

RESOLUTION

A RESOLUTION AMENDING THE BINGHAM COUNTY
EMPLOYEE HANDBOOK IN ITS ENTIRETY

Be it ordained by the Board of County Commissioners of Bingham County, Idaho:

1. Bingham County Personnel Handbook in its entirety is hereby repealed.
2. The existing Bingham County Personnel Handbook in its entirety is hereby repealed and replaced with the following Bingham County Employee Handbook in its entirety.

DATED this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS

BY: _____
A. Ladd Carter, Chairman

Whitney K. Manwaring, Commissioner

Mark R. Bair, Commissioner

ATTEST:

Pamela Eckhardt, Bingham County Clerk

We the undersigned elected officials of Bingham County as the Personnel Board understand our responsibility to comply with and enforce the provisions of the Bingham County Employee Handbook.

DATED this _____ day of December, 2016.

PERSONNEL BOARD

Cleve Colson, Prosecutor DATE

Craig Rowland, Sheriff DATE

Tanna Beal, Treasurer DATE

Mike Gardner, Coroner DATE

Ron Simmons, Assessor DATE

Pamela Eckhardt, Clerk DATE

EMPLOYEE ACKNOWLEDGEMENT

I, _____, have received a copy of Bingham County's Employee Handbook, revised for December 2016, and/or know that I have access to the official copy of the handbook found on the County's "O" drive. I understand that if I have any questions about the policies or procedures, I should ask my immediate supervisor, or any other member of management for clarification. I further understand that ***this employee handbook is not an employment contract, nor does it constitute employment for a definite term. Rather, this handbook sets forth general statements of policy as guidelines for employees of Bingham County, which Bingham County may or may not follow in its sole discretion.***

I understand that Bingham County reserves the right to add to, delete, or otherwise modify any of the policies set forth in this handbook at any time, without prior notice, at its sole discretion. It is my responsibility to keep current changes provided to me by my immediate supervisor, or any other member of management.

I agree, upon separation of employment, to return to Bingham County any property of Bingham County I may have in my possession or control. I understand that no Bingham County representative, other than the Board, has authority to enter into any agreement for employment for a specified period or to make any agreement contrary to the foregoing. Any such agreement must be in writing.

I have received Bingham County's Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. Please sign, date, and remove this page from your manual and submit it the Human Resources Department for placement in your personnel file.

DATED: _____

EMPLOYEE:

Printed Name

Signature

WITNESS:

Printed Name

Signature

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INTRODUCTORY STATEMENT

This handbook describes the County's current personnel policies and practices, and explains some of the principles behind those policies. It is intended as a general guideline for management in the hiring and retention of employees based on job performance. Nothing found in this handbook of policies infers a contract of employment. No contract of employment with Bingham County will be valid unless it is expressly approved by the governing board and unless it is signed by and contains the name of the specific employee who would be benefited and/or obligated by the contract. Notwithstanding anything said by a supervisor, no contract of continued employment shall be implied.

Bingham County adheres to all State and Federal employment laws. Idaho is an at-will state which allows an employer or employee the ability to end the employment relationship with or without cause. Except as otherwise required by law, or pursuant to a written contract approved by the governing board, employees of the County are AT-WILL EMPLOYEES.

This handbook has been developed under the authority of the Board of County Commissioners and supersedes or replaces all previous general County personnel or employment policies in their entirety. Only the Board may alter or modify this Handbook. Statements or promises made by the Director of Human Resources, other department heads or elected officials, or any of the Commissioners on the Board individually that are contrary to this Handbook do not constitute a change in policy, or an agreement with the employee.

Please contact the Department of Human Resources, if you have any questions regarding Bingham County's policies or procedures. We wish you every success.

1 INTRODUCTION

The purpose of this Handbook is to furnish information to employees about basic personnel policies observed in Bingham County. It provides basic information as a guideline for employees about general personnel policies.

This Handbook may not address every situation that may concern you as an employee. You are encouraged to consult with the Director of Human Resources, your immediate supervisor, or any other member of management regarding any questions you may have.

1.1 Introduction to Public Employment

Working for Bingham County may differ somewhat from any employer for which you have worked for in the past. Bingham County is a political subdivision of the State of Idaho, although it is not a part of State government. The Board serves as the governing body for Bingham County, carrying out local legislative duties and fulfilling other obligations as necessary. The Board creates general policy for Bingham County, and as such, has primary authority to establish terms and conditions of employment with Bingham County. The Board also appoints personnel to help carry out its administrative responsibilities.

