

# Todd County

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MINNESOTA



## Todd County Personnel Policy

Adopted September 20, 2022

## Table of Contents

Todd County Personnel Policy .....	1
Article I. Introduction .....	4
Section 1.01 General Information (Rev. 1/18/22).....	4
Section 1.02 Todd County Policy of Mutual Respect.....	4
Section 1.03 Purpose of This Policy Manual .....	5
Section 1.04 Adoption (Rev. 1/18/22) .....	5
Section 1.05 Administration of the Manual .....	5
Section 1.06 Savings Clause .....	6
Section 1.07 Departmental Rules .....	6
Section 1.08 Collective Bargaining Agreements .....	6
Section 1.09 Other Agreements .....	6
Section 1.10 Management Rights.....	6
Article II. Definition of Terms .....	7
Article III. Employment .....	9
Section 3.01 Equal Employment Opportunity Policy Statement .....	9
Section 3.02 Recruitment, Selection and Hiring (Rev. 1/18/22).....	9
Section 3.03 Posting (Rev.11/02/21).....	9
Section 3.04 Interviews (Rev. 8/7/19).....	10
Section 3.05 Initial Offer (Rev. 8/7/19) .....	10
Section 3.06 Pre-Employment Medical Exams (Rev. 8/7/19) .....	11
Section 3.07 Reference Checks (Rev. 8/7/19).....	11
Section 3.08 Criminal Background Check (Rev. 8/7/19).....	11
Section 3.09 Drug and Alcohol Test (Rev. 8/7/19).....	11
Section 3.10 Hiring (Rev. 8/7/19) .....	11
Section 3.11 Hiring of Relatives (Rev. 8/7/19).....	11
Section 3.12 Eligibility List (Rev. 8/7/19) .....	12
Section 3.13 Letters of Rejection (Rev. 8/7/19).....	12
Section 3.14 Promotions (Rev. 8/7/19) .....	12
Section 3.15 Training/Probationary Period for New Hires (Rev. 8/7/19).....	12
Section 3.16 Probationary Period for Transfers, Demotions, or Promotions (Rev. 8/7/19)	12
Section 3.17 Employee Conduct .....	13
Section 3.18 Hours of Work.....	13
Article IV. Performance Management.....	14
Section 4.01 Standards .....	14
Section 4.02 Disciplinary Action .....	15
Section 4.03 Authority to Carry Out Discipline.....	16
Section 4.04 Grievance Procedure (5/17/22) .....	16
Section 4.05 Personnel Board of Appeals (Rev. 5/17/22).....	18
Section 4.06 Termination of Employment .....	19
Section 4.07 General Procedures .....	20
Section 4.08 Exit Interviews (Rev. 4/6/21).....	20
Article V. Wages and Salaries.....	21
Section 5.01 Salaries: Elected and Appointed Department Heads.....	21
Section 5.02 Overtime Pay (Rev.11/19/19) .....	21
Section 5.03 Payroll Deductions .....	22
Section 5.04 Pay Procedure.....	22
Article VI. Comparable Worth Policy and Compensation Plan.....	22

Section 6.01	Scope of Policies and Procedures.....	23
Section 6.02	Salary Changes as a Result of Comparable Worth Grade Level.....	24
Article VII.	Employee Benefits and Services .....	25
Section 7.01	Insurance – Group Health and Life (Rev. 2/15/22).....	25
Section 7.02	Vacations (Rev.7/21/20).....	27
Section 7.03	Vacation Donation (Rev. 3/17/20) .....	28
Section 7.04	Holidays .....	29
Section 7.05	Sick Leave (Rev. 4/6/21).....	30
Section 7.06	Family and Medical Leave.....	31
Section 7.07	Personal Leave of Absence .....	32
Section 7.08	Funeral Leave (Bereavement) (Rev. 8/18/20).....	33
Section 7.09	Military Leave.....	34
Section 7.10	Non-FMLA Military Leave.....	34
Section 7.11	Jury Duty/Court Time .....	34
Section 7.12	School Conference and Activities Leave .....	35
Section 7.13	Bone Marrow Donation Time .....	35
Section 7.14	Blood Donation Time.....	35
Section 7.15	Voting Leave/Election Judge Time.....	35
Section 7.16	Political Party Leave .....	36
Section 7.17	Legislative/Elected Office.....	36
Section 7.18	Organ Donation Leave .....	36
Section 7.19	Minnesota Parenting Leave.....	37
Section 7.20	Request for Leave.....	37
Section 7.21	Minnesota State Retirement System (MSRS) Health Care Savings Plan (HCSP)	37
Section 7.22	Sick Hour Conversion .....	37
Section 7.23	Todd County HCSP for Elected Officials .....	38
Section 7.24	Employee Recognition Service Awards.....	38
Section 7.25	Safety Committee.....	39
Section 7.26	AWAIR/Safety Policy.....	39
Section 7.27	Emergency Closings (Rev. 02/16/21) .....	40
Article VIII.	Organization Standards and Rules. ....	41
Section 8.01	Code of Ethics .....	41
Section 8.02	Harassment, Offensive Behavior Policy, and Including Sexual Harassment	43
Section 8.03	Responsibilities .....	45
Section 8.04	Internal Complaint System and Discipline Procedure .....	45
Section 8.05	Prevention of Harassment .....	46
Section 8.06	Training.....	46
Section 8.07	Workplace Violence.....	46
Section 8.08	Employee Attire & Personal Property.....	48
Section 8.09	Tobacco Free Policy.....	49
Section 8.10	Drug Free Workplace Policy.....	49
Section 8.11	Drug and Alcohol Testing for Commercial Drivers Policy (Added 9/20/2022)	52
Section 8.12	Telework Policy (Added 5/18/21).....	70
Appendix A	Todd County Telework Workplace Risk Assessment .....	75
Appendix B	Telework Request Form .....	78
Appendix C	Equipment List Documented by MIS.....	79
Addendum to Section 7.05	Sick Leave (Added 3/17/20).....	80

## **Article I. Introduction**

### **Section 1.01 General Information (Rev. 1/18/22)**

These personnel policies are intended to be a convenient and helpful source of information about policies, benefits, and employee services of Todd County. These policies apply to all employees of Todd County unless otherwise superseded by a collective bargaining agreement, state or federal law.

- (a) Personnel policies which reference behavior expectations, codes of conduct or workplace requirements also apply to all elected officials well as all individuals appointed by the Board of Commissioners.
- (b) These personnel policies do not constitute a contract between the employee and Todd County. These personnel policies are not a guarantee of permanent employment or intended to alter the employment relationship in any manner. Employees have the right, with appropriate notice, to terminate their employment at any time, for any reason, and Todd County retains a similar right, subject to any statutory or constitutional restrictions placed upon it as a public employer.
- (c) The information in these personnel policies serves only as a general reference to the county's policies and procedures.
- (d) These policies are periodically reviewed and revised to provide employees with the most accurate information possible. The County reserves the right at its discretion to deviate from these policies, adopt additional policies, to amend or repeal these policies as it sees fit, without notice to employees.
- (e) These personnel policies also outline county expectations of employees. Employees subject to these policies shall comply with and carry out the provisions of these policies.
- (f) Any employee who fails to comply with any of the provisions of these policies shall be subject to disciplinary action. It is the responsibility of supervisory personnel at all levels to ensure that employees comply with these policies.
- (g) The policies described in this personnel policy shall replace all prior written and unwritten policies of the County on the subject matter covered herein.

### **Section 1.02 Todd County Policy of Mutual Respect**

A primary mission of Todd County is to promote a spirit of teamwork and cooperation among all employees, elected officials and appointed individuals. Furthermore, the County wants to provide a work environment of mutual respect. To achieve these goals, the County expects that all employees treat co-workers, supervisors, and subordinates with respect, honesty, consideration, and cooperation. The County expects that employees will refrain from making statements that others might find upsetting or offensive and statements that create a hostile work environment. Such statements include, but are not limited to, jokes and other statements directed at another's age, sex, race, religion, national origin, physical appearance or other protected class status. This policy is intended as a guide for maintaining effective interpersonal communication and professional relationships. In order to maintain healthy workplace relationships, the County expects that employees, County Commissioners and elected officials will refrain from tape recording conversations with each other without full disclosure and consent by all individuals

first. Management firmly supports this policy and will make every effort to ensure its implementation.

### **Section 1.03 Purpose of This Policy Manual**

It is the purpose of this policies and procedures manual to provide a uniform, comprehensive and effective system of personnel administration in Todd County and to establish procedures which will serve as a guide to administrative action concerning personnel activities and transactions.

It is the further purpose of this personnel policies and procedures manual to insure:

- (a) That all appointments and promotions to positions in County service shall be made on the basis of job-related qualifications.
- (b) That position classification and compensation plans shall be adopted which will conform to the principle of like compensation for like work.
- (c) That the citizens of Todd County can be assured that their best interests are being served by the employment of the most qualified personnel available.
- (d) Fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, sexual orientation, veterans status, political affiliation, age, or other protected-class status, and with proper regard for the privacy and constitutional rights of applicants and employees.

### **Section 1.04 Adoption (Rev. 1/18/22)**

- (a) This policies and procedures manual was approved by the County Board of Commissioners at a regular board meeting.
- (b) Any changes in the content of the personnel policy and procedures manual must be approved by the County Board of Commissioners and will be dated on the policy.
- (c) Upon approval by the County Board, this personnel policies and procedures manual shall govern the personnel system of Todd County, except where superseded by state or federal law, or a collective bargaining agreement.

### **Section 1.05 Administration of the Manual**

- (a) Copies of this policies and procedures manual shall be made available to all employees, appointing authorities, and interested union representatives. Copies of this manual shall be on file in the County Coordinator's office and human resources department and shall be available for public review upon request.
- (b) The Todd County Board of Commissioners and the County Coordinator shall administer this policies and procedures manual.
- (c) The County Coordinator shall provide the necessary forms and reports for all personnel changes in the County under this personnel policies and procedures manual.
- (d) This manual may be amended whenever the County deems an amendment fit. Changes to the manual may be initiated by:
  - (i) The County Board
  - (ii) The County Coordinator
  - (iii) A Department Head

- (e) All proposed changes shall be referred in writing to the County Coordinator who shall make a recommendation to the County Board within a reasonable amount of time, up to 30 calendar days. Upon receipt of the County Coordinator's recommendation, the County Board may approve or reject the changes. The initiator of the change will be informed in writing of the status of the proposed change and anticipated time frame for a County Board response.

#### **Section 1.06 Savings Clause**

- (a) If any provision, section or article of this personnel policies and procedures manual is held invalid, the remainder of the manual policies shall not be affected thereby.

#### **Section 1.07 Departmental Rules**

- (a) In accordance with this policies and procedures manual, each Department Head or division authority may establish a set of rules.
- (b) Such rules shall be established for the purpose of handling personnel matters particular to the department concerned and shall be governed by this policies and procedures manual.
- (c) Before departmental rules can be implemented, they shall be filed with and approved by the County Coordinator.
- (d) The Department Head is responsible to oversee that the department policies remain in compliance with County policies and procedures, including but not limited to this policies and procedures manual.

#### **Section 1.08 Collective Bargaining Agreements**

- (a) Employees who are subject to collective bargaining agreements as negotiated in accordance with the Public Employment Labor Relations Act, Minn. Stat. § 179A.01, et. seq., shall be exempt from those provisions of this manual which are inconsistent with the provisions of such collective bargaining agreements. In the event of a conflict between a collective bargaining agreement and these policies, the collective bargaining agreement shall prevail.

#### **Section 1.09 Other Agreements**

Employees who are subject to an individual agreement with the County Board shall be exempt from those provisions of this manual which are inconsistent with the provisions of such an agreement.

#### **Section 1.10 Management Rights**

The County Board retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish work schedules; and to perform any inherent managerial function granted to it pursuant to the Public Employment Labor Relations Act, Minnesota § Chapter 179A.

## **Article II. Definition of Terms**

The following words and phrases in the personnel policies and procedures manual shall have the meaning as indicated:

**Anniversary date** - the date a person begins full-time, regular/part-time, regular employment with the County. This date is used for the determination of eligibility for benefits and some benefit levels.

**Background check** - verification of information provided on application, resume, or during an interview; and a review of criminal records after the applicant has signed a release of information form.

**Classification** - the act of grouping positions into grade with regard to duties, requirements, and responsibilities.

**Compensatory time off** - paid time off given to reimburse a non-exempt employee in lieu of overtime pay.

**County Board** - the elected or appointed Todd County Board of Commissioners.

**Department Head** - a director of a County department as designated by the County Board or elected to a County office by the public. Department Heads are considered exempt from the requirements of the Fair Labor Standards Act (FLSA).

**Employee** - a person holding an appointed paid position within the County

**Employer** - County of Todd.

**Exempt employee** - Employees exempt from the overtime compensation provisions of the Fair Labor Standards Act. These employees are generally employed in management, administration, or professional positions.

**Exit interview** - a structured interview conducted at the time of separation from employment.

**Grade** - assignment given to one or more positions sufficiently similar in the duties performed; degree of supervision exercised or required minimum requirements of training, experience, or skill; and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied with equity to all of the positions.

**Job evaluation** - a process in which management determines the relative value of a job as compared to other similar jobs in the organization.

**Layoff** - dismissal of an employee or employees due to such situations as lack of work, lack of funds, loss of revenue from non-county tax levy sources, the abolition of a position, or an organizational change. The layoff can be temporary or permanent.

**Minimum qualifications** - the minimum requirements and experience necessary to perform and/or obtain a given job.

**Non-exempt employee** - employees who are subject to minimum wage and hour provisions of the Fair Labor Standards Act, and who are eligible for overtime pay or compensatory time off

**Organizational chart** - a diagram showing the relationships between various positions within the organization.

**Orientation** - introduction given to new employees regarding the organization's environment, policies, and procedures.

**Overtime** - all hours worked by non-exempt employees at the authorization of the employer in excess of hours in the relevant work period, as defined by the FLSA.

**Performance evaluation** - a system to review and evaluate an individual's work performance.

**Position description** - a written document identifying the purposes, duties, responsibilities, and accountabilities of a job as well as the essential and non-essential duties as required by the Americans with Disabilities Act (ADA).

**Probationary period** - a period of time during which an employee is required to demonstrate a satisfactory capability of performing the duties of the position.

**Resignation** - an action taken by an employee to voluntarily discontinue County employment.

**Retirement** - An action taken by an employee to discontinue County employment when they qualify for benefits under County and State sponsored retirement programs.

**Salary** - fixed compensation paid bi-weekly.

**Seniority** - status determined by the continuous length of time an employee has worked for the County.

**Standard work week** - for the purpose of calculating overtime for non-exempt employees, the standard work week begins on 12:01am Sunday through Saturday at 12:00 p.m.

**Status (employment):**

- (a) **Regular full-time** - an employee in a position that is to be regularly budgeted, who works a 40 hour work week and has successfully completed a probationary period.
- (b) **Regular part-time** - an employee in a long term, regularly budgeted position who works less than the 40 hour work week and has successfully completed a probationary period. To be eligible for pro-rated benefits a regular part-time employee must be regularly scheduled to work at least 14 hours or more hours per week.
- (c) **Long-term substitute** - an employee, working full or part-time, in a position that is limited by the duration of a specific project or to cover for an approved leave of absence of a regular, full-time/part-time employee. Long-term substitute employees are not eligible for County benefits except as mandated by statute or County policy.
- (d) **Temporary or seasonal employees** - employees whose positions are temporary in nature or seasonal in character and who work an average work week of less than 14 hours a week or 67 days or less in a calendar year and as further defined by the Minnesota Public Employment Labor Relations Act, Minn. Stat. § 179A.01, et. seq. This definition also includes employees who are full-time students under the age of 22 whose positions are temporary in nature or seasonal in character and who work 100 days or less in any calendar year. Students must indicate if they are enrolled at an educational institution for the next academic year or term or intend to continue as a student during their temporary employment. Temporary and seasonal individuals are not eligible for county benefits except as required by statute, state administrative rule or county policy.

