county through the end of the month the employee is terminating employment. In addition, Burleigh County will offer the employee and eligible dependents the right to continue coverage as stated in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).
9. The COBRA Act allows for:
 - A) An 18-month period for continuation coverage is offered for all qualified employees. This continuation coverage is available when any of the following events would normally result in the loss of coverage:
 - The death of the covered employee;
 - The termination (other than by reason of the employee's gross misconduct) or reduction of hours of the covered employee's employment;
 - The divorce or legal separation of the covered employee;
 - A dependent child ceasing to be a dependent under the terms of the plan; or
 - The covered employee becoming entitled to Medicare benefits.
 - B) In the case of widows, spouses and dependants, the continuation coverage must be offered for a 36-month period.

Further details of this federal requirement are available from the County Human Resource or the payroll department. An election form will be provided upon the occurrence of a qualifying event.

10. All regular employees and elected officials in good standing who retire from county employment shall be allowed to continue the County Health and Medical Insurance Plan at their own expense in accordance with the COBRA Act. The employee must reimburse the county for the total premium cost. Premiums must be paid monthly in advance. Any employee eligible for Medicaid must be transferred to the same.
11. Employees who terminate their employment shall have the option to convert the County Health Insurance policy to a private policy if they do not choose to elect COBRA. This conversion must be accomplished within the set time limits established by the insurance company providing the county insurance coverage.

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Chapter 4

SECTION 2: GROUP LIFE INSURANCE

1. Employees are eligible to enroll in the group life insurance program under the County contract, provided they meet the eligibility requirements.
2. Effective October 1, 2009, employees of the County and elected officials, will be insured by the County on a basic non-contributory coverage of \$25,000.00 basic life insurance and accidental death and dismemberment policy.
3. Employees are eligible to purchase additional supplemental life insurance in any amount from \$10,000.00 to \$190,000.00 in \$10,000.00 increments. The premium will be deducted through payroll deduction.
4. Application for additional coverage should be made during the initial month of employment, but no later than 30 days from the date of employment, as to avoid being required to provide medical information.
5. After the initial enrollment, your insurance becomes effective on the first of the month following the month of employment provided you are actively at work and/or not in a disabled status.
6. Employees who are employed for less than 20 hours per week are not eligible for group life insurance. Regular part-time positions working 20 or more hours per week will receive a benefit of \$13,000.00 basic Life Insurance and Accidental Death and Dismemberment policy.
7. Optional dependent life insurance is available and will be explained by the County Human Resource Director or Human Resource Assistant, if the employee is interested. Total cost of the dependent insurance is paid by the employee; the County will not pay any part of the dependent life insurance premium.

Employees who resign or retire from Burleigh County employment may upon termination elect to decrease or continue their current life insurance at the same level. The premium cost will be billed directly to the employee.

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Chapter 4

SECTION 3: HOLIDAYS

1. The recognized holidays for County government purposes are:
 - The first day of January, which is New Year's Day.
 - The third Monday of January, in recognition of Dr. Martin Luther King, Jr.
 - The third Monday in February, in recognition of President's Day.
 - The Friday preceding Easter Sunday, commonly known as Good Friday.
 - The last Monday in May, which is Memorial Day.
 - The fourth day of July, which is the anniversary of the Declaration of Independence.
 - The first Monday in September, which is Labor Day.
 - The eleventh day of November, which is Veteran's Day.
 - The fourth Thursday in November, which is Thanksgiving Day.
 - County Offices will close at noon on December 24th, unless it is a holiday or weekend pursuant to NDCC 1-03-02.
 - The twenty-fifth day of December, which is Christmas Day.
 - Every day appointed by the President of the United States or by the Governor of this State for a public holiday. (NDCC 1-03-02)

2. If such holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, or if the holiday falls on Sunday, the Monday following shall be observed as the holiday. (Quote from 1-03-02 NDCC)

3. Standard Holiday Policy
Full-time and part-time staff, employees who are not otherwise required to work, shall take each holiday off and receive full pay. In the event the County Commissioners designate a portion of a day as a holiday, only that portion will be considered as a holiday. To receive compensation for holidays, an employee must have worked a full shift on the employee's scheduled work shift or be on an approved leave with pay on the day before and the day after the holiday.

4. Condition A
Non-exempt full-time and salaried part-time employees (as defined by the Fair Labor Standard Act and identified by the County Commissioners) who work on a holiday shall receive double compensation.

5. Condition B
Non-exempt full-time and salaried part-time employees whose regular day off falls on a holiday shall receive regular rate compensation for the day (or portion thereof as is applicable) and shall have the holiday off.

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Under both Condition A and Condition B the employee's department head shall have the option of crediting the employee with compensatory time off, on an hour for hour basis or paying straight time in lieu of the compensation due beyond normal pay. Unless otherwise specified by the department head before the holiday, the additional compensation shall be compensatory time off.

6. Employees who are employed less than full time (40 hours per week) but 20 hours or more per week shall be paid holiday pay based on a prorated number of hours worked.
 - a. Holiday pay will be prorated based on the number of hours worked in a pay period divided by the number of hours available for work in the pay period.
7. Employees who are employed less than 20 hours per week and seasonal employees shall receive neither paid holiday time nor additional compensation for working on a holiday.
8. Exempt staff and employees who work on a holiday shall receive hour for hour compensatory time off in addition to their regular pay.

Chapter 4

SECTION 4: SICK LEAVE

1. Sick leave is a privilege granted to all regular employees and is not a benefit considered to be earned by the employee such as annual leave.
2. Sick leave enables employees to build a reserve of days that may only be used for illness or medical reasons. Abuse of this privilege may be grounds for disciplinary action or dismissal.
3. Each situation has to be considered individually and no standard policy can be established. While use of sick leave is allowed, abuse of this benefit without medical justification is grounds for disciplinary action. Both the employee and the employer are bound to fair practices in this area.
4. Employees begin to accrue sick leave from the first day of hire. Sick leave will accrue on the first two (2) pay periods of each month at the rate of four hours per pay period (24 pay periods) for an annual amount of 96 hours with unlimited accumulation. Sick leave must be earned before it can be taken. Sick leave may not be advanced and must be taken in no less than ½ hour increments.
5. Regular part-time positions working 20 hours or more per week will receive a pro-rated share of the sick leave based on the number of hours worked. Regular employees who are employed less than twenty (20) hours per week shall not be eligible for sick leave benefits.
6. Uses of sick leave. Sick leave may be used by an employee when:
 - a) The employee is ill or injured and is unable to work.
 - b) The employee has an appointment for the diagnosis or treatment of a medically related condition including pregnancy, childbirth and recovery.

The Federal “Pregnancy Discrimination Act” forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

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- c) The employee wishes to attend to the needs of the employee's eligible family members who are ill or to assist them in obtaining other services related to their health and well-being. Sick leave used under item c is referred to as "family sick leave" and may not exceed eighty (80) hours per calendar year. With approval from an employee's Department Head, an employee may take additional family sick leave per calendar year, to take up to an additional ten (10) percent of the employee's accrued sick leave to care for the employee's family member with a serious health condition "Eligible family member" means the employee's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild) or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.
 - d) The employee is a participant in an employee assistance program.
7. As in all types of sick leave, the supervisor has the option to seek a medical opinion from the attending physician.
 8. Family sick leave. The eligible family members defined in c above [spouse, parent natural, adoptive, foster and stepparent), or child (natural, adoptive, foster and stepchild)] are not required to be financially or legally dependent upon the employee. An example of "legally dependent" would be if the employee has power of attorney for the family member.
 9. Child is not defined by age in policy, and no reference is made to adult or minor children. So, regardless of the age of the employee's child, the policy applies.
 10. Examples of family sick leave uses are as follows:
 - a) To take a child who is on crutches to school;
 - b) When a family member is receiving medical treatment and is unable to drive for medical treatment and is unable to drive for medical reasons;
 - c) When a child of a family member is staying with the employee while the child's parents are out of town, and an emergency arises where the employee must take the child for medical treatment;
 - d) When an employee takes leave for the birth of a grandchild on the day of delivery (8 hours). Additional family sick leave may be approved if there are extenuating circumstances, but these requests will be reviewed on a case-by-case basis;
 - e) When an eligible family member [employee's spouse, parent (natural, adoptive, foster and stepparent), or child (natural, adoptive, foster and stepchild)] is

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hospitalized; or

- f) To travel to the state the employee's parent resides, to be with the parent during surgery and to care for the parent afterward.
- 11. Family sick leave may not be used by an employee if the children of the employee's family member are neither financially or legally dependent on the employee, nor if they are not residing with the employee for the purpose of having medical care provided. (i.e., grandparent caring for child while parent is also present).
- 12. If the employee is not paid for a full payroll period, the payroll system will pro-rate leave accordingly.
- 13. Employees, hired prior to December 31, 1990, who are terminating employment on good standing, shall be reimbursed for unused sick leave on a prorated basis at the rate of twenty-five percent (25%), provided they have been continuously employed by the County for a period of five (5) years, prior to the employee's date of termination.
- 14. Employees hired after January 1, 1991, who are terminating employment on good standing, shall be reimbursed for unused sick leave on a pro-rated basis at the rate of ten (10%), provided the employee has been continuously employed by the County for a period of five (5) years, prior to the employee's date of termination.
- 15. Each Burleigh County Department shall submit a record of leave used by all employees at the end of each pay period to the Human Resource office except for elected officials who do not earn leave. Such record shall be signed certifying its accuracy.

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Chapter 4

SECTION 5: ANNUAL LEAVE

1. Annual leave is part of regular employees' compensation and benefit package (excluding elected officials). Employees begin to accrue annual leave from the first day of hire. Annual leave will accrue on the first two (2) pay periods of each month. The annual leave hours available to employees will be reflected on the payroll document each employee receives after each pay period. Annual leave must be earned before it can be taken. Annual leave may not be advanced. It must be taken in no less than ½ hour increments.
2. A request for annual leave must be approved by the employee's supervisor before the employee is authorized to take the leave. A leave request can be denied if the absence would unduly disrupt the operations or services of the workplace or other business-related purpose.
3. The annual leave accrual schedule was developed to encourage employees to remain in County employment and to recognize continued experience and service.
4. The annual leave schedule in relation to length of service is as follows:

| <u>Year of Service</u> | <u>Hours Per Pay Period (24)</u> | <u>Hours Per Year</u> |
|------------------------|----------------------------------|-----------------------|
| 0-3 | 4 | 96 |
| 4-7 | 5 | 120 |
| 8-12 | 6 | 144 |
| 13-18 | 7 | 168 |
| Over 18 | 8 | 192 |

5. Regular part-time positions working 20 or more hours per week will receive a pro-rated share of annual leave benefits based on the number of hours worked. Regular employees who are employed less than twenty (20) hours per week shall not be eligible for annual leave benefits.
6. If the employee does not work a full payroll period, the payroll system will pro-rate leave accordingly.
7. Years of service credit will be for continuous years of employment with a break of less than one year, unless an employee's separation from the County was due to a reduction-in-force. (Refer to Re-employment Policy, Chapter 2, Section 9).

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Continuous employment applies to all employees regardless of agency, department or institution.

8. An employee can carry over a maximum of 240 hours of accrued annual leave beyond the second pay period in June of each year.
9. Terminated employees shall be paid for all earned and unused annual leave. At the discretion of the Department Head, a resigning employee may be allowed to request to take annual leave at the end of his/her resignation, but shall not be allowed to go beyond the current month of his/her last day worked.
10. Compensation due an employee upon death shall be paid to the appropriate heirs or heirs as set forth in the statute. (34-01-12 NDCC)
11. Each Burleigh County Department shall submit a record of leave used by all employees, at the end of each pay period to the Human Resource office except for elected officials who do not earn leave. Such record shall be signed certifying its accuracy.

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Chapter 4

SECTION 6: FUNERAL LEAVE

1. Time off with pay of up to twenty-four working hours may be granted at the discretion of the department head when death occurs in the employee's or spouse's family, namely:

Husband, wife, child, step-child, father, mother, step-parent(s), brother, sister, grandparents, grandchildren, foster parent(s), and/or foster child.

2. Funeral leave shall not be considered sick or annual leave.

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Chapter 4

SECTION 7: EMPLOYEE ASSISTANCE PROGRAM

1. Burleigh County's policy is to assist, in a confidential manner, employees who are experiencing problems relating to physical illness, mental or emotional illness, marital or family relations, alcoholism, drug abuse and other concerns.
2. Essentially, the Employee Assistance Program consists of four phases:
 - A. Identification by the employee, Department Head, Supervisor, and/or Human Resource Director of a continuous job performance issue, behavioral issue, medical problem and/or recognition of an individual's personal problem.
 - B. Referral by the Department Head, Supervisor and/or Human Resource Director to an agency professionally competent to diagnose the problem.
 - C. Diagnosis and treatment by professionals within the community who are trained to diagnose properly and to treat performance/behavior medical problems.
 - D. Treatment and follow-up as needed to resolve the problem(s).
3. The County recognizes that a wide range of problems can have an effect on an employee's job performance. No employee will have job security or promotion opportunities jeopardized by coming forward to request counseling or referral assistance.
4. When an employee cannot overcome such problems independently and the effect on job performance is apparent, supervisory assistance may be needed to guide an employee to seek assistance so that an employee's job performance will return to an acceptable level. It is important for supervisors to remember their role is to identify performance problems and to offer assistance to secure appropriate treatment and follow up as needed.
5. Department Heads and Supervisors shall contact the Human Resource Director and work jointly to maintain documentation concerning the status of job performance, in accessing the Employee Assistance Program, and in documenting efforts to provide assistance, the referrals and outcomes related thereto.
6. When necessary, annual and/or sick leave shall be granted in accordance with established procedures. Since an employee's job performance can be affected by problems of an employee's spouse or other dependants, the program is also available to the families of County employees. In cases where direct family involvement is required for effective treatment, the appointing authority may also grant use of available sick leave, annual leave or leave of absence without pay for the treatment.

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7. The Department Head along with the Human Resource Director shall determine the employee's status based on job performance. All such related issues will remain confidential and all documentation in personnel files shall refer to the status of job performance along with the efforts to resolve the problem affecting job performance.

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Chapter 4

SECTION 8: MILITARY LEAVE

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

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

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

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Chapter 4

SECTION 9: JURY AND WITNESS LEAVE

1. An employee called to jury duty shall be granted time off with pay, less the amount of fees received for jury service.
2. An employee called to jury duty cannot receive compensation for both work hours and jury duty. Jury fees may be retained if the employee is on authorized annual leave
3. If an employee is called as a witness on behalf of the County or one of its departments, and the employee's employing department is party to the action, the department may reimburse the employee for necessary mileage, miles and lodging costs incurred. In such cases, the employee will be deemed to be performing duties or services for the County and shall receive the same compensation as during regularly scheduled work hours.
4. When an employee is summoned as a witness and the department is not a party to the action; the employee may collect witness fees from the proper party as stated above if the employee is on authorized annual leave, provided the employee does not receive reimbursement for mileage, sustenance, and room,
5. When law enforcement personnel are called as witnesses in a criminal case, as a result of matters arising out of official duties; the employee is 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 the employee receives reimbursement for travel, sustenance, and room from the County, they shall not collect witness fees and mileage as a witness. If witness duties are performed during off duty time, they may receive witness fees and mileage provided they are not reimbursed by the County for mileage, sustenance, etc. In all other instances, the policies governing other personnel shall prevail.
6. An employee who is personally interested in a criminal action, is a party to a criminal action, or who voluntarily appears as a witness, must charge the absence against earned annual leave or take leave without pay. In such an instance, an employee may keep witness fees, if any.
7. The term "witness" includes "expert witness".

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Chapter 4

SECTION 10: RETIREMENT

1. Any person employed on a full time basis shall be a participating member of the Public Employees Retirement System pursuant to the provisions of Chapter 54-52, North Dakota Century Code.
- 1a. Regularly funded seasonal employees, ie.. (Burleigh County Road and Bridge) will be considered eligible to participate in North Dakota Public Employees Retirement System if they meet the criteria listed below. These employees will not be eligible for any other benefits offered through the County. These regular seasonal employees will have to meet the following criteria to be eligible to participate in the program:
 - ❖ Work at least five (5) consecutive months in a twelve (12) month period.
 - ❖ Work at least 20 hours during a workweek.
 - ❖ Be a regularly funded position within the county.
2. The County share of the program shall be based upon the statutory provisions as set forth in Chapter 54-52, North Dakota Century Code.
3. Additional retirement benefits pertaining to health insurance are addressed in Chapter 4, section 1. Paragraph 10.

Chapter 4

SECTION 11: DEFERRED COMPENSATION

This policy to be drafted at a later date.

Chapter 4

SECTION 12: SUPPLEMENT INSURANCE(S)

This policy to be drafted at a later date.

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Chapter 4

SECTION 13: FLEXIBLE BENEFITS

This policy to be drafted at a later date.

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Chapter 4

SECTION 14: REST PERIODS/BREAKS

Employees may be permitted to take one fifteen minute rest period in the morning and another in the afternoon, or one fifteen minute rest period for each four hour shift.

Department heads will make every effort to see that their staff has the opportunity to take their breaks away from their work station. If this is not possible because of the requirements of the office, no additional time off shall be allowed such as longer lunch breaks or leaving work early.

Chapter 4

SECTION 15: IN STATE TRAINING AND DEVELOPMENT

1. For peak performance, it is necessary that employees of County government maintain a high degree of efficiency within their position, secure the best training available to ready themselves for promotional opportunities, and keep up to date with advanced programs which reflect technical and professional changes within their fields.
2. Each department based on budget, workload and department need should take advantage of County, State, Federal, and private programs offered in the State through studies, courses, training sessions, seminars, and related programs.
3. Regular employees interested in improving their work-related skills may be considered for training at County expense provided.
 - A. The employee has been in permanent status at least ninety days, unless excepted by the Board of Commissioners, and
 - B. The employee has been performing at an acceptable level on the job, and
 - C. The training is directly related to the tasks performed by the employee, and
 - D. The training is of nine months duration or less.
4. Participation by the County in the cost of training can include:
 - A. Educational leave time in instances where transportation to/from classes and classes themselves take place during normal working hours.
 - B. Reimbursement to the employee for tuition and/or fees upon presentation to the department head of satisfactory course completion (not to include cost of books or other written materials).
 - C. Use of County office equipment, including typewriters, computer terminals, calculators and similar items after normal business hours at the place of work according to a schedule worked out with the department head to assure such training use does not conflict with the normal demands on the equipment (in no instance are the items to be removed even temporarily from County offices).
5. The County Personnel Director shall establish and maintain guidelines for use by employees and department heads in the application of training benefits to insure all employees have an opportunity to take advantage of them.
6. Training will be available at least once per year for all department directors and elected officials in the areas of budget management, personnel management, and supervision.
7. All employees with supervisory responsibilities will be provided with annual training on supervision techniques. This training will include how to conduct annual performance evaluations.

