
Employee Policies and Procedures Brookings County

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BOARD OF COMMISSIONERS
BROOKINGS COUNTY

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WELCOME

Thank you for choosing to work for Brookings County. We hope you find this employee handbook helpful and easy to use.

Whether you are new to Brookings County Government or have worked here for many years, this information is important for you to have. It covers our personnel policies, employee benefits, as well as your responsibilities and rights as a Brookings County employee. This handbook is not intended to create a contractual relationship between the county and its employees and is subject to change at the employer's discretion, with or without notice. We hope you will read this handbook carefully, and keep it for future reference.

If you have any questions about this handbook, please feel free to contact your Department Head, Supervisor or Brookings County Human Resources.

We wish you great success as a Brookings County employee, and we ask you to stand with us in our effort to ensure great service, high efficiency and financial savings for our taxpayers.

Sincerely,

Brookings County Board of Commissioners

NOTICE TO ALL EMPLOYEES

EMPLOYMENT AT-WILL

None of the policies or provisions in this handbook are intended to create a contract binding the employee or the County to an agreement of employment for a specific period of time. Employment may be terminated by either the employee or the County at any time, for any reason, with or without notice. No representative or agent of the County, other than the Board of Commissioners, may authorize or sign an employment agreement contrary to the above terms, or otherwise make any binding offer of employment for a specific term.

The policies and procedures in this handbook are designed to serve as a guideline for management actions. They are not intended to create any contract or binding agreement between the County and any employee. All policies and procedures outlined in this handbook are subject to change or modification at the County's discretion at any time that particular circumstances warrant, and may be applied retroactively to emerging circumstances.

This handbook is provided for informational purposes only. No provision or portion of the handbook constitutes an implied or expressed contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure.

The County reserves the right to change, modify, eliminate, or deviate from any policy or procedure in this handbook at any time and to hire, transfer, promote, discipline, terminate and otherwise manage its employees as it deems appropriate.

If you have questions concerning these guidelines, please consult with your Supervisor or Human Resources. Final decisions rest with the County Board of Commissioners.

UNION CONTRACTS

COUNTY'S ROLE IN CONTRACT AGREEMENTS

The County has recognized the International Brotherhood of Teamsters as the exclusive bargaining agents for employees within their respective bargaining units, and has entered into written collective bargaining agreements (CBA) with each of them. The County has thereby accepted the principle of collective determination of wages, hours, and conditions of employment, to be exercised in accordance with the principles set forth in the bilateral, contractual agreements to which the County is a party. The County enters into these agreements in good faith, and it is its policy and intent to abide by the letter and the spirit of the agreements. Each Supervisor/Manager should become acquainted with the provisions of the agreements covering employees in their area of responsibility.

INTERPRETATION OF CONTRACT LANGUAGE

While each agreement outlines the principal terms negotiated between the County and the union, it may not cover every situation. From time to time, specific circumstances arise which require interpretation of the contract language. Such interpretation may lead to controversy, which in turn may lead to the need for resolution through the grievance procedure of the agreement. However, mutually acceptable interpretation generally is agreed upon between the County and the representatives of the union. When such interpretations are reached which could affect the supervisor-employee relationship, supervisors will be advised.

This Manual will cover the employees where there is no written contract and may be helpful in answering issues not specifically covered in the union agreements. Questions relating to union matters and interpretations of union agreements or contract language should be referred to the Commission or their designee.

DISCRIMINATION DUE TO UNION ACTIVITY

It is contrary to County policy for any representative of management of the County to discriminate against any employee because they are a member of a union or active in the union. This policy applies to consideration for promotion and or transfer, assignment of job duties, discipline, and other related decisions that are the responsibility of the Supervisor.

UNION STEWARD

The union representative, or Steward, is an elected spokesperson for a group of employees in a particular work area. It is the representative's duty to look after the members' interests, both within the union, and in their collective bargaining relationship with the County. A sincere and well-intentioned Steward who has the confidence of the employees can help to prevent misunderstandings and may often settle complaints before they become formal grievances. Whenever possible, a cooperative and reciprocal relationship should be established wherein the Supervisor and the Steward can work together to the benefit of both the employees and the County. The Supervisor can help to promote this relationship by discussing anticipated changes and developments with the Steward, giving courteous attention to the Steward's views on matters affecting employees, and otherwise showing that the Steward's position and role is recognized and respected. However, the Supervisor should not permit the Steward to share in managerial decisions or to substitute for the free and natural exchange between Supervisor and employee which is essential to a good employment relationship.

TIME OFF FOR UNION BUSINESS

In general, it is the policy of the County to accommodate requests for time off for union business to the extent that such requests are reasonable and legitimate. Election to union office, however, does not entitle an employee to leave their work whenever they, or the union, considers it appropriate. All time spent on Union activities must be approved by the Supervisor.

SUPERVISOR CONDUCT

A Supervisor is expected to control the activities of their work area and the conduct of personnel for whom they are responsible in an effective and reasonable manner when union business is involved. The Supervisor also is expected to respect the rights of the union and its representatives.

If a union representative requests time off for union business, a limited but reasonable period of time should be granted if the lost time will not be in conflict with the interest of the work. If the workflow will not permit the Steward to be released at the time requested, then another time period should be arranged that is mutually convenient and practical.

A Union Steward from another department may ask to visit the work area to conduct union business. They should be accommodated if reasonable adjustments to the work schedule can be made at the time requested. If the work may not be reasonably interrupted at the time requested, then a more appropriate time should be arranged with the representative.

POLICY 1: PURPOSE AND USE

1.0 PURPOSE OF POLICIES AND PROCEDURES

The purpose of this Personnel Policy Manual is to provide County employees with a common reference to the basic information governing employment with Brookings County. The authority to enforce the provisions in this manual rests with the Brookings County Board of County Commissioners. The County board may delegate specific enforcement provisions to County Department Heads or other County officers when such delegation is lawful and will expedite the proper administration of County business.

County Department Heads are encouraged to adopt and enforce such policies and procedures as are unique to a specific department but which are not inconsistent or in conflict with the policies and procedures adopted by the County Board or state and federal laws and regulations.

1.1 APPLICATIONS

The personnel policies and procedures apply to all employees.

1.2 REVISION

The County specifically reserves the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished personnel policies or practices of the County, without advance notice, in its sole discretion, without having to give cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment.

1.3 DISCLAIMER

The contents of this manual do not constitute the terms of an employment contract. Nothing contained in this manual should be construed as a guarantee of continued employment. The County recognizes South Dakota is an employment-at-will state and maintains the employment-at-will status of all employees. This means the employment relationship may be terminated at any time by either the employee or the County for any reason not expressly prohibited by law. Any written or oral statement to the contrary by a Supervisor or any other agent of the County is invalid and should not be relied upon by any prospective or existing employee.

1.4 MAINTENANCE/REVISIONS

Human Resources is responsible for the maintenance and upkeep of the personnel manual. Policies may be revised, amended, or deleted upon approval of the County board and these changes will be distributed to the employees in a timely fashion.

1.5 SEPARABILITY AND SAVINGS

If any provision of this manual is in contradiction with the laws or regulations of the United States or the State of South Dakota, such provisions will be superseded by such laws and/or regulations.

POLICY 2: DISCRIMINATION AND HARASSMENT

2.0 STATEMENT

It is the policy of Brookings County not to discriminate on the basis of race, color, religion, national origin, age, gender, disability, veteran status or any other status protected by law in the offering of all benefits, services, and employment opportunities.

The County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the County expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

The County complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including sexual harassment and discrimination.

All employees are expected to avoid any behavior or conduct that could reasonably be interpreted as unlawful discrimination or harassment of employees or persons who do business with the County. Disciplinary action for violations of this policy may include termination of employment.

2.1 EQUAL OPPORTUNITY

The County is committed to providing equal opportunities for all persons as it pertains to providing services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, color, religion, national origin, age, gender, disability, veteran status, or on any other basis prohibited by law.

2.2 AMERICANS WITH DISABILITIES ACT & THE AMERICANS WITH DISABILITIES AMENDMENTS ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of Brookings County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training or other terms, conditions and privileges of employment.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation, and/or if the accommodation creates an undue hardship to the County. Contact Human Resources with any questions or requests for accommodation.

2.3 HARASSMENT

Brookings County is committed to providing a supportive, positive working environment, free of sexual or other harassment. Harassment is a particularly harmful and illegal form of discrimination that breaks down trust within an organization and impedes the ability of employees and others to participate in an environment that allows them to achieve their fullest potential. Furthermore, harassment is a violation of the expectation that every individual with Brookings County deserves to be treated fairly, with respect for their dignity as a person.

For these reasons, it is the County's policy that harassment or intimidation of any kind by or toward another employee or any other person, or harassment by use of Brookings County assets, will not be tolerated.

2.3.1 SEXUAL HARASSMENT

Brookings County prohibits sexual harassment of its employees in any form. Such conduct will result in disciplinary action up to and including termination.

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may occur in a variety of circumstances and may include a range of subtle and not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

2.3.2 HARASSMENT ON THE BASIS OF PROTECTED CHARACTERISTICS

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of their relatives, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

2.4 INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the County (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

2.5 RETALIATION PROHIBITED

The County prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

2.6 REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

The County encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate Supervisor, Department Head, Human Resources, or the department's Commission Liaison.

Brookings County employees are required to refer all harassment complaints they receive (formal or informal, resolved or not) to Human Resources. False and malicious reports of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action. It is the policy of the County to investigate such reports.

2.7 COMPLAINT PROCEDURE

2.7.1 INTERNAL COMPLAINT PROCEDURE (BETWEEN COUNTY EMPLOYEES)

The County encourages the prompt reporting of complaints or concerns so that rapid and constructive action may be taken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment.

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify their immediate Supervisor, Department Head, Human Resources, Commission Department Director or a County Commissioner, who may, if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, there may be instances in which an individual seeks only to discuss matters with one of the County's designated representatives, and such discussion is encouraged.

(1) Investigation: An individual reporting harassment, discrimination or retaliation should be aware, however, that the County may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the procedure will remain flexible. Moreover, the complaint procedure is not a required first step for the reporting individual. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

(2) Confidentiality: Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

(3) Action to be taken: Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately and swiftly. Responsive action may include, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the County believes appropriate under the circumstances.

(4) Grievance Procedure: If a party to a complaint does not agree with its resolution, that party may proceed with the grievance procedure outlined in this manual. See *Grievance Procedure in Policy 13*.

2.7.2 EXTERNAL COMPLAINT PROCEDURE (MADE BY SOMEONE WHO IS NOT A COUNTY EMPLOYEE)

Complaints should be addressed to: Commission Department Director, 520 3rd St, Suite 210, Brookings SD, 57006.

(1) A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of their parties must describe or identify the alleged victims of the discrimination.

(2) Human Resources will promptly conduct an investigation of the complaint. All interested parties will be afforded an opportunity to submit evidence relevant to the complaint.

(3) Confidentiality: Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

(4) Action to be taken: Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately and swiftly. Responsive action may include, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as the County believes appropriate under the circumstances.

(5) Grievance Procedure: If a party to a complaint does not agree with its resolution, that party may proceed with the grievance procedure outlined in this manual. See *Grievance Procedure in Policy 13*.

2.8 CONCLUSION

The County has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. The County will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any employee who has any questions or concerns about these policies should talk with Human Resources.

POLICY 3: EMPLOYEE CONDUCT

3.0 USE OF INFORMATION TECHNOLOGY (SEE APPENDIX FOR ADDITIONAL INFORMATION REGARDING INFORMATION TECHNOLOGY USE)

The following guidelines have been established for using the Internet, company-provided cell phones and e-mail in an appropriate, ethical and professional manner:

- Internet, company-provided equipment (e.g., cell phone, laptops, tablets, desktop computers) and services may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- The following actions are forbidden: using disparaging, abusive, profane or offensive language; creating, viewing or displaying materials that might adversely or negatively reflect upon Brookings County or be contrary to the County's best interests; and engaging in any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and company-provided equipment such as cell phones and laptops.
- Use of information technology by County employees for personal reasons may result in disciplinary action up to and including termination.
- Employees may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees must not use the system in a way that disrupts its use by others. Employees must not send or receive large files that could be saved/transferred via thumb drives. Employees are prohibited from sending or receiving files that are not related to work.
- Employees should not open suspicious e-mails, pop-ups or downloads. Contact IT with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the County.

3.1 RIGHT TO MONITOR

All County-supplied technology and County-related work records belong to Brookings County and not to the employee. Brookings County routinely monitors use of County-supplied technology. Inappropriate or illegal use or communications may be subject to disciplinary action up to and including termination of employment.

3.2 DRUG FREE WORKPLACE POLICY

Brookings County has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, Brookings County is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Brookings County.

3.2.1 EMPLOYEE ASSISTANCE AND DRUG-FREE AWARENESS

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the County's Employee Assistance Program (EAP).

Brookings County will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid leave, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their Supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

3.2.2 WORK RULES

The following work rules apply to all employees:

- Whenever employees are working, are operating any County vehicle, are present on County premises, or are conducting related work off-site, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing or dispensing illegal drugs (to include possession of drug paraphernalia).
 - Being under the influence of alcohol or an illegal drug as defined in this policy.
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- Brookings County will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist and be prepared to produce the container if asked.
- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

3.2.3 REQUIRED TESTING

Brookings County retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test upon receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a Supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage company vehicles, machinery, equipment or property and/or result in an injury to themselves or another employee requiring medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Follow-up:** Employees who test positive, or otherwise violated this policy, are subject to discipline up to and including termination. Depending on the circumstances and the employee's work history/record, Brookings County may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. Employees who either do not complete their rehabilitation program or test positive after completing a rehabilitation program, will be subject to immediate termination from employment.

3.2.4 CONSEQUENCES

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including termination.

Employees will be paid for time spent in alcohol/drug testing and may be suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

3.2.5 CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

3.2.6 INSPECTIONS

Brookings County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including termination.

3.2.7 CRIMES INVOLVING DRUGS

Brookings County prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

3.3 SMOKE FREE ENVIRONMENT

The County emphasizes good health and supports the right of all employees to work in an environment free of recognized hazards. As smoking is a leading cause of cancer, and in view of the hazardous effects of smoking on the health and well-being of County employees and visitors, smoking is strictly prohibited in any and all County buildings and County-owned vehicles and equipment. Violation of this policy is considered a cause for disciplinary action, up to and including termination.

3.4 OUTSIDE EMPLOYMENT/ ACTIVITIES

Personnel employed by the County will accept no outside employment nor engage in any outside activity that will in any way interfere or be inconsistent or in conflict with their assigned duties. Employees must provide their Department Head with a written request prior to beginning outside employment. The notice should include the dates of employment, the potential employer or, if self-employment, the name of the businesses, the type of work performed, and any potential problems the outside employment may cause with County employment. The Commission is the final authority in determining the appropriateness of outside employment or activity. See the Appendix for Outside Employment Request for Approval Form.

3.5 USE OF FUNDS FOR POLITICAL ACTIVITY

It is the policy of Brookings County that no federal or state grant funds be used on any political or lobbying related activities so allowed by a specific federal or state grant agreement.

3.6 GIFTS AND GRATUITIES

Employees are prohibited from soliciting or accepting any rebate money, costly entertainment, gift, favor, or gratuity from any person, company, firm, or corporation, in the hope or expectation of receiving a favor or better treatment than that afforded other persons; or that could in any way, influence, or appear to influence business decisions in favor of any person which the County has business dealings.