**Supervisor** - an employee delegated responsibility for the day to day administration of a work unit.

**Suspension** - a forced leave of absence with or without pay for disciplinary purposes or pending investigation of specific charges made against an employee.



**Termination** - a voluntary resignation, involuntary discharge, or discontinuation of employment with the County.

**Transfer** - a lateral movement from one job to another of the same grade. A transfer can include moving from one department to another department.

### **Article III. Employment**

#### **Section 3.01 Equal Employment Opportunity Policy Statement**

- (a) It is Todd County's policy to provide equal opportunity to all employees and applicants for employment in accordance with all applicable equal employment opportunity laws and regulations of federal, state and local governing bodies or agencies thereof, including the Minnesota Human Rights Act, Minnesota Statutes Chapter 363A.
- (b) Todd County will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance or local human rights activity, or any other characteristic protected by state or federal law. Todd County is committed to providing equal opportunity in all employment practices, including but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, promotion, training, termination and rates of pay or other forms of compensation.
- (c) Todd County will use its best effort to afford minority and female business enterprises with the maximum practicable opportunity to participate in the performance of subcontracts for construction projects that this County engages in.
- (d) If any employee or applicant for employment believes he/she has been discriminated against, he/she should contact the Human Resources department, Todd County courthouse, 215 1st Ave South Suite 300, Long Prairie, MINNESOTA 56347 or (320) 732-6447 or (320) 732-6155.

#### **Section 3.02 Recruitment, Selection and Hiring (Rev. 1/18/22)**

Policy - It is the policy of Todd County to recruit and select qualified persons for positions in the County.

- (a) The Board of Commissioners is notified of all vacancies prior to recruitment.
- (b) The Department Head reviews the financial implications of replacing a position and presents the financial implications to the Personnel Committee through email or meeting prior to requesting a posting.
- (c) Authorization to initiate recruitment for a vacant position is provided if the position has been budgeted for and approved by the County Board.
- (d) All newly created positions must be approved by the Board of Commissioners prior to recruitment.

#### **Section 3.03 Posting (Rev.11/02/21)**

- (a) Prior to posting a vacant position the hiring supervisor and Human Resources Manager will review the current job description to ensure its accuracy and the stated job qualifications do not present artificial barriers to employment. The hiring supervisor

and Human Resources Manager will submit any revisions to the job description to the Personnel Committee. Revisions to the job description will be evaluated by the Personnel Committee to determine if the job description needs to go through a job analysis.

- (b) All vacant positions are posted internally on the County website for a minimum of five (5) calendar days.
- (c) At the hiring department head's discretion, a vacant position may also be advertised to the public through other appropriate media.
- (d) Each applicant must complete a Todd County application by the posted deadline in order to be considered for the position.
- (e) Unsolicited applications will not be kept on file.
- (f) Applicant Screening: All hires will be made according to merit and fitness related to the position being filled. Todd County will establish minimum qualifications for each position with input from the appropriate supervisor.
- (g) Veteran's Preference: In accordance with [M.S. 197.455](#), the Veteran's Preference Act provides that there shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of ten points provided that the veteran obtained a passing rating on the examination without the addition of the credit points. Additionally, there shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of fifteen points provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that (1) the veteran obtained a passing rating on the examination without the addition of the credit points; and (2) the veteran is applying for a first promotion after securing public employment. Veterans choosing to use veteran's preference points must provide a copy of their DD-214 discharge paper when making application for the position.

#### **Section 3.04 Interviews (Rev. 8/7/19)**

- (a) The number of candidates to be interviewed is determined by the hiring supervisor.
- (b) Commissioners are welcomed to participate in interviews by notifying the Human Resources Manager. The full County Board shall be responsible for the interview of County Coordinator candidates and Department Head candidates.
- (c) The original applications, resumes, letters of qualifications, selection interview forms and or documents relating to the selection process shall be retained in County Administration in good condition according to the Human Resources Records Retention Schedule.

#### **Section 3.05 Initial Offer (Rev. 8/7/19)**

- (a) All applicants who are offered a position within the County shall be sent a written offer letter indicating: starting salary, length of probation period, position title, and position status (full-time, part-time, exempt, non-exempt, union, non-union), and summary of benefits.

**Section 3.06 Pre-Employment Medical Exams (Rev. 8/7/19)**

- (a) The hiring department head or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any County position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.
- (b) When a pre-employment medical exam is required, it will be required of all candidates who are offered employment in that job class. Information obtained from the medical exam will be treated as confidential medical records.
- (c) When required, the medical exam will be conducted by a licensed practitioner designated by the County with the cost of the exam paid by the County. The practitioner will notify the Human Resources Manager that a candidate either is or is not medically able to perform the essential functions of the job. The Human Resources Manager will confer with the candidate regarding reasonable and acceptable accommodations. If the candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination.

**Section 3.07 Reference Checks (Rev. 8/7/19)**

- (a) The Human Resources Manager or designee will be responsible to conduct candidate reference checks. The results will be shared with the hiring supervisor.

**Section 3.08 Criminal Background Check (Rev. 8/7/19)**

- (a) The County will conduct a criminal background check on individuals upon making a conditional job offer. No offer of employment shall become final until receipt of the results of a successful criminal background check.

**Section 3.09 Drug and Alcohol Test (Rev. 8/7/19)**

- (a) Drug and alcohol tests may be required after an offer of employment has been made based on the individual meeting the requirements of the job including the satisfaction of required testing in compliance with all applicable state and federal laws.

**Section 3.10 Hiring (Rev. 8/7/19)**

- (a) Each hire is approved by the Board of Commissioners through consent agenda or other formal board action prior to the date of hire.
- (b) However, consistent with MN Statute 387.14, the County Sheriff need not get County Board authorization prior to filling a position so long as the position being filled was specifically identified and approved by the County Board as part of the current year's budget.

**Section 3.11 Hiring of Relatives (Rev. 8/7/19)**

- (a) The employment of relatives in the same department may cause conflicts. Relatives of persons currently employed by Todd County may be hired only if they will not be working directly for or supervising a relative within the County. For the purpose of this policy, a relative includes: child, step-child, daughter-in-law, son-in-law, spouse, parent,

step-parent, sibling, step-sibling, grandparent, grandchild, the employee's spouse's parent, step-parent, sibling, step-sibling and any other person whom the employee has been declared legal guardian.

**Section 3.12 Eligibility List (Rev. 8/7/19)**

- (a) It is the policy of Todd County to establish an eligibility list upon completion of interviews, ranking applicants under final consideration. The eligibility list is valid for up to six (6) months and may be used, at the discretion of the Department Head, if the position becomes vacant again within that six (6) month period.

**Section 3.13 Letters of Rejection (Rev. 8/7/19)**

- (a) All applicants who are turned down for positions within the County will be notified that the position has been filled. This notification will typically be done by email.

**Section 3.14 Promotions (Rev. 8/7/19)**

- (a) A promotion is an advancement from a position in one salary grade to a position in a higher salary grade.

**Section 3.15 Training/Probationary Period for New Hires (Rev. 8/7/19)**

- (a) This period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. This period for new hires is twelve (12) months in length and can be extended at the discretion of the Department Head for up to six (6) months. A written performance evaluation will be prepared and discussed with the employee prior to the end of their probation period. Probationary employees may be disciplined at the sole discretion of the County, up to and including dismissal. An employee so disciplined, including dismissal, will not have access to the grievance procedure.
- (b) Nothing in these Policies shall be construed to imply that after completion of the probationary period, an employee has any vested interest or property right to continued County employment.
- (c) Sick leave and vacation time will be earned but may not be used during a new hire's initial six (6) months of employment.
- (d) A new employee's service with Todd County begins with the date of hire and continues to accrue as long as the employee continues working for Todd County.

**Section 3.16 Probationary Period for Transfers, Demotions, or Promotions (Rev. 8/7/19)**

- (a) Employees transferred, promoted or demoted to a different position shall serve a probationary period for three (3) months in the new position.
- (b) At any time during the probationary period a promoted, transferred or demoted employee may be demoted or reassigned to the employee's previous position or a similar position for which the employee has been determined by the County to be qualified, based on the written recommendation of the Department Head with approval of the Personnel Committee. If an employee is so demoted or reassigned as described

in this policy, the employee will not have the right to utilize the grievance or other appeal procedure.

- (c) A written performance evaluation will be prepared and discussed with the employee prior to the end of their probationary period. This period of three (3) months can be extended at the discretion of the Department Head for up to three (3) months.
- (d) During the three (3) month probationary period, the employee shall have the right to revert back to his/her former position.
- (e) During the probationary period employees who have been promoted, demoted, or reassigned are eligible to use their accrued vacation and sick leave.

### **Section 3.17 Employee Conduct**

- (a) Employees are representatives of the county and are responsible for assisting and serving the citizens for whom they work. An employee's primary responsibility is to serve the residents of Todd County. Employees are expected to conduct themselves in an ethical, professional, responsive manner. To this end, employees are expected to adhere to established policies, rules, and procedures, and follow the instructions of their supervisors.

All employees are expected to:

1. Perform assigned duties at all times.
2. Follow lawful direction from the County Board, County Coordinator, the Department Head, and Supervisor.
3. Render prompt and courteous service to the public at all times.
4. Read, understand, and comply with the rules and regulations as set forth in these policies, as well as those of their departments and outlined in position descriptions.
5. Conduct themselves professionally toward both residents and other County employees, and respond to inquiries and information requests with courtesy.
6. Immediately report any and all unsafe work conditions to their supervisor.
7. Maintain satisfactory attendance while meeting the goals set by their supervisor.

### **Section 3.18 Hours of Work**

- (a) Purpose: To define the schedule of work hours for Todd County employees as determined by operational needs and demands of each department within Todd County.
- (b) County employees will follow the hours of work as they are set by the County Board and/or defined in the applicable collective bargaining agreement. Regular, full-time employees shall work at least a forty (40) hour work week, but are not guaranteed any number of hours.
- (c) Employee attendance:
  - (i) Attendance and punctuality are essential to the smooth running of the business of the county. Employees are expected to be at work, on time, on a regular basis. Persistent absenteeism or tardiness will be cause for disciplinary action or dismissal.

- (ii) Planned absences must be arranged with the employee's supervisor in advance. Employees must notify their supervisor as early as possible if they are unable to report to work on time for any reason, or in the event of an unplanned absence. Likewise, if an employee needs to leave work early they must notify their supervisor.
- (d) Work schedules:
  - (i) The normal work week for all employees will be Sunday through Saturday. The normal business hours shall be 8:00 a.m. to 4:30 p.m., Monday through Friday of each week. Variances to this normal workday may be authorized upon approval by the Department Head or County Coordinator and are subject to change by the County Board.
- (e) Lunch period:
  - (i) The normal lunch period is for one-half (1/2) hour and is unpaid except where other arrangements are made by the Department Head and approved by the County Coordinator. Lunch periods are duty free.
- (f) Rest period:
  - (i) Employees scheduled to work four (4) or more continuous hours shall be allowed a fifteen-minute break within each four (4) hour period. Rest periods not taken in any particular day are forfeited.
  - (ii) Employees who are nursing mothers shall make every effort to use her fifteen-minute break within each four (4) hour period to express her breast milk. Inquiries about a location for the employee to express her breast milk shall be made to that employee's supervisor who, will work with the human resources department, or to the human resources department directly. The location shall be in an appropriate place in as close a proximity to the employee's work area as possible, as per Minnesota statute §181.939.

## **Article IV. Performance Management**

### **Section 4.01 Standards**

- (a) Purpose: To provide communication between the employee and the immediate supervisor relating to job performance, work standards, the employee's performance strengths, and developmental needs.
- (b) Todd County believes in a comprehensive and collaborative approach to performance management. Performance management should not consist only of an annual performance evaluation, but that supervisors must regularly communicate regarding job performance, work standards, developmental needs and most importantly provide positive reinforcement. Performance evaluations should be complete and accurate and based on documented examples of work performed.
- (c) The County Coordinator will be responsible for developing an appropriate model in conformance with this policy that provides for, at a minimum:
  - (i) Communication of performance standards.

- (ii) Communication with employees to identify if performance standards have been met.
- (iii) Evaluation of performance.
- (d) Probationary employees
  - (i) Todd County recognizes the importance of a probationary period for employees to learn about the organization, and to learn if they “fit” in the position they have been hired for. As such, supervisors and employees should use the probationary period to communicate and learn about each other’s work style, as well as the unit’s work style.
- (e) Responsible authority for performance management.
  - (i) Employees: The Department Head or immediate supervisor will conduct the performance management process for supervisors and non-management employees.
  - (ii) Department Heads: The County Board will conduct the performance management process for Department Heads and directors.
  - (iii) County Coordinator: The Personnel Committee conducts the performance management process for the County Coordinator, with the full County Board conducting the performance evaluation portion.

**Section 4.02 Disciplinary Action**

- (a) Purpose: The County recognizes its responsibility to develop and administer regulations and disciplinary measures in a fair and consistent manner. When practical and appropriate, a system of progressive discipline will be followed. However, it is the prerogative of management to invoke disciplinary measures commensurate with the underling conduct.
- (b) Disciplinary measures: Different types of disciplinary measures may be used depending on the offense. Disciplinary measures include:
  - (i) Oral reprimand: This action is taken by a supervisor in which he/she verbally informs an employee about an action, inaction or behavior of the employee which the supervisor finds objectionable or wishes corrected.
  - (ii) Written reprimand: This is an action taken by a supervisor in which he/she writes out the action or behavior which he/she wishes the employee to change, cease or begin. The written reprimand shall describe the behavior to be corrected and shall give directions for the future, including the consequences of repeating the actions which brought about the written reprimand. Written reprimands will be presented to the employee in accordance with the notification section of these policies.
  - (iii) Suspension: This is an action taken by the supervisor that removes the employee from the county payroll for a period not to exceed 30 days. This action does not require the employee’s consent. The employee does not accrue salary, vacation leave credit or sick leave credit during the suspension and the employee may not use such time while on suspension.

- (iv) Demotion: An employee may be demoted if attempts at resolving the problem have failed, and the employee would qualify for, and in the supervisor's opinion, be a productive employee in the new position.
- (v) Dismissal: This is an action taken by the supervisor that permanently removes an employee from employment with the county. Dismissed employees shall be treated the same as employees separated for reasons other than retirement in the matters of paying documented, earned severance pay.
- (c) Just cause: Adequate reason for disciplinary action as determined by county representatives.
- (d) Notification: All disciplinary actions described herein, other than an oral reprimand, shall include notifying the employee of the disciplinary action being taken as follows:
  - (i) A written notice of the action, giving reasons for the action and the effective dates and conditions of the action, must be signed by the supervisor or authorized subordinate. This notice shall be presented to the employee in person by the supervisor or authorized subordinate, or sent to the employee's last known address by mail before the effective date of the action. If the written notice is presented in person, the employee should sign all copies to acknowledge receipt. If he/she refused, the presenter shall note it on the form.
  - (ii) A copy of the written notice shall be retained by the supervisor and made part of the employee's personnel file.

**Section 4.03 Authority to Carry Out Discipline**

- (a) Communication between supervisory staff, Department Heads, administration and the personnel committee is required to address disciplinary issues.
- (b) Supervisors may carry out oral reprimands.
- (c) Directors may carry out written reprimands without unpaid leave.
- (d) The County Coordinator or designee may carry out all disciplinary measures, with the exception of dismissal.
- (e) County Board action is required for dismissal.