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8. Employees who receive training by state or federal agencies as a mandatory requirement to maintain their professional status, will not be required to reimburse the County for the cost of such training regardless if when they separate from County service. Employees who receive elective training benefits at the expense of the County for the cost of such training at the following rate:
 - A. If separation takes place within one year of training which costs more than \$250.00, the full amount of the training will be reimbursed to the County by the departing employee.
 - B. If separation takes place between one and two years after the training has taken place and the cost to the County was more than \$250.00, one-half the cost shall be reimbursed by the departing employee.
 - C. If separation takes place more than two years after the training has taken place, no reimbursement will be required.
 - D. If the employee is fired within two years of the completion of training, the department head has the option to waive reimbursement under this policy, unless the termination is for cause.
9. The State's Attorney, working with the County Human Resource Director, will develop a written contract specifying the terms and conditions for training, how costs will be paid, and the requirement for reimbursement by the participant if the employee voluntarily terminates employment within two years.

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Chapter 4

SECTION 16: TUITION REIMBURSEMENT

STATEMENT OF PHILOSOPHY:

For peak performance, it is necessary that employees and elected officials of Burleigh County maintain a high degree of efficiency within their position, secure the best training available to ready themselves for promotional opportunities, and keep up to date with advanced programs which reflect technical and professional changes within their fields.

SEMINARS, WORKSHOPS, CONTINUING EDUCATION, & CONFERENCES:

1. Each department, based on available department continuing education funds, should provide opportunity for employees to develop their work skills.
2. Regular employees interested in improving their work-related skills may be considered for training at County expense provided:
 - a. The employee has been in regular status at least ninety days, unless excepted by the Board of Commissioners, and Department Head recommends training to assist with job responsibilities, and
 - b. The employee has been performing at an acceptable level on the job, and
 - c. The training is directly related to the tasks performed by the employee.
3. Non-elected employees must secure approval from the department head prior to registration of classes or seminars.

ACADEMIC DEGREE PROGRAMS:

1. Burleigh County shall assist employees and elected officials with the cost of securing a college degree.
2. To be eligible for Tuition Reimbursement, an employee must be on active regular full-time status and have successfully completed probationary period at the time of enrollment in, and completion of the class. Employees on leave of absence status are ineligible.
3. Tuition costs will be reimbursed at in-state public school (resident) rates only, on the following basis:
 - a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
 - b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
 - c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
4. Limits and regulations;
 - a. Prior to starting the course(s) a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director. The

- degree plan may be used as a planning tool for both the manager and the employee.
- b. Each applicant will be notified by the Human Resource office by acceptance letter for the approved degree within two weeks of receipt of application for reimbursement. A copy of receipt of payment for the course must be included with application.
 - c. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
 - d. Courses must be taken at, or on-line from, an accredited academic institution (two or four year college, vocational, or trade school) and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
 - e. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better. Grades need to be submitted to the Human Resource office before reimbursement will be given.
 - f. Attendance at classes must not interfere with scheduled work, this is at the approval of the Department Head and Portfolio Commissioner (i.e.: time off during scheduled work to attend class may be granted as annual leave).
 - g. The cost of related expenses such as books, cassettes, computers, special laboratory equipment, refundable laboratory (breakage) fees, transportation, meals or postage will not be reimbursed.
 - h. No more than two courses will be approved for tuition reimbursement during any one school term.
 - i. All assignments and homework are to be completed outside of working hours.
5. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
 - a. Two years will refund 100% of the paid tuition to the County.
 - b. Two to three years will refund 75% of the paid tuition to the County.
 - c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
 - d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
 6. Employees who receive training by county, state, or federal agencies as a mandatory requirement to maintain their professional status will not be required to reimburse the County for the cost of such training regardless of when they separate from County service.
 7. The County Director of Human Resources shall design and implement appropriate forms and controls to insure that County's Tuition Reimbursement program operates in an efficient manner.
 8. Funding for the Tuition Reimbursement Program shall be included in the Human Resource Budget and may be suspended due to budget constraints.

Revised August 28, 1998. Modified and approved by the Board of Commissioners on August 7, 2004.

ACADEMIC DEGREE PROGRAMS:

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 - a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
 - b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
 - c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
3. Limits and regulations;
 - a. Prior to starting the course(s), a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director.
 - b. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
 - c. Courses must be taken at, or on-line from, an accredited academic institution and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
 - d. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better.
 - e. Attendance at classes must not interfere with scheduled work, (i.e.: time off during scheduled work to attend class may be granted as annual leave).
 - f. No more than two courses will be approved for tuition reimbursement during any one school term.
 - g. All assignments and homework are to be completed outside of working hours.
4. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
 - a. Two years will refund 100% of the paid tuition to the County.
 - b. Two to three years will refund 75% of the paid tuition to the County.
 - c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
 - d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
5. Funding for the Tuition Reimbursement Program shall be included in the appropriate department budget and may be suspended due to budget constraints.

See Tuition Reimbursement Policy maintained in the Burleigh County Personnel Manual for more clarification on policy details.

Revised and approved by the Board of County Commissioners, August 2, 2004

Chapter 4

SECTION 17: SERVICE AWARDS

Service Awards and Retirement Recognition Program

Statement of Philosophy: It is the intent of the Burleigh County Commission to recognize the employees for their years of dedicated service to the members of Burleigh County.

Years of Service:

1. Employees receive a certificate and award for the completion of each five-year increment of service. Certificates are given to the employees at the annual awards recognition event. Awards will be given to the employee through their paycheck the month they are eligible for the service award.
2. The Years of Service awards apply to all classified employees who have completed five (5) or more years of full-time employment with the County. Employees, who have left employment with the County and return, shall begin to accumulate time, which is added to previous years of service to determine service awards.
3. If an award-deserving employee passes away prior to the distribution of the award, the certificate and award is given posthumously to the recipient's family.
4. Award Schedule:
 - 5 years - Certificate and \$25 Award
 - 10 years - Certificate and \$50 Award
 - 15 years - Certificate and \$75 Award
 - 20 years - Certificate and \$200 Award
 - 25 years - Certificate and \$225 Award
 - 30 years - Certificate and \$250 Award
 - 35 years - Certificate and \$275 Award
 - 40 years - Certificate and \$300 Award
 - 45 years - Certificate and \$400 Award
 - 50 years - Certificate and \$500 Award

Retirement Awards:

A retirement award shall be provided to an employee who has a minimum of fifteen (15) years of Burleigh County service, and who has not been previously recognized for a retirement by the County, as follows:

1. A retirement certificate signed by the Chairman of the Burleigh County Commission and employee's department head and/or a plaque.
2. An award with a value not to exceed two hundred dollars.

Approved by the Board of Commissioners 12/03/2001.

Modified and approved by the Board of Commissioners 2/6/2006.

Modified and approved by the Board of County Commissioners 2/5/2007.

Modified and approved by the Board of County Commissioners 12/17/2007

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A farewell party may be provided upon agreement of the employee and the Human Resource Director. Costs associated for the farewell party will be paid for by the County's Employee Relations Fund.

Approved by the Board of Commissioners 12/03/2001.

Modified and approved by the Board of Commissioners 2/6/2006.

Modified and approved by the Board of County Commissioners 2/5/2007.

Modified and approved by the Board of County Commissioners 12/17/2007

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Chapter 5

SECTION 1: FAMILY AND MEDICAL LEAVE

I. Overview

On August 5, 1993 the Family and Medical Leave Act (FMLA) took effect. The FMLA allows employees to balance their work and family life by taking up to 12 weeks (or 480 hours) leave in a 12 month period for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. The FMLA was intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote and preserve family integrity. This policy implements the rights and requirements of the FMLA for Burleigh County employees. If any provision of this policy is inconsistent with Federal or State law or regulation, or is silent as to an issue, then said legal provisions control.

II. Eligibility for FMLA leave

An employee is eligible for leave under the FMLA where they meet both the following requirements:

- 1) They have been employed by the County for at least 12 months or 52 weeks¹; and
- 2) They have been employed by the County for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

III. Taking leave under the FMLA

A. Reasons for which an employee may take leave under the FMLA

An employee may take FMLA leave if it is being taken for any one of the six reasons:

- 1) The birth of a child in order to care for that child.
- 2) Placement with the employee of a child for adoption or foster care.

¹ The 12 months, or 52 weeks, need not be consecutive. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employer (e.g., workers' compensation, group health plan benefits, etc.), the week counts as a week of employment.

- 3) To care for the employee's spouse, child, or parent with a serious health condition.
- 4) A serious health condition that makes the employee unable to perform the functions of their job.
- 5) A qualifying exigency arising from a call to active military duty or an impending call or order to active military duty.
- 6) Caregiver leave to provide care for a military service member with a serious injury or illness incurred in the line of duty

B. Procedure for requesting FMLA leave

Where leave is foreseeable, all employees requesting leave under this policy must submit the request in writing to their immediate supervisor, with a copy to the Human Resources Department. The Human Resource Department will respond to the employee in writing on the decision and provide a copy to the department head.

When an employee plans to take leave under this policy, and the leave is foreseeable, the employee must give the County 30 days notice to the extent practicable.

When the approximate timing of the need for leave under this policy is not foreseeable, the employee should give notice to their immediate supervisor and to the Human Resources Department as soon as practicable under the circumstances (i.e. within 2 working days of discovering the need for leave under this policy).

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment so as to minimize disruption to the County's operations.

C. How much leave may an employee take and how it is measured

With the exception of those circumstances set out in Section III(I), an employee may take up to 12 weeks (480 hours) of leave in a 12 month period. The County will measure the 12 month period by measuring backward from the date an employee uses leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken and subtract it from the 12 weeks (480 hours) of available leave. The balance remaining is the amount the employee is entitled to take at that time.

D. Spouses working for the county

If a husband and wife both work for the County, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in law") with a serious health condition, the husband and wife may only

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Modified and Approved by the Board of Commissioners 12/5/2011

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take a total of 12 weeks (480 hours) of leave. However, this aggregation is not applicable to spouses taking leave in order to care for a child with a serious health condition.

E. Consecutive, intermittent, or reduced leave

FMLA leave may be taken in 12 consecutive weeks. However, it may also be taken intermittently or on a reduced leave schedule under certain circumstances.

“Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason.

A “reduced leave” schedule is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee’s schedule for a period of time, normally from full-time to part-time. Regardless of how it is taken, the leave may not exceed a total of 12 weeks (or 480 hours) over a 12 month period.

In the case of an employee taking leave after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the County agrees. However, no such agreement is required where the mother gives birth and suffers a serious health condition in connection thereto, or the child suffers from a serious health condition. Leave for the birth, adoption, or foster care placement of a child must be taken within one year of the child’s date of birth or the date of placement.

Leave may also be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition (e.g. chemotherapy). It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

F. Using vacation/annual leave versus sick leave

If an employee has accrued paid leave (vacation and/or sick leave), the employee must use that paid leave first and take the remainder of the 12 weeks (480 hours) as unpaid leave. The manner in which paid leave is exhausted depends on the reason the leave is being taken.

Approved by the Board of Commissioners 8/19/2009
Modified and Approved by the Board of Commissioners 12/5/2011

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An employee taking leave due to the birth of and need to care for their child must use sick leave (up to 80 hours), then all remaining annual leave, in that order, before being eligible for unpaid leave. An employee taking leave following a cesarean procedure must use sick leave (up to 6 weeks or 240 hours), then all remaining annual leave, in that order, before being eligible for unpaid leave.

An employee taking leave due to the placement of a child with the employee for adoption or foster care may use sick leave (up to 80 hours) then all remaining annual leave, in that order, before being eligible for unpaid leave.

An employee taking leave due to a serious health condition of their child, spouse, or parent must use sick leave (up to 80 hours) then all remaining annual leave, in that order, before being eligible for unpaid leave.

An employee taking leave due to their own serious health condition must use all remaining sick leave and vacation leave, in that order, before being eligible for unpaid leave.

1. Donation of leave

An employee who has exhausted all available sick and annual leave as set out above, but who has not yet taken the full 12 weeks (480 hours) of leave, may receive donated leave in an amount sufficient to allow for the full 12 weeks (480 hours) to be taken. However, donation and use of leave is restricted to the manner in which the employee would otherwise be able to use the leave under this policy. For example, an employee takes leave due to the birth of and need to care for their child. He/she uses all of the allowed 80 hours of sick leave. He/she then uses all of her remaining annual leave of 4 weeks. A total of 5 weeks (200 hours) of FMLA leave has thus been used, leaving him/her 7 weeks (280 hours). But for donated leave, this remaining 7 weeks (280 hours) would be unpaid leave. He/she may receive an additional 7 weeks (280 hours) of donated leave, but such donations are restricted to annual leave because he/she has exhausted the available allowance of sick leave.

G. “Serious health conditions” under the FMLA and surrounding requirements

As previously noted, an employee may take FMLA leave in order to care for the employee’s spouse, child, or parent with a “serious health condition” or because of their own serious health condition that makes the employee unable to perform the functions of their job².

² An employee is “unable to perform the functions of the position” where the health care provider finds that: 1) the employee is unable to work at all; or 2) is unable to perform any one of the essential functions of the employee’s position as the term “essential function” is defined by the Americans with Disabilities Act.

1. Definition of “serious health condition”

- A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:
- **Inpatient care** (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or
- **Continuing treatment³ by a health care provider which includes any one or more of the following:**
 - A period of incapacity (inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, nurse, or physician’s assistant under the direct supervision of a health care provider or by a provider of health care services (e.g. a physical therapist) on referral by a health care provider or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider⁴
 - Any period of incapacity due to pregnancy, or for prenatal care;
 - Any period of incapacity or treatment for such incapacity due to a “chronic serious health condition”. A “chronic serious health condition” is one which meets the following three requirements:
 - It requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;

³ “Treatment” includes, but is not limited to, examinations to determine if a serious health condition exists, and evaluations of the condition. It does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A “regimen of continuing treatment” includes, for example, a course of prescription medication (e.g. antibiotics) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

- It continues over an extended period of time; and
 - It may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy)
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective but there is nonetheless continuing supervision of a health care provider (e.g. Alzheimer's, a severe stroke, or the terminal stages of a disease).
 - Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under the orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- Conditions for which cosmetic treatments are administered (e.g. acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop which would otherwise satisfy the requirements of the same.
 - Common ailments such as the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are also not “serious health conditions” unless inpatient hospital care is required or unless complications develop which would otherwise satisfy the requirements of the same.
 - Restorative dental or plastic surgery after an injury or removal of cancerous growths are “serious health conditions” provided that the definition of the same is otherwise satisfied.
 - Mental illness resulting from stress or allergies may be “serious health conditions” provided that the definition of the same is otherwise satisfied.
 - Substance abuse may be a “serious health condition” if the definition of the same is otherwise satisfied. However, leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave.

- Absences attributable to incapacity under a “serious health condition” qualify for leave even though the employee (or family member) does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised them to stay home when the pollen count exceeds a certain level. Another example is an employee who is pregnant being unable to report to work because of severe morning sickness.

2. Certification requirements for employees with a serious health condition

The County may require that an employee’s leave due to their own serious health condition, or that of a spouse, child, or parent be supported by a certification of the appropriate health care professional.

When the employee’s leave is foreseeable and at least 30 days notice has been provided, the employee should provide the medical certification before the leave begins.

When the leave is not foreseeable, the employee must provide the requested certification to the County within 15 calendar days of making their request for leave. If it is not practicable for the employee to provide the requested certification within 15 calendar days under the particular circumstances despite their diligent, good faith efforts to do so, the employee should provide it as soon as practicable under the circumstances.

3. Information required by medical certification

The employee may be required to provide the following information when requested to submit a medical certification:

- Which part of the definition of “serious health condition” applies (e.g. inpatient care, continued treatment by health care provider, the nature of the continuing treatment) and the supporting medical facts;
- The approximate date the serious health condition commenced;
- The probable duration of the resulting incapacity;

- Whether, in cases where the employee's absence is due to their own serious health condition, they are unable to perform work of any kind, unable to perform any one or more of the essential functions of their position, or must be absent from work for treatment. Note that the County has the option to provide a statement of the essential functions of the employee's position for the health care provider to review;
- Whether it will be necessary for the employee to take intermittent or reduced leave as a result of the serious health condition;
- The probable duration of an intermittent or reduced leave schedule;
- If additional medical treatments will be required for the condition, an estimate of the probable number of such treatments;
- If a regimen of continuing treatment is required, a general description of the regimen;

Relevant forms to be completed by the employee are included in the Appendix to this chapter. You may contact the Human Resources Office at 701-222-6669 to obtain the forms, or download and print the same from the Department of Labor website as follows:

<http://www.dol.gov/library/forms>

4. Adequacy of medical certification

If an employee submits a complete certification signed by the health care provider, and there is a question as to the validity of the same, the County may require the employee to obtain a second opinion, at the County's expense. If the opinions differ, the County may require the employee to obtain certification from a third health care provider, again at the County's expense. This third health care provider must be designated or approved jointly by the County and the employee. This third opinion shall be final and binding.

The County is required to promptly (i.e. within two business days of the request unless not practicable) provide the employee with a copy of the second and third medical opinions, where applicable, upon request of the employee.

5. Notice of intent to return to work

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The County may require an employee on FMLA leave to report periodically on their status and intent to return to work. When the employee is aware of their ability to return to work, the employee should give notice to their immediate supervisor and to the Human Resources Department as soon as practicable under the circumstances but no less than 2 working days of the employee's planned return.

6. "Fitness for duty" reports

Where an employee takes FMLA leave due to their own serious health condition which made them unable to perform the essential functions of their job, the County may require the employee to obtain and present certification from the health care provider that the employee is able to resume work before allowing the employee to return.

H. FMLA due to a qualifying exigency arising from a call to active military duty or an impending call or order to active military duty

On January 28, 2008 President Bush signed an amendment to the FMLA into law which added two new "triggers" for FMLA eligibility. The first amendment allows an employee who is the spouse, son, daughter, or parent of a person on or about to be on active military duty to take up to 12 weeks of leave for any "qualifying exigency" in support of a contingency operation.

1. What constitutes "active duty"

The term "active duty" applies only to a federal call or order to active duty. State calls to active duty do not qualify unless under order of the President of the United States or pursuant to certain other provisions of federal law.