3.7 PUBLIC RELATIONS

County employees are expected to conduct themselves in a courteous, cooperative, and business-like manner. As representatives of Brookings County, employees are to be responsible both on and off duty.

3.8 POLITICAL ACTIVITY

Employees of Brookings County are encouraged to exercise their right to vote. Additionally, any officer or employee, whether elected or appointed, may seek any political office while employed by the County, provided:

- (1) That said officer or employee may not seek any office or actively campaign for any political office until after submitting in writing to the County Commission their intention to seek a political office.
- (2) That said officer or employee willingly and fully restrains from campaigning during hours of employment.
- (3) In accordance with SDCL 31-11-1, no member of the Board of County Commissioners shall be appointed as County Highway Superintendent.

3.9 ACCIDENTS & ACCIDENT INVESTIGATION

It is essential that accidents be reported immediately. Such accidents are those that occur either on County property or involve County vehicles or equipment that result in property damage, bodily injury, or both. The County employee involved in such an accident, or the first County employee arriving on the scene, together with the employee's Department Head, will report the accident to the Brookings County Sheriff's office and to Human Resources. The Brookings County Sheriff's office will fully investigate the accident, prepare a report of the findings, and file a copy of such a report with Human Resources. Employees may be subject to alcohol and drug testing as outlined in policy 3.2.

3.10 EMPLOYEE/WORKPLACE SAFETY

Brookings County considers the safety and security of its employees as very important. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Brookings County property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include termination, arrest, and/or prosecution.

3.10.1 DEFINITIONS & PROCEDURES

- (1) Violence - Any person making substantial threats, exhibiting threatening behavior, or engaging in violent acts on Brookings County property will be removed from the premises as quickly as safety permits, and will remain off Brookings County premises pending the outcome of an investigation. Brookings County will initiate an appropriate response to include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved. No existing Brookings County policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.
- (2) Excessive Force - Brookings County prohibits the use of excessive force of officers and employees of the Brookings County Sheriff's office within its jurisdiction against an individual(s) engaged in non-violent civil rights demonstrations. Excessive force is also prohibited when enforcing state and local laws against individuals physically barring the entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdictions.
- (3) Weapons - Brookings County defines weapons as, but not limited to, any object designed to cause bodily harm, or any replica or such an object and any other object the County determines to be dangerous; however, Brookings County reserves the right to amend this definition of a weapon, and the right to impound weapons. Weapons in the workplace are dangerous emergency situations that are best left to professionally trained law enforcement personnel. Firearms or other weapons, explosive or incendiary devices, alcoholic beverages, illegal drugs, and radioactive sources (unless specifically mandated for testing purposes) are expressly forbidden to be brought on to Brookings County property. Brookings County reserves the right to inspect incoming and outgoing personnel and vehicles for prohibited materials and government property.
- (4) Procedures- All Brookings County employees are responsible for notifying the Brookings County Sheriffs office of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent, when that

behavior is job related or might be carried out on a County-controlled site, or is connected to County employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. Employees should also report the threat to their Department Head or a County Commissioner.

For violent crimes in progress, violent incidents or specific threats of imminent violence employees should call 911. ***Please refer to the Brookings City/County Emergency Response Plan.***

3.10.2 INDUSTRIAL SAFETY

Brookings County has established a countywide safety program. The County Safety Officer will provide assistance and guidance in the design of departmental safety programs. Employees are responsible for following the features of the safety program and of observing sound safety practices. Additionally, all County personnel are responsible for reporting unsafe working conditions or unsafe equipment to their Supervisors.

3.11 SEAT BELT POLICY

Brookings County is committed to doing everything possible to prevent injury to employees, prevent damage to property, and protect employees and the public from the results of accidents. The County realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that when driving any County-owned or leased vehicle or while driving personal vehicles on County business, all County employees and their passengers will abide by South Dakota Codified Law which requires front seat occupants of cars, vans, motor homes, or trucks to wear seat belts. Vehicles manufactured before September 1, 1973, motorcycles, buses, farm tractors, and certain other vehicles are exempt. Failure to comply with this policy may result in disciplinary action.

3.12 USE OF COUNTY EQUIPMENT

County equipment must be used exclusively for County business (computer, internet, copier, cell phone, tools, machinery, etc.) Use of such equipment by County employees for personal reasons may result in disciplinary action up to and including termination.

3.13 PARKING

Employee parking is provided by the west entrance of the City/County Government Center. Employees should leave the first three rows of the west parking lot for the public. Employees can also park in the lots to the south of the City/County Government Center or along the street.

3.14 EMPLOYEE USE OF COUNTY VEHICLE

Vehicles that are owned or leased by Brookings County and provided to employees & other County authorized personnel for business purposes are not to be used for personal use. The only exception to this policy prohibiting personal use of County cars is commuting to and from work, traveling to a County job site, and de minimis use (for example, stopping for lunch or conducting a brief personal errand between business stops). For the purposes of 3.14 the term "vehicle" shall include cars, trucks, and all other motorized vehicles.

3.14.1 GENERAL REQUIREMENTS FOR COUNTY OWNED VEHICLES

(1) Passengers. Employees are forbidden to carry passengers who are not also County employees in county-owned vehicles unless there are legitimate business reasons for providing such transportation or unless authorized by the County Commission.

(2) Vehicle Operation. No one other than a County employee is permitted to operate the vehicle at any time. County-owned vehicles are subject to search by the applicable Department Head or their designee at all times without the knowledge or consent of the employee.

(3) Traffic Violations. Employees are required to abide by all state and local traffic laws while operating a county-owned vehicle. Each employee is responsible for ensuring their driver's license is current. An employee may not operate a county-owned or leased vehicle if their driver's license is suspended or revoked. All traffic and parking violations for which the employee is cited while operating a county-owned vehicle, and all traffic accidents involving a county-owned vehicle must be reported immediately to Human Resource. The County Commission and applicable Department Head will be notified. Employees may be subject to the Alcohol & Drug Testing Policy. See Policy 3.2.1 for further guidance.

(4) Operating while under the Influence. Employees are forbidden to drive a county-owned vehicle while intoxicated, under the influence of illegal drugs, or under the influence of legal drugs that may impair the ability to drive safely. Driving while intoxicated or under the influence of drugs is grounds for disciplinary action including termination of employment.

(5) Driver's License. All employees must immediately notify their Department Head and Human Resources of the loss of their South Dakota driver's license through revocation, suspension, or other ineligibility. Failure to immediately notify an employee's Supervisor and Human Resources of the loss of a valid South Dakota driver's license through revocation, suspension, or other ineligibility, if such license is required in the performance of job duties, will result in disciplinary action.

(6) CDL Required Positions. All employees must immediately notify their Department Head and Human Resources of the loss of or any restrictions on their Commercial Driver's License either by revocation, suspension, or any other restrictions of use. Failure to immediately notify an employee's Department Head and Human Resources, will result in disciplinary action. If an employee's position requires a CDL and their CDL is revoked, suspended, or otherwise restricted in any way; the employee will be subject to immediate termination of employment.

3.14.2 SWORN LAW ENFORCEMENT OFFICERS

Sworn law enforcement officers authorized to take a county-owned or leased vehicle home, due to being designated by the Sheriff as an on-call emergency responder, or subject to call-back on a 24 hour, 7 day per week basis, are allowed limited personal use of the vehicle while on-call.

Sworn officers are prohibited from driving that vehicle outside the jurisdiction of Brookings County for personal use, except for commuting to and from work.

3.14.3 PERSONAL USE BENEFIT OF COUNTY VEHICLES

A vehicle-use benefit for employees commuting to and from work in county-owned vehicles will be added to the employee's gross income per federal guidelines. Employees are responsible for paying federal and state taxes on this additional income.

Exemptions to the vehicle-use income benefit for personal use of county-owned marked & unmarked law enforcement vehicles and vehicles specifically modified for a particular job use will be applied per federal guidelines.

3.14.4 ELIGIBILITY CRITERIA FOR HOME USE OF COUNTY VEHICLES

Only those employees who are subject to call-back on a 24 hour, 7 day per week basis, or as an on-call emergency responder, are eligible to take a county-owned or leased vehicle home for travel to and from work.

3.15 FALSIFICATION OF RECORDS

Employees must not make or engage in any false record or communication of any kind including false expense, attendance, financial, or similar reports and statements. Employees who make or engage in false records may be subject to disciplinary action including termination.

3.16 SOCIAL MEDIA USE

Brookings County recognizes that social media (such as personal websites, blogs, Facebook, Instagram, Twitter, online group discussion, text messaging, message boards, etc.) may be used by employees and does not wish to infringe on an employee's right of self-expression. However, Brookings County also understands how the use of internet social networking sites and blogs may shape the way the public views our employees, vendors, and customers. Therefore, Brookings County has established the following rules and guidelines for communicating county-related information via social media forums whether used in or outside the workplace.

(1) Use of Internet and Social Media on Company Time

Employees may not post on a personal blog or web page or participate in a personal social media site during work time or at any time with Brookings County equipment or property. Only authorized employees may prepare and modify content for the Brookings County social media entries. Please refer to the Use of Information Technology (Policy 2017-1) for further guidance.

The County's e-mail and internet communications are not private and will be monitored. Brookings County reserves the right to monitor the content of individual employee files, email communications and Internet access. Brookings County also has the right to block and/or monitor Internet access to any sites that the County deems to be offensive or inappropriate. In addition, employees found to be visiting inappropriate or offensive sites will be subject to disciplinary action, up to and including termination.

(2) Disclaimer

Any employee who mentions Brookings County on a personal blog or social media account must include a disclaimer that specifically states that the opinions and attitudes expressed are those of the employee alone and may not be aligned with those of the County. The employee must make it clear that they are speaking for themselves and not on behalf of the County. Employees assume any and all risk associated with blogging and utilizing social networking sites.

(3) Procedures

- a. Only authorized employees may prepare and modify content for the Brookings County social media entries.
- b. Employees are prohibited against disclosure of confidential Information or information that could breach the security of the County's computer system in any way. Employees are prohibited against posting any material that would constitute harassment, hate speech or libel. Please refer to the Use of Information Technology (Policy 2017-1) for further guidance.

- c. This policy is not intended to restrict an employee's right to discuss wages and working conditions with co-workers or in any way limit employees' rights under the National Labor Relations Act.

3.17 CELL PHONE USE

The purpose of this policy is to promote a safe and productive work environment and increase public safety. The policy applies to both incoming and outgoing cellular text messages and phone calls and applies to all employees.

3.17.1 POLICY & PROCEDURE

- (1) Employees may carry and use personal cell phones while at work on a limited basis. If an employee's use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action up to and including termination.
- (2) If an employee receives a phone call or text message while operating a County vehicle, any motorized equipment, or while driving the employee's personal vehicle while on County business, the employee shall pull to the side of the roadway or into a parking lot or other safe location to respond to the text message or phone call. Failure to follow this policy may result in disciplinary action up to and including termination.
- (3) Employees will comply with applicable state laws or local ordinances regarding the use of mobile devices while operating a County vehicle; or conducting County business in a private vehicle. Failure to do so may result in disciplinary action up to and including termination.

3.18 DRESS CODE

It is important for all employees to project a professional image while at work by being appropriately attired. Brookings County employees are expected to be neat, clean and well-groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed. Clothing with vulgar, obscene images or inappropriate advertising (e.g., cigarettes, alcohol or anything which portrays a negative image) is not acceptable at any time.

Brookings County is confident that employees will use their best judgment regarding attire and appearance. Department Heads reserve the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, up to and including termination.

POLICY 4: EMPLOYMENT PROCEDURES

4.0 GENERAL POLICY

Brookings County has adopted these employment procedures to ensure that equal opportunities exist for all employees and individuals interested in pursuing a current employment opportunity.

4.1 JOB DESCRIPTIONS

Brookings County maintains job descriptions on each position. This description establishes the minimum required levels of education and experience necessary to qualify for the appointment. Each description may also detail desired skills or qualifications that are preferred by the County and will be given foremost consideration.

4.2 RATIFICATION BY COUNTY COMMISSION

Appointed Department Heads will advise the County Commission of the successful candidate and the Commission will ratify the decision by no less than a majority favorable vote.

4.3 CREATING NEW POSITIONS

When a new position is created, the Department Head will work with Human Resources to prepare a job description of the duties, qualifications, etc., which is then to be submitted to the County Commission for review and approval prior to the position being created.

4.4 RECRUITMENT PROCEDURES

It is the policy of Brookings County to recruit and fill job vacancies with the most qualified individual for the position. The County has three methods of recruiting qualified applicants to fill job vacancies in County employment. These are (1) promotion from within, (2) transfer from within, or (3) open announcement and advertisement. After reviewing all applicants, the County may choose to promote or hire from outside the department based upon the most qualified individual and the best interest of the County.

4.4.1 REQUIRED NOTIFICATION

The personnel action form must be completed and turned in to Human Resources prior to undertaking the recruitment of any personnel. The personnel action form can be found in the forms section of this manual.

4.4.2 ANNOUNCEMENT AND ADVERTISEMENT

Brookings County reserves the right to announce and advertise any vacant position. Position vacancies will be posted on County bulletin boards and the County website for the purpose of informing County employees of such opportunities, and the notice will advise interested persons of how to proceed in applying for the position. The official job description adopted by the County will be used to describe the typical duties, responsibilities, and minimum qualifications of and for the position. The notice will include the salary ranges assigned to the position.

4.4.3 HIRING PROCESS

Unless otherwise announced, the competitive hiring process for Brookings County will consist of an interview of candidates. If appropriate, written tests may be included as part of the hiring process. Candidates may also be subject to a pre-employment/post-offer physical. All

candidates will be required to successfully pass a pre-employment/post-offer drug test as well as a pre-employment background check.

4.4.4 INTERNAL RECRUITMENT

Employees interested in posted positions may contact Human Resources to gain additional information in the process of deciding whether to apply for that position. Supervisory notification is not required during the period when employees are obtaining information about a position in order to evaluate their interest in it. Employee confidentiality will be maintained in regard to these inquiries.

If it is in the best interest of the County, promotions or transfers of individuals already employed with the County will be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment

(1). Transfers

A transfer is the movement of an employee to a different job in the same salary range (or lower), or to the same job in a different work area.

Benefits/Compensation: Transferred employees will retain and enjoy all accumulated benefits to include salary step raises as appropriate. Accrued vacation and sick leave transfer with the employee and are charged to the department supporting the employee at the time of use. Transferred employees should remain at the same salary, and timing of the next salary increase should remain the same.

Should an employee be transferred to a lower position, they will receive the classification and pay allocated to that lower position.

(2). Promotions

A promotion is the movement of an employee to a job with a higher salary range.

Benefits/Compensations: In most cases, promotions are accompanied by an increase in salary.

4.4.5 OPEN RECRUITMENT

Brookings County utilizes the services of the office of the South Dakota Department of Labor and Regulation in recruiting applicants outside of the organization. In addition, the County may utilize other recruiting strategies to fill vacant positions as deemed necessary.

4.5 APPLICATION PROCEDURE

Persons wishing to make application for employment with Brookings County will submit a standard County application. The applications of persons selected for employment will become part of that person's official personnel record.