**Section 4.04 Grievance Procedure (5/17/22)**

- (a) Purpose: To provide a method for the prompt and equitable resolution of disputes relating to the administration of the personnel policies and procedures manual.
- (b) Definitions: A grievance is a dispute or disagreement raised by any employee against the county and/or a supervisor because of an interpretation or alleged violation of these policies. The following actions are not subject to the grievance procedure:
  - (i) The classification or rate assigned to the employee's position;
  - (ii) The results of the employee's performance evaluation;
  - (iii) Any salary decisions;
  - (iv) The legitimacy of any of the provisions of the personnel policies;
  - (v) Actions proposed but not taken; and
  - (vi) Any investigative activity provided that no action has been taken.
- (c) Scope of grievances:



- (i) An employee who is covered by a collective bargaining agreement is precluded from grieving matters relative to the interpretation or application of the collective bargaining agreement under these rules, as those types of grievances are addressed in the collective bargaining agreement.
  - (ii) The county may elect to treat a grievance raised by a group of employees relating to the same issue as a single grievance proceeding.
- (d) Processing of a grievance:
  - (i) It shall be the county's policy to address all grievances promptly. In order to facilitate the processing of employee grievances in an orderly and just manner, and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used:
    - 1) Step 1: An employee having a grievance shall present such grievance to their supervisor in writing within ten (10) working days after the event causing the grievance. It shall be the responsibility of the supervisor to investigate the grievance, to discuss the grievance with the employee, and to give a written answer to the employee within ten (10) working days from the time the grievance was initially presented.
    - 2) Step 2: A grievance not resolved in step 1 may be appealed to the Department Head, provided such appeal is made within ten (10) working days after receipt of the written decision in step 1. The employee shall place the grievance in writing setting forth the nature of the grievance, the facts on which it is based, the provisions of these rules allegedly violated, and the remedy requested. The employee will meet with the Department Head to present the grievance. The Department Head shall issue his/her decision in writing within ten (10) working days after the meeting.
    - 3) Step 3: In the event the grievance is not resolved in step 2, the decision rendered may be appealed in writing to the County Board, or its representative, provided such appeal is made within ten (10) working days after receipt of the written decision in step 2. The County Board, or its representative, shall set a time to hear the grievance within twenty (20) working days after the appeal is received. After hearing the grievance, the County Board or its representative shall issue its decision in writing within ten (10) working days to the parties involved. Such decision, upon review of the County Board, is final.
- (e) Time limits
  - (i) If the grievance is not presented within the time period set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the county's last answer. If the proper authority does not answer a grievance or appeal thereof within the specified time limits, the employee shall treat the grievance as denied, and may immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the employee and authority involved in the step at the request of either party.

#### **Section 4.05 Personnel Board of Appeals (Rev. 5/17/22)**

- (a) Purpose: The Personnel Board of Appeals was established by Todd County Board Resolution pursuant to Minnesota Statute § 375.56, effective November 16, 2021. Disputes not effectively resolved in the three-step grievance process in Section 4.04 may be eligible for a hearing by the Personnel Board of Appeals. The request for hearing must be in writing and filed with the Coordinator within fourteen (14) calendar days of the response received in Step 3. The request shall be processed as defined in the Personnel Board of Appeals procedural rules located in Personnel Board of Appeals Policy.
- (b) Jurisdiction: The jurisdiction of a County Personnel Department created pursuant to Minn. Stat. § [375.56](#) shall include every county level public employment position for which the appointing authority is the County Board, the local social services agency, the County Human Services Board, an elected county official, an appointed county department head, or a commissioner or board appointed by the County Board. The positions below are excluded from this jurisdiction pursuant to Minn. Stat. § 375.58 subd. 2 and 3:
- (i) elected positions;
  - (ii) positions for which a county or district court judge is the appointing authority;
  - (iii) positions designated as department heads appointed by the county board;
  - (iv) positions designated as department heads appointed by boards or commissions appointed by the county board;
  - (v) one position designated by each elected department head as a chief or principal assistant;
  - (vi) one position designated by each elected department head as a personal secretary.
  - (vii) any positions subject to merit systems established pursuant to Minn. Stat. §§ [12.22, subdivision 3](#), [256.012](#), and [387.31](#) to [387.45](#);
  - (viii) positions designated as temporary or seasonal;
  - (ix) positions held by special deputies and volunteers serving without pay;
  - (x) positions held by students in training.
- (c) Procedure: Matters eligible for a hearing by the Personnel Board of Appeals are limited to the following:
- (i) Alleged arbitrary or capricious action on the part of the County Board with respect to final establishment of these rules
  - (ii) Alleged discrimination by the Personnel Director or his/her employees in the examination procedures or preparation of lists of eligible candidates, or discriminatory use thereof by the department head under the provisions of Minn. Stat. § 375.56 to 375.71 or rules promulgated thereunder
  - (iii) Alleged misinterpretation or evasion by the Personnel Director to the County Board of provisions of Minn. Stat. § 375.56 to 375.71 to these policies promulgated thereunder in a manner seriously detrimental to the party or parties bringing the appeal
  - (iv) Such other matters of grievance as may be provided for in these rules promulgated under Minn. Stat. § [375.56](#) to [375.71](#).

- (d) Decision: The Personnel Board of Appeals shall make written findings of fact and report its findings of fact to the County Board within 30 days of the filing of an appeal by an applicant, employee, or department head in the above circumstances. Pursuant to Minn. Stat. § 375.66 subd. 3, findings and reports of the personnel board of appeals shall be submitted to the county board for consideration and action as deemed appropriate by the county board, but, to the extent required for employees of departments and agencies paid in full or in part by federal funds, the findings of the personnel board of appeals shall be final and binding if necessary to conform to a federal or state regulation affecting the department or position.
- (e) Appeal Findings: Pursuant to Minn. Stat. § 375.67 employees and appointing authorities may appeal from an order from the Board of Appeals for judicial review under the processes of Minn. Stat. Chapter 14.
- (f) The Personnel Board of Appeals shall have no jurisdiction over the County's salary and budget decisions, or job classifications.
- (g) Operating procedures: This board operates in accordance with the operating procedures established by the county (see Personnel Board of Appeals Policy).

### **Reprisals Prohibited**

No employee will be disciplined for requesting a hearing, or for giving testimony in the Personnel Board of Appeals Hearing.

### **Section 4.06 Termination of Employment**

- (a) Purpose: To make the separation of employment with Todd County as amicable as possible for both the employee and the county.
- (b) Involuntary separations: Employees who are involuntarily separated, including layoff and discharge shall be paid in full no later than the next regular payday.
- (c) Voluntary separations: Employees who choose to resign must give at least two weeks written notice to the Department Head. The written notice must specify the last day that the employee will be at work. In the event that the employee is able to do so, he/she should give the county thirty (30) or more day notice in order to allow the county adequate time to find a replacement.
- (d) Mutual separation: In situations where the employer and employee agree on terms to separate the employment relationship, the County Coordinator is authorized to execute separation agreements on behalf of the County Board. This authority is limited to agreements with a financial impact less than or equal to the authority of the Coordinator in the Todd County Financial Policies.
- (e) Job abandonment: An employee who is absent from work for a period of three (3) consecutive working days or more without notifying the Department Head of the absence shall be deemed to have voluntarily resigned not in good standing. An employee who fails to return from a leave of absence on the prescribed date without notice shall be deemed to have voluntarily resigned not in good standing unless the resignation is waived by appropriate County Board action.

- (f) Employees who are separated from employment shall be paid in full no later than the next regular payday unless another date is mutually agreed upon.

#### **Section 4.07 General Procedures**

- (a) Employees, except probationary employees, who resign in good standing after giving the required two weeks' notice and who resigns for reasons other than in anticipation of a disciplinary action, will receive forty percent (40%) of their documented, accumulated sick leave and any documented, unused accrued vacation leave. Non-exempt staff will receive documented, accumulated comp time. Accrued benefits and/or severance pay may be granted in accordance with applicable collective bargaining agreements and pursuant to law.
- (b) Employees who resign, separate or terminate not in good standing shall forfeit sick severance.
- (c) Employees may pick up final paychecks in the auditor/treasurer's office or request that final payment be mailed via regular mail to the separating employee.
- (d) It is the responsibility of the separating employee's immediate supervisor to assure that the employee returns all county property, keys and/or equipment prior to the employee's receipt of the final paycheck. The county may hold final payment of accruals until all county property, keys and/or equipment is returned. The separating employee may be allowed to remove personal items from their work station area during normal business hours with their supervisor present if appropriate. The supervisor will also notify MIS to remove the employee from computer access. All expenses and credit cards should also be balanced and returned prior to issuing the final payment of accruals.

#### **Section 4.08 Exit Interviews (Rev. 4/6/21)**

- (a) Purpose: To provide the separating county employee an opportunity to express an opinion with regard to employment with Todd County. This process is optional and not required of all exiting employees.
- (b) Every employee separating from county employment is to be extended the courtesy of a final interview with the Department Head and/or Human Resources Manager and/or County Coordinator and/or up to two County Commissioners. The exit interview form will be completed by the interviewer, shared with the employee's Supervisor, Department Head, County Coordinator, and Commissioners, and filed in the employee's personnel file. The employee can choose to exclude to share with any of the above but cannot share with some Commissioners and not others. If Commissioners participate in the exit interview, the documentation of the meeting will be shared with all Commissioners.
- (c) The separating employee will be advised of separation matters including but not limited to final pay, vacation pay, benefits.
- (d) In the event an interview is not possible, the Human Resources Manager will provide the exit interview form to the exiting employee, with return information.

- (e) Exit interview information will be reviewed by the County Coordinator to determine trends or corrective action that may be necessary. When necessary, this information will be shared with the County Board and Department Heads.

**Article V. Wages and Salaries**

**Section 5.01 Salaries: Elected and Appointed Department Heads**

- (a) Purpose: To establish, maintain, and administer an equitable compensation system for all Todd County employees and Todd County elected and appointed officials.
- (b) Elected officials: The salaries for Todd County elected officials, including county commissioners, county attorney, county auditor/treasurer, county recorder and county sheriff will be set by resolution of the County Board in December of each year prior to the year in which the salary is to be paid.
  - (i) Elected officials may choose to be placed on the county approved step and grade grid. In the event the elected official chooses this option, the County Board must approve the placement on the grid; however there is no future board action required.
  - (ii) A payroll holdback shall be used for all elected officials, following the same 11-day holdback schedule in force for all other employees.
- (c) Appointed positions:
  - (i) The salaries for appointed positions that include all non-elected Department Heads, mid-management personnel and all confidential personnel are set in accordance with the county pay scale, comp-worth plan and personnel policies.

**Section 5.02 Overtime Pay (Rev.11/19/19)**

- (a) Purpose: To follow the Fair Labor Standards Act for non-exempt employees as it relates to hours worked in excess of forty hour per work week, or an amount set forth in an applicable collective bargaining agreement.
- (b) General procedures: All overtime hours worked shall be authorized by the Department Head and/or supervisor. All records of overtime hours worked must be maintained and reported on the employee's time sheet.
- (c) In accordance with law, non-exempt employees will receive pay or compensatory time off at the rate of one and one half times the regular rate for hours actually worked over forty (40) hours per week. Overtime hours that are approved by the Department Head and/or supervisor and submitted on a time sheet may be paid without board approval.
- (d) For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked. Overtime will be calculated to the nearest one-quarter (1/4) hour. All paid vacation time, paid holidays, paid sick leave, compensatory time off, and paid leave of absences shall be considered as "time worked" for purposes of qualifying for the overtime premium.
- (e) Comp-time shall be paid out to non-exempt employees when transferring from one department to another or when changing from non-exempt status to exempt status.
- (f) Compensatory time off must be approved by the employee's department head.

- (g) The maximum accumulation of comp time for non-exempt, non-union employees is 80 hours.
- (h) When an employee is required to travel in connection with a temporary assignment, payment of overtime during this period is to be determined by the immediate supervisor on the basis of the circumstances involved and in accordance with applicable law.
- (i) Supervisors will take no action that encourages employees to work off the clock without recording the hours worked.
- (j) Exempt employees: Exempt employees are not eligible for overtime as those terms are used in the Fair Labor Standards Act. It is the county's policy that exempt employees who work hours over and above their normal schedule may take time off to compensate for these additional hours as long as their responsibilities are met and approved by the exempt employee's supervisor. The time off will be granted on a 1:1 basis for each hour worked in excess of the employee's normal schedule. In no event shall any exempt employee be paid out severance or otherwise for such time which is not taken.
- (k) Exceptions to this policy may be granted if submitted in writing and approved by the County Board.

### **Section 5.03 Payroll Deductions**

- (a) Purpose: To make deductions from an employee's wage in accordance with applicable law and, where required, the employee's consent.
  - (i) Employees shall be required to complete all applicable forms necessary for deductions a may be required by law.
  - (ii) No deduction from an employee's wages for any period shall cause the employee's wages for any such period to be less than the wage required to be paid by the county pursuant to applicable law.

### **Section 5.04 Pay Procedure**

- (a) Purpose: To maintain a consistent and efficient payroll department and procedures.
- (b) General procedures:
  - (i) The payroll period shall be biweekly. Todd County employees shall be paid biweekly on Wednesday for work performed during the previous pay period. There are 26 pay periods in one year.
  - (ii) The Department Head or supervisor will submit timesheets on the due date established by the payroll department. Payroll due dates may be accelerated due to holidays. The timesheets will list actual hours worked and/or other paid time off such as sick/vacation time, utilized during the current pay period to be paid.
  - (iii) Checks will be distributed from the auditor/treasurer's office following the completion of processing each payday (Wednesday) at 8:30 a.m.
  - (iv) Todd County implements an 11-day holdback on wages/salaries.
- (c) Automatic payroll deposit: All county employees must enroll for direct deposit of their payroll pursuant to Minnesota statute §471.426.

## **Article VI. Comparable Worth Policy and Compensation Plan**

## Section 6.01 Scope of Policies and Procedures

- (a) Purpose: These policies and procedures express the Todd County Board of Commissioners' intent to maintain a county-wide plan which conforms to comparable worth standards found in Minnesota §471.991-471.999 related to local governments in Minnesota.
- (b) The County recognizes that its employees are its most valuable resource, and that they are directly responsible for achieving its goals and carrying out its mission. To that end, the County utilizes a market-based pay plan that offers competitive salaries and benefits to employees, while focusing on fiscal efficiency and accountability to taxpayers. If a position is deemed to be significantly out of market then the Administration Department may recommend a review and adjustment to a position.
- (c) The following policies and procedures are based on the "Todd County job classification system for pay equity analysis review and update" which was done in conjunction with Springsted and accepted by the Todd County Board.
- (d) Classifications of newly created positions: Classifications of newly created positions will be evaluated in the following manner:
  - (i) A job description will be developed for the position by the Department Head and submitted to the human resources department. The Administration Department, or designee, will evaluate the position using the Systematic Analysis and Factor Evaluation (SAFE) System.
- (e) Classification changes for existing positions:
  - (i) Changes initiated by the employee(s):
    - 1) Existing positions may be reviewed if requested by an employee and agreed with by the supervisor, Department Head, and/or County Coordinator. A decision to reevaluate a position shall be decided on based upon significant changes to major job functions, enough to warrant a reevaluation.
- (f) Basis for appeals:
  - (i) The Department Head and/or County Coordinator will only initiate completing and reaching a consensus on a job evaluation request for reconsideration form for an existing position that contains a change in major job functions from those described in the current job description.
  - (ii) Appeals that could result in a higher classification of a position based on new tasks that have been added within the past year may be denied because the Department Head may be instructed to create a new job description and post that job after board approval of the new position.
  - (iii) A change in major job functions does not guarantee a change in score resulting in either an increase or decrease in grade level.
- (g) Step adjustments within a Grade class may occur. A request must be made and be approved by the Supervisor, Department Head and County Coordinator before consideration. The adjustment must be recommended by the personnel committee with final approval by the County Board. The basis for the decision to adjust must be based on budget and organizational implications.