2. What constitutes a "contingency operation"

The term "contingency operation" means 1) an operation designated by the Secretary of Defense as one in which members of the armed forces are, or may become, involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force or 2) an operation which results in the call or order to, or retention on, active duty of members of the uniformed services

3. Types of "qualifying exigencies"

There are eight categories of qualifying exigencies arising from a call to active military duty or an impending call or order to active military duty which trigger FMLA eligibility.

A. Short notice deployment

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The FMLA allows leave to address any issue that arises from the fact that a covered military member is notified an impending call or order to active duty seven or less calendar days prior to the date of employment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered military member is notified an impending call or order to active duty. Leave after the initial seven calendar days must fall under one of the other categories of qualifying exigencies.

Example: if an employee's spouse receives orders to active duty in support of a contingency operation on October 5, and the spouse will be deployed on October 9, the employee would be eligible for leave under this provision on October 5, 6, 7, 8, 9, 10, and 11 and may take such leave in order to make or update financial or legal arrangements, to spend time with the military member, or for any other reason related to the call or order to active duty. Leave taken after these seven days must qualify under one of the other exigencies.

B. Military events and related activities

The FMLA allows leave to attend any official ceremony, program, or event sponsored by the military and to attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

Examples: arrival and departure ceremonies, pre-deployment briefings, briefings for the family during the period of deployment, and post-deployment briefings

C. Childcare and school activities

The FMLA allows leave to arrange childcare or attend certain school activities for a biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in the place of a parent.

Examples: to arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll the child in or transfer the child to a new school or day care facility; to attend meetings with staff at a school or day care facility.

D. Financial and legal arrangements

The FMLA allows leave to make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status.

Examples: preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, preparing or updating a will or living trust.

E. Counseling

The FMLA allows leave to attend counseling provided by someone (other than a healthcare provider) for oneself, for the covered military member, or the biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in the place of a parent. The counseling must arise from the active duty or call to active duty status of a covered military member.

Examples: counseling provided by a military chaplain, pastor or minister, or counseling offered by the military or a military service organization not provided by a healthcare provider.

F. Rest and recuperation

The FMLA allows leave to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Employees may take up to five (5) days of leave for each instance of rest and recuperation.

Examples: A covered military member returns home for a fourteen (14) day rest and recuperation leave. The employee would be able to take leave of up to five (5) days to spend time with the covered military member for that particular block of leave. In six (6) months the covered military member returns for another seven (7) day rest and recuperation leave. The employee would be able to take leave again for up to five (5) days for this second block of leave.

G. Post-deployment activities

The FMLA allows leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty and to address issues that arise from the death of a covered military member while on active duty status.

Examples: "welcome home" ceremonies for returning covered military personnel, re-integration briefings to help returning covered military personnel adjust to civilian life, recovering the body of a covered military member.

H. Additional activities

The FMLA allows leave to be taken for address other events which arise out of the covered military member’s active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

I. Caregiver leave to provide care for a covered service member with a serious injury or illness incurred in the line of duty

On January 28, 2008 President Bush signed an amendment to the FMLA into law which added two new “triggers” for FMLA eligibility. The first was discussed above. The second allows an employee who is the spouse, son or daughter, parent, or next of kin of a “covered service member” to take 26 workweeks of leave during a 12 month period to care for the service member.

A. Who is a “covered service member”?

A “covered service member” is a member of the Armed Forces, including a member of the National Guard or Reserves, who, because of a serious injury or illness is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

B. What is a “serious injury or illness”?

A “serious injury or illness” is an injury or illness incurred by the covered service member in the line of duty on active duty in the Armed Forces that may render them medically unfit to perform the duties of their office, grade, rank, or rating.

C. Who may certify that the covered service member is suffering a serious injury or illness?

Burleigh County may request that the employee seeking to take military caregiver leave obtain an appropriate certification that a service member’s serious injury or illness was indeed incurred in the line of duty on active duty. Such certification must come from a Department of Defense health care provider or an authorized health care representative of the Department of Defense.

D. Who is considered a covered service member’s “next of kin”?

Generally, the next of kin is the nearest blood relative of the covered service member (other than their spouse, parent, son, or daughter) unless the covered service member has specifically designated, in writing, another blood relative as their next of kin. Burleigh County may request, from the employee, reasonable documentation of the familial relationship entitling the employee to treatment as next of kin.

- E. How much time can I take for military caregiver leave?**
An employee may take 26 workweeks of leave during a single 12 month period to care for a covered service member who, because of a serious injury or illness is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list. The 12 month period workweek period begins on the first day the employee takes military caregiver leave and ends 12 months after that date.

- F. If I take the 26 workweeks of military caregiver leave, can I also take 12 weeks of FMLA leave for another qualifying reason?**
No. An employee is entitled to take a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA qualifying reason, and the employee may not take more than 12 workweeks of leave for any other FMLA qualifying reason.

- G. If my spouse and I are both employees of Burleigh County, can we combine our 26 workweeks of available leave together?**
No. A husband and wife who are eligible for FMLA leave and are employed by Burleigh County may be limited to a combined total of 26 weeks of leave during the single 12 month period.

IV. Employee’s status and benefits during leave

While an employee is on leave, the County will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the employee to reimburse the County the amount it paid the employee’s health insurance premium during the leave period.

While on paid leave, the County will continue to deduct the employee’s health insurance premium from their pay. While on unpaid leave, the employee will need to continue to make this payment to continue their health care coverage.

If the employee contributes to a dental, life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those County payments. If the employee does not continue these payments, the County may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with state law.

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Chapter 5

SECTION 2: LEAVE SHARING PROGRAM

County employees may donate annual and sick leave to other county employees. Employees may also receive donated leave. Employees requesting shared leave must use the leave donation request form.

Terms used in the section:

- a. “Household members” means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.
- b. “Relative of the employee” is limited to the spouse, child, stepchild, grandparent, or parent of an employee including stepparent.
- c. “Severe” or “extraordinary” means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.
- d. “County employee” means a regular employee with over six months of continuous service with the county. It does not include employees in probationary status or employees on temporary or other limited term appointments.

Annual Leave Sharing

A County employee may donate annual leave to another county employee who is suffering or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.

A county employee is eligible to receive shared leave pursuant to the following conditions:

- a. The department head determines that the employee meets the criteria described in this section.
- b. The employee has abided by county policies regarding the use of annual leave.
- c. The employee’s use of shared leave, including both annual and sick leave, does not exceed 12 weeks (480 hours) over a twelve-month period.

A county employee may donate annual leave to another county employee only pursuant to the following conditions:

- a. The receiving employee has exhausted, or will exhaust, all annual leave, and sick leave due to an extraordinary or severe illness, injury, impairment, or physical or mental condition, and involves the employee, a relative of the employee, or a household member of the employee.
- b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.
- c. The donating employee donates leave in full-hour increments and must retain a leave balance of at least forty hours.

The department head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

Donated annual leave is transferable between employees in different departments within Burleigh County.

One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.

Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.

All forms of paid leave available for use by the recipient must be used prior to using shared leave.

Any shared leave not used by the recipient will be returned to the donor.

All donated leave must be given voluntarily. No county employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

Sick Leave Sharing

Terms used in this section:

- a. "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.

- b. County employee” means a regular employee with over six months of continuous service with the county. It does not include employees in probationary status or employees on temporary or other limited term appointments.

A county employee may be eligible to receive shared leave pursuant to the following conditions:

- a. The department head determines that the employee meets the criteria described in this section.
- b. The employee has abided by county policies regarding the use of sick leave.
- c. The employee’s use of shared leave, including both sick and annual leave, does not exceed 12 weeks (480 hours) over a twelve-month period.

A county employee may donate sick leave to another county employee only pursuant to the following conditions:

- a. The receiving employee has exhausted, or will exhaust, all annual leave and sick leave due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature;
- b. The condition has caused, or likely to cause, the receiving employee to go on leave without pay or terminate employment; and
- c. The employee may not donate more than ten percent of the employee’s accrued leave hours; leave must be donated in full-hour increments and the employee must retain a leave balance of at least forty hours.

The department head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee’s condition.

Donated leave is transferable between employees in different departments within Burleigh County.

One hour of donated sick leave must be regarded as one hour of shared leave for the recipient.

Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.

All forms of paid leave available for use by the recipient must be used prior to using shared leave.

Any shared leave not used by the recipient will be returned to the donor.

All donated leave must be given voluntarily. No county employee may be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

*Note: The Human Resource Department will not process any leave requests. Forms can be obtained from the Human Resource Department or a Department's payroll coordinator.

**BURLEIGH COUNTY HUMAN RESOURCE DEPARTMENT
LEAVE DONATION REQUEST FORM**

Name: _____

Employing Department: _____

Leave donations I wish to be eligible to receive: [] Annual [] Sick # Hours Requested _____

General nature of condition : _____ (i.e., illness, injury, surgery)

I am applying for a leave donation. I understand that county employees may donate leave to me as follows:

1. Annual leave if I, a relative or household member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause me to take leave without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. Also, leave donated to me may only be used by me for the purpose specified and is not payable in cash; and cannot exceed 12 weeks (480 hours), including both annual and sick leave, over a twelve-month period.

2. Sick leave if I am suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause me to take leave of absence without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. Also, sick leave donated to me may only be used by me for the purpose specified; is not payable in cash; and cannot exceed 12 weeks (480 hours), including both annual and sick leave, over a twelve-month period.

_____ I certify that all leave available to me including sick leave, and annual leave, has been used or will be used by _____ (date). I understand any shared leave not used by me may be retained by me. I also agree to inform my supervisor of my acceptance of a leave transfer.

_____ Attached is a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(Employee Signature) (Date) (Supervisor Signature) (Date)

OFFICIAL OR DEPARTMENT HEAD/DESIGNEE REVIEW:

Request approved: [] Request denied: []

Request is denied for the following reason(s): _____

(Signature) (Date)
Send copy to employee after form is completed

Chapter 5

SECTION 3: LEAVE WITHOUT PAY

1. Leave without pay may be granted to regular employees who have maintained a satisfactory service record. For cases involving Workforce Safety and Insurance see Chapter 4, Section 14.
2. A leave of absence of up to sixty (60) days may be granted for a sufficient reason agreed upon by the employee and department head.
3. Leave of absence of greater duration must receive the approval of the Board of County Commissioners prior to the commencing of such leave.
4. A leave of absence, without pay, shall not be granted to an employee until all qualifying forms of accumulated leave has been taken.
5. A leave without pay may not be granted for a period longer than one year. If an employee who is granted leave without pay fails to report for duty on the date following the expiration date of the leave, such employee shall be terminated; unless other arrangements have been agreed to between the employee and the appointing authority.
6. Upon written request, an employee may be granted leave without pay for a temporary disability; however,
 - A. The employee may be required to submit a written request for such leave without pay, and/or
 - B. The department shall request a written statement signed by a physician stating the reasons for the leave.

CHAPTER 6

SECTION 1: HARASSMENT POLICY

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

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

Definitions

Unlawful harassment is defined as verbal or physical behavior which relates to an individual's race, color, national origin, religion, gender, age, sexual orientation and/or disability when such conduct has the purpose or effect of 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 types of behavior, even if unrelated to a legally protected status; when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment 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:

- Submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition of employment or advancement;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or sexually offensive working environment.

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

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

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

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

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

Complaint Procedures

An employee who feels that he/she has been subject to workplace harassment, sexually harassed or has witnessed sexual harassment has several avenues of reporting the behavior and is encouraged to use the County procedure to resolve any sexual or other unlawful harassment. If unreported, the County is severely limited in maintaining a workplace free of sexual or other

unlawful workplace harassment. Employees are not required to deal directly with an offending individual(s) in seeking resolution.

1. An employee who feels that he/she has been subject to sexual, unlawful or workplace harassment should clearly state to the individual that his/her behavior is offensive to them.
2. If you are unable to confront your alleged offender or the behavior persists after confronting the alleged offender; go to your immediate supervisor who shall immediately notify the Department Head and Human Resources.
3. If the immediate supervisor is involved in the alleged harassment, the incident should be reported directly to the Department Head, who shall immediately notify Human Resources.
4. If the complaint involves the department head, the incident should be reported directly to the Human Resource Director and/or the portfolio commissioner.
5. If the complaint involves a member of Human Resources, the incident should be reported directly to the Department Head and/or designated portfolio commissioner.
6. If the complaint involves a member of the Board of Commissioners, the incident should be reported directly to the State's Attorney.
7. The Human Resource Director shall be responsible for conducting an investigation in a fair, prompt and complete manner as outlined in the nature and scope of investigation.

Nature and Scope of Investigation:

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

Protection against Retaliation and Reprisal

- a. 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. Burleigh County will not tolerate reprisal against an individual who in good faith, reports or provides information in an investigation about behavior that may violate this policy. Intentionally providing false information however is grounds for dismissal.
- b. Every employee has the right to report sexual harassment without fear of reprisal. Acts of reprisal against an individual should be reported immediately. Reprisal occurs if

someone threatens an employee or his/her career, because the employee filed a complaint or discussed an issue with member of management.

- c. Persons who are asked to cooperate and participate in a pending investigation shall be able to do so without fear of reprisal as also outlined in the County's Open Door Policy. Burleigh County shall take disciplinary action up to and including termination of any employee or member of management who directly or indirectly:
 - a. Prevents an employee from cooperating, participating or talking with the parties conducting an investigation of a sexual harassment claim, or
 - b. Harasses an employee and/or creates a negative impact that affects an employee who has cooperated, participated or talked with the parties conducting an investigation.

Discipline

1. An employee who is found to have engaged in sexual, workplace or unlawful harassment or retaliation, or who is found to have knowingly condoned, encouraged, or perpetuated an act or acts of sexual, workplace, or unlawful harassment or retaliation, shall be subject to disciplinary action; including but not limited to, suspension, loss of salary increment, demotion and termination.
2. Any employee who believes that they have been unfairly disciplined may follow the County Complaint Grievance procedure as outlined in the Burleigh County Personnel Policy Handbook in Chapter 8.

Dissemination of Policy

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

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

CHAPTER 7

SECTION 1: TENURE OF EMPLOYMENT

SEPARATIONS

1. The continued employment of every employee shall be based on satisfactory job performance/behavior. This provision shall not be interpreted to prevent the separation of any employee for cause or because of lack of funds or curtailment of work.
2. Departments will document reasonable efforts to correct an employee's performance in cases where it is inadequate or to provide for transfer, demotion or separation if the inadequate performance cannot be corrected.

CHAPTER 7

SECTION 2: RESIGNATION

1. When resigning, every attempt should be made to notify the appointing authority in writing as far in advance as possible with a minimum of two weeks notice.
2. The department administrator shall complete form CP-102, "Employee Termination" and forward it to the County Human Resource Director.
3. The County Human Resource Director shall compute the employee's unused annual leave and sick leave at the employee hourly rate to determine the final pay, Refer to Chapter 5, Section1, Par. 8 and Chapter 5, Section 2, Par. 8.

CHAPTER 7

SECTION 3: REDUCTION IN FORCE (RIF)

If it is necessary to achieve a reduction of the work force, the department head may separate any employee because of lack of funds, curtailment of work or as the result of reorganization. No permanent employees, however, shall be separated while there are emergency, temporary, provisional or probationary employees serving in the same class, agency, location, work station or funding source.

CHAPTER 7

SECTION 4: DISCIPLINARY ACTION

Disciplinary action by a department head, or his/her designated replacement, may be taken against an employee who has failed to conduct themselves appropriately or failed to meet performance expectations. The nature and severity of the disciplinary action will be determined by the department head, or in a severe case, jointly by the department head and the County Commissioner which holds the department head's portfolio. A copy of the disciplinary action must be filed with the County Human Resource Director.

Reasons for disciplinary action may include but not limited to:

1. Gross negligence of duty or inability to perform essential functions (see ADA).
2. Refusal to comply with proper commands or instructions.
3. Insubordination.
4. Offensive language or conduct.
5. Continued incompetence and inefficiency, or carelessness in performing job duties.
6. Theft, abuse, destruction, or loss of county property or falsification of records.
7. Consuming alcoholic beverages or controlled substances without a prescription while on duty or being intoxicated while on duty.
8. Neglect of proper safety procedures which led to or caused an accident, fire or damage to any person or piece of County property.

Disciplinary actions may include but are not limited to any one or combination of the following:

Suspension -the department head, after written notice may suspend any employee without pay.

Demotion - An employee may be demoted. A demotion may be an involuntary disciplinary reduction in salary and status of an employee.

Dismissal - An employee may be dismissed. A written statement of reasons for the dismissal shall be submitted to the employee, upon request by the department head.

CHAPTER 7

SECTION 5: SUSPENSION

1. The department head may, after written notice, suspend any employee without pay for a period not to exceed one month in any one calendar year. A regular employee shall have the right to appeal the suspension by an appointed department head.
2. The Board of County Commissioners may suspend any employee for the length of time necessary when an investigation is required to resolve the disciplinary action, with or without pay.
3. Any employee who is suspended with or without pay shall not be eligible for benefits during such suspension period as listed below:
 - * Annual Leave
 - * Sick Leave
 - * County Health Insurance
 - * County Life Insurance

Any employee wishing to continue the insurance benefits must reimburse the county in advance to assure continuation. Failure to continue the insurance during the suspension may subject the employee to a medical examination as required by the insurance company providing the service when the employee returns to regular duty.

EXCEPTION: No suspension of benefits may take place when an employee of the Sheriff's Department is placed on a suspension with pay during an investigation into the discharge of a firearm or other related shooting incident until the investigation concludes.

4. Any employee who is suspended must immediately surrender any keys to county property, including motor vehicles, desks, lockers and office buildings. The department head is required to notify the County Personnel Director in writing within three days of the suspension that this relinquishment has been accomplished.
5. An employee who is suspended without pay shall be allowed to use accrued annual leave for such suspension period.
6. It shall be the responsibility of the employee to inform the County Personnel Director in writing, within 30 days of his/her intentions regarding insurance continuation and whether the employee wishes to use accrued annual leave during the suspension.

CHAPTER 7

SECTION 6: DEMOTION

A demotion may be an involuntary reduction in the status of an employee from a position in one class to a position in a lower class having a lower entrance salary. It may be a reduction of salary within grade. A regular employee shall have the right to appeal a demotion by a department head. The employee would appeal to the direct supervisor, if the employee is not satisfied with the response they can continue with the next supervisor in line or the next logical progression of suspension.

CHAPTER 7

SECTION 7: DISMISSAL

The department head may dismiss an employee. A written statement, by the department head, for reasons for the dismissal shall be submitted to the employee, upon request, and placed in the employee's personnel file. A regular employee shall have the right to appeal a dismissal by a department head.