Candidates for employment will be selected without regard to non-relevant factors following a completely objective appraisal of each eligible individual applying for the position.

Candidates for employment will fill out an "Authorization for Release of Information" form and the Human Resources will conduct the necessary pre-employment screening. All candidates who receive a verbal or written offer of employment will be required to complete a drug screen collection as a condition of employment. Candidates may also have to complete a pre-employment/post-offer physical if required for the position in question.

4.5.1 ELIGIBILITY

To be eligible for employment with the County of Brookings, interested parties must:

- (1) Selective Service Registration: Male applicants must be registered for the selective service if born after December 31, 1959. Any person who is legally required to register for the draft and has not done so may not be employed by Brookings County in any capacity.
- (4) Employment Status Eligibility: Applicants must be legally eligible to be employed in the United States as provided on the required Federal I-9 form. The County is prohibited from employing persons without verification of employment eligibility. Selected employees will complete all necessary forms as required by the federal government that proves eligibility to work in the United States.

4.5.2 RESIDENCY

Residency within the County shall not be a condition of employment, provided however, that such residency does not interfere or hamper the employee from fulfilling the duties of their position or cause the employee to miss work.

4.5.3 VETERAN'S PREFERENCE

In accordance with SDCL 3-3-1, 3-3-8, and 3-3-7, preference in employment, appointment, and promotion will be given to honorably discharged veterans, the unmarried spouse of a veteran, and the spouses of disabled veterans, provided they possess the qualifications and capacity to perform the duties of the position. A veteran disabled due to a service-connected cause will be given preference over a non-disabled veteran. To gain veteran preference rights, the applicant must make known at the time of application that they are an honorably discharged veteran. Veteran's preference is only afforded to those as defined in SDCL 33A-2-1 and 33A-2-2.

Preference in employment will be given to veterans who have served on active duty and have been honorably discharged from the armed forces of the United States during the following periods: (1) July 28, 1914 to November 11, 1918, (2) September 1, 1939 to December 31, 1946, or (3) June 25, 1950 to May 7, 1975. Preference will be given where all other qualifications are equal. (4) Active duty in the armed forces of the United States for one day or more during the period from August 2, 1990 until the end of hostilities as determined by the Legislature.

4.6 EMPLOYMENT REFERENCES

In compliance with the Federal Privacy Act, the County is required to protect the privacy rights of all employees. In following this Act, it is the County's policy to provide only the following information on both present and past employees:

- If an employee has been employed with the County in County government service.
- Dates of employment.
- Current position or position held at the date of separation from employment, and also any other positions held.
- Verification of salary information.

All confidential employment information is given solely at the discretion of the County and on a need-to-know basis only. Additional information may be released upon a written and signed disclosure and release request from the employee.

4.7 DRIVERS LICENSE CHECK

It is the policy of Brookings County that a driver's license check is obtained on any new applicant who will be driving a vehicle on County business. On an annual basis, the County will request a photocopy of the driver's license of all employees who are driving vehicles on County business.

4.8 EMPLOYMENT OF RELATIVES

Employees will not be assigned to work in a department or unit of County government where they would be supervised by a member of their immediate family. Immediate family will herein be defined as: father, mother, brother, sister, spouse, child (including stepchildren and adopted children), grandparents, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, and grandchildren.

4.9 NOTIFICATION OF UNSUCCESSFUL CANDIDATES

Following the selection process Human Resources will submit notification to all unsuccessful candidates who applied for the position.

4.10 BACKGROUND CHECKS

Brookings County may require any applicant for employment who is over eighteen years of age to submit to a state and federal criminal background investigation. This may include applicants for any budgeted, non-elected position (part-time and full-time) as well as any part-time or temporary positions. Failure to submit or cooperate with the criminal background investigation is grounds for denial of employment.

4.11 FRATERNIZATION

Brookings County recognizes the rights of employees to become involved in personal or business relationships with their co-workers. However, it is the policy of Brookings County to ensure that no relationship should affect any employee's ability to conduct business, create a conflict of interest, prevent an employee from performing their duties in an effective manner, and/or is detrimental to a productive work environment.

In order to promote the efficient operation of Brookings County business:

1. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.
2. Employees in a consensual relationship, which complies with this policy, but allows the relationship to interfere in any way with the effective performance of their duties or the duties of their coworkers, may be subject to disciplinary action up to and including termination.
3. An employee's continued failure to work with Brookings County to resolve conflicts and/or situations within the guidelines of this policy in mutually agreeable fashion may ultimately be deemed insubordinate and, therefore, serve as cause for disciplinary action, up to and including termination.

POLICY 5: PERSONNEL FILES

5.0 PERSONNEL INFORMATION AND PRIVACY

It is the policy of Brookings County to maintain accurate and updated information in its personnel files on each County employee. Human Resources is responsible for maintaining all personnel records.

5.1 CONFIDENTIALITY OF INFORMATION

Certain personnel information is considered public information. This information includes: name, current department, date of most current employment, current position classification title, current salary, date and amount of most recent change in salary. All other information is confidential and subject to inspection only by the employee, an agent designated in writing by the employee, the applicable County Department Head, a party under authority of court order, or as required by state or federal law.

5.2 SECURITY AND STORAGE

Personnel records are maintained in accordance with the records retention and destruction manual for counties published by the State Bureau of Administration. The County keeps permanent records of an employee's name, social security number, dates of employment, positions held, and salary history.

5.3 INTERNAL DISCLOSURES

No written incident report or records of disciplinary action will be placed in an employee's personnel file unless the County first advises the employee of the intent to enter such document into the file and affords him/her an opportunity to read and sign such material. Signing does not imply agreement, only that the contents have been made known to or discussed with the employee.

5.4 ACCESS RIGHTS TO PERSONNEL FILE INFORMATION

The employee's immediate Supervisor, Department Head, and Human Resources are given access to employee personnel files. An employee or their representative will have reasonable access to their personnel record upon request to Human Resources. Records will be accessible to the employee's representative only upon express written authorization by the employee. This access will be granted within 2 working days of receiving a written request to schedule an appointment to view the file by the employee.

5.5 ACCURACY OF BASIC EMPLOYEE INFORMATION

It is the employee's responsibility to inform Human Resources of any changes in name, address, telephone number, withholding status, dependents or beneficiaries. All employees must report any of the above or any other pertinent information immediately.

5.6 CORRECTION OR DELETION OF FILE INFORMATION

The employee will have the expressed right to submit a letter of rebuttal to be placed in their file regarding any information contained in the file that is in dispute.

POLICY 6: COMPENSATION & CLASSIFICATION

6.1 COMPENSATION POLICIES AND PROCEDURES

6.1.1 GENERAL POLICY STATEMENT

Salaries, and salary/wage increases are governed by the Board of Commissioners. **No individual is guaranteed an increase on an annual basis.** All adjustments to an employee's salary are subject to approval by the Board of Commissioners.

6.1.2 COMPENSATION PHILOSOPHY

The Board of County Commissioners recognizes the importance of offering an attractive compensation program to employees of Brookings County. The board strives to ensure that the County's total compensation program allows for employee growth and development, encourages mental and physical health, and that employees are able to progress within their respective pay grades. While promoting and administering the compensation program, the board also has a fiscal responsibility to ensure that the County is operating within its limitations while offering a program that is attractive to employees. This fiscal responsibility is achieved through continual monitoring and occasional adjustments and/or changes in the compensation program to allow the County to continue to offer an attractive and equitable program now and into the future.

(1) Direct, Indirect, and Variable Compensation

This compensation program is comprised of direct, indirect, and variable compensation.

- The direct compensation offered to employees is the base pay that every employee receives upon employment with Brookings County. This is usually expressed as an hourly wage or salary.
- Some **examples** of what the County currently offers, or has offered in the past as part of the County's indirect compensation include (but are not limited to): longevity pay, vacation leave, sick leave, holiday days off, health insurance, life insurance, workers compensation insurance, unemployment insurance, the Employee Assistance Program, wellness benefits (such as vaccinations and wellness programs), training/education opportunities, and the County's retirement program. *(For information on what is currently being provided see Policy 9- Benefits).*
- In addition to these direct and indirect compensation offerings, the board also strives to administer variable compensation **when budget limitations afford compensation increases to occur.** To ensure that the County is being fiscally responsible while administering the compensation program, the board has adopted guidelines to assist in the implementation of variable compensation. The adopted guidelines provide a framework for variable compensation to be awarded, when budget limitations allow them to occur. The guidelines can be obtained through Human Resources.

6.1.3 SALARY STRUCTURE/PAY GRADES

The pay plan is tied to market through the use of local and regional salary survey data and is based on the County's ability to pay. The salary data is used to establish a salary schedule with pay grades. A pay grade is determined for each job through an evaluation process.

Each pay grade has a wage/ salary range with a minimum and a maximum. Employees will not be hired or compensated at less than the minimum of the pay grade for their position. The County Commission will approve placement within the respective wage/salary range of all new employees. An employee may not receive an increase that would place the employee's salary over the maximum of the range for the position. An employee receiving the maximum of the grade for a position is still eligible to receive longevity pay, if the employee meets the criteria for longevity pay.

Human Resources will review and monitor pay grades and wage/salary ranges for changes in market conditions and recommend appropriate adjustments. A Supervisor may also request such a review. In order to maintain grade equity, no grade changes will be authorized without substantial justification and review by a salary consultant or Human Resources, and the Board of County Commissioners. Final approval of any change or adjustment in a pay grade or wage/ salary range will be made by the Board of Commissioners. Changes to the Official Pay Plan are applicable only when authorized by actions of the Board of Commissioners.

6.1.4 PAY PERIODS

The County's payroll is biweekly, or every two weeks. The County issues payroll checks through direct deposit. For a detailed schedule of cut off dates, please see your Department Head.

The County will not grant early paychecks or advances to employees under any circumstances.

6.1.5 TIME SHEETS

Each employee is required to maintain their own time record (subject to the constraints listed below). A falsified record violates state law and County policy. Anyone who knowingly prepares, certifies, or approves a falsified record is subject to disciplinary action up to and including termination. The applicable Department Head or their designee will be responsible for approving all hours submitted. Time sheets are to be turned in bi-weekly to payroll on the date requested. Failure to submit timesheets by the stated deadline may result in delayed payment of overtime, premium pay, etc.

Exempt Employees (for definition of exempt see 6.2.1): Exempt employees will maintain daily records on vacation and sick leave hours accrued and absences.

Non-Exempt Employees (for definition of non-exempt see 6.2.2): Non-exempt employees will maintain daily records on attendance, punctuality, hours worked, vacation and sick leave hours accrued and used, overtime, injury reports, and any other payroll information required.

6.2 EMPLOYMENT CLASSIFICATION/CATEGORIES

The Brookings County Board of County Commissioners has adopted a full-scale classification and pay plan. All personnel, regardless of category status, are appointed to a specific classification within the Brookings County Classification and Pay System.

6.2.1 EXEMPT STATUS

Exempt employees are compensated on a “salaried” basis, and meet the FLSA guidelines for classifying exempt employees, and therefore do not qualify for overtime or “comp” time. Current exempt positions at the County include:

Assistant Sheriff	Finance Officer
Chief Deputy States Attorney	Highway Superintendent
Commission Department Director	Jail Administrator
County Commissioners	Register of Deeds
County Development Director	Sheriff
Deputy States Attorney	States Attorney
Director of Equalization	Veterans/Human Services Director
	Weed & Pest Supervisor

6.2.2 NON-EXEMPT STATUS

Non-exempt employees include all other positions within the County (listed on the County’s Official Pay Plan). Non-exempt employees are compensated on an “hourly” basis, and qualify for overtime benefits or comp time (subject to the guidelines outlined in Policy 7.6 and approval by the employee’s Department Head and the Board of Commissioners).

6.2.3 FULL TIME POSITIONS

Full time positions are usually required to work 40 hours during a typical workweek and may also be required to work overtime. All employees in full time positions qualify to be members in the SD Retirement System, and are eligible for the County’s benefit package (see *Policy 9*).

6.2.4 PART TIME

Part time positions are usually required to work up to **19.5 hours week** as needed to meet peak workload and/or seasonal periods. Part time positions are not eligible for the County’s benefit package.

Upon prior board approval, part time employees may be eligible to work up to 30 hours a week as needed to meet peak workload and/or seasonal periods. These employees who work twenty (20) hours or more during a work week for at least six (6) months during a twelve month period, are granted membership in the SD Retirement System (see *Policy 9*)

6.2.5 TEMPORARY/SEASONAL POSITIONS

Temporary or seasonal positions generally work up to 40 hours a week or as needed to meet peak workload and/or seasonal periods. Seasonal/ Temporary positions are not eligible for the County’s benefit package. Temporary/Seasonal positions also typically work less than six months and therefore would not qualify for the SD Retirement System.

6.3 ORIENTATION PERIOD

Every employee hired by Brookings County must complete a one (1) year Orientation Period for the purpose of assessing the individual’s ability to perform their assigned duties. All personnel, from the date of hire or appointment, will remain in the Orientation Period for one year. All employees who transfer and/or are promoted will remain in an Orientation Period for one year.

6.3.1 APPLICATION

This policy applies to personnel who have no prior service with Brookings County, personnel reinstated following a previous termination, personnel transferred to a different job in a different

work area, and personnel that have advanced to a higher level position through the promotion process.

6.3.2 COMPLETION OF ORIENTATION PERIOD

All employees will receive a formal written performance appraisal upon completion of the twelve (12) month Orientation Period (see Performance Appraisal Systems). At this time, the Department Head will determine if the employee has successfully completed the period or if the employee's performance indicates an inability to meet County standards. Employees who do not meet such standards should either be released by the close of the period or have their Orientation Period extended; the reasons for this must be documented and placed in the employee's personnel file. The Department Head may release an employee at any time, with or without notice, during the Orientation Period. The circumstances must be documented and placed in the employee's personnel file. While structured feedback is important, the progressive disciplinary procedures for County employees do not apply during the Orientation Period. In addition, a Department Head may choose to extend the Orientation Period to allow the employee's performance to become satisfactory. When the employee completes the Orientation Period, the relationship with Brookings County is still one of employment-at-will.

6.3.3 BENEFIT ELIGIBILITY

Full-time personnel with no prior service with Brookings County are eligible for health insurance coverage during their Orientation Period. Upon Department Head approval, employees may use accrued leave with pay during the Orientation Period.

Personnel are subject to layoff, discipline, and termination at the sole discretion of the County during the Orientation Period. A full-time employee is entitled to paid holidays as observed by Brookings County during the Orientation Period.

6.3.4 TRANSFERS/PROMOTIONS

Employees receiving transfers, promotions, etc., must complete a one year Orientation Period for the purpose of assessing their ability to perform the duties of the position assigned. The Orientation Period is defined as the initial Orientation Period when beginning employment with the County and also subsequent periods served as a result of promotions or transfers. During this time, the employee will continue to receive and enjoy all benefits as previously assigned, to include salary step increases as appropriate. County employees receiving a promotion or transfer are eligible to use their accrued vacation and sick leave hours contingent upon Department Head approval.

6.4 PAYROLL RECORDS

Payroll records are maintained by the payroll coordinator, and are subject to review by Human Resources and/or the Commission Department Director.

POLICY 7: WORKING HOURS

7.0 STANDARD WORKDAY/ WORKWEEK

The normal working day for County employees will be eight (8) hours and the work week will consist of forty (40) hours and will begin on Saturday and run through the following Friday. Flexible work schedules must be authorized by the County Commission.