- (h) Following approval of the County Board, any resulting changes in salary or grade classification will be effective upon the pay-period following approval.
- (i) All individuals will be notified in writing within 30 days of the outcome of their appeal and the impact, if any, that it will have on their salary.

**Section 6.02 Salary Changes as a Result of Comparable Worth Grade Level**

- (a) Reclassifications: The following rules will govern salary changes resulting from reclassifications:
  - (i) Anniversary dates shall be recognized as the date of hire. Any comparable worth grade level reclassification of positions would not affect an employee's anniversary date.
- (b) Salary on reclassification to a higher grade: An employee whose position is reclassified to a higher grade shall receive a pay adjustment that is the minimum of the new salary range or an amount equal to four percent (4%) higher than the current salary and placement onto the next highest step, whichever is greater. No salary increase shall be granted which would place the employee's rate of pay above the maximum of the authorized salary range for the new (reclassified) position. The employee's eligibility for step increases will not change upon the reclassification.
- (c) Salary on reclassification to a lower grade: An employee whose position is reclassified to a lower grade shall be placed in that new salary range at the employee's existing rate of pay. An employee whose rate of pay is above the maximum of the salary grade, due to a reclassification to a lower grade, shall receive one-half (½) of the uniform cost of living adjustment granted by the County Board to other employees whose salaries fall within their assigned grades. The employee's eligibility for step increases will not change upon the reclassification.
- (d) Salary on promotion: An employee promoted to a classification in a higher salary range shall receive a pay adjustment that is the minimum of the new salary range or an amount equal to four percent (4%) higher than the current salary and placement onto the next highest step, whichever is greater. No salary increase shall be granted which would place the employee's rate of pay above the maximum of the authorized salary range for the new (promoted) position. An additional increase may be granted to the promoted employee if such additional increase is recommended by the Department Head, the promotion involves more than one grade change, and the recommendation is approved by the County Board. The employee's eligibility for step increases will not change upon the promotion.
- (e) Salary on demotion – voluntary & disciplinary: For a voluntary or disciplinary demotion, the employee's pay shall be reduced to a point within the salary range for the classification of the new (demoted) position as determined by the County Board. Employees demoted for disciplinary reasons shall, at a minimum, receive a reduction in salary in an amount equal to at least four percent (4%) of the applicable grade for the position. In no event, shall a demoted employee's rate of pay remain above the maximum of the authorized salary range of the classification to which the employee



was demoted. The employee's eligibility for step increases will not change upon the demotion.

- (f) Salary for employees working out-of-class: Employees who are appointed to a position in a higher classification for at least sixteen (16) consecutive working days shall receive a temporary pay adjustment for all time worked in the higher classification. This temporary pay adjustment shall be equal to the pay he or should would have received in the event that he/she had been promoted to the position. When the employee reverts to the employee's previous position, the employee's salary shall be readjusted to its previous level unless otherwise provided. This section shall not apply to employees who are filling in for an incumbent employee who is on vacation. The employee's eligibility for step increases will not change while working out-of-class.

## **Article VII. Employee Benefits and Services**

### **Section 7.01 Insurance – Group Health and Life (Rev. 2/15/22)**

- (a) Purpose: To provide group health and group life insurance to employees of Todd County. The group health insurance contributions and coverage described below is not vested and the county expressly reserves the right to change this provision at any time.
- (b) All full-time regular employees, who work a minimum of thirty (30) hours per week, are entitled to health and life insurance provided by Todd County. Elected officials are also considered full-time, regular employees for the purpose of insurance eligibility.
- (c) The effective date for health and life insurance is the first of the month following 30 days of full-time employment provided the employee completes and submits a completed enrollment form within 30 days of hire in a full-time, regular position. Additional coverage may be elected for eligible dependents of the employee at an additional cost to the employee.
- (d) Enrollment forms and additional information regarding the group health and life insurance plans are available in the human resources department.
- (e) Disability leave: Employees who become disabled while in the employ of the county and who have exhausted their sick and vacation leave shall have their county-paid portion of life insurance and health insurance premiums paid by the employer for up to one year.
- (f) Employee resignation/reduction of hours: Employees who leave the employ of the county or have a reduction of hours worked may pursuant to COBRA rules continue to participate in the group health insurance program for up to a period not to exceed eighteen (18) months provided they pay the full premium cost. A longer period may be granted as required by COBRA. If an employee dies, the employee's spouse and/or eligible dependent children may continue to participate in the group health insurance program for up to thirty-six (36) months as required by applicable COBRA law.
- (g) Retirement: Upon retirement, an employee at his/her own cost may participate in the Retiree Group Health Plan with the condition the employee has been employed by the County for a minimum of twelve (12) years and be at least fifty-five (55) years of age, or have at least thirty (30) years of service.

- (i) **Post-retirement Benefit:** Only employees hired on or before January 1, 2007 are eligible for this benefit. Upon early retirement, the Employer will pay an amount not to exceed \$731.50 per month towards the cost of single health insurance up to three years, not to exceed the employee's 65th birthday with the condition the employee is eligible for PERA and has twenty (20) or more years of service.
- (ii) **MSRS HCSP Contribution:** Only employees hired after January 1, 2007 and before January 1, 2022, or those who are eligible for the benefit found in 7.01 (g)(i) who voluntarily and irrevocably waive in writing any right to the benefit found in 7.01(g)(i), are eligible for a \$250.00 annual contribution into their MSRS HCSP on January 2 of each year of employment with Todd County. Employees hired on or after January 1, 2022 are eligible for a contribution into their MSRS HCSP if actively employed on January 2 of the following calendar year as set forth below:
  - After 10 years of continuous employment with the Employer      \$2500
  - After 15 years of continuous employment with the Employer      \$1000
  - After 20 years of continuous employment with the Employer      \$1000
  - After 25 years of continuous employment with the Employer      \$1000
  - After 30 years of continuous employment with the Employer      \$1000
- (iii) **One-time contribution:** Only employees hired between January 1, 2007 and March 1, 2014, or those who are eligible for the benefit found in Section i above who voluntarily and irrevocably waive in writing any right to the benefit found in Section i above, are eligible for a one-time contribution to their MSRS HCSP on the following schedule:

<b>Years of Employment</b>	<b>Contribution into MSRS HCSP</b>
1	\$1,000
2	\$1,250
3	\$1,500
4	\$1,750
5	\$2,000
6	\$2,250
7	\$2,500

Eligible employees with more than 7 years of employment will receive the maximum contribution of \$2,500. In the year that eligible employees receive this one-time contribution the employee is not also eligible for the \$250.00 annual HCSP contribution found in Section ii for that year.

- (h) **Other qualifying events for continuation of health insurance benefits.** A covered employee and/or qualified beneficiary must provide notice to the human resources

department of divorce, legal separation, or a dependent child's loss of dependent status under the plan. This notice must be provided no later than 60 days after the later of the qualifying event; loss of coverage due to the qualifying event.

- (i) Life insurance: All full-time, regular employees shall be covered by a term life insurance policy. This coverage is part of the county's group health insurance.
- (j) Claims against the county: It is understood that the county's only obligation is to purchase an insurance policy and pay such amounts as agreed to herein and no claim shall be made against the county as a result of denial of insurance benefits by an insurance carrier.
- (k) Premium holiday: Should the county be notified of a reduction in premium, the county shall equally share the reduced premium cost for dependent coverage with the employee.

**Section 7.02 Vacations (Rev.7/21/20)**

- (a) Purpose: To provide employees with a break from the work environment.
- (b) This policy also recognizes the work of employees and rewards additional vacation time after continual years of service. Due to the fact that the majority of Todd County employees are covered by collective bargaining agreements and that these agreements may provide different benefit accrual, usage and limitations, non-union employees in these departments will accrue and be able to use the following benefits subject to the provisions of the collective bargaining agreement in effect for unionized members of the department in the event that they differ from the policies below.
- (c) General procedures:
  - (i) Vacation accrual schedule for full-time employees:

Service Year	Hours per Month
1 – 3	8
4 – 5	10
6 – 10	12
11 – 15	14
16 – 20	17
21 – 24	18
25 and over	19

- (ii) Regular, full-time employees shall earn vacation hours based on the above schedule, at the completion of the month.
- (iii) Regular part-time employees who average more than 14 hours per week but less than 40 hours per week shall earn pro-rated vacation hours based upon the above schedule and the average number of scheduled hours the employee worked in the preceding calendar quarter.

- (iv) When an employee moves from part-time to full-time the date of vacation accrual is based on the regular hours they worked as a part-time employee; from these hours their vacation accrual date would be established. This change is effective for people moving to full-time as of July 21, 2020 or after.
  - (v) Employees in regular full-time positions who are paid for less than 40 hours in a week shall accrue vacation on a pro-rated basis.
  - (vi) Employees on military leave shall accrue vacation at their regular rate.
  - (vii) An employee who leaves the employ of the county in good standing shall receive documented, accumulated unused vacation leave as severance pay provided a minimum of a two (2) week written notice is provided.
- (d) Vacation usage:
- (i) Department Heads and/or supervisors are responsible for scheduling vacation leaves for employees under their supervision. While every effort will be made to accommodate an employee's vacation request, vacations will be scheduled so as not to unduly disrupt the normal operation of the department. Should a conflict in scheduling occur, it will be resolved on the basis of first request and then seniority at the time of the request.
  - (ii) Vacation leave may be taken only to the extent that it is earned.
- (e) Vacation carryover:
- (i) The maximum carryover of vacation time from one year to the next shall be twenty-four (24) days or (192) hours.
- (f) Vacation cash out option:
- (i) Employees may select to cash out the vacation hours accrued in excess of 16 hours per month which shall be paid out the first pay period in December.

Service Year	Accrued per Month	Cash Out
16 – 20	17 hours	1 hour/month up to 12 hours
21 – 24	18 hours	2 hours/month up to 24 hours
25+	19 hours	3 hours/month up to 36 hours

**Section 7.03 Vacation Donation (Rev. 3/17/20)**

- (a) Purpose: To provide employees with the option of donating vacation time to another employee on medical or disability leave who has exhausted all of their accrued sick and vacation time.
- (b) General procedure
  - (i) The employee on leave of absence must provide the human resources department with a written request to accept vacation leave from co-workers.
  - (ii) The human resources department or Department Head shall extend notice to county employees based on the employee's wishes.
  - (iii) Employees who choose to donate vacation time shall complete an authorization form; submit it to their Department Head/supervisor for approval. Employee may not donate more than half of their vacation time to a recipient.



- (ii) When a paid holiday falls on an employee's scheduled day off the employee shall be paid for the holiday. When a paid holiday falls during a vacation period, the employee shall receive holiday pay for that holiday and shall not use vacation benefits for that day.
- (iii) Non-exempt employees who are required to work on a holiday shall receive compensation at the rate of one and one-half (1-1/2) times the employee's regular straight time hourly rate of pay, plus holiday pay.
- (iv) In order for an employee to qualify for the holiday pay provided in this article, they must be on pay status on the last scheduled work day immediately preceding the holiday, and the first scheduled work day immediately following the holiday.

**Section 7.05 Sick Leave (Rev. 4/6/21)**

- (a) Purpose: To provide paid leave to eligible county employees who are unable to work due to illness, injury, disability, or by necessity for medical/dental care.
- (b) General procedures:
  - (i) Sick leave shall be earned by full-time regular employees at the rate of one (1) day or eight (8) hour maximum for each full month of service worked. Though sick leave shall be accrued, probationary employees may not use it until they have successfully completed their probationary period. The maximum carryover of sick leave from one year to the next per employee shall be 1040 hours or 130 days.
  - (ii) Sick leave benefits shall only accrue when an employee is on compensated payroll status. Sick leave benefits shall not be earned by any employee while in a non-pay status, except employees on military leave.
  - (iii) Regular part-time employees who average more than 14 hours per week but less than 40 hours per week shall receive pro-rated sick hours based on the average number of scheduled hours the employee worked in the preceding calendar quarter.
  - (iv) Employees shall notify their Department Head or supervisor as early as possible and prior to the employee's start time when using sick leave, unless an emergency prevents the employee from doing so
- (c) Sick leave usage: Employees shall be granted sick leave with pay to the extent of the employee's accumulation for absences necessitated by illness, injury, disability, or by necessity for medical/dental care of the employee or the employee's minor child/stepchild.
- (d) Utilization for family:
  - (i) Employees shall be granted use of sick leave for the employee's immediate family on the same basis the employee is able to use sick leave benefits. Immediate family, for the purpose of this section, shall be limited to the employee's spouse, children/step-children, adult child, parents, stepparents, mother-in-law, father-in-law, grandparents, grandchildren of either the

employee or his/her spouse, ward, brother(s), sister(s), son-in-law and daughter-in-law.

- (ii) **Medical Certification.** The County reserves the right to require written medical certification from an employee in the event of three (3) consecutive days of absence or in cases of the repeated and systematic absence of an employee. The Department Head or human resources department may require a medical statement from an appropriate medical authority before granting sick leave, as well as verification that an employee is able to perform the duties of employment before the employee is allowed to return to work.
- (e) **Workers compensation:** When an employee is absent from work because of a sickness or injury arising out of the course of employment, the county shall pay the difference between the remuneration received by the employee from workers' compensation and the employee's take home pay except for the three (3) day waiting period. This difference shall be deducted from the employee's sick leave benefits and is subject to subrogation with workers' comp benefits. In no event shall this additional compensation paid to the employee by virtue of sick leave result in the payment of a total daily, weekly or monthly compensation of the employee nor shall it exceed a period of time in excess of one (1) year related to the same injury.
- (f) **Sick leave during vacation leave:** When sickness occurs during a vacation leave, the period of illness may be charged as sick leave and the time against vacation leave reduced accordingly. To qualify, employees will be required to call their Department Head/supervisor as soon as possible if they become ill on vacation leave. Upon the discretion of the supervisor, a doctor's verification shall be submitted upon return.

#### **Section 7.06 Family and Medical Leave**

- (a) **Purpose:** To comply with the family and medical leave act.
- (b) **General procedures:**
  - (i) Eligible employees may request a family and/or medical leave of absence for up to 12 weeks of leave in any 12-month period under certain circumstances. Employees are eligible after one year of employment and after 1,250 hours of work over the previous 12 months. An eligible employee's FMLA entitlement is limited to a total of 12 work weeks of leave during any rolling 12 month period measured forward from the date the employee's first FMLA leave began.
  - (ii) Employees shall concurrently utilize accrued paid leave during a family and/or medical leave of absence. It will be the policy of Todd County to require all employees to first use their accrued, available sick, vacation, or comp time for any part of the twelve (12) week period.
- (c) **Reasons for taking leave:** Pursuant to the FMLA a leave may be granted for any of the following reasons:
  - (i) For the birth of the employee's child and to care for the newborn child;
  - (ii) For placement with the employee of a son or daughter for adoption or foster care;

- (iii) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
  - (iv) Qualified exigency and military caregiver leave (26 workweeks of unpaid leave during a single 12-month period).
  - (v) For a serious health condition that makes the employee unable to perform the employee's job.
- (d) Advance notice and medical certification: Employees may be required to provide advance notice and medical certification. A family and/or medical leave of absence may be denied if requirements are not met:
- (i) An employee must ordinarily provide 30 days' advance notice when the leave is foreseeable;
  - (ii) A medical certificate to support a request for leave because of a serious health condition may be required. Second or third opinions, at the expense of the county, and a fitness for duty report to return to work may also be required.
- (e) Job benefits and protection: For the duration of the leave, an employee's health coverage under any group health plan will be maintained. An employee must continue to pay his or her share of group health plan premiums that had been paid by the employee prior to the leave.
- (i) Upon return from leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
  - (ii) An FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- (f) Interplay between leaves: If a leave qualifies as family and/or medical leave and parenting leave pursuant to Minnesota chapter 181, the leaves will run concurrently and the leave used will count against the employee's entitlement under both types of leave.