Chapter 7

SECTION 8: CURRENT EMPLOYEE CRIMINAL RECORD AND DRIVERS LICENSE SUSPENSION

Current County employees have a duty to immediately report a criminal conviction. All felonies and misdemeanors involving violence and theft; or any offense requiring one to register as a sex offender must be reported to their immediate supervisor and the Human Resource Director. Additional evidence about the conviction (example, the judgment of conviction) will be placed in the employee's official personnel file. The employee can add a statement pertaining to the conviction. Whether the conviction has an effect on employment status will be determined by the supervisor after consultation with the Human Resource Director and State's Attorney.

A County employee who is required to operate a vehicle in the performance of regular scheduled duties must have a valid North Dakota Drivers License. If such license is suspended for any traffic violation the employee has a duty to notify their immediate supervisor, Department Head, and the Human Resource Director within five days of the arrest or violation. While an arrest or violation is not a conviction, the Department Head and Human Resource Director will determine any potential actions or consequences on a case by case basis.

If the employee fails to notify his or her immediate supervisor, Department Head, and the Human Resource Director within the five days of the arrest or violation, the employee will be subject to immediate suspension from County employment without pay. (REF. Chapter 7,Section 5).

Chapter 8

Section 1: Grievance Policy and Procedures

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

Scope: This policy applies to the County Commission and all departments and employees of Burleigh County Government. Social Service employees are covered by the North Dakota merit system and will refer to the internal grievance policy for Social Services.

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

Procedure:

1. The employee must submit his/her grievance in writing, utilizing a grievance report form available from the Human Resource Department.
2. The employee should discuss his/her grievance with the immediate supervisor as the first step in the grievance procedure, within fifteen (15) working days after the incident.
 - If a mutual agreement is reached, both the employee and immediate supervisor will acknowledge this in writing, utilizing the grievance report form.
 - If a mutual agreement is not reached at this level both the employee and immediate supervisor will acknowledge this in writing; the employee may then forward the grievance to the next supervisory level, if one exists within the department.
 - If the origin of the grievance involves the immediate supervisor, the employee may then advance the grievance to the next step.
3. If the grievance is not settled in step one, the employee may forward the grievance to the next supervisory level, the Department Head within fifteen (15) working days.
 - The employee and the immediate supervisor will utilize the employee grievance report form to present their positions in writing to the Department Head.

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- The Department Head will have fifteen (15) working days from the receipt of the grievance report form, to provide the employee and immediate supervisor with a decision regarding the grievance.
 - If a mutual agreement is or is not reached, both the Department Head and the employee will acknowledge this in writing, utilizing the employee grievance report form.
 - If the origin of the grievance involves the Department Head, the employee may then advance the grievance to the next step.
4. If the grievance is not settled in step two, the employee may forward the grievance to the Human Resource Department within fifteen (15) working days. A member from Human Resources will work to mutually resolve the grievance and will respond in writing to the employee and supervisory staff within fifteen (15) days from the receipt of all written material.
 - If the origin of the grievance involves a member of the Human Resource Department, the employee may then advance the grievance to the next step.
 5. If the grievance is not settled in step three, the employee may request, in writing, that the Human Resource Director forward the grievance to the appointing authority, the Board of County Commissioners within fifteen (15) working days. The Human Resource Director shall then forward the request to the Board's Chairperson and County Auditor, to be included on the agenda of the next regularly scheduled Board meeting.
 6. The Board of County Commissioner's may elect to hear the grievance or to contract a hearing officer to hear or review the grievance. Once the Board of Commissioner's has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.
 - If the Board determines to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties submit information in writing, verbally or combine both options.
 - Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within fifteen days (15) after making a determination.
 7. If at anytime through the grievance process, either the employee and/or supervisory level may request alternative dispute resolution or mediation services. All parties involved must agree to the use of mediation prior to the method being utilized.
 - During the time period when mediation services are being utilized, the time limits of the internal grievance procedure will be considered suspended. At the conclusion of the mediation process, if a resolution is not reached, the time limitations of the grievance procedure are re-activated. Note: The Mediator determines the date of conclusion of mediation process and will notify all parties.

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Additional Provisions:

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

Employee Eligibility: The following employees may file a grievance:

1. Regular full time employees,
2. Regular part time employees,
3. Probationary employees may grieve issues of discrimination,
4. Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

Non-grievable Items:

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

Chapter 8

Section 2: Definitions for the Grievance Policy and Procedure

Definitions for the purpose of this policy:

Regular Full Time Employee - means an employee who occupies an approved and funded position on a full time basis, and who has satisfactorily completed a probationary period.

Regular Part Time Employee – means an employee who occupies an approved and funded position on a part time basis, who works between 20 hours to 40 hours per week, and who has satisfactorily completed a probationary period.

Probationary Employee – means an employee who is in the initial stage of employment, who has not met the satisfactory level of performance for regular status.

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

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

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

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

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

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

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

CHAPTER 8

SECTION 1: DEFINITIONS FOR GRIEVANCE PROCEDURES GRIEVANCE AND APPEALS

Definition For Purposes Of This Policy

1. “Grievance Procedure” is a process whereby the County Commission will be the final step in a multi-step process for resolving complaints and appeals from employees. An employee hearings examiner may investigate, gather, and present all pertinent facts to the County Commission for a binding administrative decision.
2. “Grievance” means complaint to the appointing authority by an employee involving conditions of work, work relationships, or the interpretation or application of policies, rules, regulations and/or legislation which have been adopted to cover personnel practices in an agency, department. A grievance must concern a matter which is subject to the control of the appointing authority.
3. A “Regular Full Time Employee” means an employee who occupies an approved and funded position and who has satisfactorily completed a probationary period.
4. “Probationary Employee” means an employee who is in the final stage of the selection process so that the employee/agency/appointing authority may assess ability to perform on a given job.
5. “Supervisor” means an employee who is responsible for and has the authority to assign the work of others, who hires, fires, schedules and evaluates work, or effectively recommends all or most such actions.
6. “Department Head” means an employee who is an administrative division of government, generally this individual is appointed by the County Commission or is elected by the people. This is responsible for and has the authority to assign work of others, who hires, fires, schedules and evaluates work, budget responsibilities or effectively recommends all or most such actions.
7. “Regular Part Time Employee” means an employee who occupies an approved and funded position, who has satisfactorily completed a probationary period and who works 20 hours or more per week, but less than 40 hours per week.
8. “Demotion” means an involuntary change in status of an employee from position in one class to a lower one.
9. “Dismissal” means the involuntary termination of employment of an employee.

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10. "Suspension" means an enforced leave of absence for disciplinary purposes or for pending investigation of charges made against an employee. Suspension may be with or without pay. Only suspension without pay may be appealed to the County Commission.
11. "Discrimination" means an adverse action because of race, color, religion, age, disability, sex or national origin in all employment practices including hiring, firing, promotion, compensation and other tenures, privileges and conditions of employment.
12. "Binding Decision" is a final administrative remedy.
13. "Due Process" is a legal check designed to insure an employee: 1) is informed of what action is being taken and the reasons for it, and 2) has an opportunity to respond to and question the action and to defend or explain the questioned behavior or actions.

GRIEVANCE AND APPEALS POLICY

Non-grievable Items:

- A. Issues which are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
- B. Relocation of employees.
- C. Temporary work assignments.
- D. Budget and organizational structure, including the number of assignment of employees in any organizational unit.
- E. The manner and method of performing work assignments.
- F. Benefits. (IE holidays, annual leave, etc.)

General Provisions:

- A. Establishment and Approval of Procedures: The procedure shall be designed to allow for fair representation of the interests of the parties involved, to present completely their case and to process employee grievances as expeditiously as practicable.
- B. Method of Counting Days: Time shall be computed pursuant to N.D.C.C. 1-02-15 and Rule 6 (a), North Dakota Rules of Civil Procedures.
- C. Filing Cut-Off Date: Grievances shall be filed in writing and delivered to the appropriate supervisor no more than ten days after the occurrence upon which the grievance is founded, after the employee becomes aware of the problem or after the informal efforts have been exhausted.

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- D. Forfeiture of Grievance Rights: Failure of the employee to proceed within the time limits set forth for any step of the procedure shall constitute a waiver of his/her rights to proceed further with the grievance under this procedure unless an extension is granted in writing or orally by the appointing authority or department head.
- E. Management's Obligation to Respond: Upon failure of the appropriate supervisor to act within the time limits set forth in any step of the procedure, the employee shall have the option to proceed to the next step in the procedure after completing the previous step.
- F. Representation: An employee may represent himself/herself since the employee is most familiar with the facts, but should this present a hardship, an employee may secure council. An employee, of course, may utilize services or advice of any group or persons to assist him/her with the preparation of the written documentation that would initiate the grievance procedure.
- G. Preparation Time: The employee shall be allowed reasonable and necessary time during regular work hours without loss of pay or leave credits to make necessary contacts for processing a grievance in accordance with the provisions of this procedure. The appointing authority shall insure that work processes and shifts are sufficiently covered in respective work areas at all times.

Employee Eligibility:

The Commission determines that the following employees may file a grievance:

1. Regular full time employees
2. Regular part time employees
3. Probationary employees may grieve issues of discrimination based on sex, race, color, national origin, age disability or political affiliations.
4. Group grievances reflecting a similar or common complaint should be accepted and processed as a single one.

UPDATE NOVEMBER 1996

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STATE OF NORTH DAKOTA
County of Burleigh

221 NORTH 5TH STREET * PO BOX 5518 * BISMARCK, NORTH DAKOTA 58506-5518

Grievance Report Form

Part I – Type of Grievance Identification

Grievances to supervisor, Department Head, or the Human Resource Department may be made by non-probationary employees appealing dismissal, demotion, alleged discrimination, forced relocation, reduction in force, reprisal action, suspension without pay, notice of job posting, and job classification and/or salary range assigned to classification.

Part II - Employee/Agency Identification

| | | | |
|----------------------------|----------|----------|----------|
| Employee's Name: | | | |
| Employing Department | Division | | |
| Immediate Supervisor | Title | | |
| Employee's Mailing Address | City | State | Zip Code |
| Employee's Title | Home No. | Work No. | |

Part III - Grievance/Remedy Identification (This part must be completed)

| |
|--|
| STATE THE GRIEVANCE: (Be specific. Use additional sheets if necessary) |
| STATE THE SPECIFIC REMEDY(IES) SOUGHT TO RESOLVE THIS GRIEVANCE: |

Part IV - Steps to Internal Resolution

| | |
|---------------------------------|------|
| Immediate Supervisor's Response | |
| Supervisors Signature | Date |

| | |
|--------------------|------|
| Employee Comments | |
| Employee Signature | Date |

| | |
|------------------------------------|------|
| Second Level Supervisor's Response | |
| Supervisors Signature | Date |

| | |
|--------------------|------|
| Employee Comments | |
| Employee Signature | Date |

| | |
|-------------------------------|------|
| Appointing Authority Response | |
| Supervisors Signature | Date |

| | |
|--------------------|------|
| Employee Comments | |
| Employee Signature | Date |

Part V - Right to Mediation

I would be willing to take part in mediation services with an outside agency to better resolve the concerns expressed in this grievance if a reasonable remedy cannot be agreed upon at the County level.

Employee Signature

Date

Part VI- Requirement to Complete Burleigh County Grievance Procedure

To file a grievance, the non-probationary employee must complete this form and follow the grievance procedure outlined in Chapter 8, Section 2 of the Burleigh County Personnel Policy Manual. Definitions for Grievance Procedures and Appeals can be found in Chapter 8, Section 1 of the Burleigh County Personnel Policy Manual.

Part VII - Time Limitations to Begin the Grievance

- Grievances shall be filed in writing and delivered to the appropriate supervisor no more than fifteen (15) days after the occurrence upon which the grievance is founded.
- Failure of the employee to proceed within the time limits set forth for any step of the procedure shall constitute a waiver of his/her rights to proceed further with the grievance under this procedure unless an extension is granted in writing or orally by the appointing authority or department head.
- See Burleigh County Personnel Policy Manual, Chapter 8, for additional time limitations and explanations of procedures.

Part VIII - Certification

I certify I am a non-probationary employee and that this grievance meets the applicable time limitations.

Employee Signature

Date

Upon completion of this form, please submit it to the supervisor, Department Head, or Human Resources as outlined in Chapter 8 of the Burleigh County Personnel Policy Manual.

CHAPTER 9

SECTION 1: MODEL PERFORMANCE APPRAISAL PROCESS

The Burleigh County Commission believes that each of its employees has a right to:

1. Know what the department expects of that employee in terms of job duties and responsibilities.
2. Know how well the employee must perform in order to be considered an above-average employee.
3. Understand what criteria are used to determine job performance and salary increases.

In addition, the Commission realizes that well-informed, satisfied employees are more productive employees. Because the workload within the departments is heavy, a good level of productivity must be assured. Inasmuch as our staffing pattern will allow, we will continue to observe our general open-door policy in terms of inquiries and comments by any department employee; and our working supervisors will continue to observe all employees on a daily basis, attempting to set standards of performance for our various positions and will formally appraise the performance of each Burleigh County permanent employee at least annually.

Department Goals and Objectives

Annually the department officials and assistants will establish a work plan for the department. These become our goals and objectives and shall be a primary consideration in establishing measurable performance levels for each department and/or employee.

Individual Duties and Responsibilities

When each employee was hired by the department, he/she should have been provided a list of duties and responsibilities which the supervisor expected would be performed. These duty statements should be quantified through discussions between the supervisor and the employee. This procedure will provide a measurement capability in subsequent periods for employee evaluations and appraisals. The duties and responsibilities will relate to departmental goals and objectives.

What is a Performance Appraisal?

A performance appraisal is the formal opportunity each supervisor has to sit down with his/her subordinates to establish a line of communication for the purpose of discussing assigned duties and responsibilities, performance of the incumbent, training that might be recommended in order to assist an employee to meet the standards, and to afford both the employee and the supervisor an opportunity for questions and comments in order to ascertain a clear understanding of the employee's status in the department's work force.

The formal appraisal process will take place at least annually; however, the informal process of evaluating an employee's worth to the department should take place daily; that is, each one of our employees should be told when a job is well done or when a job was not completed as well as it might have been. The formal appraisal process can be a reinforcing and positive vehicle toward greater productivity of an employee, but would never take the place of recognition that should be given to an employee on a daily, weekly, and/or monthly basis. Consistence and job relatedness are the keys.

Benefits to the Employee

The performance appraisal process should benefit an employee in terms of a full understanding of what the department expects of them, where they stand in terms of meeting or exceeding standards set for the position, and establishing a good line of communications between the employee and the supervisor. Through the performance appraisal process, training needs may be identified that can be provided to bring an employee up to standard or to prepare an employee for advancement in the area of upward mobility within the department or within County government.

Also, an employee may benefit in terms of his/her supervisor being able to recognize in that employee various traits, skills, and/or potential for advancement. The whole process should make the employee feel a part of the organization in terms of setting goals and objectives not only for his/her part of the organization as a portion of the total goals.

In addition, an employee should, through the performance appraisal process, be compensated according to his/her performance. We encourage initiative and excellence of performance within County government and want to be able to identify those people who are the most productive and pay them accordingly within our fiscal appropriations.

Benefits to Management

The performance appraisal process should provide management with the ability to recognize high achievers, low achievers, and employees who should be considered for advancement. In this way, the department can select from within for promotion to encourage continued high performance and years of good service to the County.

The County will also be able to identify supervisors who are in need of training to assist them not only in the performance appraisal process but in the job of supervision itself. We would like to consider getting the job done though people to be our prime concern; that is, of necessity we must accomplish all duties and responsibilities with which the County is charged, but we must at the same time consider the needs and rights of the individuals performing those tasks in order to accomplish the goals of the organization most effectively. We expect that the performance appraisal process and accompanying pay for performance will achieve the greatest possible productivity for Burleigh County.

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Compensation

Pay for performance is supported by the County Commission and its various department heads and supervisors. But performance, measured through the performance appraisal process, will be but one of several considerations made in the salary setting process. Performance, longevity, and attendance will be combined to determine the pay of each County employee within the amount of funds available through appropriation.

We wish to move employees through the salary range if performance and funds available warrant such movement. If performance does not warrant movement up into the range, the employee will be counseled and performance will be improved with both individual and department assistance. If the performance cannot be improved after reasonable attempts, the employee might be recommended for a transfer, or, in very isolated cases, termination might be recommended.

The Form Itself

The form is a vehicle to measure the performance on an individual and must, of necessity, have a numerical rating. When measuring an employee's performance, frequently an employee asks, "As compared to what or whom— my fellow employee, the employee who came before me, your closest friend, someone in another department?" It must be stressed that an employee's performance will be measured against standards set for the job in which the employee is classified; that is, if an employee is not normally responsible for a given duty, he or she cannot be appraised at how well he or she is performing the duty. It is important that we watch appropriate classifications and that an employee is reasonably working within his/her classification. The form that we will use will give some direction to a supervisor and an employee who will together complete the process; however, the form will be pretty much narrative in design with a final numerical rating. (See form BCP-106).

You will note that we will be judging employee on quality of work, quantity of work, judgment, communicating orally and in writing, and dependability. These factors are selected because of their job relatedness to the greatest number of jobs found within Burleigh County. Employee initiative is addressed under each heading. Below we will expand upon the areas for your total understanding.

Quality of Work

This would be the level of your finished work product, either individually or as a group depending upon the situation. Your observance of the extent of teamwork required to accomplish an acceptable product, your job understanding as it relates to your duties and responsibilities, the neatness and acceptability of the product, etc.

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Quantity of Work

The actual amount of work that you are able to accomplish in a given period, either individually or as a group as the situation might require; timeliness of your actions and the meeting of deadlines; effective time management to utilize the full eight hour day for which we are all compensated.

Judgment

Decision making as it applies to your position, the setting of priorities, alternatives that might be available, when to seek assistance from lead workers or supervisors, planning and organizing the regular and unanticipated work schedule, contributing new ideas and developing better procedures for the ultimate goals of the department.

Communicating Orally and/or in Writing

Presenting ideas clearly and effectively; practicing clarity through the use of common language, being a good listener to subordinates, lead workers, supervisors, and all those staff with whom an employee comes into contact with; practicing proper grammar and punctuation; effective report writing.

Dependability

Being available to the department whenever needed, excepting cases where illness or approved vacation plans preclude attendance; carrying out duties and responsibilities using initiative and innovative thinking; maintaining the County's equipment, keeping it clean and handling it in a safe manner; being able to apply current knowledge, skills, and abilities to new tasks that might be assigned; the ability to work with a high degree of ambiguity and/or without close supervision when the situation arises, meeting deadline.