7.1 TRAINING TIME

Training that is required by an employer is always considered work time, whether or not it occurs during regular work hours. Training which is related to an employee's current duties may be considered work time even if participation is voluntary, provided it is approved by the employer and occurs during regular working hours. Training which is not related to an employee's current duties but which is approved by the employer and occurs during regular working hours may be paid time by use of accrued vacation hours and would not be considered work time for the purpose of determining overtime.

7.2 INCLEMENT WEATHER

It is the policy of Brookings County to remain open during inclement weather except under the most extreme conditions. In such events, the County Commission Chairperson or their designee may recommend closure due to traffic safety considerations.

Employees must account for any work time lost due to inclement weather. This is true regardless if individual offices close, if an employee leaves work early, if an employee does not report to work due to transportation difficulty, etc. To account for the lost time, either vacation leave must be charged, or subject to supervisory approval, the time may be made up. If lost time is not made up within thirty (30) days of the occurrence, it must be charged as vacation leave. Holiday pay does not apply if the employee volunteers to make up time on a holiday.

Should County offices be required to close due to inclement weather, radio, TV and social media announcements will be authorized by the Commission Chairperson or their representative. During the work day, if conditions develop which require County offices to close, employees will be informed through administrative channels.

When catastrophic or life-threatening conditions, such as tornadoes, floods, or other disastrous circumstances, require evacuation from the work place, employees are not required to make up time lost during the period declared hazardous. Employees who are required to remain at work during hazardous times may be relieved of duties for the period of time necessary to assure safety of their families.

7.3 TRAVEL TIME

7.3.1 HOME TO WORK

Travel from home to work is not considered work time and is not compensable, even if the employee must report to work at a fixed location within the County or at various job sites. An employee is not at work until they reach the work site.

7.3.2 SITE TO SITE

Travel from one job to another during the workday is counted as work time. Travel from an outlying job site at the end of the day to the normal work site is work time.

7.3.3 OUT OF COUNTY

Travel performed for the County's benefit and at its request away from the employee's usual work location during the workday is counted as time worked except for meal periods and the

period of time that normally would be considered as home to work travel time. Out-of-County travel outside of the regularly scheduled work hours is not counted as work time. Instead, an employee may receive travel time off. Travel time off is equal time off granted on an hour-for-hour (not overtime) basis. Travel time off is optional at the Department Head's discretion for non-exempt employees.

7.4 ABSENTEEISM

Employment is by mutual agreement. In return for offering a reasonably reliable income, the County is entitled to reasonably reliable and satisfactory performance. The County has the right to expect employees to be present and prepared for work, when and where they are assigned.

All County employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their Department Head prior to their being absent, unless an emergency exists. If an emergency situation does exist, the employee is expected to notify the proper authority as soon as reasonably possible. Failure to observe this policy may result in disciplinary action.

Except in cases of emergency, if an employee is absent without proper notification, the employee will be considered to have voluntarily resigned from their position and/or may be terminated from County service by the Department Head.

7.5 MEAL AND REST PERIODS

The lunch period is one (1) hour in length during the eight (8) hour day, unless mutually agreed otherwise. The lunch period should be taken sometime midway through the employee's work shift.

Rest periods are authorized to enable employees to return to their assignments refreshed and thereby able to perform their duties at maximum efficiency. Rest periods may be granted twice during the work shift for duration of fifteen (15) minutes each.

7.6 OVERTIME

In accordance with the provisions of the Fair Labor Standards Act (FLSA), County employees are classified as either exempt or non-exempt. The County compensates non-exempt employees for overtime worked in accordance with the FLSA. It is the policy of Brookings County to keep work in excess of the established schedule at a minimum and to permit such work only when it is necessary to meet operating requirements. Overtime will be used after other alternatives have been fully explored, such as re-scheduling of priorities, balancing workload peaks, offsetting excess hours with reduced hours later in the work week, and revising the work period so that weekend work may be performed at straight time. Employees will not work overtime unless specifically pre-authorized to do so by the appropriate Department Head. In addition, any non-emergency overtime hours should be pre-authorized by the Board of County Commissioners.

In accordance with the provisions of the Fair Labor Standards Act, nonexempt employees will be awarded overtime for all hours actually worked in excess of 40 hours in a workweek at time and one half (1 ½) their regular rate of pay. For purposes of overtime and comp-time, hours paid (such as vacation, sick leave, comp-time, holidays, etc.) but not worked will not be calculated in the standard workweek for the purposes of overtime/comp-time.

If a Department Head authorizes the use of comp time in lieu of overtime, all comp-time must be used the calendar year in which it was accrued. Comp-time will be treated the same as overtime, but the employee may defer compensation instead of being compensated in the current paycheck. Comp-time cannot exceed 24 hours in any one month.

7.6.1 ESTABLISHED HOURLY RATE

The hourly rate upon which overtime payment is based will be as set forth in the Official Pay Plan for the appropriate job classification.

7.6.2 COMPENSATION CALCULATIONS

Employees will be compensated at 150% times their hourly rate as specified in the Official Pay Plan, computed on a per hour basis for all hours worked in excess of the regular 40-hour work week.

If an employee is required to work on an authorized holiday, compensation will follow the holiday pay provisions.

When an employee is called back to work, they will receive overtime pay for any time worked over the 40-hour work week. When an employee is on authorized time off (vacation leave, sick leave, maternity leave, funeral leave, jury leave, or military reserve leave) and is called back to work, they will receive a minimum of two (2) hours of overtime pay for any time worked over the 40-hour work week. Should this work entail more than two (2) hours, the Department Head may adjust the leave hours accordingly.

7.6.3 EXEMPT POSITIONS (FOR DEFINITION OF EXEMPT SEE 6.2.1)

Consistent with the Fair Labor Standard Act, those positions deemed as exempt are not eligible for overtime, differential, holiday, and/or on-call pay provisions. Exempt employees are paid salaries commensurate with their positions, and do not receive overtime pay or compensatory time off.

7.6.4 NON-EXEMPT POSITIONS (FOR DEFINITION OF NON-EXEMPT SEE 6.2.2)

When overtime work is required and pre-authorized by the Department Head, non-exempt employees will be paid at a rate of one and one-half times their regular rate of pay for all hours worked in excess of 40 hours during the work week in accordance with the following:

For the purpose of computing overtime, the work week begins at 12:01am Sunday and ends at 12:00am (midnight) Saturday. On-call hours, or absence due to jury duty leave, military leave, or funeral leave, are not considered as time worked for purposes of computing overtime.

Overtime may only be worked upon the prior authorization and direction of a Department Head. Accrual of overtime without prior authorization may result in disciplinary action. Overtime is to be authorized only if the work cannot be otherwise done during normal work hours. Approval for such overtime should be indicated by the Department Head initialing such hours on the employee's Leave Total Sheet or time sheet. Questions pertaining to the recording of overtime should be directed to Human Resources. All Department Heads are responsible for the control of overtime within budgetary funding for their department and should make every effort to assign overtime on an equitable basis among those employees qualified to perform the work required.

POLICY 8: TRAVEL/EDUCATION POLICY

8.0 GENERAL STATEMENT

When authorized by the Department Head and ratified by the County Commission, travel by County personnel may be taken at County expense and on County time. Such travel must be for the purpose of conducting County business or attending educational and/or training programs that will improve performance on the job with the County. This policy is to include official County travel by Brookings County employees and Brookings County Commissioners. Employees and Commissioners are encouraged to use County vehicles for travel.

8.1 ADVANCE AUTHORIZATION REQUIRED

Except in an emergency, authorization for travel must be secured in advance from the County Department Head. Such authorization will be ratified by the County Commission. Travel advances are only available for overnight travel (due to IRS reporting requirements).

8.1.1 TRAVEL/EDUCATION REQUEST PROCEDURES

- (1) Fill out travel request form with required information and estimated expenses.
- (2) Submit the form to the County Commission for approval.
- (3) When approved, a copy of the form will be stamped 'approved' and placed in the department's mailbox in the employee work room located in the Brookings County Administration Suite.
- (4) The Travel/Education request form may be used to note odometer readings; odometer readings may also be recorded on your claim for actual expenses.
- (5) Submit a claim to the Finance office for reimbursement. Attach a copy of the 'approved' travel request form to your claim in order to receive payment.

8.2 TRAVEL EXPENSES

Subject to budget constraints, employees are reimbursed for pre-approved business expenses incurred in performing duties related to the County. Expenses eligible for reimbursement are education, lodging, and meals while on out-of-town business (subject to limitations described below), meal expenses related to meetings of the County or affiliated groups, mileage for personally-owned vehicles used on County Business and Travel.

The per diem rates for approved in-state and out-of-state travel will be established by the County Commission and will be on file in the Commission Office. Such rates will be itemized for lodging, meals, and transportation expenses.

8.2.1 MILEAGE EXPENSES

Odometer Readings

Employees are required to include the beginning and ending odometer readings when traveling on official County business. For repeated or routine travel within Brookings County, the employee should file the correct mileage from point-to-point in the County Finance office and that mileage may be used to claim travel reimbursement in lieu of odometer readings. (For travel from Brookings to other points in South Dakota, the listing of cities in the "Mileage from Brookings to South Dakota Points" included in the 'forms' section of this manual may be used in lieu of odometer readings.)

Mileage Reimbursement

All mileage reimbursement will be at the current State rate. This rate is considered to include the cost of expenses incidental to the operation of a vehicle. The applicable Department Head will have the discretion to authorize reimbursement to employees for the use of a personal vehicle at the lower State rate if a County vehicle is deemed available but not used. Commissioners will be reimbursed for all official business travel including attendance at meetings.

8.2.2 MEAL REIMBURSEMENT

Following travel approved by the County Commission, meal allowances will be granted at the current State rate. To qualify for meal reimbursement, the following time schedule is used:

Breakfast-	Leave before 5:31 am and return after 7:59 am
Lunch-	Leave before 11:30 am and return after 12:59 pm
Dinner-	Leave before 5:31 pm and return after 7:59 pm

8.2.3 LODGING REIMBURSEMENT

When receipts are provided, lodging reimbursements will be paid at actual expense; without a receipt expenses will be reimbursed at the current State rate.

8.3 TRAVEL ADVANCE

A travel advance is available to any County employee required to travel on County business. An advance will be available only after the travel has been approved by the Department Head and the Board of Commissioners, as circumstances dictate.

A 'request for payment' form must be submitted to the Finance office at least seven (7) work days prior to the next scheduled Brookings County Commission meeting. Payment will be made during the scheduled claim cycle following the Brookings County Commission approval. Registration fees and airfare are paid in advance directly to the vendor. In the typical case, any 'cash advance' must have a 'request for payment' form submitted to the Finance Office at least by Monday for normal approval by the Commission on the following Tuesday. In instances where an employee does not know exact cost, estimated expenses will be noted on the 'request for payment' form.

Any cash advanced for a trip must be reconciled at the Finance Office upon submission of the completed 'request for payment' form (with appropriate receipts attached) not later than three workdays after completion of the trip.

POLICY 9: BENEFITS

9.0 INSURANCE

The County's Insurance policies may vary from year to year, but the most recent insurance benefits include Health, Dental, and Life Insurance as well as optional coverage areas (cancer, intensive care, etc.) For a complete listing of insurance options, please see the Human Resources Office for a detailed benefit listing and cost matrix.

9.0.1 HEALTH INSURANCE

Brookings County offers regular, full-time employees participation in a major medical group insurance policy upon written application effective first of the month after date of hire.

Employees are able to choose between plans giving different deductible amounts and employee costs.

9.0.2 DENTAL INSURANCE

Currently, the County has an optional dental plan. The cost varies depending on which health care option is chosen by the employee.

9.0.3 LIFE INSURANCE

The County offers basic life insurance for every regular, full-time employee. 100% of the coverage is paid by the County. Employees may elect supplemental coverage at an additional cost.

9.0.4 COBRA INSURANCE

Continuation of group coverage is available as required by Federal law (COBRA) to employees based on specific qualifying events: termination, reduction in hours, or death of employee; divorce or legal separation; or dependent child reaches age 26 and is no longer a full time student. If dependents were covered under the Plan at the time coverage ceased, continuation is offered to cover these dependents as well. Persons eligible for Medicare are not eligible for COBRA continuation but are eligible for conversion of a non-group plan.

Administrative Guidelines

(1). Notification Requirements:

Termination, Reduction in hours, or death of employee: The employee or their representative must notify the human resources office within 30 days following the date the event occurred if they wish to apply for COBRA coverage. Coverage may be continued for 18 months.

Employee's divorce or legal separation: The employee must notify the human resources office within 60 days following the date the event occurred if they wish to apply for COBRA coverage. Coverage may be continued for 36 months.

Marriage or loss of full-time student status of a dependent child: The employee must notify the human resources office within 60 days following the date the event occurred if they wish to apply for COBRA coverage. Coverage may be continued for 36 months.

Child dependent reaches age 26 and is no longer a full time student. The employee will be sent notification to verify student status or to offer continuation coverage. This letter will be sent at least 30 days before the dependent's birthday. Coverage may be continued for 36 months.

(2). Electing Continuation of Coverage:

An eligible employee or dependent who elects continuation coverage must sign and return the appropriate forms to the third party administrator as required.

(3). Continuation of Coverage Ends: Continuation coverage ceases when one of the following events occurs:

- Non-payment of fees
- Members become eligible for Medicare
- End of the maximum coverage period
- Member obtains other group health coverage
- Group employer ceases to provide health insurance

(4). Conversion to Non-Group Coverage: The employee or dependent will be offered the opportunity to apply for conversion to non-group health insurance coverage at the end of the 18- or 36-month continuation period. To be eligible for conversion to this plan, these persons must apply within 30 days of becoming eligible.

9.0.5 SHORT TERM DISABILITY

The County does not currently provide short-term disability coverage. See Administrative Leave section 9.2.2 (Sick Leave) and section 9.3 (Family Medical Leave Act).

9.0.6 VISION INSURANCE:

The County currently offers Vision Insurance for full-time employees and part time elected officials. The County pays a portion of the individual (single) premium.

9.1 SD RETIREMENT SYSTEM

Participation in the South Dakota Retirement System is mandatory for all regular, full-time employees and for all part-time employees who work at least 20 hours per week for no less than six (6) months a year. The County and the employee share in the contributions to this system. Should an employee terminate employment prior to retirement, they are entitled to a refund of the amount they have contributed to the system. All decisions relating to the retirement system will be in full compliance with South Dakota Codified Law and the provisions of the South Dakota Retirement System.

9.2 ADMINISTRATIVE LEAVE

9.2.1 VACATION

All regular, full-time County personnel will be authorized paid annual vacation leave. Use of vacation leave will be at the discretion and approval of the Department Head and should be done at such times that it will least interfere with the efficient operations of the department. However, vacation leave cannot be used before it is accrued.

Administrative Guidelines

(1) *Accruing Vacation:* Employees begin to accrue vacation upon employment. Vacation leave will not accrue during any period of leave of absence without pay when the duration exceeds ten (10) working days. Observed holidays or periods of authorized sick leave will not be charged against vacation accrual.