### **Section 7.07 Personal Leave of Absence**

- (a) Purpose: To assist employees who encounter unusual circumstances that necessitates an extended period of absence from their daily work duties. An unpaid leave for up to 60 calendar days, this is in addition to vacation or comp, for personal reasons may be granted to an employee at the employer's discretion with approval from the Department Head. No such leave shall be granted or used for the purpose of securing other employment.
- (b) General procedures: A leave of absence greater than ten (10) working days must be requested in writing and submitted by the employee to the Department Head or supervisor for review. The Department Head will require the employee to complete the necessary request forms and then submit the forms to the human resources department for processing.
- (c) Final determination to grant a leave of absence will be made at the discretion of the Todd County Coordinator. When granting a leave of absence, the following factors will be considered:
- (i) The employee's record of performance.
  - (ii) The employee's need for a leave of absence.



- (iii) The workload of the employee’s department.
- (iv) The length of the request.
- (d) Available vacation and comp time shall be paid out while on leave. Once vacation and comp time has been paid out the remainder of the leave shall be without pay. County benefits, as related to vacation, sick leave and holidays shall cease during the unpaid leave of absence period. However, health insurance, life insurance, PERA, shall continue during the leave. The cost of participating in these benefits shall be paid by the employee on a month-to-month basis.
- (e) If the leave is for medical reasons for the employee and the employee does not qualify for family medical leave of absence (FMLA) or has exhausted FMLA, a personal – medical leave may be granted. Available sick time shall also be paid under these circumstances.
- (f) Return from leave of absence: The employee will be able to return to their same position provided it has not been eliminated due to reorganization or reduction in workforce.
- (g) If the position no longer exists, all efforts will be made to return the employee to a comparable position within the organization.
- (h) If the employee does not return to work on the expiration date of the leave of absence, employment with Todd County shall be terminated. Employees shall notify their supervisor at least 60 days prior to the expiration date of their leave of absence of their intent to return to work. Employees who do not give at least 60 days notice will forfeit 10% of their severance benefit should they not return to work. Employees who do not give at least 30 days notice will forfeit 20% of their severance benefit.

**Section 7.08 Funeral Leave (Bereavement) (Rev. 8/18/20)**

- (a) Funeral leave will be granted to an employee when a death in their family occurs according to the following schedule; it shall be used within a reasonable amount of time, and will not be banked or paid out:

<b>Family Member</b>	<b>Family Relation</b>	<b>Hours of Paid Funeral Leave</b>
Employee	Spouse/Domestic Partner	40
Employee	Parent	40
Employee	Children	40
Employee	Son/Daughter-in-Law	40
Employee	Ward	40
Employee/Spouse/Domestic Partner	Sibling	24
Spouse/Domestic Partner	Parent	24
Employee/Spouse/Domestic Partner	Grandparent	24
Employee/Spouse/Domestic Partner	Grandchild	24

<b>Family Member</b>	<b>Family Relation</b>	<b>Hours of Paid Funeral Leave</b>
Employee/Spouse/Domestic Partner	Aunt/Uncle	8
Employee/Spouse/Domestic Partner	Niece/Nephew	8
Employee/Spouse/Domestic Partner	Other relative living in employee's home	8

Including step family members.

- (b) In the event that the employee needs additional time off, the employee may have the option of using sick leave, compensatory time, vacation time or time without pay (if no paid time is available). This additional time must be pre-approved by the Department Head.
- (c) Part-time employees shall receive pro-rated funeral leave based on their actual hours worked in the previous quarter.
- (d) Temporary, or seasonal employees shall not be eligible for funeral leave benefits.

**Section 7.09 Military Leave**

- (a) Military leave shall be granted pursuant to appropriate state and federal laws.
- (b) Employees, who are members of an organized military reserve component and are ordered to active duty for a temporary or indefinite period, shall be granted a military leave with pay for up to a maximum of 15 days in any one calendar year in accordance with Minnesota §, Chapter 192. After completion of the 15 days paid leave, the employee shall be granted military leave without pay for the remainder of the active period.

**Section 7.10 Non-FMLA Military Leave**

- (a) An eligible employee who has an immediate family member actively deployed in the military forces may request to use up to eighty (80) hours of their accumulated sick leave time to assist with emergency circumstances stemming from the active service when:
  - (i) The request is approved at the discretion of the County Coordinator; and
  - (ii) The employee has first depleted all accumulated vacation leave available and accumulated compensatory time available; and
  - (iii) The active deployment of the family member is documented in writing and submitted to the County Coordinator; and
  - (iv) When granting such leave would not create a hardship within the employee's department.
- (b) The decision of the County Coordinator with regards to whether to grant or deny leave is final.

**Section 7.11 Jury Duty/Court Time**

- (a) Purpose: To allow employees summoned to serve on a jury or testify as a witness.
- (b) Employees of Todd County shall not sustain a loss in pay or loss of benefits when called upon for jury duty. Employees called for jury duty shall be compensated with the

difference between the employee's daily jury duty per diem and the employee's normal daily wage. If an employee is excused from jury duty during the working day, the employee shall report back to work if time permits.

- (c) Employees required to be absent in response to a court order or subpoena in which they are personally involved shall have the option of taking such time off as vacation or without pay.
- (d) Temporary or seasonal employees shall not be eligible for jury or witness duty benefits.

#### **Section 7.12 School Conference and Activities Leave**

- (a) To provide employees leave of up to a total of 16 hours during any twelve (12) month period to attend school conferences or school-related activities to the employee's child(ren) in accordance with Minnesota § 181.9412. This leave shall be granted provided the conferences or school-related activities cannot be scheduled during non-working hours. The employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer.
- (b) The employee shall substitute paid vacation time or comp time for this leave if available. This leave may be granted without pay provided all vacation and comp time is exhausted.

#### **Section 7.13 Bone Marrow Donation Time**

- (a) Leave with pay shall be granted to an employee undergoing a medical procedure to donate bone marrow as provided for by Minnesota statute §181.945.
- (b) Employees who are undergoing a medical procedure to donate bone marrow shall be granted a leave of absence with compensation not to exceed forty (40) work hours. A Department Head may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted prior to the medical determination is not forfeited.

#### **Section 7.14 Blood Donation Time**

- (a) Employees who donate blood during business hours may receive up to one hour of paid time. Any time over one (1) hour shall be deducted from the employee's sick time. If sick time is exhausted, vacation or comp time shall be utilized.

#### **Section 7.15 Voting Leave/Election Judge Time**

- (a) Voting: Every employee who is eligible to vote in an election has the right to be absent from work for the purpose of voting during the day of the election. Employees must work with their supervisor to ensure coverage of duties. Employees must only take as much time to vote as is needed. Employees shall be paid for the time taken to vote per Minnesota § Chapter 204C.04 and 204C.08 Subd.1d. Employees who take time off to vote must provide their supervisor with reasonable notice of their intent to take this time off to vote prior to taking the time off.

- (b) Election judge: An employee who is selected to serve as an election judge pursuant to Minnesota statute §204B.21, subdivision 2 may, after giving their supervisor at least 20 days written notice, be absent from a place of work for the purpose of serving as an election judge without penalty. An employer may reduce the salary or wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.
  - (i) The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for the service as an election judge and the hours during which the employee will serve. An employer may restrict the number of persons to be absent from work for the purpose of serving as an election judge to no more than 20 percent of the total workforce at any single worksite as defined by Minnesota statute §204B.195.

#### **Section 7.16 Political Party Leave**

- (a) In accordance with M.S. 202A.135 and 202A.19, upon 10 days written notice, employees may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee; or attend any convention of major political party delegates (including meetings of official convention committees) if the employee is a delegate or alternate delegate to that convention; or to attend a major political party caucus. Employees taking political party leave shall have the option of taking such time off as vacation, compensatory time or without pay.

#### **Section 7.17 Legislative/Elected Office**

- (a) In accordance with M.S. 3.088, an appointed officer or employee of the County, who serves as a legislator or as a full-time city or county officer in Minnesota, is entitled to a leave of absence without pay when on the business of the office with the right to reinstatement.

#### **Section 7.18 Organ Donation Leave**

- (a) In accordance with M.S. 181.9456, part-time and full-time employees who seek to undergo a medical procedure to donate an organ or partial organ to another person shall be granted paid leave, in an amount not to exceed forty (40) working hours per donation, based on the employee's assigned work schedule. Such leave shall be subject to the employee's submission of confirmation by a physician of the need for the leave and length of each absence requested. Such leave shall not be charged against the employee's accrued sick leave, vacation, or compensatory time; however, sick leave, vacation, and/or compensatory time may, at the employee's election, be used to supplement such leave for situations in which the leave extends beyond forty (40) hours. If there is a subsequent medical determination that the employee does not qualify as an organ donor, any of the forty (40) hours of paid leave used by the employee prior to that medical determination shall not be eligible for recovery by the County.

**Section 7.19 Minnesota Parenting Leave**

- (a) Minnesota law (M.S. 181.940-.944) provides employees the opportunity to request and obtain up to twelve (12) weeks unpaid leave for childbirth or adoption without having to exhaust paid sick leave or vacation. To be eligible for Minnesota Parenting Leave, an employee must have been employed by the County in a half-time position (at least forty (40) hours per pay period) for at least twelve (12) consecutive months immediately preceding the request for leave. The employee may determine when the twelve (12) weeks is to begin, provided it is not more than six (6) weeks after the date of birth or adoption (or after the child leaves the hospital if the child remained hospitalized after the mother was discharged). If this type of leave is requested, and if the employee is FMLA-eligible, the time off from work is deemed FMLA leave and will be recorded as such.

**Section 7.20 Request for Leave**

- (a) Requests for leave must be provided in writing to the Department Head or Division Director for requests made under sections 7.06 – 7.15 of this policy, the director must forward to the County Coordinator as necessary for approval.
- (b) Each department or division shall establish their own procedures for leave requests under sections 7.01 – 7.05

**Section 7.21 Minnesota State Retirement System (MSRS) Health Care Savings Plan (HCSP)**

- (a) Purpose: To provide a program that allows employees to save money to pay medical expenses and/or health insurance premiums after retirement or termination of employment. Minnesota statute §352.98 authorizes Minnesota state retirement system (MSRS) to offer this health care savings (HCSP) program to Todd County employees.
- (b) Todd County HCSP for non-union management, supervisory & confidential staff, excluding elected officials:
  - (i) All non-union management, supervisory and confidential employees not covered by a bargaining unit who are eligible for a Public Employees Retirement Association (PERA) pension shall contribute 100% of their sick leave payout upon retirement or termination of employment.
  - (ii) Employees who are not eligible for a Public Employees Retirement Association (PERA) pension shall contribute their sick leave severance payout at the following schedule:

0 – 20 years of service:	40%
Beginning 21 years and over:	60%

**Section 7.22 Sick Hour Conversion**

- (a) Employees who have accrued over 1040 of sick hours will have 50% of those hours converted to cash and deposited into their post-retirement health care savings account. The conversion will take place once a year at year-end.

**Section 7.23 Todd County HCSP for Elected Officials**

- (a) A plan for elected offices including the county attorney, auditor-treasurer, recorder, sheriff and county commissioners has been developed as they are ineligible to participate in the plan outlined under Section 7.17 since they do not accumulate sick leave severance benefits. In an effort to balance this, elected officials are afforded an opportunity to participate in the HCSP under this program:
  - (i) Elected officials who have completed at least one term shall contribute 1% (percent) of their annual salary into the HCSP plan.
  - (ii) The county of Todd shall contribute into the HCSP a lump sum payment of \$3,000 per term upon completion of their second term and subsequent terms thereafter.

**Section 7.24 Employee Recognition Service Awards**

- (a) The county believes that a program to recognize county employees who make significant contributions and demonstrate their commitment during the performance of their duties result in higher morale and productivity among all employees and permit the county to fulfill its statutory responsibilities in an efficient and cost-effective manner thereby serving a public purpose. Minnesota Statute 15.46 allows for County Boards to establish employee recognition and wellness programs.
- (b) Eligibility: All regular, full-time and regular, part-time employees. Seasonal and temporary employees are not eligible for bonus payments.

<b>Years of Service Schedule</b>	<b>Award Amount</b>
5 years	\$25.00
10 years	\$50.00
15 years	\$100.00
20 years	\$200.00
25 years	\$400.00
30 years	\$400.00

- (c) Procedure. Employees who reach their 5th, 10th, 15th, 20th, 25th, and 30th anniversaries shall receive the above scheduled service award in December of the year they reach this milestone of employment. The service award payments will be issued by the payroll department and are subject to applicable tax withholding requirements.
- (d) The County Coordinator may purchase items such as plaques, frames, certificates, greeting cards or other appropriate tokens of appreciation at a cost of no more than \$50.00 on behalf of the County Board for retiring or departing employees.

### **Section 7.25 Safety Committee**

- (a) Purpose: To develop a committee as defined by state statute, to oversee Todd County's safety and health issues as they relate to employees and the public.
- (b) The human resources manager oversees the safety committee. Members of the safety committee include a representative from the following departments and other Todd County entities:
  - (i) Administration
  - (ii) Building maintenance
  - (iii) Community corrections
  - (iv) County Board member
  - (v) Courthouse
  - (vi) Law enforcement
  - (vii) Public health
  - (viii) Public works
  - (ix) Social services
  - (x) Soil & water
  - (xi) Solid waste
  - (xii) 2 members - Health and Human Services
- (c) The safety committee will meet on a regular, as-needed basis to review injury claims and safety concerns brought forth by county employees and the public. The safety committee will review:
  - (i) Accident frequencies and losses
  - (ii) Overall compliance with the safety program
  - (iii) Areas in the program that may require broader development
  - (iv) Status of any outstanding safety recommendations
- (d) These reviews ensure the continued direction of the county program. Recommendations by the safety coordinator will be brought to the Todd County Board of Commissioners for direction and/or action. Meeting minutes will be on file in the County Coordinator's office.

### **Section 7.26 AWAIR/Safety Policy**

- (a) Purpose: To provide a safe work environment for Todd County employees and its citizens according to a work place Accident And Injury Reduction Act (AWAIR), Minn. Stat § 182.653, subd. 8.
- (b) Responsibilities and authorities: The County of Todd realizes that it has the responsibility to provide a safe workplace for its employees and a safe environment for its citizens. Each employee must pursue the highest standards in his or her assigned activities and recognize that the wellbeing of persons and the protection of our physical resources are as important as the activity and the work being performed. The county expects its management and employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible.
- (c) These procedures are applicable to all operating departments within the county. The administration of this policy shall be the responsibility of the respective Department

Heads. The duties herein may be delegated to other levels of management or operation, but responsibility shall not be delegated.

- (d) Todd County maintains a separate policies and procedures manual (AWAIR) that is available in all departments which is reviewed and updated annually by the safety committee. All employees are required to be familiar with the policies and procedures contained in the AWAIR manual.