The five factors that we will use an appraising employee performance are expanded upon above. Along with the responsibilities all of us have as employees of Burleigh County, there are certain rights that accompany these responsibilities. Employees have the right to know and understand their assigned duties and responsibilities, to understand where they fit into the organization chart of the department and how their performance measures up, the right to respond to the department's charges of unsatisfactory job performance or behavior. Due process will always be provided through the model grievance procedure and the County Appeal Mechanism, available to all permanent employees.

Levels of performance will be graded inadequate, marginal, average, above average, and exceptional. While it will most always be difficult to assign a numerical rating to these five categories, it is necessary to determine actual performance.

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The rating will be as follows:

| | |
|---|----------------------|
| Unacceptable performance does not meet expectations | (49 points or below) |
| Inconsistently meeting performance expectations | (50 thru 59 points) |
| Consistently meeting performance expectations | (60 thru 75 points) |
| Frequently exceeds performance expectations | (76 thru 89 points) |
| Outstanding consistently exceeding performance expectations | (90 thru 100 points) |

While all of us would like to be considered exceptional performers and achievers, that is rarely an occurrence. If all of us attempt to use the system honestly and equitably each one will find it possible to improve his/her performance and the County will be the greatest one to benefit.

An attempt has been made to give some of the philosophy of a performance appraisal process and to explain the system used in Burleigh County government. Please bear in mind that the form itself is only a part of the entire system and that your performance will be fairly evaluated in terms of your assignments. The formal appraisal process will be used in conjunction with the informal appraisal process which will be maintained through daily recognition and the critical incident method.

The critical incident method of informal or formal performance appraisal is merely the jotting down by the supervisor of both good and bad performance incidents as they occur. These incident will not only be verbally recognized at the time they happen, but will be collected by the supervisor throughout the year so the incidents may be discussed at the time of the formal performance appraisal. The records of informal critical incidents may be viewed by the employee at any time through a formal request to the supervisor. (See Form BCP-105)

The focus is pay for performance, not cost of living. When the County Commission appropriates funds for a cost of living increase for employees, each one deserves the increase.

The system itself will never be completed in that as it is used, ways to improve and expand upon it will become apparent.

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CHAPTER 10

SECTION 1: WORKFORCE SAFETY AND INSURANCE

The purpose of this policy is to assure Burleigh County employees that they are protected by North Dakota Workforce Safety and Insurance (previously Workers Compensation) against accidental injury in the performance of their official duties. Workforce Safety and Insurance is a no-fault mandatory insurance plan to provide benefits to employees for job related injury or disease, or in the case of death, to a beneficiary.

1. All Workforce Safety and Insurance (WSI) claim forms (C1, C2, C3, C4, C16, and incident/accident/near miss report) must be submitted to the employee's supervisor, who then must submit to the Human Resource department, within twenty four (24) hours of injury; or if injury occurs on a weekend or holiday, as early as possible on the next actual workday.
2. If an employee is injured in such a way that he/she will be absent from work for more than five (5) days, the employee may be eligible for time loss wages from WSI. Determination of time loss wages is provided by WSI only after receiving all mandatory claim forms and Doctor's report of injury with recommendations and restrictions clearly defined.
3. An employee who is injured in the course of employment may elect to use accumulated sick or annual leave while receiving WSI benefits, however, the combination of benefits shall not exceed the employee's base salary. The use of sick or annual leave in conjunction with the benefits provided by WSI will provide the employee with his/her regular pay.
4. An employee who elects to use leave while receiving WSI benefits will be paid an amount equal to the difference between the employee's regular base salary and the amount of benefits the employee receives from WSI while on leave.
 - a. The employee's leave shall be deducted with the number of hours that corresponds to the difference between WSI benefits and regular base salary.
 - b. The employee must provide a copy of the benefit check from WSI to their supervisor so proper leave time may be deducted and differential pay may be calculated appropriately.
5. An employee who has utilized all leave benefits, or who has elected not to use accrued leave benefits, must be placed on leave without pay status for the remainder of the recovery period on the basis of State and Federal laws.
 - a. Once accrued leave is no longer available or the employee elects not to utilize accrued leave, he/she will no longer be required to furnish the supervisor with a copy of the benefit check.

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- b. An employee may remain in a leave without pay status for a period not to exceed two years.
- c. Employees receiving benefits from WSI are not eligible for leave donations from other employees.
- d. Volunteers are covered under separate organizational policies.

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Approved by the Board of Commissioners 12/01/2003

Chapter 10

SECTION 2: SAFETY POLICY

Statement of philosophy: To assist in providing a safe and healthful work environment for employees, customers, and visitors, Burleigh County has established a workplace safety program whereas the Risk Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program.

Scope: It is the policy of Burleigh County to provide safe working conditions and to follow operating procedures that will result in safe and efficient operations.

1. Burleigh County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, written communications, and Risk Management training sessions.
2. Employees and supervisors receive periodic workplace safety training. The training covers safety and health hazards along with safe work practices and procedures to eliminate or minimize hazards. Work area safety inspections will be conducted annually in all departments of Burleigh County to be in compliance with the Risk Management Program.
3. Each employee is expected to obey safety rules and to exercise caution in all work activities. All employees must follow the safety guidelines including wearing appropriate safety equipment as required. Employees must immediately report any unsafe condition to the appropriate supervisor.
 - a) A Near Miss/Incident/Accident report must be filled out immediately and submitted to the supervisor, who will then submit it to the Human Resource department.
4. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor and/or the Risk Manager and complete a Near Miss/Incident/Accident report and a C4.
 - a) If an injury results in the employee seeking medical attention, the Workforce Safety & Insurance forms must also be completed and submitted to Human Resources within 24 hours of the incident.
 - b) Such reports are necessary to comply with laws and initiate Workforce Safety & Insurance claim procedures when necessary.
5. All employees are responsible for cooperation in all aspects of safety and health. They shall comply with rules and regulations for their own safety, for the safety of their fellow workers, and for the safety of the general public. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Chapter 10

SECTION 3: ERGONOMICS

Burleigh County, in association with the North Dakota Association of Counties, has developed and continues to maintain an ergonomics program which educates and informs all employees about the basic principles of ergonomics.

1. The primary elements of the ergonomics program include:
 - a) Worksite evaluations
 - b) Control of exposures that may have caused cumulative trauma or repetitive motion injury (RMI)
 - c) Ergonomics training of employees.

2. The ergonomics program also focuses on educating employees on their personal responsibility to ensure good work habits (such as posture and body mechanics) and adequate fitness for work. The training program includes information to help employees understand:
 - a) Cumulative trauma or repetitive motion injuries such as carpal tunnel syndrome and back injury.
 - b) Proper body mechanics, posture, manual lifting techniques, work station design, etc.
 - c) Other work related stresses such as vibration, heat and cold, poor lighting and static positioning.
 - d) Early symptoms of ergonomically-related injuries. Employees must report symptoms to their supervisors. This information should be documented on a Near Miss/Incident/Accident report and C4 form and these forms should then be submitted to the Risk Manager to keep on file.

3. When a cumulative trauma injury or other RMI has been reported at Burleigh County that results from a job, process, or operation, a worksite evaluation will be conducted. The evaluation identifies potential exposures that may have caused the injury and determines the methods Burleigh County will use to control or minimize them. Affected employees will be informed of the potential exposures and trained in the control measures.

4. Every reasonable effort will be made to correct exposures in a timely manner. If the exposure is not capable of being corrected, all efforts will be made to minimize it to the extent feasible.
 - a) In determining how to correct or minimize exposures, Burleigh County will consider reasonable, cost-effective engineering or administrative controls.

5. All employees are required to report to their supervisor all workplace cumulative trauma injuries or RMIs after they have been identified and diagnosed by a licensed physician.
 - a) Any injury resulting in a Workforce Safety & Insurance (Workers Compensation) claim must have the appropriate paperwork completed by the employee and physician at that time of diagnosis.
 - b) The required forms must be submitted to the Human Resource department immediately after the medical appointment so proper claims management procedures can be implemented.

Chapter 10

SECTION 4: NEAR MISS/INCIDENT/ACCIDENT/SUPERVISOR REPORT

The Near Miss/Incident/Accident/Supervisor Report form is a combined form to enable an employee to report a number of different safety incidents. This form must be filled out whenever an employee is involved in an incident or accident that could have or did cause injury. This report may also be used to report any potentially unsafe conditions so these conditions may be remedied immediately.

1. The employee is responsible for filling out the first section of the form. Once the employee completes the employee section, the supervisor must complete the “Supervisor Investigation Report” section.
 - a) If there is a witness to the incident, there is a section for that information also.
2. For accident and injuries involving County visitors, employees shall first find proper assistance to meet the visitor’s needs. The employee should then complete the Incident Report and submit it to the Risk Manager.
3. Whenever County property has been damaged, (vehicles, buildings, etc.) an incident report must be completed stating as much information as possible.
 - a) If the damaged property is a result of a motor vehicle accident, it must be investigated and a copy of the police report must be included with the incident report.
 - b) Whenever an employee is involved in a motor vehicle accident while driving a county owned vehicle, or driving their personal vehicle for county business, they may be required to complete an alcohol and/or drug test as deemed necessary by the Department Head.
4. Employees are responsible for notifying the Supervisor or Department Head of any incident or accident as soon as possible after the incident or accident occurs. If an incident or accident results in an employee seeking medical treatment, the additional required forms, Incident/Accident report, C1, C2, C3, C4, and C16, must be completed and forwarded to Human Resources within 24 hours.

See following pages for Near Miss/Incident/Accident/Supervisor Report.

Initial Near Miss/Incident/Accident Report

Supervisor must submit report immediately to Risk Manager upon completion of all sections

Employee Section

Date of incident ___/___/___ Day of week _____ Time of incident _____ a.m./p.m.
Employee Name _____ SSN _____
Employee home address _____ Employee home phone _____
Job Title _____ Department _____ Birth date _____
Supervisor Name _____ Supervisor phone _____
Incident needing medical attention _____ **OR** Incident w/o medical attention _____
Did you seek medical attention? Yes ___ No ___ Date you sought medical attention _____
Name of treating physician _____ Medical Facility _____
Body parts injured _____/_____/_____
Location of incident _____
Description of incident _____

Were there witnesses? Yes ___ No ___ If yes, please list witnesses/phone numbers on back of form.
What could I have done to prevent the injury? _____

Do you feel you have been properly trained to perform your job duties? _____

Print name _____ Employee signature _____ Date _____

Supervisor Investigation Report

Description of incident _____
Immediate cause of injury _____

What safety training/equipment could have prevented this injury? _____

Has corrective action been initiated? If yes, what corrective action is being taken? _____

Management review _____ Signature _____ Date _____

If no management review has been done, when will it be done? _____

Was a non-county employee injured as a result of this incident? Yes ___ No ___ If yes, provide the name and address of all non-county employees on the back of this form.

Was there property damage? Yes ___ No ___ If yes, please complete property damage report located on the back of this form.

Print name _____ Supervisor signature _____ Date _____

Witness Information to Incident

Please provide the following information about the witness(es) to the incident:

Name _____
Phone number _____
Address _____

Name _____
Phone number _____
Address _____

Non-County Injury Information

Please provide the following information on each non-county person injured:

Describe the nature of the incident/injury to the non-county employee.

Name _____
Phone number _____
Address _____

Name _____
Phone number _____
Address _____

Property Damage Report

Please provide picture if available

What property was damaged? _____

Where can damaged property be seen? _____

Owner of the property _____

Witnesses: (List all known witnesses – If more room is needed attach another sheet)

Name _____
Phone number _____
Address _____

Name _____
Phone number _____
Address _____

Were the police involved? Yes _____ No _____ If yes, provide the name of the officer.

Print name _____ Signature of supervisor _____ Date _____

Chapter 10

SECTION 5: OCCUPATIONAL EXPOSURE POLICY & PROCEDURES

Statement of Philosophy: It is the policy of Burleigh County to maintain a safe and healthful working environment. It is recognized that minimizing the risk of occupational exposure in the workplace is the responsibility of all employees and that established safety guidelines, including wearing appropriate safety equipment such as safety glasses and protective gloves, must be followed.

Scope: For the purpose of this policy, “occupational exposure” shall be defined as a reasonable anticipation that contact with human blood or other potentially infectious materials may result from the performance of the employee’s duties. If an employee is exposed to blood borne pathogens or bodily fluids, these guidelines must be followed.

Procedures

The following procedures are to be observed by employees working in job classifications where occupational exposures may occur.

1. Employees having “occupational exposure” must have personal protective equipment readily available at their job site at all times. Such equipment shall be provided free of charge by the County. No affected employee shall knowingly risk exposure to blood infected materials by failing to use the personal protective equipment provided.
2. Gloves must be worn when coming in contact with blood or bodily fluids.
3. Protective masks and goggles must be worn when there is a possibility of a splash of blood or body fluids to the face.
4. Hands should be washed immediately following any contact with blood or body fluids regardless of whether gloves have been used.

If exposure occurs:

1. The employee must notify the supervisor of the exposure and the intent and/or need to seek medical treatment immediately.
2. The supervisor should provide the following paperwork for the employee to complete – the Incident Report, the C4 form, and the Workforce Safety & Insurance (WSI) packet, which includes the C1, C2, C3 and C16. The supervisor will then need to notify both Human Resources of the incident as well as the appropriate Department Head.
 - a. The employee has the responsibility of filling out the incident report, the C1, along with the C2 form which is a duplicate attached to the C1, the C16 and C4 form and returning them to the supervisor within 24 hours of the incident.

- b. On both the C1 and C2, along with the incident report, the employee should identify the known source or known exposure, if permissible and in accordance to policy and procedure requirements for privacy issues.
 - c. The employee will need to take the C3 form to the doctor and have them complete this. {This form is in triplicate, one copy is sent to WSI usually by the medical provider, the second copy is retained by the medical provider and the third copy is to be provided to the employer.} **This form needs to be completed by the doctor at the time of treatment and will need to identify any work restrictions and/or release the employee back to work.** The employee **does** need to return a copy to their supervisor upon their return to work.
 - d. All forms need to be turned into the Human Resource Office within 24 hours of the incident or notification from the employee.
3. The employee will need to go to one of the Designated Medical Providers and their affiliated clinics within our network, which is either MedCenter One Health Systems or St. Alexius PrimeCare. Unless the exposure was through severe means resulting in an injury, the employee can typically go to the walk-in clinic or their regular physician vs. the emergency room, to seek medical treatment.
 4. When the employee goes to the medical provider, they need to identify to the staff that they are being treated for an exposure to _____ and that it is a work-related claim.
 5. Once the tests have been completed, the employee will receive the results from the medical provider. In conjunction, the employee will receive a notice from Workforce Safety & Insurance notifying them of acceptance/denial of the claim.
 6. The need for follow up care is based on the medical documentation and subsequent decision of WSI. If an employee needs to have a follow up test, the employee will need to schedule an appointment with the same medical provider within 6 months to 1 year of the initial testing. The employee will again need to identify that it is a work related claim and provide the claim number assigned to their claim by WSI.
 7. In cases of exposure to blood, bodily fluids or other infectious disease, source individuals should be tested in accordance with North Dakota Century Code, 23-07.3. If the exposure occurs in the Detention Center, procedures must also be followed for testing of inmates outlined in N.D.C.C. 23-07-07.5.

An accurate and separate confidential record of exposure incidents shall be maintained in the Human Resource Department along with all other Workforce Safety & Insurance, medical, and workplace incident reports and documentation.

Chapter 10

SECTION 6: ALCOHOL AND CONTROLLED SUBSTANCE WORKPLACE POLICY

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

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

Testing Guidelines:

- 1) Post-offer pre-employment testing for drugs and alcohol will be conducted on all employees performing safety-sensitive functions or those required to have a commercial driver's license (CDL). Random testing on these employees will be conducted in compliance with DOT regulations.
- 2) Testing for drugs or alcohol of any current employee will be conducted when a supervisor has reasonable suspicion an employee is violating policy.
- 3) If an employee is involved in a motor vehicle collision using a County vehicle, or if using a personal vehicle driving for County business when County liability could be effected, then post collision testing is required when the collision involves a fatality, any involved vehicle requires towing from the scene, any person involved requires medical treatment away from the scene of the collision, or for cause.
 - a) Employees must be tested for alcohol within 2 hours and controlled substances within 32 hours.
 - b) If the alcohol test is not administered within 2 hours, the supervisor must file records stating why.
 - c) If no alcohol test is administered within 8 hours of the accident, no test will be given and the supervisor must file records stating the reason for the delay and the lack of testing.
 - d) Employees must submit the police report with the necessary Incident/Accident reports and when injuries occur, the Workforce Safety & Insurance reports. (See WSI policy Chapter 10, Section 1) Records will be maintained by the Human Resources department.

- 4) Employees requiring drug or alcohol testing because of motor vehicle collisions or determination of probable cause will be transported to and from the testing site by a supervisor or department head. Under no circumstances will the employee provide their own transportation.
- 5) Should the test results for drugs or alcohol be positive, a confirmation test will be conducted. Once the test is verified as positive, the employee may not return to work until directed by the County.
- 6) Any employee's refusal to be tested may be considered cause for dismissal.

If an employee receives a positive test, the employee will immediately be suspended. Following this suspension, the County will conduct an investigation to review the employee's past record of performance and appropriate action will be taken. All test results will be held in the strictest confidence by the Human Resource Department.

Employees shall notify their employer of any criminal charge or conviction of drug and/or alcohol violations within five (5) days, which may result in appropriate disciplinary action.

Employees are hereby notified that compliance with this policy is a condition of employment and failure to comply with this policy could result in disciplinary action, up to and including termination.

Note: This policy does not apply to controlled substances prescribed by a physician or to alcoholic beverages or controlled substances, which are maintained or used as evidence, for law enforcement purposes and/or County nursing services.

Chapter 10

SECTION 7: WEAPONS ON PREMISES

Burleigh County prohibits the possession or use of dangerous weapons on Burleigh County property. All employees are subject to this provision, including contract workers and temporary employees as well as visitors and customers. A license to carry the weapon does not supersede NDCC 62.1-02-05.

Exceptions to this policy include law enforcement officers as defined in NDCC 62.1-01-01(7)

Employees suspected of violating this policy may be subject to a search of their office. Employees violating this policy will be subject to arrest and/or disciplinary action, up to and including dismissal.

Definitions:

“Burleigh County property” is defined as all Burleigh County-owned or leased buildings under the Burleigh County’s ownership or control. This policy applies to all Burleigh County-owned or leased vehicles.

“Dangerous weapons” are defined in NDCC 62.1-01-01(1) and include firearms, explosives, and knives with blades of five inches or more. Employees are responsible for making sure that any item possessed by the employee is not prohibited.