Based on the standard forty-hour week, annual leave will accrue on the following basis:

<u>Years Completed</u>	<u>Hours Earned</u>
Beginning of employment until end of year 4	= 6.67 hrs. per month
Beginning of year 5 until end of year 9	= 10.00 hrs. per month
Beginning of year 10 to end of year 19	= 13.33 hrs. per month
Beginning of year 20 until end of employment	= 16.67 hrs. per month

(2) *Termination of Employment:* When an employee terminates their employment, they will be entitled to payment of accrued vacation. Reimbursement for vacation leave will be at the employee's salary rate as of their last day of employment. Payment will be based on the following schedule up to a maximum of:

0 - 5 years completed employment = 160 hours

6 - 10 years completed employment = 200 hours

11+ years completed employment = 280 hours

(3) *Maximum Accumulation:* The maximum number of hours that can be accumulated is 320 hours. Upon accrual above the maximum vacation leave hours, hours accrued will automatically be subtracted down to the maximum allowable hours without time being granted for leave. *It is the EMPLOYEE'S responsibility to ensure that hours are used on a timely basis according to this policy.*

(4) *Scheduling of Vacation:* Vacation scheduling will be consistent with departmental operational planning to enable the County's public service function to be completed in an effective and efficient fashion, and is at the discretion and approval of the Department Head. The Department Head reserves the right to disapprove requested time for vacation leave for the purposes of maintaining the work force during heavily scheduled work periods. However, the Department Head will make every effort possible to accommodate employee requests for time off. Vacation leave will be granted on a first come, first serve basis based on operational needs.

(5) *Salary in Lieu of Vacation:* Personnel are not entitled to receive cash equivalent to vacation leave except upon separation from County service.

(6) *Minimum Vacation Used:* The minimum amount that may be charged to an employee's vacation leave balance is one (1) hour for non-exempt employees, and four (4) hours for exempt employees.

(7) *Vacation Leave for Elected Officials:* The annual vacation leave benefits as outlined in this Policy are applicable to elected full-time County officials and to the States Attorney, Chief Deputy States Attorney and Deputy States Attorney. Each such individual desiring to receive such benefits will agree in writing to comply with the appropriate provision of this policy. This provision will be effective January 1, 1999, at which time each such existing County official or employee choosing to participate will be treated as having accrued the equivalent of twelve (12) months accrued vacation leave under Section 1 above, based upon the years of completed service with the County. Accruals thereafter will be at the same rate as provided in Section 1 based on total completed service. Any such County official or employee elected or appointed to complete a term of office commencing after January 1, 1999, will comply with the provisions as stated in this Article if they so choose to by signing the "Elected Officials Leave Benefit Compliance Form." The decision to participate in these leave benefits will be offered at the beginning of the first term of office only and continue through the duration of employment.

9.2.2 SICK LEAVE

All regular, full-time employees may accrue sick leave at a rate of 12 hours per month. Accrual begins the first day of employment with the County. An employee on a leave of absence without pay or suspension without pay who is absent when the duration exceeds ten (10) working days, does not accrue sick leave benefits.

Administrative Guidelines

(1) Sick Leave Pay:

Sick leave benefits will be paid at the employee's regular rate of pay at any time the leave is taken. The minimum charge to sick leave is one (1) hour for nonexempt employees and four (4) hours for exempt employees. In the event a holiday falls during an employee's sick leave, the holiday will be paid at only the regular rate and such holidays will not be charged against sick leave. The County compensates terminating employees for unused sick leave who meet the guidelines outlined in item 4.

(2) Using Sick Leave:

Sick leave will be used only upon approval of the employee's Department Head and only for the following reasons: illness, quarantine, pregnancy, personal injury, death of an immediate family member, medical care for the employee or immediate family member; or instances where illness in the immediate family requires the care and/or attendance of the employee. A maximum of sixty (60) hours accrued sick leave per year may be used toward non-FMLA qualified sickness in the immediate family; vacation hours, leave without pay, or other appropriate leave will be used for any hours over the maximum. Immediate family will be defined as the employee's father, mother, brother, sister, spouse, child, grandchild, or grandparent related by blood, current marriage, or adoption or any legal guardian.

Sick leave shall be granted to full time employees for up to 240 hours (6 weeks) for the adoption of a child and for the birth of a child(ren). Sick leave must be used within six (6) weeks from the date of birth or adoption. If an employee is eligible for the provision of the Family Medical Leave Act, they may request additional time off up to a maximum of 12 total weeks. Any additional time off beyond the initial 6 weeks will require employees to deplete eligible comp time and vacation leave followed by your floating holiday or any other leave available. You must deplete eligible paid leave prior to going on unpaid leave.

(3) Scheduling Sick Leave:

An employee absent from work due to illness or disability will notify their Department Head before scheduled work, or as soon as possible if an emergency situation exists, and indicate the nature of the illness or disability and the expected length of absence. Employees should notify their Department Head at least four (4) hours prior to scheduled medical appointments. Failure to report an illness in a timely manner may be cause to consider the absence as unauthorized and without pay.

(4) Accumulation of Sick Leave:

Sick leave benefits not used during the calendar year in which they are earned may be carried over and used during the succeeding calendar years. The maximum accumulation of sick leave will be one hundred and eighty days (180) or fourteen hundred and forty (1440) hours. Any accrual beyond the 1440 will be held in a reserve account for the employee. This reserve cannot be used for payout or utilization purposes, but may be used to replenish the maximum accrual if it falls below 1,440. Your sick leave balance will be indicated on each pay stub or you may contact the Human Resources office for your sick leave balance.

In the event of depletion of an employee's accumulated sick leave, the County Commission may approve additional leave from the Sick Leave Bank.

(5) Termination of Employment:

When a full-time, regular employee leaves the employment of Brookings County under voluntary, favorable terms and gives the required ten (10) working day notice, they may receive cash payment for unused sick leave hours. Examples of voluntary/favorable terms for the purpose of this policy are an employee resigning from employment with the County for one of the following: voluntary resignation, retirement, or death of employee. The maximum payout of sick leave is 1,440 hours.

If the reason for leaving employment is voluntary resignation or retirement, the employee must give written notice of such (see: Resignations). Failure to give such written notice will disqualify the employee from receiving sick leave reimbursement.

Reimbursement under this policy will be calculated using the employee's rate of pay upon resignation or retirement and will be included in the employee's final paycheck. Based on the number of completed years of employment, as calculated from the retirement benefit enrollment date, the employee will be entitled to a monetary pay-out of sick leave hours accumulated to the last working date of employment in accordance with the following schedule based on a maximum accrual of 1440 hours: two (2) percent per completed year of service.

Example 1: An employee earning \$10.00/per hour resigns after 15 years of service with an accrued sick leave balance of 576 hours.
 $576 \text{ hrs} \times 30\% = 172.80$
 $172.80 \times \$10.00/\text{rate per hr} = \1728.00
total sick leave reimbursement

Example 2: An employee earning \$10.00/per hour resigns after 8 years of service with an accrued sick leave balance of 576 hours.
 $576 \text{ hrs} \times 16\% = 92.16$
 $92.16 \times \$10.00/\text{rate per hr} = \921.60 total
sick leave reimbursement

(6) *Sick Leave Bank:*

A sick leave bank has been established for use by regular, full-time employees of the County. Participation in the sick leave bank is voluntary. When an employee donates hours to the bank, an equivalent number of hours will be deducted from that employee's accumulated sick leave hours and become the property of the bank.

Initial donations of sick leave hours will be limited to 40 hours by any given employee. Following the initial donation, individual donations will not exceed 16 hours in a calendar year. Donations will not be accepted after five hundred (500) hours have been deposited in the sick leave bank.

The County Commission will have full administrative control over the sick leave bank. In the event a given County employee has exhausted their sick leave hours and vacation leave hours and remains incapacitated to the extent that they cannot return to work, the employee may submit a one-time request for hours from the Sick Leave Bank, up to a maximum of 80 hours. Upon approval of the request, the County Commission may transfer sick leave hours from the bank for that employee's use.

(7) *Certification:*

Employees claiming sick leave for over two (2) working days may be required by the Department Head or Supervisor to provide a signed certificate from a medical doctor which states the nature and extent of the illness or injury and which verifies that the employee was incapacitated for work during the period of absence.

(8) *Orientation Period*

Upon Department Head approval, employees in the Orientation Period may use leave with pay during the orientation period. If the employee does not have any paid leave available, the Department Head may authorize the use of unpaid time off for an emergency. In extreme situations, the Department Head may request County Commission approval for accrued sick leave and then vacation leave to be used with pay.

(9) *Misuse of Sick Leave:*

The applicable Department Head and/or the Board of County Commissioners have the authority to investigate misuse of sick leave. If the employee is guilty of fraudulent use of sick leave, the time off will be charged to leave without pay. Misuse of sick leave may be cause of disciplinary action.

(10) *Sick Leave Benefits for Elected Officials*

The employee leave benefits as listed in this policy will be applicable to elected full-time County officials and to the States Attorney, Chief Deputy States Attorney and Deputy States Attorney. Each such individual desiring to receive such benefits will agree in writing to comply with the appropriate provision of this Article and Article VI. This provision will be effective January 1, 1999, at which time each such existing County official or employee choosing to participate will be treated as having accrued the equivalent of 144 hours of sick leave. Accruals thereafter will be at the rate as provided above. Accruals thereafter will be at the same rate as provided in this section based on total completed service. Any such County official or employee elected or appointed to complete a term of office commencing after January 1, 1999, will comply with the provisions as stated in this Article if they so choose to by signing the "Elected Officials Leave Benefit Compliance Form." The decision to *participate* in these leave benefits will be offered at the beginning of the first term of office only and continue through the duration of employment.

(11) *Wellness Benefit*

Employees who have 1,440 sick leave hours accrued as of January 1st of each year will be awarded 1(one) personal day of personal leave, if an additional 100 hours of sick leave is accrued a second day of personal leave shall be granted. The personal day(s) off must be used before December 31 of that year. The day will equal the current work schedule of that office. Use of the personal day must follow the County's established procedures for requesting time off.

(12) *Outside Employment*

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except as allowed for military or public service leaves of absence.

9.2.3 HOLIDAYS

Regular, full-time personnel are entitled to the following holidays with pay:

<u>Date</u>	<u>Holiday Celebrated</u>
January 1 st	New Year's Day
Third Monday in January	Martin Luther King Jr. Day
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4 th	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
November 11 th	Veteran's Day
4 th Thursday in November	Thanksgiving Day
December 25 th	Christmas Day
<i>Any other holiday declared by the County Commission</i>	

(1) *Holidays that fall on Weekends*

When any of the above holidays fall on a Sunday, the following Monday is considered the holiday. If any of the above holidays fall on a Saturday, the preceding Friday is considered the holiday. However, Brookings County will follow the Uniform Monday Holiday Act when applicable.

(2) *Time off for religious observances*

Time off for religious observances may be authorized by the Department Head and such time off is to be charged against accrued vacation leave, earned overtime, leave without pay, or a regular day off which is worked. Such time off will not jeopardize the effective operations of the department.

(3) *Holidays that fall during vacation*

The policy will be that when a holiday falls during their vacation period, they will receive another day off as scheduled by their Department Head.

(4) Holiday Compensation

- Holiday pay shall be defined as eight (8) hours at the straight hourly rate.
- Full-time employees who are scheduled to work the holiday will be compensated for holiday pay (8 hours of straight rate pay).
- Full-time employees will receive premium pay (time and one-half) for all hours worked on holidays, if the holiday falls on the day that their shifts starts.

(5) The County will grant administrative leave hours on Good Friday, the day after Thanksgiving and Christmas Eve (or specified date if Christmas Eve falls on a Saturday or Sunday) when and if the State also grants administrative leave hours during those periods to state employees. Employees required to work those periods would be granted administrative leave (in the equivalent amount) to be used at a future date.

9.2.4 FLOATING HOLIDAY

All full-time personnel on the Brookings County payroll on the first working day of a given year will be eligible for a Floating Holiday. The Floating Holiday will be taken at the discretion of the employee but is subject to the approval of the Department Head.

Provisions for scheduling an employee for a Floating Holiday will be synonymous with those of Vacation as outlined under 8.3.1 (4) of the Brookings County Personnel Policy Manual, with the exception that this employee leave may not be taken in smaller increments than one regular work shift period. Failure to use a Floating Holiday prior to December 31st will result in loss of that leave.

9.2.5 FUNERAL LEAVE

In the event of the death of any full time employee's father, mother, brother, sister, spouse, child, grandchild, grandparent related by blood, marriage, or adoption, the employee will be permitted to take funeral leave (with pay) for up to three (3) working days. This leave may be supplemented with annual leave or sick leave at the employee's request and with the approval of the Department Head. The Department Head may request documentation (obituary, mass card, funeral home bulletin, etc.) of the need for funeral leave.

In the event of a funeral of a relative outside of the immediate family (as defined above), a full time employee may take a reasonable amount of time off (with pay) to be charged to vacation leave as approved by the Department Head.

9.2.6 VOTING LEAVE

County employees whose work schedule does not enable them time to vote during which time the polls are open will be allowed up to two (2) consecutive hours to vote. Such time will be treated as regular work time for the purpose of pay and accrual of leave(s).

9.2.7 MILITARY LEAVE

(1) Draft:

Any County employee drafted into the military service will be granted a leave of absence (without pay) by the County. If, within thirty (30) days of completing such service, the employee applies for re-employment, they will be entitled to return to County service at their former position, or at a level equivalent to the position they held at the time of departure.

(2) Military Reserve:

The County may allow up to ten (10) consecutive working days per year for County employees required to participate in annual active duty with a reserve component of the United States Armed Forces or the National Guard. The approval of compensation for this interval is to be determined by the Department Head and the employee. The employee may use vacation leave or, in the event the basic pay for the 10-day period is less than the individual salary for the same 10-day period, a sum equal to the difference may be paid. If such service exceeds ten (10) consecutive working days, the County will not supplement the pay; however, the employee may use vacation leave or

leave without pay. During any unpaid leave of absence - military or otherwise – no additional leave or other benefits will accrue.

9.2.8 JURY LEAVE

Regular, full-time County employees will be granted leave with pay for jury duty or if they are subpoenaed to testify in court. During such periods of absence, they will receive their regular rate of pay until such time as the Department Head deems it essential to hire a temporary replacement employee.

Employees who are absent from work due to jury duty will not be terminated or suspended from employment, and will retain and be entitled to the same job status and pay as they had prior to performing jury duty. Persons who are absent due to jury duty must notify their Department Head in advance. If no prior notification is given, the employee may be subject to disciplinary action. When serving on a jury, a County employee will follow regular procedures in filling out leave sheets and obtaining Department Head approval and the applicable signature on them, respectively.

During jury duty leave, vacation and sick leave benefits will accrue at the normal rate for eligible employees. County employees involved in private litigation are required to use vacation leave.

9.2.9 VOLUNTARY LEAVE WITHOUT PAY

Employees may voluntarily request leave without pay in extenuating circumstances. Such leave is at the sole discretion of the Department Head. It is the policy of Brookings County that in circumstances such as these, vacation and/or sick leave will be used in full before such leave without pay is granted. No additional leave or other benefits will accrue during such leaves without pay. Voluntary leave without pay examples include, but are not limited to:

1. Extra vacation hours when balance has been depleted;
2. Extra sick leave hours when Family Medical Leave Act (FMLA) requirements are not met;
3. Extra sick leave hours when a Sick Leave Bank transfer has been denied and FMLA requirements are not met.
4. Full-time County employees during their Training Period (by Department Head approval).