**Section 7.27 Emergency Closings (Rev. 02/16/21)**

- (a) The County Board Chair, Sheriff, Public Works Director, and/or County Coordinator shall have the authority to close all or a part of the County's operations during the normal work period for reasons including but not limited to; weather, safety, bomb threats, memorial services or other situations as designated by the County Board. The County Board may delegate the authority to close county facilities to such other officials as it may deem appropriate. Two delegates must agree to any closing of county facilities. The notification of emergency closing will be communicated to each department in the County. Notification will be made through Code Red, on our website, social media sites and to the local radio station, whenever possible prior to working hours.
- (b) Closing of facilities to the general public: To ensure public safety in the event of inclement weather or designated emergency, the County may close its facilities to the public. In the event County facilities are closed to the public due to emergency but are not designated as completely closed employees covered under this policy may choose to absent themselves or remove themselves from duty. Any employee exercising the option to remove themselves from duty shall use vacation or compensatory time off for the time absent from work. If such employee has no accrued vacation or compensatory time, the time absent from work shall be leave without pay. An adjustment shall be made to vacation and sick accruals based on number of hours worked in that timeframe.
- (c) Closing of facilities to the general public and employees: If an official action to completely close the government center is taken by or on behalf of the County Board, employees who are normally scheduled to work shall not suffer any loss in pay or benefits for the duration of the closing as provided: however, in no event shall this guarantee against losses in pay or benefits in excess of 16 hours within any calendar year. This policy does not apply to those employees or departments normally expected to be on duty during such emergency events.
- (d) Absences due to inclement weather: When the facilities remain open to the general public, employees shall use accrued vacation or compensatory time. If such employee has no accrued vacation or compensatory time, the time absent from work shall be leave without pay. An adjustment shall be made to vacation and sick accruals based on number of hours worked in that timeframe.
  - (i) For purposes of pay, an employee will be paid to shelter during work hours and not paid for non-working hours.
  - (ii) Please refer to Emergency Action Plan for further safety procedures.



## Article VIII. Organization Standards and Rules.

### Section 8.01 Code of Ethics

- (a) Purpose: To define conflict of interest to Todd County employees.
- (b) Definitions: For the purpose of this policy the following definitions shall apply:
  - Business** - means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity that engages either in nonprofit or profit-making activities.
  - Confidential information** - means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of any individual or a business.
  - Private interest** - means any interest, including but not limited to a financial interest, which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of any individual or a business.
  - Immediate family** - means spouse, child, parent, grandparent and spouse of such persons.
  - Employee** - shall include elected officials and all county employees, including Department Heads and appointed individuals.
- (c) Acceptance of gifts or favors: Employees of Todd County in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the county, for any activity related to the duties of the employee unless otherwise provided by law. The provisions of Minnesota statute §471.87 and the exceptions set forth in Minnesota statute §471.88 shall apply. The acceptance of any of the following shall not be in violation of this section:
  - (i) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
  - (ii) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the county of Todd.
- (d) Use of confidential information: An employee of the county of Todd shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.
- (e) Use of property: An employee shall not, without prior approval, use or allow the use of county time, supplies, or county owned or leased property and equipment for the employee's private interest or any other use not in the interest of the county, except as provided by law and/or the county's information systems' policy. For example, as personal computers are updated they become property of the county MIS Department for dissemination to other departments within the county.

- (f) Conflicts of interest: The following actions by an employee of the county of Todd shall be deemed a conflict of interest and subject to disciplinary action as appropriate:
  - (i) Use or attempted use of the employee's official position to secure benefits, privileges, exceptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated, which are different from those available to the public; or
  - (ii) Acceptance of other employment, engagement in private business or in the conduct of a profession during the hours for which the employee is employed to work for the county, or outside such hours in a manner, that would affect the employee's productivity as an employee of the county or affect the employee's independent judgment in exercise of the employee's official duties; or
  - (iii) Actions as an agent in any action or matter pending before the county of Todd, except in the proper discharge of official duties or on the employee's behalf.
- (g) Determination of a conflict of interest: When an employee believes that the potential for a conflict of interest exists, it is the employee's duty to report the matter to his or her supervisor or if there is not a supervisor, to the County Coordinator. Such report shall be made within 7 days after the potential for a conflict becomes known. A conflict of interest shall be deemed to exist when a review of the occurrence by the employee or the employee's supervisor, the County Coordinator or the County Board determines that this code of ethics has not been complied with.
- (h) Resolution of a conflict of interest: If it is determined that a conflict of interest exists, the County's labor attorney, county attorney, the employee's Department Head, the County Coordinator, and the employee may attempt to resolve the conflict with the employee after notifying the employee of the alleged incident in writing. The employee will be provided the opportunity to have a representative present throughout the meetings to resolve the alleged conflict. If the conflict is not resolved, or if it is determined that the conflict is of such a serious nature that warrants disciplinary action, the employee shall be disciplined under the terms of this personnel policy. In the case of conflict of interest involving a county commissioner, the county attorney shall handle the resolution.
- (i) Outside employment: Employees shall obtain prior written approval (a copy of which will be placed in the employee's personnel file) from the employee's Department Head before engaging in any other employment activity or enterprise for private gain that may constitute a conflict of interest. Department Heads shall obtain prior written approval from the County Coordinator before engaging in any other employment activity or enterprise for private gain that may constitute a conflict of interest.
- (j) Acceptance of advantage by county employee: No employee of the county in direct contact with suppliers or potential suppliers of the county, or who may directly or indirectly influence a purchased product or products, evaluation contracted services, or otherwise has official involvement in the purchasing or contracting process shall:
  - (i) Have any financial interest or have any personal beneficial interest directly or indirectly on contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the county; or

- (ii) Accept directly from a person, firm or corporation to which a contract or purchase order has been or may be awarded, a rebate gift, money, or anything of value other than as defined in section b. No such employee may further accept any promise, obligation or contract for future reward.
- (k) Prohibited political activity: All political activity is permitted except as provided below:
  - (i) No person shall in any manner during hours of employment use his or her authority or official influence to compel any employee:
    - 1) To apply for membership in or become a member of a political organization;
    - 2) To pay or promise to pay a political contribution; or
    - 3) To take part in any political activity.
- (l) Complaints: If a fellow employee or a non-employee makes a complaint about an employee's compliance with this policy, the complaint should be initially brought to the attention of his/her Department Head. The Department Head will notify the County Coordinator regarding the complaint within 7 days.
- (m) Annual confirmation: Department Heads will sign an annual confirmation that they have received, read and understood the Todd County code of ethics policy and that they are not aware of any violations of such policy. Such confirmation will be filed with human resources department.

**Section 8.02 Harassment, Offensive Behavior Policy, and Including Sexual Harassment**

- (a) Purpose: To provide a work environment free of harassment in any form.
- (b) Policy statement: It is the policy of Todd County to maintain a work environment free of harassment, offensive behavior, sexual harassment and any form of sex discrimination in employment prohibited by title vii of the civil rights act of 1964 and the Minnesota human rights act. Harassment, offensive behavior, or any form of sexual harassment is unacceptable and will not be permitted. Any employee found to have acted in violation of this policy will be subject to disciplinary action, up to and including discharge from employment.
- (c) Definitions:
  - (i) Harassment or offensive behavior includes: unwelcome physical or verbal conduct based upon sex (gender), race, color, creed, national origin, religion, age, marital status, familial status, disability, status with regard to public assistance, or sexual orientation, especially if that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creates an intimidating or offensive environment.
  - (ii) Sexual harassment includes: unwanted or unwelcome sexual advances which include but are not limited to:
    - 1) Requests or demands for sexual favors (whether subtle or blatant);
    - 2) Patting, pinching, or similar physical conduct that is sexually motivated; or

- 3) Verbal comments, abuse, or kidding that is sexually-oriented or sexual in nature.
- (iii) “Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
- 1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
  - 2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment; or
  - 3) That conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, or creating an intimidating, hostile or offensive employment environment; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.
- (iv) Examples: Behavior or conduct which may constitute sexual harassment may include, but are not limited to the following:
- 1) Verbal:
    - a) Unwelcome sexual comments, innuendoes, or suggestions about an individual’s body, clothing or sexual activity;
    - b) Discussion of sexual topics, sexual practices, sexual preferences, sexual experiences, sexual jokes and stories;
    - c) Requesting or demanding sexual favors, explicit or implicit suggestions that there is a positive or negative connection between sexual behavior or sexual compliance and any term or condition of employment; or
    - d) Language of an obscene or sexual connotation and stereotypical terms such as “sweetheart,” “slut,” “stud,” or “hunk.”
  - 2) Non-verbal:
    - a) The display or posting of sexually explicit or graphic pictures, objects or items in the work place such as a “girlie calendar” or cartoons depicting sexual jokes or sexual acts;
    - b) The use of suggestive facial expressions or gestures of a sexual nature; or
    - c) Unwelcome visits to an individual’s home, hotel room or areas considered private or outside the work premises.
  - 3) Physical:
    - a) Kissing, touching, patting, pinching or brushing against a person’s body;
    - b) Sexual contact; or assault and battery.

- 4) This list of examples is not intended to be exhaustive. Other types of behavior or conduct, which are not included in this list, may constitute sexual harassment and be in violation of county policy.

### **Section 8.03 Responsibilities**

- (a) All employees:
  - (i) All county employees, appointed individuals and elected officials are required to conduct themselves in a manner consistent with the spirit and intent of this policy.
  - (ii) Any person who believes he or she has been subjected to sexual harassment by an employee, officer, agent of the county, or any third person with knowledge or belief of conduct which may constitute sexual harassment, must report the alleged acts immediately to an appropriate county official. (see section d).
- (b) Department Heads, supervisors, and elected officials are responsible for:
  - (i) Establishing and maintaining a climate in the work unit that encourages all employees to communicate questions or concerns regarding this policy;
  - (ii) Recognizing incidents which they believe may be sexual harassment;
  - (iii) Immediately notifying the County Coordinator/human resources department in writing of harassment allegations so that investigatory procedures may be implemented. The failure of a Department Head and/or supervisor to report a complaint of harassment may result in disciplinary action; and
  - (iv) Taking corrective action to eliminate substantiated incidents of sexual harassment.
  - (v) Retaliation against a person who makes a complaint of harassment or participates, testifies or assists in the investigation of a harassment complaint is prohibited. Retaliation includes but is not limited to, any form of intimidation, reprisal or harassment. Retaliation will not be tolerated and may, in and of itself, result in disciplinary action, up to and including discharge from employment.
- (c) The County Coordinator/human resources department is responsible for:
  - (i) Informing Department Heads and supervisors of their obligations under this policy;
  - (ii) Informing employees of the county's policy regarding harassment, including providing training and posting of this policy; and
  - (iii) Investigating harassment allegations and ensuring that appropriate disciplinary action is consistently and fairly administered.

### **Section 8.04 Internal Complaint System and Discipline Procedure**

- (a) Reporting: Any person who believes he or she has been subjected to sexual harassment by an employee, officer, agent of the county, or any third person with knowledge or belief of conduct which may constitute sexual harassment, must report the alleged acts immediately to an appropriate county official as designated below. Appropriate county officials to whom complaints of sexual harassment should be made include:

- (i) Your supervisor and/or Department Head;
  - (ii) The harasser's supervisor and/or Department Head;
  - (iii) The County Coordinator/human resources department.
  - (iv) If the individual engaging in harassment is an employee's supervisor and/or Department Head, the aggrieved employee should contact the County Coordinator or human resources department. If the individual engaging in harassment is the County Coordinator or human resources department, the aggrieved employee should contact a member of the Todd County Board or County Attorney.
- (b) Report it—do not ignore it!
  - (c) Reprisal: The County will take appropriate action against any employee, agent, officer, elected official, or commissioner who retaliates against any person who reports alleged harassment, offensive behavior, or violence, or who retaliates against any individual who testifies, assists, or participates in an investigation related to a complaint.
  - (d) Investigation: Upon notice of an allegation of sexual harassment, county administration, or someone they designate, will conduct a prompt, fair, and thorough investigation of the complaint. Fair consideration will be given to all the facts presented. All complaints will be handled in a confidential manner to the extent possible pursuant to applicable laws.
  - (e) Normally, as the first step of investigation, the individual alleging a violation of this policy will be interviewed to discuss the nature of the allegations. The investigator will attempt to obtain the following information:
    - (i) A description of the incident(s), including date(s), time(s), and place(s);
    - (ii) Corroborating evidence;
    - (iii) A list of witnesses; and identification of the offender(s).
  - (f) The county shall have all reports or complaints of harassment, offensive behavior, or violence investigated promptly, fairly, and completely by county officials, or by a third party designated by the county.

### **Section 8.05 Prevention of Harassment**

- (a) Todd County will:
  - (i) Post notices of county policy and procedures;
  - (ii) Provide training activities in-house (at a minimum of every three (3) years);
  - (iii) Provide counseling or support services to victims, or arrange for such services provided outside the county.

### **Section 8.06 Training**

- (a) The county will provide opportunities for employees to receive training related to the prevention of harassment

### **Section 8.07 Workplace Violence**

- (a) Purpose: To maintain a respectful, safe workplace and public service environment free from violence. Todd County will not tolerate violence or threats of violence by or toward any employee, client, volunteer or citizen. Such violence or threats of violence

may subject the individual to appropriate disciplinary action, possible criminal charges and/or possible restriction from county facilities.

- (b) Possession, threat of use, or use of an object as a dangerous weapon, including all firearms, is prohibited at the workplace, on county property, in county facilities, and county vehicles, unless such possession, threat of use or use is an approved requirement of the job.
- (c) This policy applies to full-time, part-time, long-term substitute/temporary and seasonal employees, elected and appointed officials, interns, grant recipients, volunteers and citizens.
- (d) Acts or threats of violence defined: Acts of violence or threats of violence include offensive, intimidating or degrading conduct against persons or property which affect or alter employment conditions or create a hostile, abusive or intimidating work environment for county employees, clients, volunteers or citizens.
- (e) Examples of prohibited conduct: Examples of behavior or conduct which may constitute violence or threats of violence include, but are not limited to the following:
  - (i) Hitting, shoving or pushing an individual.
  - (ii) Threatening to harm an individual, his/her family, friends, associates or property.
  - (iii) Intentional destruction or threat of destruction of property owned, operated or controlled by Todd County.
  - (iv) Harassing, intimidating, abusive or threatening comments or telephone calls.
  - (v) Harassing, intimidating, abusive or threatening letters or other forms of written or electronic communications.
  - (vi) Harassing surveillance or stalking. "stalking" means the repeated following of or contacting of another person and with such following or contact, placing the other person in reasonable fear of his/her safety or well-being.
  - (vii) Making a suggestion or otherwise intimating that an act to injure persons or property is appropriate, without regard to the location where such suggestion or intimation occurs.
  - (viii) Unauthorized possession or inappropriate use of firearms, weapons or any other dangerous object on county property.
- (f) This list of examples is not intended to be exhaustive. Other types of conduct, which are not included in this list, may constitute violence or threats of violence and be in violation of county policy.
- (g) Application of prohibition: The county prohibits and will not tolerate acts of violence or threats of violence. This prohibition applies to all persons involved in county operations, including but not limited to, county employees, clients, volunteers and citizens.
- (h) Violations of this policy by any individual on county property, by any individual acting as a representative of the county while not on county property or by any individual acting off county property when his/her actions affect the public interest or the county's business interests may subject the individual to appropriate disciplinary action, up to

and including termination from employment, possible criminal charges and/or possible restriction from county facilities.

- (i) Employee obligations: Each employee of Todd County must report incidents of violence or threats of violence of which he/she is aware. Appropriate county officials to whom complaints of violence or threats of violence should be made include:
  - (i) Your supervisor and/or Department Head;
  - (ii) The perpetrator's supervisor and/or Department Head; or
  - (iii) The County Coordinator
  - (iv) Human resources department
- (j) If the individual engaging in violence or threats of violence is an employee's supervisor and/or Department Head, the aggrieved employee should contact the County Coordinator or human resources department. If the individual engaging in the conduct is in the County Coordinator or human resources department, the aggrieved employee should contact a member of the Todd County Board or County Attorney
- (k) Supervisory obligations: Department Heads and supervisors are responsible for:
  - (i) Establishing and maintaining a climate in the work unit which encourages all employees to communicate questions or concerns regarding this policy;
  - (ii) Recognizing incidents which they believe may constitute violence or threats of violence;
  - (iii) Immediately notify the County Coordinator or human resources department in writing of allegations so that investigatory procedures may be implemented. The failure of a Department Head and/or supervisor to report a complaint may result in disciplinary action; and
  - (iv) Taking corrective action to eliminate substantiated incidents of violence or threats of violence.
- (l) Upon notice of an allegation of violence or threats of violence, the County Coordinator or human resources department, or someone they designate, will conduct a prompt, fair and thorough investigation of the complaint. Fair consideration will be given to all the facts presented. All complaints will be handled in a confidential manner to the extent possible pursuant to applicable laws.
- (m) Training: The County will provide opportunities for employees to receive training related to risk factors associated with workplace violence and the proper handling of emergency situations.
- (n) Dissemination of policy: All employees will be given copies of this policy. The human resources manager will give all new employees a copy of the policy as part of their orientation.