As with all elected public officials, the Board is ultimately responsible to the voters of Bingham County. The terms set forth in this Handbook reflect public entity policy at the time of its printing, but they are subject to change at any time, without prior notice, at the sole discretion of the Board.

Only the Board has authority to establish general policy for Bingham County employees that include but are not limited to the policies and practices of this handbook. The terms and conditions set forth in this handbook, and in the resolutions and policy statements which support it, cannot be superseded by any official's commitment, without the express written agreement of the Board. All County employees must abide by the general policy handbook for Bingham County and the operational handbooks of their respective departments. That is particularly true for terms or conditions that would establish a financial obligation for Bingham County, now or in the future. It is important that all employees understand the relationship between policy adopted by the Board and policies implemented by other elected officials and department heads.

1.2 Purpose of the Handbook

It is the purpose of this Handbook to establish a system of uniform and appropriate personnel policies and procedures that shall improve the quality of personnel administration consistent with such principles as:

- 1.2.1** Recruiting, selecting, and advancing employees on the basis of their relative abilities, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
- 1.2.2** Providing equitable and adequate compensation.
- 1.2.3** Training employees, as needed, to assure high quality performance.

- 1.2.4 Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- 1.2.5 Assuring fair treatment of applicants and employees in selection, promotion, training, and all other aspects of employment without regard to political affiliation, race, color, national origin, sex, age, religious creed, or disability, and with proper regard for their privacy and constitutional rights as citizens.
- 1.2.6 Assuring that employees are protected against coercion for partisan political purposes and elected officials are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
- 1.2.7 Providing guidance and information to all County employees relative to employment practices, work rules, holidays, Paid Time Off (PTO) policies, insurance benefits, and other pertinent information relative to management and employee relationships in the conduct of County business.
- 1.2.8 Encouraging employees to review this Handbook periodically to assure complete knowledge of its contents and submit, through the Director of Human Resources, their recommendations for additions and/or changes as appropriate.

1.3 **Scope of the Handbook**

The scope of this Handbook includes a compilation of policies and procedures that govern and affect personnel administration for all offices and departments within the jurisdiction of Bingham County, unless specified otherwise or unless additional policies and procedures are promulgated (publicized) in writing by the Board for application to the personnel within various offices and departments. Nothing in this manual is intended to supersede or annul duties and responsibilities of elected officials in Idaho or federal law. Elected officials and department heads may set policies which are unique to the duties and obligations of their office or department which are consistent with the policies of this Handbook.

2 EQUAL EMPLOYMENT OPPORTUNITY

Under its policy of equal employment opportunity, Bingham County does not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, religion, disabilities, or veteran status. This policy applies in all areas of Bingham County's operation, including recruitment, advertisement, purchasing, interviewing, hiring, promoting, transferring, demoting, upgrading, compensating, benefits, training and development, position elimination, terminations, return from layoffs, recreation programs, and all other privileges, terms, and conditions of employment. Bingham County is committed to creating and maintaining a diverse workplace that promotes equality and fairness to all current and prospective employees.

Address any questions or concerns relating to any perceived discrimination to the Director of Human Resources, your immediate supervisor, or any other member of management.

2.1 Preference for Veterans

Bingham County will accord a preference to employment of Veterans of the United States Armed Services in accordance with provisions of Idaho Code §65-502 or its successor. In the event of equal qualifications for an available position, a Veteran who qualifies for preference pursuant to Idaho Code §65-502 or its successor will be employed.

2.2 Prohibition of Nepotism

Bingham County shall not employ any person whose employment would result in a violation of the anti-nepotism provisions of the Ethics In Government Act found in Idaho Code §59-701 through §59-705 and the criminal provisions of Idaho Code §18-1359 through §18-1361A or their successors. (Favoritism shown by those in high office to relatives or friends.) Further, Bingham County will not permit any employee to have any family member within his/her supervisory chain.

2.3 Preference for Promotion from Within

Qualified individuals who are already employees of Bingham County may be given preference over outside applicants to fill vacancies in the work force. Promotions from within Bingham County are encouraged, but not required.