Chapter 10

SECTION 9: DESIGNATED MEDICAL PROVIDER

This policy to be drafted at a later date.

Designated Medical Provider Notice

The 1995 Legislative Assembly enacted House Bill 1206 to require an employee who is injured on the job to notify the employer of the injury. This notification applies to all injuries that occur after July 31, 1995. If the employee fails to notify the employer of an accident, Workforce Safety and Insurance may take that failure to do so into consideration when determining compensability of the claim.

Our county is participating in the Workforce Safety and Insurance’s Risk Management Program. This requires us to designate health care providers to treat your workplace injuries and illnesses. **You may notify us in writing prior to an injury if you want to designate a different provider or add additional providers.** These providers can be individuals, clinics, hospitals, or any combination thereof. They can be medical doctors, osteopaths, chiropractors, dentists, optometrists, or any combination of these types of providers. **Workforce Safety may not pay for medical treatment to another provider unless you have been referred by the Designated Medical Provider. Emergency care is exempt from this Designated Medical Provider requirement.**

The Designated Medical Provider for Burleigh County is:
 Sanford or Primecare St. Alexius

Name of Employee _____ (please print)

I have been informed of the Workforce Safety and Insurance’s First Report of Injury Law that **informs me of my company’s requirement to report an injury immediately.** I have also been informed of my company’s Designated Medical Provider and the requirements concerning treatment for all workplace injuries and illnesses.

Signature of Employee _____ Date (initial and date below)

I wish to change the Designated Medical Provider the county has chosen or I wish to add the following provider(s) as a Designated Medical Provider from which I may seek medical treatment in the event of a workplace injury or illness.

Provider Name

Address (city, street if known)

Doctors Name (if known)

Provider Name

Address (city, street if known)

Doctors Name (if known)

Provider Name

Address (city, street if known)

Doctors Name (if known)

Provider Name

Address (city, street if known)

Doctor’s Name (if known)

Updated 12/12

2010 _____ **2011** _____ **2012** _____ **2013** _____ **2014** _____ **2015** _____ **2016** _____
Date _____ **Date** _____ **Date** _____ **Date** _____ **Date** _____ **Date** _____ **Date** _____

Chapter 10

SECTION 11: EMERGENCY EVACUATION

This policy to be drafted at a later date.

Chapter 11

SECTION 1: DEDUCTION SCHEDULE

This policy to be drafted at a later date.

Chapter 11

SECTION 2: VACATION AND SICK LEAVE ACCRUAL

This policy to be drafted at a later date.

CHAPTER 12

SECTION 1: OPEN DOOR POLICY

Scope: This policies applies to the County Commission and all agencies and departments of the Burleigh County Government.

Statement of Philosophy: Burleigh County encourages free and open channels of communication for employees at all levels and seeks to handle problems or conflicts of employees promptly and fairly. In order to provide free and open channels of communication for employees and to provide fair treatment, all employees are encouraged to use one of the following options:

1. When an employee has a problem or concern, the employee is encouraged to discuss the issue openly with his/her supervisor or Department Head so that appropriate action may be taken.
2. If an employee does not feel that a proper resolution has been determined at that level of management, the Human Resource Office will be available for consultation and guidance to either the employee or the Supervisor/Department Head.
3. In the event that after utilizing steps one (1) and two (2) above, the employee continues to feel that a proper resolution has not been determined to a grievable issue; the employee may refer to the formalized grievance process to address his/her issue as outlined in the Grievance Procedures. (See Grievance & Appeals Procedure, Personnel Manual; Chapter 8, Section 1-2).
4. Burleigh County encourages employees to seek a solution to any problem or concern without fear of reprisal. Burleigh County will take disciplinary action up to and including termination of any member of management who:
 - (a) Prevents an employee from talking with any management personnel he/she elects,
or
 - (b) Harasses an employee and/or makes negative employment decisions that affect that employee for talking with another management person.

01/30/13

ksj

Approved by the Burleigh County Commission 10/02/00

CHAPTER 12

SECTION 2: CONFLICT OF INTEREST POLICY

1. An employee of the County shall not hold any position, nor serve on any board in which such interest or position, would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.
2. 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.
3. An employee of the County may hold outside employment unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.
4. The County service position shall be considered the primary employer; outside employment would be considered as secondary. The Department Head and the Human Resource Director shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.
5. 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 and Human Resource Director to determine conflict of interests. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

CHAPTER 12

SECTION 3: POLITICAL ACTIVITY POLICY

1. As citizens of the United States, employees have the right to vote; no employer can deny that right or attempt to influence an employee, on how to vote.
2. A public employee cannot engage in political activities while on duty or in uniform in accordance with the North Dakota Century Code 44-08-19. Political Activity as used in this policy is defined in the NDCC 39-01-04.
3. The Hatch Act is a federal statute that applies to the political activity of certain state and local government employees. The statute applies to those whose principal employment is connected with programs and activities financed in whole or in part by federal loans and/or grants; and prohibit taking an active part in partisan politics.
4. An employee who is subject to the provisions of the Hatch Act may:
 - a) Run for public office in nonpartisan elections.
 - b) Campaign for and hold office in political clubs and organizations.
 - c) Actively campaign for candidates for public office in partisan and nonpartisan elections.
 - d) Contribute money to political organizations and attend political fundraising functions.
5. An employee who is subject to the provisions of the Hatch Act may not:
 - a) Be a candidate for public office in a partisan election.
 - b) Use Official authority or influence to interfere with or affect the results of an election and/or nomination.
 - c) Directly or indirectly coerce, attempt to coerce, or command contributions from subordinates in support of a political party, committee, organization, agency or candidate.
6. Where applicable, any State or local laws and/or regulations establish more strict prohibitions on the political activity of County and local employees; these prohibitions are in effect.

CHAPTER 12

SECTION 4: TIME OFF TO VOTE POLICY

1. This policy applies to the County Commission and all agencies and departments of the Burleigh County Government.
2. It is the policy of the County of Burleigh to encourage voting by all eligible voters at any statewide, special, primary, general, and/or local elections.
3. When an employee's regular work schedule conflicts with the time the polls are open, County departments and agencies are encouraged to grant employees who are qualified voters, the necessary and adequate time off from his/her employment for the purpose of voting.
4. Should an employee of the County need more time than the allotted break schedule for the purpose of voting, annual leave will be applied for any additional time taken.

01/30/13

ksj

Approved by the Board of Commissioners 7/6/00

CHAPTER 12

SECTION 5: LEGISLATIVE LOBBYING POLICY

1. For the purpose of legislative lobbying, an employee of Burleigh County must act in their official capacity and present testimony or be invited to appear before the council or committee for the purpose of providing information. NDCC 54-05.1-02.
2. An employee of Burleigh County, other than elected officials, will need to take annual leave for activities involved in lobbying at the State Legislature outside of his/her official capacity, unless the County Commission has approved such lobbying.
3. During the time period, should the Commission not be in session, such lobbying outside of the employee's official capacity, will need to be approved by the Commissioner holding the employee's department portfolio; or by the department's governing board.
4. Definitions for the purpose of this policy:
 - Lobbyist – Any person engaged on a part or full time basis who is required to register with the Secretary of State, has a certificate of registration and a distinctive lobbyist identification badge. NDCC 54-05.1-03.
 - Lobbying – Attempts to secure the passage, amendment, or defeat of any legislation and/or attempts to influence decisions made by the legislative council or interim committee. NDCC 54-05.1-02.

CHAPTER 12

SECTION 6: JOB SHARING POLICY

1. The County of Burleigh is continually searching for productive and flexible methods to achieve productivity from each County position and County agency and endorses job sharing.
2. Job sharing may utilize more than one part time employee to fill an authorized position, not to exceed the budgeted full-time equivalent position.
3. An agency or department may share an employee with another County agency or department in hour increments, provided that responsibilities and duties are comparable in each agency. Each Department Head shall be responsible for notifying the Human Resource Director of the potential job sharing responsibility.
4. The responsibilities and duties shall be specified and shared between the departments. Each Department Head shall have supervisory duties based on the percentage of time that employee spends in that department and would evaluate the employee's performance accordingly.

01/30/13

ksj

Approved by the Board of Commissioners 7/6/00

CHAPTER 12

SECTION 7: NO SMOKING POLICY

Scope: This policy applies to the County Commission and all agencies, departments, equipment of the Burleigh County Government.

Statement of Philosophy: It is the policy of Burleigh County to provide a healthy, smoke-free work environment for all employees. It is the intent of this policy to protect non-smokers from the health hazards created by second hand smoke; for this reason:

1. Smoking of any kind will be prohibited in any building, agency and/or department of Burleigh County.
2. Smoking of any kind will be prohibited in any vehicle or equipment, which is considered property of the County. For safety reasons as well as health reasons, this includes equipment with or without an enclosed cab.
3. Employees who wish to smoke may do so during regular breaks and meal periods, but must do so in designated smoking areas outside of County buildings.

Violations of this policy may be subject to disciplinary action up to and including termination.

01/30/13

ksj

Approved by the Burleigh County Commission on 10/02/00

CHAPTER 12

SECTION 8: PAYROLL DEDUCTIONS

No additional payroll deductions will be allowed unless at least 33 1/3% of County employees sign up for it.

(Commission minutes, March 3, 1987).

01/30/13

ksj

Approved by the Board of Commissioners 7/6/00

CHAPTER 12

SECTION 9: PERSONNEL FILE POLICY

Statement of Philosophy: It is the policy of Burleigh County to establish a consistent procedure and centralized location within the Human Resource Department for establishing, maintaining, and updating personnel files and records for all County departments and agencies. This policy is necessary to ensure that Burleigh County and the Burleigh County Board of Commissioners shall be in compliance with federal and state personnel regulations.

1. All original documents and forms required to be kept in employees' personnel files will be maintained in the Human Resources Department. These files will then contain all required original documents and forms concerning all required personnel information relating to those employees' tenure with Burleigh County and will become a part of the employee's permanent file.
2. Current and future copies of forms may, if preferred, be retained by the Department Head or Supervisor for the purpose of performance evaluations and monetary reasons related to budget expenditures; all original forms will be forwarded to the Human Resource Department.
 - This does not prohibit department administrators from maintaining written notes or records of employee's performance separate from the personnel file for the purpose of preparing performance evaluations and/or possible disciplinary action.
3. All original documents that address an employee's character and/or performance will be maintained in the personnel file, after and upon an employee's review of such documents. All employees must acknowledge that the employee has reviewed the material by signing the actual document (with the exception of commendation letters and training certificates).
 - The signature of an employee merely signifies that the employee has read the material to be filed and does not necessarily indicate agreement.
 - If the employee refuses to sign the copy to be filed, the Department Head shall indicate on the copy to be filed, that the employee was shown the material and that the employee refused to sign the copy filed. This will then be forwarded and maintained in the file.
 - An employee has the right to answer any material filed and such an answer will be attached to the original document. Any additional statements will not be used as the basis for any subsequent adverse personnel action.
 - No additional documents may be submitted by either the employee, supervisor, or Department Head, after the employee signature is obtained.
 - Anonymous letters or materials will not be placed in the employee's file.

01/30/13

ksj

Approved by the Board of Commissioners 5/1/00
Modified and approved by the Board of Commissioners 5/3/04.

4. Personnel files are records of a public entity and are subject to the North Dakota open records rule. Articles that are considered “exempt” under the NDCC 44-04-18.1 are considered confidential and are not subject to public viewing and exempts the following from public review:
 - An employee’s home address; personal telephone number; date of birth; photographs; medical information; motor vehicle operator’s identification information; payroll deduction information; the name, address, phone number, date of birth, and social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or financial institution.
5. Medical information will be maintained in a separate confidential file as required by NDCC 44-04-18.1. This will include any medical information obtained for leave purposes, worker’s compensation, family medical leave and/or disability accommodations.
 - All employees’ medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law.
6. Social Security numbers are confidential and will only be released in accordance with NDCC 44-04-28; for the purpose of participation in retirement or other employment benefits programs; or as authorized by the individual to whom the social security number is assigned, that individual’s lawful agent or guardian, or by order of a court.
7. Any requests to view public records and those articles deemed nonconfidential and nonexempt shall be directed to the Human Resource Department.
 - Individuals requesting copies of an open public record that is deemed nonconfidential and nonexempt shall be subject to a reasonable charge.
 - Employees will be informed in writing, whenever possible, if anyone outside direct administrative lines review their personnel record.

01/30/13

ksj

Approved by the Board of Commissioners 5/1/00
Modified and approved by the Board of Commissioners 5/3/04.

Chapter 12

SECTION 10: INCLEMENT WEATHER AND EMERGENCY CLOSING

PURPOSE

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

CLOSING DECISIONS

Decisions to implement this policy will be made by the Burleigh County Sheriff (or designee). If a closing occurs overnight, every effort will be made to make the closure decision at least one hour before work (7:00 a.m.) is scheduled to begin.

Emergency services will be continued regardless of an authorized closing.

COMPENSATION

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

LATE ARRIVALS AND EARLY DEPARTURE

On a day when Burleigh County Offices do not close, time missed from work will be charged to annual leave balances or leave without pay.

ANNOUNCEMENT OF CLOSING

If the Burleigh County Sheriff (or designee) authorizes any type of closing, the announcement will be made to the following:

- KFYZ 550 AM Radio (designated Emergency Alert Station) and KFYZ TV
- The announcement will also be posted on the home page of Burleigh County's website (burleighco.com) as soon as possible if resources are available.
- Notify Human Resource Director (or designee) to contact Department Heads to start their calling tree notifications.
- Department Heads will receive an email at their work address as soon as possible if resources are available. Department Heads may notify their respective employees.

If employees cannot access radio, TV announcements, or the Burleigh County website, they should call their immediate supervisor or Department Head.

CHAPTER 12

SECTION 12: VEHICLE USE POLICY

1. It shall be 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. When a County-owned vehicle is not feasible, Burleigh County encourages the use of a rental (County non-owned) vehicle when it is more economical than the use of the employee's personal vehicle. Example: A day trip to Dickinson with a personal vehicle would cost \$109.89 (.555 cents per mile times 198 miles). A day trip to Dickinson with a rental vehicle would cost \$91.00 (\$39.00 a day rental plus approximately 13 gallons of fuel at \$4.00 a gallon is \$52.00).
2. County Officials who are required to respond to EMERGENCY County related situations "day or night" may be authorized to have a County vehicle at their disposal at all times and to house such vehicle at their residence when off duty, at the discretion of the department head and the portfolio Commissioner. Use of County owned vehicles under this condition is subject to the provisions of this Section.
3. Only Burleigh County employees, elected officials, and authorized service individuals are allowed to operate County owned vehicles. County owned vehicles may not be used for personal use, except at the discretion of the department head.
4. Only individuals having a business relationship with Burleigh County are allowed to ride in County owned or non-owned vehicles.
5. The use of County owned vehicles shall be limited to travel within the State of North Dakota. Exceptions to this policy are:
 - a. When law enforcement is in fresh pursuit as defined in NDCC 29-06-07;
 - b. When transporting prisoners;
 - c. When SWAT/Dive Team members are called to assist another jurisdiction;
 - d. When the County Highway /Sheriff's Department is providing emergency assistance to other government entities;
 - e. When an employee has the approval of the employee's department head to travel outside the state with a County owned vehicle.
 - f. When the Social Services Department is required to transport children outside the state facilities, conduct face-to-face visits with children in outside the state facilities, or to facilitate family reunification efforts.
6. Every County employee should be cognizant and protective of a positive image of Burleigh County. Bearing this in mind, it shall be incumbent upon all employees who operate County vehicles to exercise discretion with regard to driving and parking County vehicles.

Approved by the Board of Commissioners 7/6/00
Modified and approved by the Board of Commissioners 8/6/07
Modified and approved by the Board of Commissioners 12/17/12

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7. Employees 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 supervisor any time their driver's license is suspended.
8. Employees must comply with all laws and regulations relating to the operation of a motor vehicle.
9. Employees are responsible to pay, without reimbursement, all illegal parking fees and traffic violations.
10. Employees are responsible to keep the County vehicle (owned or rented) 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.
11. Routine and non-routine maintenance including interior and exterior cleaning of the County vehicle is arranged by the department.
12. Each department head supervises the actions of its authorized employees to operate a vehicle and must institute proper disciplinary actions for violation of County or leased vehicle policies.
13. Burleigh County maintains liability and physical damage coverage for County-owned and non-owned (leased) vehicles. County employees required to transport clients have supplemental liability insurance coverage through Burleigh County.
14. When personal vehicles are used for County business, the employee's personal automobile insurance will be the primary coverage for damage to the employee's vehicle. Employees using their personal vehicle for County business are required to maintain their own automobile insurance.
15. Employees must immediately report all accidents occurred while driving on County business to their department head. A copy of all accident reports must be filed with the County's finance director for insurance purposes. Department heads are responsible for proper reporting of all accidents.
16. If an employee is involved in an accident while using their personal vehicle on County business, the employee's personal vehicle insurance is responsible for payment of all damages related to the accident. Employees must carry liability insurance coverage as required by NDCC 39-08-20. The County's insurance policy pays only the excess of employee's liability limits to cover the County in the event of a lawsuit or to cover a leased vehicle policy; it does not cover physical damage to personal vehicles.

Approved by the Board of Commissioners 7/6/00
Modified and approved by the Board of Commissioners 8/6/07
Modified and approved by the Board of Commissioners 12/17/12

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17. Personal injuries as a result of an accident are also to be reported within 24 hours to the department head. Appropriate worker's compensation forms must be submitted for any injuries requiring medical attention or resulting in time off from work due to the injury or accident. See Burleigh County's Personnel Manual, Chapter 10, Section 4: Near Miss/Incident/Accident/Supervisor Report.
18. Employees who drive to conduct County business must participate in a defensive driving course every two years. Certification of completion of defensive driving is maintained in the employee's personnel file. Typically, this course is arranged by the human resources department. New employees must participate in the first available course.
19. 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.
20. Under NDCC 39-08-23 the use of a wireless communications device is prohibited. 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. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a worldwide web page or other data that uses a commonly recognized electronic communications protocol.
21. The use of personal vehicles for official County business is typically limited to trips of 100 miles or less. Mileage is reimbursed at the rate defined by the Internal Revenue Service (IRS) for each mile that is traveled while using an employee's personal vehicle, when such travel is in the performance of official duties. Employees submitting a claim under this policy shall ensure that the expenses incurred are not being reimbursed by any other governmental agency or private business.
22. Some County departments have internal policies and procedures which may be more specific than the guidelines outlined in this general County policy. Employees within given departments are required to comply with all policies and procedures established within their own department.
23. Employees who violate this policy will be subject to disciplinary action up to and including termination.