### **Section 8.08 Employee Attire & Personal Property**

- (a) Employee attire: Employees interact on a daily basis with citizens and others on behalf of Todd County. As representatives of Todd County, employees are required to conduct themselves, appear and dress appropriately as determined by their Department Head.



- (b) Personal property: The County is not responsible for the loss of personal items, money or valuables belonging to employees. If employees are missing personal articles, money or valuables, they should notify the Department Head/supervisor immediately. All articles found in the facility with no owner identified should be given to the county auditor-treasurer where the person who lost the item may claim them.

**Section 8.09 Tobacco Free Policy**

- (a) Purpose: To provide a tobacco free working environment for Todd County employees and citizens.
- (b) The Todd County Board of Commissioners acknowledges the Minnesota Clean Indoor Air Act, and Minnesota statutes regarding smoking in public places.
- (c) The responsibility for the enforcement of the tobacco free policy within county buildings, grounds (except for designated areas) and vehicles is delegated to the individual Department Heads, both elected and appointed.

**Section 8.10 Drug Free Workplace Policy**

- (a) Purpose: Todd County has a commitment to its employees and to the public to provide a safe work environment. Todd County requires high standards for safety, health and professionalism from its employees. Todd County recognizes the impact that the use of alcohol and/or drugs has on job performance and the potential damage such use can cause to employees and to the safety and security of operations and the general public. Todd County's goal is to maintain a work environment that is free from the illegal use or abuse of drugs or alcohol. Each employee bears the responsibility to be accountable so that Todd County can achieve this goal. This policy is applicable to all employees and applicants of Todd County.
- (b) Rules:
  - (i) No employee shall use any alcohol on Todd County property, while the person is working for the county or on county business, nor while operating any county vehicle, machinery or equipment, except law enforcement officers operating in an official capacity. No employee, including law enforcement personnel, may use any drug on Todd County property, while the person is working for the county or on county business, nor while operating any county vehicle, machinery or equipment. This does not apply to alcohol consumption at social events when county business is incidental to the event.
  - (ii) No employee shall, while on Todd County property during the employee's work time or while the employee is on county business or operating any county vehicle, machinery or equipment, be intoxicated or impaired from the use of alcohol or drugs or under the influence.
  - (iii) No employee shall possess, consume, sell, purchase, trade or otherwise transfer any drug, anytime, or anywhere, except for valid medical reason, or authorized action.
- (c) Procedure:

- (i) All alcohol or drug screening tests for which blood is drawn or urinalysis or breathalyzer sample are taken shall be administered by a competent person. All drug and alcohol testing analysis shall be done by a laboratory licensed by the Minnesota commissioner of health.
  - (ii) Any employee who is covered by this policy, who is using medication that is prescribed by a physician which will significantly interfere with the employee's work performance, is required to notify his/her supervisor when reporting for work. Supervisors will assign other work if available; if appropriate work is not available, the employee may be required to take a sick day.
  - (iii) Prior to requiring a drug or alcohol test, the employee or job applicant will be given an opportunity to review the policy. The employee or job applicant will be asked to indicate any medication that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a positive test result.
- (d) Circumstances for a drug or alcohol test:
- (i) The employer may, at its discretion, require drug/alcohol testing under the following circumstances:
    - 1) Applicant: When a person applies to become an employee of Todd County, provided a conditional job offer has been made to the applicant. The same test will be required of all applicants conditionally offered employment for the position.
    - 2) Reasonable suspicion testing: If there is reasonable suspicion that an employee:
      - a) Is under the influence of drugs or alcohol;
      - b) Has violated any of the rules, set out in section c above ("rules"); or
      - c) Has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident.
      - d) Has sustained a personal injury or has caused another employee to sustain a personal injury, as defined in Minnesota Statute 176.044, subd. 16
    - 3) Treatment program testing: If the employee has been referred by Todd County for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program, drug/alcohol testing may be requested or required without prior notice anytime during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.
    - 4) Random, return to duty, and follow-up basis testing: These tests are limited to employees required to maintain a commercial driver's license as a condition of employment. DOT drug testing is in place for employees who are required to have a commercial license for their job. Such testing will be done in compliance with the DOT drug/alcohol testing policy.

- (e) Test results and consequences:
- (i) Applicant:
    - 1) If an applicant refuses to submit to a drug/alcohol test, the conditional job offer will be withdrawn and the applicant will not be hired or considered further.
    - 2) If an applicant tampers with any (the applicant's or another's) urine or blood sample, the applicant will be given no further consideration.
    - 3) If at any step (initial screening, confirmatory test or confirmatory retest) the test result or a sample is negative, there will be no adverse impact on the employer's consideration of the applicant and his/her qualifications.
    - 4) If the applicant adequately explains a positive test result, there will be no adverse impact on the employer's consideration of the applicant and his/her qualification.
    - 5) If the initial screening test result is positive and is verified by a confirmatory test, the applicant may request a confirmatory retest of the original sample, at the original laboratory, at the applicant's own expense and/or may submit additional information to the employer to explain that result. If a confirmatory retest is not requested or is positive or if the applicant does not submit satisfactory information within 7 calendar days after notification of the test result, the job offer will be withdrawn.
    - 6) If a job offer is withdrawn, the employer will inform the applicant of the reason.
  - (f) Employee:
    - (i) If an employee refused to submit to a lawful drug/alcohol test, he/she will be subject to discipline, up to and including termination.
    - (ii) If an employee tampers with any (the employee's or another's) urine or blood sample, the employee will be subject to discipline, up to and including discharge.
    - (iii) If, at any step, (initial screening, confirmatory test, or confirmatory retest), the test result on a sample is negative, no adverse employment action will be taken based on that sample alone.
    - (iv) If an employee satisfactorily explains a positive test result, no adverse action will be taken based on that result.
    - (v) If the confirmatory test is positive, the employee may request a confirmatory retest of the original sample at the employee's own expense and/or submit additional information to explain the positive test result.
    - (vi) If the confirmatory retest confirms the original positive test result and this was the first confirmed positive test result for the employee, the employee will be given an opportunity to participate in, at the employee's own expense or pursuant to the employee benefit plan, a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the employer after consultation with a chemical use counselor, doctor, or health care professional of Todd County's choosing:

- (vii) If the employee refused to participate in counseling or a rehabilitation program or fails to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program or by failing to maintain recommended sobriety or drug-free status after completion of the program, he/she will be subject to termination.
- (viii) No adverse employment action will be taken if the employee participates and successfully completes the counseling or rehabilitation program and does not have another positive test result within two (2) years after completion of the program.
- (ix) An employee who has tested positive may be placed on paid administrative leave or reassigned at the same rate of pay pending the outcome of a confirmatory test and, if requested, a confirmatory retest, if the employer believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. If the outcome of the confirmatory test or requested confirmatory retest is negative. If the confirming test is positive, it will be covered under “F” of this section, above.
- (x) If the confirmatory retest confirms the original positive test result and this was not the first confirmed positive test result for the employee on a test requested by the employer, the rule c of this policy has not been violated, the employee will be subject to termination.
- (xi) Violation of this policy will be grounds for taking disciplinary action against an employee, up to and including termination of employment. A willful failure to cooperate with Todd County in enforcing this policy will also be grounds for disciplinary action, up to and including termination.
- (xii) Every employee is responsible for assuring compliance with this policy and these rules. Every employee has a duty to cooperate with any investigation of suspected violation(s) of this policy or these rules. Every employee and applicant has an affirmative duty to inform Todd County of all information relevant to the reliability of, or explanation for, a positive test result.
- (g) Every employee is expected, as a condition of continued employment, to cooperate in screening programs and drug/alcohol testing under this policy and any refusal to do so may be grounds for disciplinary action, up to and including termination.

**Section 8.11 Drug and Alcohol Testing for Commercial Drivers Policy (Added 9/20/2022)**

- (a) Purpose and Objectives: Todd County has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The County is concerned about providing a safe workplace for its employees, and while the County does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased

accidents and workers' compensation claims, higher insurance rates, and an increase in theft of county property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the County has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties.

The County also has a separate Policy; Non-DOT Drug and Alcohol Testing Policy for employees not covered by DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the County to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the "Certificate of Receipt" portion.

Because changes in applicable law and the County's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the County will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

(b) Persons Subject to Testing:

- (i) All employees are subject to testing whose job duties include performing "safety-sensitive duties" in/on County vehicles that:
  - 1) Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
  - 2) Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
  - 3) Are designed to transport 16 or more passengers, including the driver; or
  - 4) Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- (ii) The following functions are considered safety-sensitive:

- All time waiting to be dispatched to drive a commercial motor vehicle
- All time inspecting, servicing, or conditioning a commercial motor vehicle
- All time driving at the controls of the commercial motor vehicle
- All other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- All time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- All time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

(iii) The County shall test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

(c) Types of Testing:

(i) Pre-Employment Testing: All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the County. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The County will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive functions for the county. Beginning in 2020, an applicant must provide consent to the county, and successfully pass a full query of the Federal Motor Carrier Safety Administration’s Clearinghouse. In addition, at least once a year, the County will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their

conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

- (ii) Post-Accident Testing: As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the County will test each surviving employee driver for controlled substances and alcohol when the following occurs:
  - The accident involves a fatality or
  - The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
  - The driver receives a citation for a moving traffics violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the County
Human Fatality	YES	YES
Human Fatality	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
Bodily injury with immediate medical treatment away from the scene	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
Disabling damage to any motor vehicle requiring tow away	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

- (iii) Post-Accident Controlled Substance Testing: Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the County will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.
- (iv) Post-Accident Alcohol Testing: Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the County will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test,

the County will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The County may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the County.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the County and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

- (v) **Random Testing:** Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave, or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the County to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

- (vi) **Reasonable Suspicion Testing:** When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the County will require the driver to submit to an alcohol and/or controlled substance test.

The County's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the County who has received appropriate training in identification of actions, appearance and conduct of a



driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the County. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the County will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the County will prepare and maintain on file a record stating the reasons the alcohol test was not administered and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the County permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

- (vii) Return-to-Duty Testing: The County reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the County is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the County consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

- (viii) Follow-Up Testing: The County reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as

otherwise required by law, the County is not obligated to reinstate or requalify such drivers.

Should the County reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the County will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

- (d) Cost of Required Testing: The County will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.
- (e) Prohibited Conduct: The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of County policy.
  - (i) Under the influence of alcohol when reporting for duty or while on duty: No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave, or other appropriate leave of absence for hours missed from work.
  - (ii) On-Duty Use of Alcohol: No driver may use alcohol while performing safety-sensitive functions.
  - (iii) Pre-Duty Use of Alcohol: No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.
  - (iv) Alcohol Use Following an Accident: No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
  - (v) Refusal to Submit to a Required Alcohol or Controlled Substance Test: No applicant or driver may refuse to submit to pre-employment, post-accident,

random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to an including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the County will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
  - Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
  - Fails to report for testing within a reasonable period of time, as determined by the County.
  - Fails to remain at a testing site until testing is complete.
  - In the case of directly observed or monitored collection, fails to permit observation or monitoring.
  - Fails or declines to take a second test as required by the County and/or collector.
  - Fails to undergo a medical examination as directed by the County pursuant to federal law.
  - Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
  - Engages in conduct that clearly obstructs the test process.
- (vi) Altering or attempting to alter a urine sample or breath test: A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of

employment and any job offer made to an applicant will be immediately withdrawn.

- (vii) **Controlled Substance Use:** No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the County immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the county's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the County.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

- (viii) **Controlled Substance Testing:** No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the County also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the County's policy for non-DOT related drug and alcohol policy.

- (f) **Collection and Testing Procedures:** Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a County vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

- (i) **Alcohol Testing:** Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if

the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the County by the collection site staff.

- (ii) **Controlled Substance Testing:** The County will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or "primary," and B, or "split") with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the County will consider the test to have been canceled. If a licensed

physician cannot make such a determination, the County will consider the driver to have engaged in a refusal to test and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the Chain of Custody Form for compliance, to the County. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the County who will direct the driver to contact the MRO.

(g) Review of Test Results: The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO’s supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the County. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the County may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

(h) Notification of Test Results:

- (i) Employees: The County will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.
- (ii) Right to Confirmatory Retest: Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.
- (iii) Dilute Specimens: Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the County receives information that a driver has provided a dilute negative specimen, the County will direct a recollection, pursuant to the MRO's direction, under direct observation.

Creatinine concentration of specimen is greater than 5 mg/dL. If the MRO advises the County that the employee's dilute negative specimen contains a creatinine concentration greater than five mg/dL the County will direct the driver to take a second screening test, not under direct observation. The second screening test will be performed as soon as possible after the County receives word of the dilute negative specimen.

(i) Consequences for Drivers Engaging in Prohibited Conduct:

- (i) Job Applicants: Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.
- (ii) Employees: Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions:** No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.  
 No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the County, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.  
 If a driver tests positive under this policy or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home but be escorted to his or her home. The driver will then be placed on vacation or other appropriate leave of absence, for hours missed from work.
- **Notification of Resources Available:** The County will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, including but not limited to the County's EAP, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The County will provide this SAP listing in writing at no cost to the driver.
- **Discipline:** The County reserves the right to impose whatever discipline the County deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the County is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.
- **Evaluation, and Return to Duty Testing:** Should the County wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.



- Follow-Up Testing: If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.
  - Refusal to test: All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.
  - Responsibility for Cost of Evaluation and Rehabilitation: Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the County or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the County pursuant to a collective bargaining agreement.
  - Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse: In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the County will report the following information to the Clearinghouse within three business days:
    - ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
    - ✓ A negative DOT return-to-duty test result;
    - ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
    - ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121) of:
      - On duty alcohol use pursuant to § 382.205;
      - Pre-duty alcohol use pursuant to § 382.207;
      - Alcohol use following an accident pursuant to § 382.209;
      - Controlled substance use pursuant to § 382.213;
- Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

- (j) Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles: Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or

personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

- (k) **Maintenance and Disclosure of Records:** Except as required or authorized by law, the County will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the county will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests Policy Contact for Additional Information.
- (l) **Policy Contact for Additional Information:** If you have any questions about this policy or the County's controlled substance and alcohol testing procedures, you may contact the County Coordinator or Human Resources Manager to obtain additional information.
- (m) **Definitions:**

**Accident:** Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

**Alcohol Concentration (or Content):** Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

**Alcohol Use:** Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

**Applicant:** Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

**Breath Alcohol Technician or BAT:** Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

**County:** Means County of Todd.

**County Premises:** Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the County.

**Collection Site:** Means a place designated by the County where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

**Commercial Motor Vehicle:** Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

**Confirmatory Test:** For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, “Confirmatory Test” means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

**Controlled Substance:** Means those substances identified in 49 C.F.R. § 40.85. Marijuana, amphetamines, opioids, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.85.