Employees may continue group insurance coverage by pre-paying the entire premium during the affected period of leave when it is more than thirty (30) days. Employees must arrange for such continuation of coverage with the County prior to the commencement of the extended leave without pay.

9.2.10 ABSENCE WITHOUT LEAVE

Unauthorized absence of a County employee for a work day or a portion of a work day is without pay and may be grounds for disciplinary action, up to and including termination.

9.2.11 WORKERS COMPENSATION LEAVE

Brookings County participates in the SDML Workers Compensation Fund. This fund is designed to protect employees against medical costs and salary loss as a result of injuries while on the job. All employees and elected officials of Brookings County are covered by this workers compensation policy.

Volunteers for the various County departments will be covered only when (1) requested to perform County work by a duly authorized County official, (2) prior notification is given to Human Resources Department and (3) coverage has been approved in the official County Commission minutes.

Administrative Guidelines

(1) Compensable Injuries-

To be compensable, an injury "must arise out of and in the course of employment." A compensable injury must occur not only within the time and physical boundaries of employment (in the course of), but also must be work-related (arise out of), meaning the activity in which the employee was involved at the time of the injury must forward the employer's interests directly or indirectly or be an inherent part of the conditions of that employment.

(2) Notification-

Employees who are injured while on-the-job must **PROMPTLY** notify (within 24 hours) their Department Head or Supervisor, who will then promptly notify Human Resources so the filing of forms might be expedited. As per SDCL 62-7-10, an injury must be reported within three (3) business days. A "First Report of Injury" form will be completed by assigned personnel and submitted to Human Resources to be forwarded to the insurance company. The County reserves the right to require consulting opinions.

(3) Billing/Claims-

For billing purposes, the service provider should be told by the employee that this is a work-related or workers compensation injury. All bills should be submitted by the doctor to the workers compensation insurance carrier with copies sent to Human Resources. Claims for the work related injuries are not payable under the County's regular group health insurance plan. All medical and hospital expense will be paid for in accordance with workers compensation and the County policy.

(4) Referrals-

If an employee changes doctors without a referral from the doctor providing initial treatment, the workers compensation insurance company is not obligated to pay for the subsequent services.

(5) Compensation/ Compensation for loss of time at work-

The County policy will be to compensate for loss of time at work, payable only if the employee is completely disabled, for seven (7) consecutive days. In cases where workers compensation reimbursement is paid, employees may utilize leave to subsidize the difference between workers compensation benefits and the amount of their regular wage. FMLA leave will run in conjunction with leave associated with workers compensation if it is an FMLA qualifying event. Please refer to policy 9.3 for more clarification on FMLA leave qualifications. In no case will Brookings County and the workers compensation insurance company make duplicate payments for the same time. *It is the employee's responsibility to inform Human Resources and the Payroll Department of the date and amount received from workers compensation.*

No compensation will be paid for willful misconduct, intentional self-inflicted injury, injury related to intoxication, or willful failure or refusal to use a safety appliance or procedure. Injuries received as a result of conduct outside the scope of assigned County duties are not covered by workers compensation.

(6) Benefit Accrual

All vacation leave, sick leave, and holiday leave earned while on injury leave will accrue at the employee's regular rate.

9.3 FAMILY AND MEDICAL LEAVE POLICY

Please see Management for more information regarding Family Medical Leave Act. Anything not covered by federal or state regulations will be adhered to according to the law.

9.3.1 Leave Entitlement

(1) Introduction

The Family and Medical Leave Act of 1993 (FMLA) guarantees the right of eligible employees to take up to a total of 12 weeks of leave per year, either in one continuous absence or on an intermittent basis, for one or more of the following reasons:

- Upon the birth of the employee's child
- Upon the placement of a child with the employee for adoption or foster care
- When the employee is needed to care for a child, spouse, or parent who has a serious health condition
- When the employee is unable to perform the functions of their position because of a serious health condition
- Due to a qualifying exigency leave for families of members of the National Guard, Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty
- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

If the employee is entitled to paid personal leave, vacation leave, sick leave or comp time, then the employee must use their accrued leave during the 12-week leave required by law and consistent with County policies regarding paid leave. Any leave used or time away from work for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for workers' compensation injury/illness provided that the leave meets the FMLA requirements. The use of the leave must be in accordance to the requirements of the type of leave (See Policy 9.2).

(2) *Equal Right to Take Leave*

The right to family leave applies equally to male and female employees. Either parent may take family leave for the birth, placement for adoption, or foster care of a child. An expectant mother may take leave before the birth of the child for prenatal care or if her condition makes her unable to work. Leave may begin before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

(3) *Spouses Employed by Brookings County*

Spouses employed by Brookings County are jointly entitled to a combined total of 12 work-weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. If a husband and wife both work for the County and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

(4) *Expiration of Entitlement*

Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

(5) *Leave Taken Intermittently or on a Reduced Leave Schedule*

- In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless both the employee and the County agree otherwise.
- In the case of unpaid leave for serious health conditions, leave taken for the care of a family member or employee's own serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule will not result in a reduction in the total amount of leave to which the employee is entitled.
- If an employee requests intermittent leave or leave on a reduced leave schedule due to a family member's or the employee's own serious health condition, the County may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that better accommodates recurring periods of leave than the regular employment position of the employee. The temporary position will have pay and benefits equivalent to the employee's regular position.

9.3.2 DEFINITIONS

(1) *Child*: An adopted child, a foster child, stepchild, ward of person who is under age 18 or is over age 18 but incapable of self-care because of a mental or physical disability and of whom the employee has custody.

(2) *12-month period*: A 12-month period, measured forward, that begins on the date an employee first starts FMLA. For example, if the leave starts January 1, 2000, the 12-month period is January 1, 2000 through December 31, 2000; if the leave takes place on May 13, 2000, then the 12-month period is May 13, 2000 through May 12, 2001 etc.

(3) *Serious Health Condition*: An illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment in connection with, or consequent to, inpatient care (i.e. overnight stay) in a hospital, hospice, or residential medical care facility.
- Continuing treatment by, or under the supervision of, a health care provider for chronic or long term health conditions that are incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
- Prenatal Care.
- Voluntary or cosmetic treatments, such as most treatments for orthodontia or acne, which are not medically necessary are not serious health conditions, unless inpatient hospital care is required. Routine preventive physical examinations are excluded from serious health conditions.
- Restorative dental surgery after an accident or removal of a cancerous growth are serious health conditions provided all other conditions of the regulations are met. Treatments for allergies, stress, or for substance abuse may under some circumstances be considered a serious health condition.

(4) *Health Care Provider*: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of South Dakota, or any person determined by the U.S. Secretary of Labor to be capable of providing health care services.

(5) *Intermittent Leave*: Under some circumstances, employees may take leave intermittently-which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for the birth and care or placement for adoption or foster care, use of intermittent leave is subject to approval from the Department Head and the Board of County Commissioners.
- FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

(6) *Qualifying Exigency Leave*: for families of members of the National Guard, Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

- An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- Covered Active Duty as defined in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order

to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

(7) *Military Caregiver Leave (Covered Servicemember Leave):* to care for an injured or ill service member or veteran.

- An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of that service member.
- Next of kin is defined as the closest blood relative of the injured or recovering service member.
- The term "covered service member" is defined as a member of the Armed Forces (including of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- The term "serious injury or illness" as defined in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or duty illness that was incurred by a member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

9.3.3 ELIGIBLE EMPLOYEES

To be eligible for absence under the FMLA, the employee must have been continuously employed by Brookings County for the 12-month period immediately preceding their request for absence and during that 12-month period must have worked at least 1,250 hours.

9.3.4 NOTICE

An eligible employee is required to provide the employer with 30 days' notice of absence when it can be reasonably foreseen. If it is unforeseeable, Brookings County requests 2 days unless an emergency disallows this 2-day notice.

An employee on approved FMLA leave must call and update their employers every 14 days to provide an update on employee's status and intent to return to work.

9.3.5 CERTIFICATION

Requests for leave due to a serious medical condition of the employee or qualified member of the employee's family will be verified by the certification of a qualified health care provider; this certification will contain the following:

- A. The date when the serious health condition began
- B. The probable duration of the condition

- C. The appropriate medical facts within the knowledge of the health care provider regarding the condition
- D. If the leave is due to the employee's serious health condition, the certificate must include a statement that the employee is unable to perform the functions of their position
- E. If planned medical treatment is the reason for the leave and employee wants intermittent leave, or leave on a reduced time schedule, the certification must state the date when the treatment begins and the estimated duration of the treatment
- F. If the leave request is necessitated by a serious medical condition of the employee or the employee's child, spouse or parent, the certificate will state that there is a medical necessity for the leave and an estimate of how long the leave will be

The employee may be required to obtain a second opinion at the employer's cost from a second health care provider of the employer's choice. If the second opinion conflicts with the first opinion, the employer may request a third opinion at the employer's cost. The employer and the employee must jointly agree on the person providing the third opinion. The third opinion is final and binding.

9.3.6 FAILURE TO PROVIDE CERTIFICATION

An employee may lose eligibility of the Family Medical Leave Act if proper certification is not completed prior to onset of leave or within 15 days of the onset of the serious health condition.

9.3.7 EFFECT ON PAY AND BENEFITS

During the term of unpaid Family or Medical Leave, no pay or other benefits will accrue, with the exception of any group health benefits that were in effect at the time of commencement of such leave, or new group health benefits, which are provided by the employee during the FMLA leave. Group health insurance will be continued in force for the duration of family or medical leave and Brookings County will continue to pay that portion of benefits normally paid by the employer. The employee will be responsible for payment of any premiums they normally pay through payroll deductions. Such payments must be made by mail or in person to reach the Finance Office no later than the last working day of the month prior to the next following month of insurance coverage.

During the term of paid Family Medical Leave, an employee accrues vacation and sick leave. Employee health insurance benefits will continue to be in effect with or without pay. Brookings County will continue to pay their portion of benefits normally paid by the employer. The employee will be responsible for payment of any premiums they normally pay through payroll deductions. Such payments must be made by mail or in person to reach the Finance Office no later than the last working day of the month prior to the next following month of insurance coverage.

9.3.8 FAILURE TO RETURN TO WORK

If the employee fails to return to active employment upon the expiration of the maximum 12 weeks of leave provided under this section, the employee will be responsible for repayment of any employer-paid health care premiums unless the failure to return is based upon the continuance, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. In such instances, the employee must provide in a timely manner a certification by a health care provider attesting to their inability to return to active employment.

9.3.9 EFFECT OF REEMPLOYMENT AND OTHER RIGHTS

Upon expiration of a duly authorized absence under this section, the employee will be reinstated to the same position held at the time such leave commenced or an equivalent position with the same or an increase in pay, benefits, and other terms and conditions of employment. No employee will be interfered with, discriminated against, disciplined, or otherwise restrained from exercising their rights under the Family and Medical Leave Act.

9.4 LONGEVITY PAY

All regular, full-time employees are eligible for longevity pay based upon their length of service with Brookings County. Length of service will be the number of years of service as of the anniversary date of

the employee's full-time employment. The most recent full-time date of hire will be used as the longevity date. Years of service must be continuous years of service. In the event a full-time employee is reclassified as part-time, the longevity benefit will cease.

Longevity pay is paid monthly along with regular pay. For employees hired prior to January 1, 2003 the amount of longevity is at the rate of \$5.00/per month per year after completing four (4) years of continuous service. For employees hired after January 1, 2003 the amount of longevity is at the rate of \$5.00/per month per year after being in the top step of the range for a year. All deductions required by law will be made. Longevity is not considered a part of the annual base salary for classification and pay purposes.

9.5 GYM REIMBURSEMENT

The County will reimburse regular, full-time employees for a portion of their monthly gym membership fee, at a locally accredited wellness/fitness center. The amount of reimbursement varies depending on monthly gym attendance. To be eligible for reimbursement the employee must present proof of monthly attendance for the month which is to be reimbursed.

9.6 EMPLOYEE ASSISTANCE PROGRAM

All full-time and part-time employees of Brookings County and their eligible family members will be eligible to participate in the Employee Assistance Program (EAP).

Employee use of the EAP is voluntary and confidential. The program is meant to assist employees in finding a resolution for personal and work-related issues that may affect performance, behavior, customer service or attendance at work.

Each employee along with their spouse and dependent children will receive five counseling sessions at no cost per year. If additional counseling sessions are needed, please work with your health insurance provider for coverage information.

EAP records are confidential by agreement and in accordance with state and federal guidelines. The records are the property of the EAP service provider and a Release of Information form must be signed before information can be released. No individual information on a particular employee/eligible family member will be shared with the employer unless the individual signs a release authorizing release of confidential information.

Employees do not need a Supervisor's referral or permission to contact and receive services from the EAP. Also, employees are not required to submit to counseling based on a Department Head's referral. However, failure to rectify a situation which is causing a problem in the work place and unwillingness to seek assistance through a third party may be considered by the Supervisor in executing disciplinary action(s).

POLICY 10: PERFORMANCE MANAGEMENT

10.0 GENERAL POLICY

Brookings County uses a performance appraisal system to provide a record of an employee's performance, to encourage professional growth, and to promote communication between Supervisors and employees.

The existence of this performance appraisal system does not constitute a contract of employment. Performance appraisals are designed to provide the employee with a record of their performance, to encourage professional growth and to promote communication between the Supervisor and the employee. The performance appraisal will be conducted by the employee's Department Head or the Department Head designee.

The performance appraisal system used by Brookings County has been approved by the Brookings County Board of Commissioners and the specific provisions of the system are available in Human Resources.

10.1 STRUCTURE/PURPOSE

Performance appraisals are to be structured to each employee's position. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. Evaluations will be conducted in a private meeting between the employee and their Department Head. Employees are required to sign their evaluations and will receive a copy. Signing does not imply agreement, but that the contents have been made known or discussed with the employee.

10.2 TIMELINE

All new employees may receive a formal performance evaluation at the completion of six months of employment. All employees who have completed the Orientation Period should subsequently receive a formal evaluation at least once a year. Employees who have been promoted or transferred to a position with a different job title will receive a written performance evaluation after six months of continuous employment in the new position.

10.3 PERFORMANCE RATINGS

For an employee who receives an overall rating of "Unsatisfactory," and who has received prior feedback regarding performance, a copy of a written warning should accompany the performance appraisal to be placed in the employee's Personnel file.

10.4 PERFORMANCE IMPROVEMENT PLAN

If an employee receives a rating below "Satisfactory," in any given area, they may be placed on a Performance Improvement Plan. Wage increases may be deferred until such time as the performance in the specified area(s) is once again deemed "Satisfactory".

The Performance Improvement Plan, which may be implemented at any time, should state:

1. The deficient performance or behavior.
2. The correct desired performance or behavior.
3. The date by which the changes stated in the plan must be accomplished.

A copy of the Performance Improvement Plan will be given to the employee, and a copy will be given to Human Resources for placement in the employee's personnel file. At the end of the designated time for improvement, the Department Head will provide a report and recommendation to the Board of County Commissioners, if requested by Human Resources.

10.5 COPIES

Copies of the appraisal and any attachments will be distributed to the employee and Department Head with the original being forwarded to Human Resources for inclusion in the employee's Personnel file. (See *Policy 5.0 Personnel Files*)

POLICY 11: TERMINATION, RESIGNATION, AND RETIREMENT

11.0 RESIGNATION PROCEDURES

Department Heads will complete the personnel action notice form for any terminated employee, which will be given to the Human Resource office to be placed in the employee's permanent personnel file.