CHAPTER 12

SECTION 13: COUNTY OWNED PROPERTY USE POLICY (Equipment, Tools, Facilities)

1. It shall be the policy of Burleigh County to provide necessary equipment, in proper and safe working condition, to perform effectively and efficiently the duties and tasks required by all departments.
2. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is on such operating condition that it hinders his/her job or subjects the employee to a safety hazard.
3. Insurance coverage of County property, equipment and facilities covers only the use of such in the conduct of official business. Personal use of such property, equipment and/or facilities shall not be permitted.
4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

CHAPTER 12

SECTION 14: COMPUTER USAGE POLICY

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

1. Burleigh County has established a policy regarding the access and disclosure of electronic mail, Internet access, along with authorized software and hardware usage. All systems, including PC's and laptop's hardware, software and physical storage components are property of Burleigh County. Burleigh County employees may use the information systems and technology for business use in office administration, training, and other professionally related activities.
2. It is important for all employees to understand that Burleigh County is subject to the North Dakota Open Records Law, and, as such, all unaccepted records, including information contained within the computer system, are subject to disclosure upon request of any citizen.
3. **Authorized Software and Hardware**
 - a. Software that has been licensed by Burleigh County or that has been authorized to conduct business is allowed on Burleigh County's personal computers (PC's) and servers. All software purchases and installation must be preauthorized.
 - b. 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.
 - c. Burleigh County reserves the right to audit any computers for unauthorized or unlicensed software. Personal software (licensed or unlicensed) is not allowed for use on Burleigh County's computers or servers. Any unauthorized or unlicensed software will be removed from the system. An individual may not:
 - o Make unauthorized copies of any copyrighted software or data; duplicating and distributing copies of software that is not proscribed in the license is illegal.
 - o Making copies of the user manual as well as copying system diskettes is also illegal. Distributing copies of sound recordings (e.g. MP3s) or images, which is also copyrighted, is illegal.
 - o Make alterations to the software source code;
 - o Provide use of the software in a multiple CPU or user arrangement to users who are not individually licensed.
 - d. All hardware modifications and repairs must be approved and completed by an authorized source.
 - e. Employees should take precautions to protect his/her User ID and password, including screensaver passwords, as all employees are responsible for his/her workstations. All passwords must be registered with each employee's supervisor.

4. **Virus Protection**

- a. 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 agency, or network administrator. All imported files and file attachments are required to be checked prior to usage.
- b. To prevent computer viruses from being transmitted unauthorized downloading of software, shareware, or freeware from the Internet and/or other sources are restricted, unless authorized.
- c. Intentionally creating or spreading of a computer virus is a serious violation of Burleigh County's policy and may be cause for disciplinary action, up to and including termination.

5. **Internet Usage**

- a. Internet access is available and provided by Burleigh County to employees for conducting official business, such as researching business related issues, accessing business related data, information and training.
- b. Employees using Burleigh 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.
- c. 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. Personal use is subject to the discretion of the Department Head and/or department Supervisor and will be based on that employee's workload and job performance.
- d. Limited personal use is not to be used for any interest adverse 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.
- e. As previously noted, 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.
- f. Any infringing activity by an employee may be the responsibility of the County; therefore the County may choose to hold the employee liable for his/her actions.
- g. Misuse of Burleigh 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.
- h. The County reserves the right to block any Internet site it may deem inappropriate.

6. **E-mail and Electronic Communications**

- a. 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 mediums.

- b. Certain occasional and limited personal use of e-mail communication is permitted, but such messages will be treated no differently from other messages, including use of private email accounts (i.e. Hotmail, yahoo, etc.)
 - c. 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 and/or department Supervisor and will be based on that employee's workload and job performance.
 - d. 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 North Dakota Open Records Law.
 - e. All messages composed, sent, or received on all electronic systems are, and will remain the property of the County; all messages are subject to random monitoring.
 - f. Burleigh 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. Burleigh 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.
 - g. 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 implications, racial slurs, gender-specific comments, or any other comment that offensively addresses an individual's age, sexual orientation, religious or political beliefs, national origin or disability.
 - h. E-mail may not be used for the solicitation of funds, employee personal monetary gain, or to support/advocate for non-county related business or purposes. Use of Burleigh County's email system for personal business profit or nonprofit organizations of any kind, is prohibited.
 - i. 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.
 - j. Use of e-mail to send or forward messages know as "chain letters" is prohibited.
7. The above listed rules, obligations, and standards apply to all Burleigh County employees, part-time employees, contractors, and volunteers and other individuals who are provided access to the Burleigh County technology system. As such, each of the individuals acknowledges and agrees that it is his/her responsibility to ensure the security of the Burleigh County system. Each individual understands that there should be no expectation of privacy of any kind related to the usage of the computer system and consents to random monitoring of the Burleigh County computer system.
8. Any employee who violates this policy or uses the electronic mail system or computers for purposes in violation of this policy shall be subject to discipline up to, and including termination.

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CHAPTER 12

SECTION 15: TRAVEL EXPENSE VOUCHER

The following are general instructions for completing the County Travel Expense Voucher:

1. Each employee claiming travel expense reimbursement shall submit only one voucher for each calendar month.
2. Information on vouchers must be typewritten or legibly printed.
3. Receipts are required for each expenditure for commercial transportation except taxi fare of \$10.00 or less. Receipts are required for each miscellaneous expenditure exceeding \$2.00.
4. Chapters of the NDCC pertaining to travel expenses are located at 44-08, 54-06 and 54-14. Penalties for filing false claims are stated in these sections.
5. All receipts for lodging must be original receipts. Credit card receipts cannot be substituted for original lodging receipts.
6. The purpose of the travel and other explanation of expenses shall be entered in the space provided for this purpose.

Should the County approve advances for travel expenses, the present form would require adding an extra blank to enter the amount advanced.

CHAPTER 12

SECTION 16: EXPENSE ACCOUNT

1. Amount allowed - Except as provided in Section 44-08-04.1, NDCC, each elective and appointed officer, employee, representative, or agent of this County, may make claim and shall upon approval of such claim be paid an allowance as established by the NDCC for meals and lodging while engaged in the discharge of a public duty away from his normal working and living residence for all or any part of any quarter of a day.
2. Verification of claims shall not be required for the first three quarters listed in Section 1 above and only a lodging receipt shall be required for the fourth quarter.
3. Persons engaged in travel outside State boundaries shall receive allowance for such travel as authorized by the North Dakota Century Code.
4. Persons submitting claims under this policy shall assure that the expenses incurred are not being reimbursed by any other governmental agency or private business.

CHAPTER 12

SECTION 17: IN AND OUT OF STATE TRAVEL

IN STATE TRAVEL

1. Personal vehicle mileage reimbursement rate will be as defined by the Internal Revenue Service. Personal airplane mileage will be reimbursed at the same rate as established by the United States general services administration for privately owned vehicles.
2. Maximum quarter-day reimbursement for meals and lodging follows as provided in NDCC 44-08-04 effective for travel taken after July 31, 2013, but employee must be away from his/her place of employment a minimum of six hours to receive any reimbursement:

| | |
|---|----------------------|
| 1 st Quarter = 6:00 AM to 12:00 NOON | \$7.00 |
| 2 nd Quarter = 12:00 NOON to 6:00 PM | \$10.50 |
| 3 rd Quarter = 6:00 PM to 12:00 MIDNIGHT | \$17.50 |
| 4 th Quarter = 12:00 MIDNIGHT to 6:00 AM | (Maximum State Rate) |

Receipts are not required for the first three quarters and original lodging receipts are required for the 4th quarter. All lodging is reimbursed at the actual cost under the maximum.

OUT OF STATE TRAVEL

1. When, for reason of personal preference or convenience, the employee uses a motor vehicle for out of state travel, reimbursement will be limited to either the applicable commercial air rate or the Internal Revenue Service mileage rate.
2. The allowance for out-of-state meals, within the continental United States, is equal to the per diem meals and incidental expense allowance rate in the city for which a claim is made on that day as established by rule for federal employees by the United States general services administration and must be allocated twenty percent to the first quarter, thirty percent to the second quarter, and fifty percent to the third quarter. Lodging allowed at actual cost to the employee (including applicable taxes), an original receipt is required.
3. Advances for meals and lodging not to exceed \$35.00 per day may be granted to an employee provided that such travel out of state is for a period planned to be in excess of five days of official County business as provided in NDCC 44-08-04.2. No advance will be allowed for in state meals and lodging or for out of state trips of five or fewer days.

Approved by the Board of Commissioners 10/3/05
Modified and approved by the Board of Commissioners 5/21/07
Modified and approved by the Board of Commissioners 7/2/08
Modified and approved by the Board of Commissioners 7/18/11
Modified and approved by the Board of Commissioners 7/15/13
Modified and approved by the Board of Commissioners 7/18/16

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CHAPTER 12

SECTION 18: MILEAGE REIMBURSEMENTS

1. Mileage is reimbursed at the rate as defined by the Internal Revenue Service. for each mile that actually and necessarily, is traveled while using an employee's personal motor vehicle, when such travel is in the performance of official duty.
2. A Sheriff or Deputy Sheriff, shall be allowed and paid the following reimbursements; for each mile [1.61 kilometers] actually and necessarily traveled within the State, in the performance of official duties:
 - a. The rate will be as defined by the Internal Revenue Service when travel is by use of personal motor vehicle.
 - b. Amounts actually and necessarily expended, when travel is by rail or other common carrier.
4. A Sheriff or Deputy Sheriff, who travels outside of the State while performing official duties, including extradition, shall be allowed and paid for mileage as defined by the Internal Revenue Service along with actual and necessary travel expenses in accordance to North Dakota Century Code whether that travel is by motor vehicle, rail and/or other common carrier.
5. Any such person submitting a claim under this policy shall ensure that the expenses incurred are not being reimbursed by any other governmental agency or private business.

Approved by the Board of Commissioners 10/03/05
Amendments approved by the Board 5/21/07
Amendments approved by the Board 7/2/08

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CHAPTER 12

SECTION 19: INFANT AT WORK POLICY

Philosophy: It is the policy of Burleigh County to foster a “family friendly” work environment through an Infant at Work program.

Program Guidelines:

1. An infant, under six months of age, may accompany his/her parent to the office during normal work hours with prior approval of the Department Head.
 - a. This benefit is available to those employees who work in an office environment where they are not required to have a high degree of contact with the public.
 - b. Those employees who work “in the field” are able to participate only when they are in the office.
 - c. Those employees whose job includes travel will need to make childcare arrangements for those days of travel.
2. Parents must assure that his/her infant’s presence does not substantially interfere with their own and/or other employee’s workloads. There is no reduction in the expectation for productivity including volume, accuracy and timeliness of work.
 - a. If, in the opinion of the Department Head or parent, the infant’s presence is disruptive to the work environment, the employee must make alternative childcare arrangements.
 - b. Disruptions of the work environment also include excessive visiting of the infant by co-workers or other department employees.
 - c. Traditional childcare arrangements may be necessary before the infant is six months of age, if the child would benefit from a less restrictive environment.
3. Department Heads and Supervisors must give approval and work with the parent(s) to develop a plan of care and to ensure that back-up care and transitional plans are in place.
 - a. An infant who accompanies his/her parent to work should stay in the parent’s workspace. An infant may be in another employee’s workspace if agreed upon by the parent and the other employee.
 - b. A co-worker who is willing to provide back up childcare must be agreed upon by the parent, co-worker and supervisor prior to the infant accompanying his/her parent to work. This is for instances in which a parent has to attend a meeting or leave the office either on short notice and/or a short period of time.
4. The parent(s) must provide appropriate furniture for the infant’s care.
 - a. Consideration must be taken to ensure the environment is safe for the infant at all times. This will be subject to inspection and approval of the County Risk Manager.

01/30/13

Approved by the Board of Commissioners 3/04/02

Modified and approved by the Board of Commissioners 9/03/2003

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5. When an infant accompanies a parent to work, used cloth diapers must be stored in a closed container and taken home daily. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area that is not used by staff for office or meeting space.

This policy is to be viewed as a privilege that fosters a transitional environment for the parent and child, not as childcare arrangements.

01/30/13

Approved by the Board of Commissioners 3/04/02

Modified and approved by the Board of Commissioners 9/03/2003

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Chapter 12

SECTION 20: EMPLOYEE PARKING

Purpose: Burleigh County will attempt to make reasonable efforts to accommodate parking for its employees. This is not to be considered a requirement or a guaranteed right on behalf of the County employees, but will be viewed as a benefit based on availability.

1. Currently, Burleigh County has four (4) parking lots available for employee parking:
 - a) **The Lower East Parking Lot** (East of Burleigh County's Courthouse) has assigned parking for the following County elected officials, appointed officials and other State specifically designated positions: Assistant State's Attorneys (3 spots), Auditor/Treasurer, Burleigh County maintenance vehicle, Burleigh County Social Services vehicle, District Court Judges (6 spots), Finance Director, Human Resource Director, Judicial Referees (2 spots), Recorder, Senior Assistant State's Attorney (2 spots), Social Services Director, State's Attorney, Veterans Service Officer, and Sheriff's Department and Detention Center vehicles (18 spots). The remaining vacant parking spots will be assigned by employment date of hire with Burleigh County (seniority).
 - b) **The Upper East Parking Lot** has six (6) assigned parking spots for the Burleigh County Sheriff's Department. The remaining parking spots will be given to employees based on employment date of hire with Burleigh County (seniority). Parking spots cannot be reassigned temporarily by individuals assigned in this lot.
 - c) **The West Parking Lot** (West of Burleigh County's Courthouse) has fifteen (15) assigned parking spots for the Burleigh County Sheriff's Department and Detention Center. The remaining 12 parking spots are available for the general public who need to utilize services from the Burleigh County Courthouse.
 - d) **The Professional Lot** (North Side of Rosser Ave. & 5th St.) shall be reserved for Burleigh County employees as parking spots are available based on employment date of hire (seniority).

Approved by the Board of Commissioners 4/7/00

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Modified and approved by the Board of Commissioners 4/7/03, 3/1/04, 11/10/04

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Modified and approved by the Board of Commissioners 8/18/10

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2. The Burleigh County Parking Committee reviews any requests, discrepancies and grievances of Burleigh County and Non-Burleigh County employees. The committee consists of representation from the following areas: Building and Grounds, Human Resource Department, Sheriff's Department, Social Services, State's Attorney's Office, and a designated Burleigh County employee from the offices located in the City/County Building.
3. Parking permits are issued by the Building and Ground's Supervisor to the Department Designee for the Designee to provide to the employee. If an employee loses their parking permit the employee needs to report the lost card to the Building and Ground's Supervisor immediately in order for the card to be deactivated. There will be a \$10.00 fee assessed to the employee to replace the lost permit.
4. The Board of Commissioners gives the Burleigh County Parking Committee authority to revoke any employee or non-employee's parking privileges, if the employee is not using the appropriate assigned parking lot. Loss of parking privileges can be appealed to the Board of County Commissioners as identified under item number 7, listed below.
5. If a Burleigh County employee who is parked in the Professional Lot and is eligible to be moved to another lot and he/she decides not to utilize the proposed new parking spot, the employee will not be placed on the list for consideration when a future parking spot becomes available in the other lots.
6. Current Juvenile Court, District Court, and Regional Child Support state employees shall be grandfathered into the existing parking lots. The Burleigh County Parking Committee reserves the right to place the state employees where room is available to park. Any employees hired to replace current District Court after June 2, 2003 and Regional Child Support State employees after June 30, 2007 will not have parking privileges in Burleigh County's Parking Lots.
7. If after an individual is denied a parking space or have their privileges revoked based on a decision made by the Burleigh County Parking Committee, the action may be appealed to the Board of County Commissioners within ten (10) working days from the date of the notice of the denial or revocation by the Burleigh County Parking Committee. The appeal must be in writing and state the basis for the appeal. The Chair of the Burleigh County Parking Committee shall place the appeal on the agenda of the Board of County Commissioners for consideration.

Approved by the Board of Commissioners 4/7/00

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Modified and approved by the Board of Commissioners 4/7/03, 3/1/04, 11/10/04

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Modified and approved by the Board of Commissioners 8/18/10

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Chapter 12

Section 21: License Fee Reimbursement Policy

Statement of Philosophy: It will be the policy of Burleigh County to reimburse employees for fees associated with obtaining and maintaining licensures and various endorsements that are required by the County job description along with state and Federal law requirements.

1. This policy applies only to regular, full time and part time employees. Seasonal, temporary and probationary employees do not qualify.
2. Reimbursable fees for licenses, (including Commercial Drivers Licenses) background checks, endorsements and other fees must be a requirement for the position as outlined in the associated job description.
 - Examples of positions that require a license that has a renewal fee required by occupation are County Engineer, Road Superintendent, Social Workers, State's Attorney, all Assistant Attorneys, Highway and Shop Maintenance Workers, Highway Sign Technician, Sheriff and Deputy Sheriff's.
 - Certifications are not eligible expenses for reimbursement.
3. Fees for Commercial Drivers License (CDL) will only be reimbursed an amount above the required standard license fee.
4. Reimbursement procedures, excluding those specifically outlined in this policy will be the responsibility of the Department to submit for payment to the designated organization on behalf of the employee.
 - This would be effective for the Sheriff's Department, Regional Child Support Enforcement Unit and the State's Attorney's Office.
5. Reimbursement procedures for qualifying fees are as follows for these departments:
 - Road and Bridge Department:**
 - a) Notify Department Supervisor that you will be renewing license and endorsements,
 - b) Produce the original, dated receipt from the North Dakota DOT Driver's License Division and the actual license for review and proof of payment for fees.
 - c) Department Supervisor will submit required documents for reimbursement to the individual employee.
 - Social Service Department:**
 - a) Notify the Department Head and/or Administrative Services Manager that you will be renewing the license,
 - b) Workers will be reimbursed half of the license fee within the first year of the renewal period and reimbursed the remaining half the second year of the renewal period. The department will submit the request for reimbursement on behalf of the designated employee.

Chapter 12

Section 22: Clothing Allowance Policy

(This section applies to only the Burleigh County Highway Department)

Statement of Philosophy: It shall be the policy of the Burleigh County Highway Department to reimburse employees that are working within a roadway easement or on a Burleigh County project site for qualifying work related footwear and clothing items.