**Department of Transportation or DOT:** Means the United States Department of Transportation.

**DHHS:** Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

**Disabling Damage:** Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been

further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

**Driver:** Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of the County. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

**Drug:** Has the same meaning as “controlled substance.”

**Employee seeking a transfer:** Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought-after position.

**Evidential Breath Testing Device or EBT:** Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

**Federal Motor Carrier Safety Administration or FMCSA:** Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

**Medical Review Officer or MRO:** Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

**Performing a Safety-Sensitive Function:** Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

**Positive Test Result:** Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

**Reasonable Suspicion:** Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or County official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

**Safety-Sensitive Function:** Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a County terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

**Screening Test (also known as Initial Test):** In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

**Substance Abuse Professional” or “SAP”:** Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or

certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

**Section 8.12 Telework Policy (Added 5/18/21)**

- (a) Purpose: The Todd County Board of Commissioners recognizes the importance of providing options to the normal work environment that utilizes technology to increase employee productivity, improve employee satisfaction, reduces employee absenteeism, and provides greater employee opportunity throughout the County.

To accomplish that, the Todd County Board of Commissioners supports remote access as an alternative work arrangement for County employees. The County's telework policy is intended to be an innovative option that benefits the County, constituents, and employees.

The telework policy is entirely within the discretion of the Todd County Board. A Department Head may approve or deny a telework arrangement with any employee for any reason or no reason at all. A Department Head can discontinue a telework arrangement at any time and for any reason.

- (b) Definitions:

**Telework Location** – A work location alternative away from a centrally located or main business/office site. Examples of an alternative work site can be a home office, a work center, or an assigned office in a remote location.

**Mobile Worker – this is not telework** - Primary job functions of mobile workers are completed in the field generally requiring an employee to meet and work on-site with clients/customers who are located throughout the County (e.g., social workers and building inspectors). Mobile workers are not considered teleworkers but are responsible for providing proper equipment control, maintenance and data security privacy of work product. This definition does not include positions where driving is a continuous task (i.e., Sheriff's patrol, maintenance workers, and highway maintenance worker).

**Occasional at Home Worker** – Employee who works at home on a short-term or intermittent basis. Occasional at home work must comply with all terms and conditions of the Teleworking policy and must meet all requirements of the Fair Labor Standards Act (FLSA). These employees are not required to fill out a telework request.

**Telework** – Teleworker is an employee in good standing that performs telework pursuant to a Telework Arrangement between the County and the employee. Telework means "working at a distance." Telework is defined as work performed at an alternative work location linked electronically to Todd County. Telework is an arrangement between Todd County and the employee entered into when supported by business justifications and provided solely at the employer's discretion. It is based on the needs of the job, department, and Todd County.

Telework is not:

- A viable work arrangement for all positions or well-suited to all employees.

- A substitute arrangement for dependent care (child, adult and/or elder) or an accommodation of personal, business or other non-County endeavors.
- Considered a contract or guarantee of continued employment.
- A benefit.
- An extension of the work day.

Telecommuting does not change the basic terms and conditions of employment or other policies of Todd County.

(c) Criteria for consideration of telecommuting arrangement:

- (i) Job compatibility: To be considered for a telecommuting arrangement, the employee's job must consist of duties that can be fulfilled while telecommuting, including, but not limited to, the following:
  - 1) Not require face-to-face contact with clients at a primary worksite.
  - 2) Not result in decreased internal or external customer service if conducted through telecommuting.
  - 3) Cannot result in excessive additional work for staff at the work site.
  - 4) Consist of duties that can be fulfilled while telecommuting.
- (ii) Employee suitability: To be considered for a telecommuting arrangement, the employee must meet the following requirements:
  - 1) Be employed with Todd County for a minimum of 12 continuous months. An exception to this requirement may be considered, subject to approval by the Department Head.
  - 2) Be in compliance with all Todd County policies.
  - 3) Have a satisfactory performance record, including meeting or exceeding expectations of their job, documented in part on the employee's most recent performance appraisal.
  - 4) Any loss of efficiency, performance issues, and/or documented disciplinary action may result in the loss of telework ability.
- (iii) Technology requirements: To be considered for a telecommuting arrangement, the employee's proposed telecommuting worksite technology must meet the following requirements:
  - 1) Internet connection speed must allow teleworker to perform duties at the same or greater capacity as workers in the office. Recommended minimum internet connection speed of 10 Mbps per second. This is furnished and maintained at employee's expense.
  - 2) If using home wireless access, it must be password protected.
  - 3) If using a County phone configured for telework, a wired Ethernet connection is required in the employee's telework location.
  - 4) Required to connect to Todd County's network using VPN to ensure secure data transmission. Teleworkers will connect/disconnect in accordance with their scheduled work day.

- 5) Todd County MIS will not provide onsite technical support. If issues arise that cannot be resolved remotely, employee will need to bring equipment into office.
  - 6) MIS will provide hardware components necessary to work from a telework site. Personal equipment cannot be used.
  - 7) The use of equipment, software, and data supplies when provided by Todd County for use at the remote work location is limited to authorized persons and for purposes relating to Todd County business and is subject to all Todd County policies and procedures.
  - 8) If a County owned computer or related equipment used for remote access is damaged, lost, or stolen, the authorized user will be responsible for notifying their Department Head and Todd County's MIS Department immediately.
- (iv) Other requirements
    - 1) Work uninterrupted, (telework cannot be a substitute for child care or sick time).
    - 2) Secure all County property
    - 3) Secure non-public, protected, and sensitive data from sight and sound by other parties in compliance with federal and state requirement.
    - 4) Employees utilizing remote work from a telework worksite must comply with state and federal laws and Todd County policies, procedures, and processes including the Todd County Information Systems Use Policies. Failure to comply may result in disciplinary action.
  - (v) Consider the needs of the team. Can an employee do their essential functions from a telework worksite?
- (d) A telework arrangement must be approved by the Department Head.
  - (e) Seniority is not a factor in determining eligibility to telecommute.
  - (f) Work schedule: Telecommuting itself does not alter an employee's work schedule. Rather, any changes to a work schedule are handled in accordance with the work schedule policy; found in 3.18 (d).
  - (g) Employee availability. The employee is expected to be available at their telecommuting worksite by phone, video-conference, and email during scheduled work hours unless conducting business elsewhere on behalf of Todd County as appropriate or on approved paid or unpaid leave.
  - (h) The employee is also expected to be at the main business/office worksite or other designated location as necessary to attend meetings, training sessions, and as designated by the supervisor, including being called in to work at the main business/office worksite in special circumstances as deemed necessary by the supervisor, manager, or Department Head.
  - (i) Equipment malfunction: In the event of an equipment malfunction or internet connectivity weakness, the employee will notify their supervisor and the IT department immediately. If the malfunction or connectivity situation precludes the employee from working on assigned work at their telecommuting worksite, the employee will be



assigned other work, and/or report to their main business/office worksite, or be assigned by their supervisor to another worksite pending the repair of equipment or resolution of the connectivity weakness. Repeated circumstances of equipment failure or connectivity weakness may be cause for review of continued suitability of the telecommuting arrangement.

- (j) Weather emergencies or other extenuating circumstances. If loss of electrical power, heat, or other circumstances preclude the employee from safely and effectively working at their telecommuting worksite, the employee shall consult with their supervisor immediately and report to their main business/office worksite unless other appropriate arrangements are made with their supervisor (including reporting to an alternative business/office worksite or other approved location or taking PTO, vacation, or sick leave in accord with those policies) until the situation is remedied. If the County facilities close due to a natural or human-made emergency, any employee scheduled to telework is expected to work as normally scheduled at his or her functioning telework site.
- (k) Todd County is not responsible for the costs associated with the telecommuting worksite, including utilities, internet connection, cell phone, remodeling, furniture, lighting, repairs, or modifications to workspace, etc. Printing documents from non-county equipment is not allowed.
- (l) The employee is expected to maintain their home workspace in a safe manner, free from safety hazards. Telecommuting employees are responsible for notifying the employer of injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.
- (m) Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Todd County's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting arrangement.
- (n) The employee may not conduct any client meetings in their telework worksite. Doing so will be cause for discontinuing telecommuting.
- (o) The employee will use Todd County equipment and supplies for Todd County business only. Use of equipment by others is prohibited,
- (p) Smoking is prohibited in the vicinity of Todd County property. This includes the room in which equipment is located.
- (q) Todd County will maintain equipment provided by Todd County.
- (r) Employee owned equipment will not be maintained, or repaired by Todd County.
- (s) Upon termination of the telecommuting arrangement or employment, the employee will return all Todd County property in acceptable working condition to the organization via arrangements made with the supervisor no later than their last day of employment. Failure to return this property or returning property in damaged condition may result in

the employee being required to reimburse Todd County for the cost of repair or replacement of such.

- (t) An employee may not take Todd County funds in the form of cash or checks to their telework worksite.
- (u) Employees are to contact their supervisor in a timely manner in the event of any theft or criminal activity related to Todd County property.
- (v) An employee is obligated to provide prompt notice of an injury while telecommuting in accordance with Todd County's worker's compensation procedure.
- (w) At any time, the telecommuting arrangement may be terminated by the Department Head.

In the event this telework arrangement no longer meets the needs of the County, the employee will be asked to return to the work site in a timely manner.

The terms of this policy are subject to change by the Todd County Board of Commissioners at any time. The employee will be notified and agrees to be bound by these changes.

For employees working under this arrangement, a copy of the signed request form, this policy, and completed risk assessment will be retained in the employee's personnel file.

Appendix A: Telework Workplace Risk Assessment to be completed by employee

Appendix B: Telework Request Form

Appendix C: Equipment List documented by MIS

## Appendix A Todd County Telework Workplace Risk Assessment

Employee Name:			
Department:			
Title:			
Date of Assessment:			
Duration of Telecommuting:	<input type="checkbox"/> Regular (Exp: 1 day/week)	<input type="checkbox"/> Occasional	<input type="checkbox"/> Full-time

### Hazard Checklist

<b>Working Environment of Area Where Telework Takes Place</b>	
Is there sufficient ventilation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient lighting for the tasks?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient heating? Are heating systems maintained in good working order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are portable heaters being used? If yes the employee understands the risks and liabilities associated with the use of these devices.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient space for all the furniture and equipment used?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is flooring in good condition and free from trip hazards?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient safe and secure storage space for equipment and documents used?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the work area subject to noise at a level which is likely to affect the employee's concentration?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Electrical Safety</b>	
Is the fixed electrical system in good condition with no signs of scorching or arcing on sockets?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there sufficient numbers of sockets to prevent overloading? <i>If extension cords are used, they should be positioned so that they are not subject to excessive wear or damage and do not present a trip hazard.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is electrical equipment used for home working in good condition and free from visual defects?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the employee undertake visual checks of electrical equipment to identify any obvious faults such as worn or damaged leads or plugs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Laptop and connectivity software are arranged?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Safe Posture</b>	
Has the employee received training/information on how to set up their workstation to avoid poor posture?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the chair used provide sufficient lumbar support?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Can the employee sit with their shoulders in a relaxed position and their elbows at a 90-degree angle, with the upper arms vertical and forearms horizontal while keying and using the mouse?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the work surface of a sufficient size to accommodate all the equipment to be used?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient space in front of the keyboard for the employee to rest their hands in between keying?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the employee have to read/refer to/copy from documents placed flat on the desk? <i>(This will lead to awkward neck movements and should be avoided by using a document holder.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there sufficient space below the work surface for the employee's legs to enable them to stretch and change position?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Can the employee's feet rest on the floor or do they need a footrest? <input type="checkbox"/> Will use footrest	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the employee aware of the importance of taking regular breaks from computer based work before fatigue sets in?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the employee experienced pain or discomfort when using the computer at home?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Visual Fatigue</b>	
Is the screen positioned at the correct height and viewing distance? <i>(The employee's eye-line should be just below the top of the screen and the screen should be positioned directly in front of the user at approximately an arm's length away.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the screen free from glare or reflections? <i>(Ideally the screen should be at right angle to windows, windows should be provided with blinds or curtains to prevent glare from falling onto the screen.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the screen free from flicker and are images clear & stable? <i>(MIS can advise how to adjust the settings to suit the needs of the user)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the employee suffered from headaches or visual discomfort when working at the computer at home?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Stress</b>	
Is there sufficient segregation from disruption from children, pets or other family members?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there arrangements for keeping in contact with the employee working from a telework site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there arrangements in place to conduct regular supervision/personal development reviews with the employee working from a telework site?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is support readily available to the employee to deal with either MIS issues or other specific work queries?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the employee have access to sufficient training, information & instruction to enable them to undertake their work safely?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Emergency Arrangements</b>	
Does the telework workplace have adequate smoke alarms and carbon monoxide detectors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the employee identified what they will do in the event of a fire or other emergency? The employee should plan their escape route.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the employee have access to a first-aid kit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the employee have current homeowners/rental insurance in place?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Action taken by employee to address any issues:</b>	
<b>Action taken by Supervisor to address any issues:</b>	
<b>Department Head Signature:</b>	
<b>Supervisor Signature:</b>	
<b>Employee Signature:</b>	

## Appendix B Telework Request Form

An employee should complete and submit this form to his/her supervisor for required approvals prior to undertaking the telework schedule.

Employee Name: \_\_\_\_\_

Employee Title: \_\_\_\_\_

Department: \_\_\_\_\_

Primary Work Schedule: \_\_\_\_\_

Telework Address: \_\_\_\_\_

Home

Other

### WORK SCHEDULE

Remote workplace schedule on a weekly basis will be: \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

Days of the Week:    \_\_\_\_\_M    \_\_\_\_\_T    \_\_\_\_\_W    \_\_\_\_\_Th.    \_\_\_\_\_F

Proposed Start Date: \_\_\_\_\_

Purpose for Telework: \_\_\_\_\_

Employee Statement: I have read and understand the Telework Policy and have completed the Telework Workplace Risk Assessment. I hereby request approval to telework. I understand that telework is a voluntary work alternative that may be appropriate for some employees and some positions. Telework is not a universal benefit or an entitlement and in no way changes the terms and conditions of employment. Todd County has the right to refuse to make telework available to an employee and to revoke a telework arrangement at any time.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

The Supervisor and Department Head agree that the employee and the position are suitable for the telework arrangement and approve.

Supervisor: \_\_\_\_\_  Approved  Denied                      Date: \_\_\_\_\_

Department Head: \_\_\_\_\_  Approved  Denied                      Date: \_\_\_\_\_

Supervisor / Department Head Comments:

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**Appendix C Equipment List Documented by MIS**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

- PC/Laptop make and model: \_\_\_\_\_ Asset #: \_\_\_\_\_
- Docking station: \_\_\_\_\_ Asset #: \_\_\_\_\_
- Monitors (1 or 2): \_\_\_\_\_ Asset #: \_\_\_\_\_
- Keyboard
- Mouse
- Speakers if needed Asset #: \_\_\_\_\_
- Webcam if needed Asset #: \_\_\_\_\_
- Signature pad if needed Asset #: \_\_\_\_\_
- Desk phone Asset #: \_\_\_\_\_
- Headset Asset #: \_\_\_\_\_
- Ethernet cable for office phone connection
- Power Strip
- Other: \_\_\_\_\_
- Speed test results (screen shot submitted)

MIS Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**Addendum to Section 7.05 Sick Leave (Added 3/17/20)**

- (a) As a result of the rapid spread of COVID-19 a public health emergency has been declared. In this situation, the County Coordinator shall have discretion to activate this policy.
- (b) An employee who has exhausted all paid sick leave may receive an advance of up to 80 hours of sick leave for absence from work due to a medical condition related to the public health emergency or to care for an immediate family member who is suffering a medical condition related to the public health emergency, including being self-quarantined.
  - (i) The advanced hours will automatically be reduced from the employee's future accruals.
  - (ii) Once the advanced hours are paid back, leave accruals will again be credited to the employee's balance at their full accrual rate.
  - (iii) In the event the employee separates from Todd County before the advanced hours have been repaid, the County will deduct the value of the remaining hours from the employee's final pay check.
- (c) This policy applies to all benefit-eligible County employees and is only in effect upon declaration by the County Board or Coordinator and it will remain in effect until the County Board or Coordinator declare it to be inactive.