11.0.1 VOLUNTARY RESIGNATION

In the event of a voluntary resignation, the employee is asked to complete the resignation form provided in the forms section of this manual. This notice will be placed in the employee's permanent personnel file. The County asks that employees give ten (10) working days' notice of an employee's resignation. However, if it is to the benefit of both parties, the Department Head may accept the employee's resignation as taking effect immediately.

11.0.2 INVOLUNTARY RESIGNATION

In the event of an involuntary resignation, the Department Head is required to complete the personnel action notice form. This notice will be placed in the employee's permanent personnel file. All involuntary resignations are subject to review with Human Resources to ensure compliance with County policy as well as local, state and federal laws.

11.1 FINAL PAYMENTS

In the event of an employee's resignation or termination of employment, payment for services rendered will be made on the next regularly scheduled payday.

11.2 RETIREMENT PROCEDURES

11.2.1 RETIREMENT RECOGNITION

When an employee has dedicated many years of service to County government, Brookings County desires to acknowledge their achievements. Recognition for outstanding performance and dedication over a long period of time may be in the form of an award, gift, plaque, trophy, or reception, etc.

Elected officials and Department Heads have the discretion of providing recognition. In establishing some fairness to this policy, the following expenditure guidelines have been set at a maximum of \$100/per employee. Any expenditure for this purpose over \$100 requires **PRIOR** County Commission approval. (Note: The applicable departmental budget will absorb this expenditure.)

11.3 PERSONNEL LAY OFF PROCEDURES

Any appointed County employee may be laid off as a result of lack of work or lack of funds. The County will provide no less than ten (10) working days notification prior to the effective date of the lay off or the reduction in the work force. Human Resources will be immediately notified in the event of an employee lay off. All lay offs need prior County Commission authorization.

11.3 RETURN OF BROOKINGS COUNTY PROPERTY

County employees are expected to return all County property at the time of their departure from County service. Brookings County reserves the right to withhold from the employee's paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The County may take further action if necessary to recover County property.

11.4 EXIT INTERVIEWS

Personnel leaving employment with Brookings County will be provided the opportunity to participate in a personal exit interview with Human Resources and to complete an exit interview form in order to relate comments (positive and/or negative) regarding their employment with Brookings County.

The exit interview form can be found in the “forms” section of this employee manual. Upon notice, Human Resources will schedule a time for an optional personal exit interview. All completed exit interview forms will be placed in the employee’s personnel folder. Participation in the personal exit interview, and filling out the exit interview form, will provide assistance in gaining constructive insight and ideas that will benefit all County employees.

Although the interview and form are optional, Brookings County is open and receptive, and values comments from all employees.

POLICY 12: DISCIPLINARY PROCEDURES

12.0 GENERAL PROVISIONS

All appointed, regular employees are governed by these procedures.

12.1 FORMS OF DISCIPLINARY ACTION

Disciplinary action may include any of the following: oral reprimand, written warning, work improvement plan, denial of salary increase, placement on a performance improvement plan (see Policy 10.4), involuntary transfer to another classification or another position in the same classification without reduction in salary, reduction in salary, demotion to lower classification, suspension without pay (a suspension is a temporary separation from County service for disciplinary purposes when the incident(s) is not sufficiently grave to warrant termination), or termination.

*If a step increase is to be denied, the employee must have been notified of the performance deficiency and been given the opportunity to correct the deficiency. The Department Head will meet with the employee to re-evaluate performance and the step increase.

12.2 TYPICAL CAUSES FOR DISCIPLINARY ACTION

Examples of typical causes for disciplinary action include, but are not limited to:

- The employee has been convicted of a felony which renders them unfit to perform the duties of their position.
- The employee has violated any of the provisions of this Personnel Manual.
- The employee is tested and found to be under the influence of alcohol or illegal drugs while on duty.
- The employee is insubordinate; refusing to follow a reasonable and lawful order.
- The employee is not meeting the standards of performance in their job duties.
- The employee is careless or negligent with County money or property.
- The employee has accepted gifts or fees in exchange for favors or preferred treatment.
- The employee has failed to maintain a satisfactory attendance or punctuality record.
- The employee falsified their application for employment or promotion.
- The employee has abused sick leave.
- The employee fails to maintain a valid South Dakota driver's license when required in the performance of job duties.

12.3 DOCUMENTATION OF DISCIPLINARY ACTIONS

Department Heads are provided forms to be used for documenting disciplinary actions in the management section of this manual. This documentation will be forwarded to the Human Resources Department to be included in the employee's personnel file.

12.4 REQUIRED NOTIFICATION

Department Heads or Supervisors will notify the Human Resources Department immediately of any violation which results in disciplinary action, beyond the reprimand or warning stage, by completing the personnel action notice. A copy of the disciplinary documentation for the incident should be attached to the personnel action notice.

POLICY 13: GRIEVANCE PROCEDURE

Grievance, for the purpose of this policy, is defined as any claim by a Brookings County employee limited to matters of interpretation or application of County policies or procedures, including disciplinary actions, which impact pay, benefits or employment status, but excluding concerns about equal opportunity such as discrimination or harassment claims.

Any employee with a grievance will first discuss it with the Department Head involved. If the matter cannot be resolved, the employee will submit a written grievance to the Department Head within five (5) working days of the date the grievance occurred. The Department Head will return to the employee within five (5) working days of the receipt of the written grievance a decision in writing over the portions of the policies in dispute. In providing this written response, the Department Head will clearly state their interpretation of the disputed County policy.

If an employee follows the above procedure with the Department Head, but remains unsatisfied, then they may appeal the decision to the County Commission. The appeal must be submitted in writing to the County Commission within five (5) working days of the Department Head's response. The appeal materials should include the employee's grievance to the County Commission, a copy of the original grievance, and the Department Head's response.

An appeal hearing will be scheduled within 20 working days of the Commission's receipt of the appeal. Prior to the hearing, the County Commission will meet in executive session to discuss the appeal and review the materials submitted by the grievant. During the appeal hearing, both the grievant and the Department Head will have the opportunity to present information on their interpretation of the relevant policy or procedure.

The County Commission will issue a decision to the grievant and Department Head within five (5) working days of the appeal hearing. In offices headed by elected officials, the Commission decision will be in conformance with state law governing that elected official. In all other departments, the Commission decision will be considered final.

At-Will Employment Defined:

*An At-Will employee means that an employer may terminate an employee at any time, for any reason, except an illegal one, or for no reason without incurring legal liability. Likewise, an employee is free to leave a job at any time for any reason with no adverse legal consequences.

APPENDIX

DRUG & ALCOHOL POLICY FOR SAFETY SENSITIVE POSITIONS

USE OF INFORMATION TECHNOLOGY POLICY

INFORMATION TECHNOLOGY POLICY ACKNOWLEDGEMENT

LEAVE REQUEST

FMLA

SICK LEAVE BANK REQUEST

TRAVEL/EDUCATION REQUEST

TRAVEL REIMBURSEMENT INFORMATION

REQUEST TO VIEW PERSONNEL FILE

EMPLOYEE SELF EVALUATION

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VOLUNTARY RESIGNATION FORM

EXIT INTERVIEW

OUTSIDE EMPLOYMENT REQUEST FOR APPROVAL FORM

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HANDBOOK ACKNOWLEDGEMENT

HARASSMENT ACKNOWLEDGEMENT

LICENSE/INSURANCE MAINTENANCE REQUIREMENTS

ALCOHOL & DRUG TESTING POLICY ACKNOWLEDGEMENT

DRUG & ALCOHOL POLICY FOR SAFETY SENSITIVE POSITIONS

The County is dedicated to providing safe, dependable, and economical transportation services for the citizens of Brookings County and the employees. County employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment that promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe and productive manner
- Create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances
- To encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependence, adversely affecting their ability to perform their assigned duties

Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from the risk posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug programs. The U.S. Department of Transportation has enacted 49 CFR 382 that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988", which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. This policy incorporates those requirements for safety-sensitive employees and others when so noted. The County will comply with all other state and federal laws that supersede this policy.

Applicability

This policy applies to all safety-sensitive employees holding a Commercial Driver's License (CDL) and working in a safety-sensitive position. Employees who perform safety-sensitive functions will be subject to random drug testing. A safety sensitive function means all time from the time a driver begins to work or is required to be in to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer or shipper plant, 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 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 as defined by federal law;
- 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.

Prohibited Substances

"Prohibited Substances" addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs— Any illegal drug or substance identified by the DOT. These include, but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use the U.S. Drug Enforcement Administration or

U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Legal Drugs— The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing work-related duties. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited. The Supervisor or Department Head shall not confiscate, without consent, prescription drugs or medications from an employee who has a prescription.

Alcohol— The use of beverages containing alcohol or alcoholic substances, including any medication such that alcohol is present in the body while performing transit business, is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

Prohibited Conduct

Manufacture, Trafficking, Possession and Use— Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances on County premises, in vehicles, or while on County business will be subject to disciplinary action, up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Intoxication/Under the Influence— Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from their job pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances, or who fail to pass a drug or alcohol test, shall be removed from duty and subject to disciplinary action, up to and including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40.

Alcohol Use— No safety-sensitive employee should report for duty or remain on duty when their ability to perform assigned functions is adversely affected by alcohol or when their breath-alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty or while performing safety-sensitive functions. No employee shall have used alcohol within four hours of reporting for duty. No employee shall use alcohol during the hours that they are on call. Violation of these provisions is prohibited and punishable by disciplinary action, up to and including termination.

Compliance with Testing Requirements— All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, diluting, or substitution shall be removed from duty immediately, and their employment terminated. Refusal may include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Treatment Requirements— All employees are encouraged to make use of the available resources for treatment of alcohol and substance abuse problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse. Any employee who refuses or fails to comply with the requirements for treatment, after care, or return to duty may be subject to disciplinary action, up to and including termination.

Notification of Criminal Drug Conviction— Any employee who fails to immediately notify in writing the Department Head or Commission Liaison of any criminal drug statute conviction or alcohol-related offense may be subject to disciplinary action, up to and including termination.

Proper Application of the Policy—Brookings County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, Supervisors or Department Heads are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Supervisor or Department Head who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, may be subject to disciplinary action, up to and including termination.

Parameters for Testing for Prohibited Substances

Analytical urine testing and breath testing for alcohol will be conducted when circumstances warrant or as required by Federal regulations. All safety-sensitive employees may be subject to testing prior to employment, randomly, for reasonable suspicions, or following an accident. In addition, all employees will be tested for return-to-duty after failing a drug test and/or after completion of rehabilitation treatment. Those employees shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial drug screen will be conducted on each specimen. For those specimens that are positive, a confirmatory test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds in 49 CFR Part 40.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from their position for 24 hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

Any employee that has a confirmed positive drug or alcohol test will be removed from their safety-sensitive position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Storage of Records

Drug and breath alcohol test results will be kept in the employee's confidential medical files. Access to these files will be limited to the employee, Human Resources Director and their designee, and may be seen upon request by the Department Head and/or the Commission Liaison, and other state and federal authorized personnel. The time frame for keeping records is as follows:

- Seven Years—(Documents will be retained in compliance with law)
- Records of alcohol test results showing concentrations of 0.02 or more
- Records of driver verified positive drug tests
- Documentation of refusals to take required tests
- Calibration documentation
- Driver evaluation and referrals
- A copy of each annual calendar year summary (of who was ever tested)
- Records related to the alcohol and drug collection process and training documents
- Records of negative and cancelled drug tests and alcohol tests with concentrations of less than 0.02

Reasonable Suspicion Testing

All safety-sensitive employees may be subject to a fitness for duty evaluation, to include appropriate urine and/or breath alcohol testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of

documented objective facts and circumstances which are consistent with the long- or short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with prohibited substance use.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- Occurrence of a serious or potentially serious accident that may have been caused by human error.
- Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

A Supervisor or Department Head who is trained to detect the signs that drug and alcohol use or abuse have occurred will make reasonable suspicion determinations. This Supervisor or Department Head must reasonably conclude that an employee may be adversely affected or impaired in their work performance due to prohibited substance abuse or misuse. A trained Supervisor or Department Head must receive two hours in recognition and signs of drug and alcohol abuse.

Covered employees must be provided with information required by the DOT. Each and every covered employee must be given this material and must sign a form that they have, in fact, received it.

Post-Accident Testing

Employees will be required to undergo urine and breath-testing if they are involved in an accident with a County vehicle if a fatality is the result of that accident. This includes all employees that are on-duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test (urine and breath-alcohol) will be conducted if an accident results in bodily injuries or if one or more vehicles incur disabling damage and at the discretion of law enforcement officials, supervisory directive, or at the request of the County employee involved.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until they undergo a post-accident alcohol test.

Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test unless the employee must leave to obtain health or safety assistance from appropriate agencies, or under the direction or control of law enforcement officials. Employees testing under this provision will include not only the employee, but any other employee whose performance could have contributed to the accident. A verbal report must be made to the Supervisor and/or Department Head within two hours of the incident; if the Supervisor or Department Head is unavailable, the verbal report is made to the Commission/Human Resource office within 2 hours. The Supervisor is required to personally notify the Department Head within 24 hours. If the Department Head is unavailable, the first option is to notify the Sheriff's Department within 24 hours.

Random Testing

Employees in safety-sensitive positions will be subject to random drug and alcohol testing by the DOT. Unannounced testing will use scientifically validated selection processes. Those employees testing positive may be subject to random testing following a positive result.

Return-To-Duty Testing

All safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to work. Employees will be required to undergo frequent unannounced random urine and breath-testing.

Employee Requested Testing

Any employee who questions the results of a required drug test under this policy may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The employee pays all costs for such testing unless the second test invalidates the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40. The employee's request for a re-test must be made to the Department Head within 72

hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

Employment Assessment

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40 will be evaluated by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or additional counselor with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the County.

If an employee is allowed to return-to-duty, they must properly follow the rehabilitation program prescribed by the SAP, pass return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee, unless treatment is covered under the existing County insurance benefits. Employees will be allowed to take accumulated leave benefits to participate in the prescribed rehabilitation program.

Re-Entry

Employees who re-enter the workforce must fulfill the requirements of the SAP. They may include, but not be limited to:

- A release to work statement from an approved Substance Abuse Professional
- A negative test for drugs and/or alcohol
- An agreement to unannounced frequent follow-up testing, for a period of from one to five years, to be determined by the Supervisor and/or Department Head
- A statement of expected work-related behaviors
- An agreement to follow specified after care requirements with the understanding that violation of the re-entry is grounds for termination.

References

Under the US DOT regulations, the County is required to provide notification of positive test results to any employer where the position requires a CDL.

Management Responsibilities

The Department Head is responsible for consistent enforcement of this policy.

POLICY 2017-1: USE OF INFORMATION TECHNOLOGY

This Technology Usage Policy applies to all employees of Brookings County who have access to computers and the Internet to be used in the performance of their work. Use of the Internet by employees of Brookings County is permitted and encouraged where such use supports the goals and objectives of the County. However, access to the Internet through Brookings County is a privilege and all employees must adhere to the policies concerning Computer, Email and Internet usage. Violation of these policies could result in disciplinary and/or legal action leading up to and including termination of employment. Employees may also be held personally liable for damages caused by any violations of this policy. All employees are required to acknowledge receipt and confirm that they have understood and agree to abide by the rules hereunder.