1. New Employees must complete the required probationary period before any purchases will be authorized. The exception to this would be probationary periods for promotions of existing regular County employees. Seasonal, temporary and/or part time employees must complete a minimum of six week of work before any purchases will be authorized.
2. The amount available for reimbursement is up to \$250 per calendar year for all regular fulltime employees and \$75 per calendar year for all seasonal, temporary and/or part time employees.
3. Items submitted for reimbursement must be clearly consistent with the requirements noted in the Highway Department's Personal Protective Equipment Policy. In submitting a request for reimbursement, employees understand and acknowledge the requirements of the Highway Department's Personal Protective Equipment Policy.
4. Original receipts of purchases, including description of the item and cost, shall be submitted to the Account Manager for approval. Items may need to be inspected for verification if the receipt submitted does not clearly show that those items are consistent with the requirements described in the Highway Department's Personal Protective Equipment Policy.
5. Reimbursements are considered personal income and are taxable.
6. Reimbursements will be added to the employees payroll check.
7. Please allow thirty (30) days for processing of reimbursements.

Approved by the Board of Commissioners
Amendments approved by the Board
Amendments approved by the Board
Amendment approved by the Board

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Chapter 12

Section 23: IDENTIFICATION CARD POLICY

Purpose, Policy, and Procedures

Purpose and Policy

The purpose of the Identification (ID) Card is to provide Burleigh County employees and emergency response volunteer agencies with a standardized and convenient form of identification for day-to-day business activities as well as emergency/disaster credentialing.

Procedures

All Burleigh County employees and emergency response volunteers associated with a Burleigh County emergency response agency are eligible to receive a Burleigh County ID Card. Emergency response volunteers may receive an ID card with written agency authorization and justification regarding the need for an ID card. An issuance date will be printed below the picture on every ID card.

The card may be obtained from the Burleigh County Human Resources Department located at 316 N 5th St Suite 106, Bismarck. Please call (701) 222-6669 to schedule an appointment. An official picture identification is required to obtain an ID card.

Employees leaving employment and volunteers whose service ends will be required to turn in their ID card to their Supervisor. The Supervisor will then forward the card to the Burleigh County Human Resources Department.

Reporting Lost Cards and Obtaining Replacement Cards

Lost cards should be reported to the Burleigh County Human Resources Department. A replacement card may be obtained by following the procedures listed above to obtain a card.

All ID Cards are the property of Burleigh County and are provided for appropriate use and identification. The card is not transferable and is valid as long as the holder continues his/her specific affiliation with their respective agency. Any misuse, alteration or fabrication of the card may subject the holder to disciplinary and/or legal action up to and including termination of employment.

Cards issued to Burleigh County employees and volunteers affiliated with an emergency response volunteer agency **must be returned** to the appropriate agency/department upon separation.

Lost, damaged or stolen cards can be replaced at the Burleigh County Human Resources Department. Cards replaced due to age/malfunction, name change, or title change, are issued at no charge provided that the old card is returned at the time of service. There is a \$10 fee to replace lost, stolen or damaged ID cards after the second instance.

Revision approved by the Board of Commissioners 2/06/2017
Approved by the Board of Commissioners 6/5/06

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CHAPTER 12

SECTION 24: SOCIAL MEDIA POLICY

POLICY STATEMENT

Burleigh County has a need to augment traditional communication methods via social media due to growing public use. Social media use by various local, state, and federal government entities is an indication that social media can be used effectively to enhance constituent communications. We continue to strive for government transparency and civic engagement in local government.

SOCIAL MEDIA DEFINITION

Social media is media for social interaction through web-based technology that is highly accessible and scalable to promote interactive dialogue.

POLICY AND PROCEDURES

This policy applies to all Burleigh County employees and approved volunteers, consultants, service providers and contractors performing business on behalf of a Burleigh County Department.

Department Heads have authority to determine and establish social media programs at their department level. Access to social media networks from within the City/County IT infrastructure should be limited to individuals performing official County business. Department social media sites will be monitored regularly, and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the County at risk.

- Every social medium utilized must be branded with the Burleigh County logo or the Department logo.
- Sites shall inform visitors of the intended purpose of the site and provide a statement regarding public comments so that the public is aware that inappropriate posts are subject to removal. Conversations are expected to be respectful. Each department is responsible for monitoring postings, and taking appropriate action when necessary, to protect general site visitors from inappropriate or technically harmful information and links
- Users will not post copyright/trademark materials without permission from the originator.
- Employees must follow the site policies and adhere to the Burleigh County Personnel Policy Manual & Handbook.
- Departments will maintain a record of social media sites created for County use, including, but may not be limited to: a log file containing the name of the social media network, account identification, password, and list of authorized site editors/administrators. Every site shall have more than one editor/administrator to ensure continuity.

PRIVACY

All communications are subject to the ND Open Records Law. Posts deemed inappropriate shall be promptly documented and saved pursuant to records and retention policies, and removed from the site.

PERSONAL USE

Refer to “Internet Usage” under Chapter 12, Section 14: Computer Usage Policy.

CHAPTER 12

ADMINISTRATIVE POLICIES

Section 25: Wireless Communications Device Policy

POLICY STATEMENT

Authorized employees with duties/responsibilities requiring them to carry a wireless communications device to conduct business on behalf of Burleigh County are subject to the following policies.

WIRELESS COMMUNICATIONS DEVICE DEFINITION

Any device that makes or receives phone calls, leaves messages, sends text messages, accesses the internet, or downloads and allows for the reading and responding to e-mail.

POLICY AND PROCEDURES

Department Heads will determine which employees require a County wireless communications device and complete the "Burleigh County Wireless Communications Device Authorization Form." The form will become part of the employee's personnel file.

The wireless communications device and associated wireless service will be provided by the County-designated vendor. Wireless services will be grouped in pooled plans to minimize cost.

If an employee declines a County wireless communications device and associated service plan, the County will not pay a stipend for the employee's personal device.

Employees utilizing a wireless communications device to perform County business are encouraged to utilize hands-free talking while driving and operating equipment. All employees are prohibited from texting while driving.

Employees receiving a County wireless communications device will be responsible for:

- Retrieving and responding to missed messages (phone calls, text messages, e-mails) in a timely manner.
- Having the wireless communications device available for use during all hours of work and when the employee is on call.
- Limiting personal/incidental use which will be monitored by the Department Head.
- Caring for the device in a responsible manner, minimizing the chance of loss or damage.
- Providing adequate security for the device to prevent unauthorized users from finding work-related contact information stored in the device's memory.

PRIVACY

Billings associated with a County wireless communications device are subject to the open records law.

WIRELESS COMMUNICATIONS DEVICES IN THE WORKPLACE

Burleigh County is aware that employees own personal communication devices. It is common courtesy to turn phones off or place in vibrate mode while at work to ensure effectiveness in the workplace. Employees can make calls and reply to messages on their break time.

**BURLEIGH COUNTY
WIRELESS COMMUNICATIONS DEVICE AUTHORIZATION FORM**

Employee Name: _____

Department: _____

Employee Authorization:

I certify that the employee requires a County-provided wireless communications device as a routine and regular part of their job duties. The plan cost is based on work utilization, consistent with the County Wireless Communication Device Policy. The County agrees to maintain records sufficient to document compliance with the policy.

The form will become part of the employee's personnel file and remain in effect until employee separation, or the Department Head revokes the form.

Department Head Signature

Date

Employee certification:

I have reviewed the Burleigh County Wireless Communications Device Policy and agree to abide by the current policy and subsequent revisions.

Employee Signature

Date

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 1: Public Employees Relations Act

The Public Employees Relations Act, contained in state law, provides that an employee may, without fear of reprisal, report in writing to the employee's department head, a state's attorney, human resource director or an employee organization 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.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 2: Avoiding Appearances of Impropriety

A Burleigh County official or employee should avoid any action which would result in or create any 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 Burleigh County or any of its departments or programs.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 3: Prohibited Activities

Burleigh 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 affect 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.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 4: Employee Conduct

Burleigh 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 Burleigh County and its employees. Whether this image is favorable or adverse depends on fair, impartial, and respectful treatment. 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 Burleigh County, the employee's activities may reflect upon Burleigh County and may affect the employee's ability to perform their job.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 5: Prohibition of Acceptance of Anything of Value; Exceptions and Disclosure

The term “anything of value” includes any things which exceed a worth of \$50 in value if received in state or out-of-state.

1. A Burleigh County official or employee may not accept anything of value in his or her capacity as an official or employee unless written disclosure is made to the Chairman of the Board or the employee’s supervisor. If the employee is a County Commissioner, an elected or appointed official, written disclosure must be made to the Chairman of the Board of County Commissioners. The disclosure form must be forwarded to the Human Resource Department which has been signed by the individual receiving the item of value and the Chairman or supervisor. The disclosure form is available from the Human Resource Department.
2. A Burleigh County official or employee may not, directly or indirectly, give or receive or agree to receive, or ask for any compensation, except as allowed by statute (i.e., NDCC, Section 14-03-22 Marriage license fee – Supplemental fee – Fee for marriage ceremony – Duties of officers. If the marriage ceremony is performed at a time other than during regular courthouse hours, the recorder, or designated official, may collect and retain a fee in an amount to be determined by the recorder, or designated official.) gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, except from Burleigh County.
3. A Burleigh County official or employee may, however, receive payment of witness fees as provided by law.

This policy does not prohibit an employee from purchasing for full consideration anything of value from a business or person if the transaction occurs in the ordinary course of business of the business or person. No disclosure is required for a purchase made under these terms.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 6: Personal Gain or Profit – Use of Persons, Money, or Property

A Burleigh County official or employee shall not knowingly use his or her office or position for personal or family benefit, gain, or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons. Except as allowed by statute (i.e., NDCC, Section 14-03-22 Marriage license fee – Supplemental fee – Fee for marriage ceremony – Duties of officers. If the marriage ceremony is performed at a time other than during regular courthouse hours, the recorder, or designated official, may collect and retain a fee in an amount to be determined by the recorder, or designated official.).

No Burleigh County official or employee may employ or use any person, money, or property under the Burleigh County official's or employee's official control or direction, or in his or her official custody, for the personal or family benefit, gain, or profit of the Burleigh County official or employee, or another.

This section does not prohibit the use of public resources to benefit others as part of a Burleigh County official's or employee's public duties.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 7: Conflict of Interest

- A. A Burleigh County official or employee shall not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such person, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein, and shall not knowingly engage in activities which are in conflict, or which have the potential to create a conflict, with performance of official duties. Examples of conflict, or potential conflicts of interest, include but are not necessarily limited to circumstances where the Burleigh County official or employee, or their families.
1. Influences the selection or non-selection of or the conduct of business between Burleigh County and any entity when the Burleigh County official or employee has a financial interest;
 2. Accepts any retainer, compensation, gift or anything of value which is contingent upon a specific action or non-action by the Burleigh County official or employee;
 3. Intentionally uses or discloses information not available to the general public and acquired by reason of his or her official position which financially benefits himself or herself, family, friends, or others.
- B. A Burleigh County official or employee is not interested in a contract if he or she has only a “remote interest” in the contract. “Remote interest” means that of:
1. A non-salaried official of a nonprofit corporation;
 2. An employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
 3. A landlord or tenant of a contracting party; and
 4. A holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.
- C. A County Commissioner may not vote in the authorization, approval or ratification of a contract in which he or she has a direct and substantial personal or pecuniary interest in a matter before the board. Said Commissioner must disclose the fact to the board and may not participate in or vote on that particular matter without the consent of a majority of the rest of the board. (N.D. C. C., Section 44-04-22)

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 8: Items Acceptable to Receive

The following are presumed not to influence the vote, action, or judgment of a Burleigh County official or employee, or be considered as part of a reward for action or inaction:

1. Unsolicited advertising or promotional items of nominal value, such as pens and note pads. Employees should use such items in the workplace instead of taking them home;
2. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
3. Unsolicited items received for the purpose of evaluation or review; if the recipient has no personal beneficial interest in the use or acquisition of the item;
4. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
5. Food and beverages consumed at hosted receptions where attendance is related to the recipient's official duties;
6. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
7. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
8. Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution;
9. Flowers, plants, and floral arrangements;
10. Food and beverages on where refreshments are served as part of a function for which attendance is related to the performance of official duties.

The presumption in this subsection is rebuttable and may be overcome by clear and convincing evidence based on the circumstances surrounding the giving and acceptance of the item.

This policy shall not apply to gifts made to Burleigh County. All such gifts shall be given to the Burleigh County Human Resource Department.

CHAPTER 13

EMPLOYEE CODE OF CONDUCT

Section 9: Confidential Information

- A. No Burleigh County official or employee may accept outside employment or engage in any business or professional activity that the official or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by the Burleigh County official or employee by reason of the Burleigh County official's or employee's official position.
- B. No Burleigh County official or employee may disclose confidential information gained by reason of the Burleigh County official's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by the County Commissioners or by terms of a contract involving:
 - 1. Burleigh County; and
 - 2. The person or persons who have authority to waive confidentiality of the information.
- C. A Burleigh County official or employee shall not use information acquired in confidence from a Burleigh County customer, supplier, lessee or contractor for other than Burleigh County purposes.
- D. This section of the policy does not prevent a Burleigh County official or employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.
- E. The State's Attorney shall determine, acting in the best interest of Burleigh County, whether information is confidential.

**BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA
CODE OF CONDUCT DISCLOSURE FORM**

1. An employee is prohibited from accepting anything of value unless written disclosure is made to the Chairman of the Board or the employee's supervisor. "Anything of value" includes anything which exceeds \$50 in value, whether received in state or out of state, and was not offered, given, or agreed to be given to influence the action of an employee or to reward an employee for the performance of his or her duties.

I disclose receipt of the following (please list the item, value of the item and identity of the person or entity providing the item):

2. If an employee has a private interest in any matter of Burleigh County business, the employee shall make full written disclosure of the private interest when it is acquired or when it becomes a matter of Burleigh County's business.

I disclose the following private interest:

3. If an employee has a potential conflict of interest in any case, contract, or legal matter involving Burleigh County, the employee shall notify the Human Resources Department or appropriate supervisor in writing of the potential conflict and the cause of the potential conflict.

I identify the following potential conflict of interest (disclosure should detail the potential conflict):

4. An employee shall not participate in, vote on, or attempt to influence a decision of Burleigh County or any of its departments with respect to a business or person in which the employee or the employee's immediate family is associated. An employee may not participate in any manner in a matter of Burleigh County business involving the employee's duties with respect to Burleigh County if the employee has a private interest in the matter and has any decision making authority with respect to the matter.

Burleigh County
Code of Conduct Disclosure Form

5. An employee may not engage in employment outside of employment with Burleigh County if it may interfere with the proper and complete discharge of the employee's responsibilities and duties to Burleigh County.

I have received and read the Code of Conduct policy, have truthfully and fully responded where required, have had all my questions answered to my satisfaction, and agree to conform my conduct accordingly.

Employee's Signature

Date

I understand that this document, as well as any written comments I make to the document will be placed in my personnel file. I further understand that my representations in this document are correct as of the date I signed it and that I am obligated to update my responses, immediately and in writing, as my situation changes.

Employee's Signature

Date

Routing Instructions

- 1. Department Head
or Chairman of the Board _____
- 2. Human Resource Dept _____

**BURLEIGH COUNTY
CODE OF CONDUCT
EMPLOYMENT OUTSIDE BURLEIGH COUNTY**
(Attach additional documentation if needed)

As required in Chapter 13, Section 9 of the Burleigh County's Personnel Manual, I hereby request authority for employment outside Burleigh County (including consulting work) as follows:

Nature of work:

(When completed by the employee, this form should be forwarded to the employee's Department Head or Chairman of the Board for approval.)

Employee's Signature

Date

Print Name of Employee

Department Head or Chairman of the Board **Approval** OR **Disapproval (Circle)**

Department Head or Chairman of the Board

Date

COMMENTS: _____

I understand that this document, as well as any written comments I make to the document, will be placed in my personnel file.

Dated this _____ day of _____, 20_____.

Employee's Signature

CHAPTER 14

FRAUD

Section 1: Fraud Policy

BACKGROUND

This Burleigh County fraud policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the County of Burleigh. It is the intent of the County of Burleigh to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

SCOPE OF POLICY

This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with The County of Burleigh (also called the County). Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the County.

POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each county department head will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the Burleigh County States Attorney, who coordinates all investigations with the Burleigh County Sheriff and other affected areas, both internal and external.

ACTIONS CONSTITUTING FRAUD

The terms misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

- Dishonest or fraudulent acts relating to or affecting County operations
- Forgery or alteration of any document or account belonging to the County
- Forgery or alteration of a check, bank draft, or any other financial document relating to County business
- Misappropriation of funds, securities, supplies, or other assets owned, leased, or related to County business
- Improperly handling or reporting of money or financial transactions involving County business
- Disclosing confidential and proprietary information to outside parties

- Accepting or seeking anything of value from contractors, vendors, or persons providing services/materials to the County. Exception: Gifts less than \$50 in value
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Other acts that may have a negative impact on the County

OTHER INAPPROPRIATE CONDUCT

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct, should be resolved by the County department head. If there is any question as to whether an action constitutes fraud, contact the Burleigh County State Attorney for guidance.

REVIEW RESPONSIBILITIES

Department Heads or their designees have the responsibility to review suspected fraudulent acts as defined in this policy. A Department Head or designee shall consult with the Human Resources Department to determine if further investigation is needed.

The Sheriff's Department's purpose is to conduct criminal investigations and in the event the Sheriff's Department becomes involved in suspected fraudulent acts involving Burleigh County employees or officials, the primary focus will be on the criminal aspects of the allegation. The Sheriff's Department may solicit the assistance of other entities if a conflict of interest or potential conflict of interest exists or if special expertise is needed to assist in the investigation.

The results and findings of the investigations will be provided to the Burleigh County State's Attorney for review. The State's Attorney will issue reports to appropriate personnel and/or the Burleigh County Commission. Decisions to prosecute or refer the results/findings to other entities for review will be made by the State's Attorney or other designated legal counsel.

CONFIDENTIALITY

The County treats all information received confidentially to the extent possible within the constraints of the law. Any employee who suspects dishonest or fraudulent activity will notify the department head immediately, or in certain situations, the County Commissioner who holds the department's portfolio and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see **REPORTING PROCEDURE** section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the County from potential civil liability.

AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

The Burleigh County Sheriff's Department and State's Attorney's office will have :

- Free and unrestricted access to all County records and premises, whether owned or rented; AND
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

REPORTING PROCEDURES

Precautions must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the department head immediately. All inquiries concerning the activity under investigation should be directed to the States Attorney.

The reporting individual should be informed of the following:

- Do not contact the suspected individual.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the State's Attorney or Sheriff's Department.

TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Burleigh County's Human Resources Department and the Burleigh County State's Attorney, and, if necessary, by outside counsel, before any such action is taken.