Computer, email and internet usage

- County employees are expected to use the Internet responsibly and productively. Internet access is limited to job-related activities only, and personal use is not permitted
- Job-related activities include research and educational tasks that may be found via the Internet that would help in an employee's role
- All Internet data that is composed, transmitted and/or received by Brookings County's computer systems is considered to belong to Brookings County and is recognized as part of its official data. It is therefore subject to monitoring or disclosure for legal reasons or to other appropriate third parties
- The equipment, services and technology used to access the Internet are the property of Brookings County and the company reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its online connections
- Emails sent via the County email system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language/images
- All sites and downloads may be monitored and/or blocked by Brookings County if they are deemed to be harmful and/or not productive to business

Unacceptable use of the internet by employees includes, but is not limited to:

- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via Brookings County's email service
- Using computers to perpetrate any form of fraud, and/or software, film or music piracy
- Stealing, using, or disclosing someone else's password without authorization
- Downloading, copying or pirating software and electronic files that are copyrighted or without authorization
- Sharing confidential material, trade secrets, or proprietary information outside of the organization
- Hacking into unauthorized websites

- Sending or posting information that is defamatory to the County, its services, colleagues and/or customers
- Introducing malicious software onto the County network and/or jeopardizing the security of the organization's electronic communications systems
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Passing off personal views as representing those of the County
- Unauthorized removal or deletion of county-owned documents
- Allowing unauthorized persons onto the County network
- Circumventing the County's Internet security policies for any reason

If an employee is unsure about what constituted acceptable Internet usage, then they should ask their Supervisor for further guidance and clarification

All terms and conditions as stated in this document are applicable to all users of the County network and Internet connection. All terms and conditions as stated in this document reflect an agreement of all parties and should be governed and interpreted in accordance with the policies and procedures mentioned above. Any user violating these policies is subject to disciplinary actions deemed appropriate by Brookings County.

INFORMATION TECHNOLOGY POLICY ACKNOWLEDGEMENT

I have read and understand the Brookings County Information Technology Policy. I further understand that should I commit any violation of this policy, my access privileges may be revoked, disciplinary action and/or appropriate legal action may be taken.

Employee signature

Date

Brookings County FMLA Request

Please see County Policy 9.3 Family and Medical Leave Policy for qualifications, definitions, and explanations.

Employee Name _____ Department _____

Date of Request _____

Reason for FMLA leave:

The birth of the employee's child

The placement of a child with the employee for adoption or foster care

The employee is needed to care for a child, spouse, or parent who has a serious health condition

The employee is unable to perform the functions of their position because of a serious health condition

Dates of FMLA Leave: From _____ to _____

This form must be completed and returned to your Department Head:

- With 30 days' notice of absence when it can be reasonably foreseen
- If it is unforeseeable then Brookings County requests 2 days notice
- If an emergency disallows the 2 days notice other arrangements will be made

Upon receiving this form, Supervisors must immediately forward the request to the personnel office so that required notification information can be given to the employee.

Employee Signature

Date

Department Head/Supervisor Signature

Date Received

Human Resources

Date Received

Brookings County

Sick Leave Bank

Request Form

Request Number _____ Date _____

Employee Name _____

Department _____ Position _____

Reason for Use: _____

Supervisor Signature: _____

Is employee under the Orientation Period (initial twelve months of employment)?

Y N

Approved / Denied

Date _____

A copy of Commission minutes approving/denying request will be attached to this form and included in the sick leave bank file (and employee file if needed) for documentation purposes.

Travel/Education Request Form

Name(s) _____

Department _____ Position: _____

Travel/Education

DATE(S)	BEGINNING ODOMETER	ENDING ODOMETER	DESTINATION

Reason for Travel: _____

Passengers:

Estimated Expenses:

• Method of Travel: __ County Vehicle ___ Private Auto
 ___ Miles @ \$___/per mile = \$ _____

• Meals: ___ Breakfast @ \$ _____ = \$
 ___ Lunch @ \$ _____ = \$
 ___ Dinner @ \$ _____ = \$

Employees will not be reimbursed for meals that are included in the registration fee.

• Additional Expenses (taxi, parking, etc):
 Please list _____ = \$ _____

• Lodging: ___ Estimated number of days/nights = \$

• Registration ___ Estimated cost = \$

Total Cost Estimate =

Department Head designated mileage rate: \$_____/per mile

• A travel advance form is attached to this request yes _____ no _____

Department Head Signature

Date

Brookings County
**Travel Advance
Request for Payment Form**

Employee: _____

Department: _____

Date of Request: _____

Date of Travel: _____

Estimated Expenses

Estimated expenses must be completed at least one week prior to travel in order to allow time for board approval of the travel request. Attach a copy of the approved estimated expenses and travel request to a County Voucher and submit to the Auditor's office for payment.

- **Mileage:** = \$ _____
- **Meals:** = \$ _____
*The maximum reimbursement for meals is the per diem rate listed in the travel policy.
Employees will not be reimbursed for meals that are included in the registration fee.*
- **Additional Expenses (taxi, parking, etc):** = \$ _____
Please List: _____
- **Lodging:** = \$ _____
- **Registration:** = \$ _____
- Total Travel Advance** = \$ _____

Actual Expenses

Actual expenses must be completed and reconciled with the Auditor's office not later than three work days after completion of the trip. Failure to do so may result in the employee losing this privilege in the future.

- **Mileage:** = \$ _____
- **Meals:** = \$ _____
*The maximum reimbursement for meals is the per diem rate listed in the travel policy.
Employees will not be reimbursed for meals that are included in the registration fee.*
- **Additional Expenses (taxi, parking, etc):** = \$ _____
Please List: _____
- **Lodging:** = \$ _____
- **Registration** = \$ _____
- Total Actual Travel Expenses** = \$ _____

Difference

- **Amount owed to County** = \$ _____
Attach a copy of the approved expense form, appropriate receipts, approved travel request, and money owed to submit to the County to the Auditor's office.
- **Amount owed to Employee** = \$ _____
Attach a copy of the approved expense form, appropriate receipts, and approved travel request to a County Voucher and submit to the Auditor's office for payment out of the next claims cycle.

Employee Signature

Date

By signing below, the employee authorizes an un-reconciled travel advance to be deducted from the employee's next paycheck and agrees to follow the requirements outlined on this travel advance form.

Travel Reimbursement Information

To qualify for meal reimbursement(s), the following rates and time schedule will be used:

- Breakfast: Leave before 5:31 AM and return after 7:59 AM
- Noon Lunch: Leave before 11:31 AM and return after 12:59 PM
- Dinner: Leave before 5:31 PM and return after 7:59 PM

Per Diem Rates	Meals			Lodging
	Breakfast	Noon Lunch	Dinner	
In-State	\$6.00	\$11.00	\$15.00	\$55 + tax / day
Out-of-State	\$10.00	\$14.00	\$21.00	\$175 + tax / day

County Vehicles:

- County employees shall use County vehicles when traveling on official County business.

Personal Vehicles:

- Mileage will be reimbursed at the current state rate, \$.42 per mile.
- If a County vehicle is not available, a County employee may be paid \$.42 per mile for use of a privately owned automobile on official County business.
- The applicable Department Head shall have the discretion to authorize reimbursement to employees for use of a personal vehicle at \$.23 per mile if a County vehicle is deemed available but not used.
- The mileage rate is considered to include the cost of expenses incidental to the operation of the vehicle. For example: gasoline, oil, tires, repairs, towing and insurance.

Reimbursement(s):

- Brookings County employees shall be reimbursed for reasonable, actual expenses for lodging when receipts are provided.

Mileage from Brookings to other South Dakota cities:

Aberdeen.....156	Estelline.....24	Madison.....40	Salem.....73
Alexandria.....96	Faulkton.....162	Martin.....331	Selby.....236
Belle Fourche.....393	Flandreau.....28	Milbank.....70	Sioux Falls.....58
Beresford.....94	Freeman.....99	Miller.....120	Sisseton.....115
Britton.....152	Gettysburg.....203	Mission.....270	Spearfish.....386
Buffalo.....426	Gregory.....234	Mitchell.....106	Sturgis.....366
Burke.....226	Hayti.....46	Mobridge.....258	Tripp.....140
Canton.....81	Highmore.....143	Murdo.....234	Tyndall.....149
Chamberlain.....172	Howard.....61	Olivet.....120	Vermillion.....115
Clark.....86	Hot Springs.....419	Onida.....189	Wagner.....165
Clear Lake.....35	Huron.....75	Parker.....87	Wall.....308
Colman.....24	Ipswich.....196	Phillip.....278	Watertown.....58
Custer.....406	Kadoka.....289	Pierre.....191	Webster.....103
Deadwood.....379	Lake Andes.....173	Pine Ridge.....406	Wessington Springs..114
DeSmet.....42	Lake Norden.....42	Plankinton.....128	Willow Lake.....63
Dupree.....293	Lake Preston.....33	Presho.....200	Winner.....246
Eagle Butte.....274	Lemmon.....366	Rapid City.....363	Woonsocket.....98
Elk Point.....127	Leola.....204	Redfield.....123	Yankton.....134

Brookings County
REQUEST TO INSPECT PERSONNEL FILE

1. Employee Name _____

Date of this Request: _____

Department: _____

Work Telephone or Extension _____

I request an appointment with Human Resources to inspect my personnel file. The last date I reviewed my file was _____

Signature _____

2. Appointment Schedule:

Date: _____

Time: _____

File review completed:

Date: _____

3. Employee comments regarding accuracy of information in this file.

HR REPRESENTATIVE SIGNATURE EMPLOYEE SIGNATURE

Employee Self-Evaluation Form

All employees are asked to complete this form and give it to their Supervisor PRIOR to the date of the evaluation. Department Heads should also complete the reverse side.

1. Do you have any questions about what is expected from you on your job or about working for Brookings County?

2. What do you feel are your major job accomplishments since your last evaluation?

3. What difficulties, if any, are you experiencing in performing your job duties? What do you feel can be done to correct the difficulties?

4. Please let us know of any special accomplishments, awards, or special recognition you have earned so that it can be entered into your personnel file.

5. Please advise us of any special education or training you have completed that relates to your job or your future with Brookings County; this too will become part of your personnel file.

6. What you do feel are your key strengths?

7. Is there anything Brookings County can do to help you on the job and/or help improve your performance?

Signature of Employee

Date

Voluntary Resignation Notice

I, _____, wish to resign from my position as _____, in the
_____ Department.

I am providing _____ days' notice of my resignation; my last day will be
_____.

Signed,

Signature

Date

Received by:

Department Head/Supervisor

Date

Personnel Office

Date

EXIT INTERVIEW

Name: _____

Position: _____

Supervisor: _____

Hire date: _____

Termination Date: _____

What made you decide to leave your current job? (Check all that apply)

PRIMARY SECONDARY

- | | | |
|--------------------------|--------------------------|----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | SECURED BETTER JOB |
| <input type="checkbox"/> | <input type="checkbox"/> | RETURN TO SCHOOL |
| <input type="checkbox"/> | <input type="checkbox"/> | FAMILY |
| <input type="checkbox"/> | <input type="checkbox"/> | ISSUES WITH SUPERVISOR |
| <input type="checkbox"/> | <input type="checkbox"/> | PROBLEMS WITH HOURS |
| <input type="checkbox"/> | <input type="checkbox"/> | NOT SATISFIED WITH WAGES |
| <input type="checkbox"/> | <input type="checkbox"/> | DISLIKED TYPE OF WORK |
| <input type="checkbox"/> | <input type="checkbox"/> | PROFESSIONAL LEVEL OF JOB |
| <input type="checkbox"/> | <input type="checkbox"/> | QUANTITY OF WORK |
| <input type="checkbox"/> | <input type="checkbox"/> | PHYSICAL CONDITION |
| <input type="checkbox"/> | <input type="checkbox"/> | WORKING CONDITIONS |
| <input type="checkbox"/> | <input type="checkbox"/> | TRANSPORTATION PROBLEMS |
| <input type="checkbox"/> | <input type="checkbox"/> | OTHER _____ |

What did you like most about your job?

What did you like least about your job?

Do you feel training opportunities were made available to you?

Yes No Comments_____

Do you think your current Supervisor was fair and reasonable? If not, please explain.

Yes No Comments_____

Do you believe you were given access to and realistic consideration for promotional opportunities within the organization?

Yes [] No [] Comments_____

Did you feel your contributions were appreciated by your Supervisor and others?

Yes [] No [] Comments_____

Did you have the appropriate equipment and resources necessary to perform your job?

Yes [] No [] Comments_____

Was your salary satisfactory for the job you were performing?

Yes [] No [] Comments_____

Were you satisfied with the employee benefits provided?

Yes [] No [] Comments_____

Was the physical working environment comfortable and conducive to productivity?

Yes [] No [] Comments_____

Was the job realistically presented to you when you were hired or most recently changed positions?

Yes [] No [] Comments_____

Do you have any suggestions for improvement?

Are there are changes which could have been made to prevent you from leaving?

Other comments, if any:

Date Discussed: _____

Interviewer:_____

Outside Employment Request for Approval Form

Name: _____ Position: _____

Department: _____

I hereby request approval to engage in outside employment as described below:

Employer: _____

Dates of Employment: _____

Time Required for Employment: _____

Brief description of duties: _____

I understand the personnel employed by the County will not accept outside employment nor engage in any outside activity that will in any way interfere or be inconsistent or in conflict with their assigned duties.

Employee Signature

Date

Department Head Signature

Date

Commission Chair

Date

Brookings County

Employee Handbook Acknowledgment Form

I acknowledge that I have received, read, and understand the policies outlined in the Brookings County Personnel Manual. I understand that the County has the right to change the handbook without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and that employees will be notified of such changes through normal communication channels.

I also understand and agree that the information contained in these materials does not constitute an employment contract. I understand that no manager or representative of Brookings County, other than the Board of Commissioners, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.

Employee Signature

Date

Employee Name (please print)

Note: This acknowledgement will be placed in the employee's personnel file.

HARASSMENT POLICY ACKNOWLEDGEMENT FORM

I acknowledge that I have received, read, and understand the Harassment Policy of Brookings County. I understand that violation of this policy could result in disciplinary action up to and including termination of employment.

Employee Signature

Date

Employee Name (please print)

LICENSE/ INSURANCE MAINTENANCE REQUIREMENTS

I, the undersigned, agree, as a requirement for driving a County provided or personal vehicle during the course of my employment, will maintain a valid State of South Dakota Driver's License. I further agree to let my Supervisor know immediately if my driver's license is suspended or revoked.

I, the undersigned, agree, as a requirement for using my personal vehicle during the course of my employment with Brookings County, will retain automobile liability insurance for bodily injury and property damage on the vehicle that I am driving for at least the minimums required by the State of South Dakota. I further agree to maintain my vehicle in a safe operating condition.

NAME: _____

SIGNATURE: _____

DATE: _____

Brookings County

Alcohol & Drug Testing Policy Acknowledgement

I acknowledge that I have received, read, and understand the Alcohol & Drug Testing Policy of Brookings County. I understand failure to comply with the policy may result in disciplinary action up to and including termination of employment.

Employee Signature

Date

Employee Name (please print)

Note: This acknowledgement will be placed in the employee's permanent personnel file.