3 ORGANIZATION AND DELEGATION OF AUTHORITY

Purpose

Proper organization and delegation of authority are essential for effective and efficient County government, administration, and management. The responsibilities and authorities delineated in this section are intended to establish a clear understanding of the role that each segment of County government must play in order to create a sound personnel management program.

3.1 Personnel Board

The Personnel Board consists of all elected officials and shall have the responsibility and authority to:

- 3.1.1** Review the personnel policies and procedures recommended by the Director of Human Resources.
- 3.1.2** Make recommendations to the Board for consideration and adoption by resolution.

3.2 Board of County Commissioners

The board, under the terms of this handbook, shall have the responsibility and authority to:

- 3.2.1** Approve Bingham County's budget, including requests for personnel management funds.
- 3.2.2** Adopt all personnel policies and procedures.
- 3.2.3** Approve work rules established for the efficient operation of Bingham County's workforce as applicable to the Bingham County Employee Handbook.

3.3 Director of Human Resources

The Director of Human Resources, under the direction and authority of the Board, on advisement from the County Civil Attorney, shall have the responsibility and authority to:

- 3.3.1** Administer the personnel policies and procedures adopted by the Board.
- 3.3.2** Establish and maintain a roster of all employees in County service, which shall include the class, title, pay, and other pertinent data.
- 3.3.3** Develop and administer, in cooperation with management officials, equal opportunity in all aspects of Bingham County personnel employment.
- 3.3.4** Foster and develop, in cooperation with appointing authorities and officers, programs for the improvement of employee effectiveness, including training, safety, health, counseling, and welfare.

- 3.3.5** Investigate from time to time the operation and effect of the personnel policies and procedures of this Handbook and report findings and recommendations to the Personnel Board and the Board.
- 3.3.6** Compile informative reports as requested by the Board.
- 3.3.7** Develop and maintain the position and salary classification plan(s).
- 3.3.8** Develop guidelines for Bingham County's recruitment and selection program.
- 3.3.9** Develop and administer the compensation plan, subject to the approval of the Board and Personnel Board.
- 3.3.10** Participate in review hearings as stated in the procedure (Refer to Section 24.6 Review Hearing).
- 3.3.11** Inform and advise elected officials and department heads of personnel policies and procedures affecting the operation of their respective department or office.
- 3.3.12** Prepare and adopt such forms, reports, and procedures as may be necessary to carry out Bingham County's personnel programs.
- 3.3.13** Carry out such other special assignments as deemed necessary to effectively implement the provisions of this Handbook.

3.4 Elected Officials/Department Heads

Elected officials and department heads shall have the responsibility and authority to:

- 3.4.1** Enforce the County-wide personnel policies and procedures.
- 3.4.2** Keep employees in their departments informed of current personnel policies and procedures.
- 3.4.3** Participate in employee review hearings.
- 3.4.4** Appoint employees to positions within their respective departments in accordance with established policies and procedures of Bingham County and Idaho Code.
- 3.4.5** Develop, in cooperation with the Director of Human Resources, employee orientation, training programs and operational procedures for employees within their respective departments.
- 3.4.6** Administer discipline within their respective departments and delegate such authority to supervisory personnel as deemed appropriate and allowable under the established policies and procedures of Bingham County and Idaho Code.
- 3.4.7** Establish and enforce additional written personnel policies and procedures applicable to their respective departments, as needed, after obtaining the approval and consent of the elected County official(s) over their department and the County Human Resource Director. These additional policies and procedures

may be more restrictive than this handbook, but will not be less restrictive. In all cases department policies cannot conflict with the policies set forth in this handbook.

3.5 Senior or “Chief” Deputy

Pursuant to Idaho Code, §31-2006, any elected county officer who has more than one deputy must designate, by endorsement upon his appointment, one deputy as a senior deputy (commonly referred to in Idaho as a “Chief Deputy”). Such Senior or Chief Deputies shall have the authority and responsibility to:

- 3.5.1** In case of a vacancy in the office, by death, resignation, or otherwise, or of the officer’s absence or inability to perform the duties of his office, such Senior/Chief deputy must continue to perform the duties of the office during such vacancy, absence or inability.
- 3.5.2** Each Senior/Chief Deputy may be additionally compensated when appointed to this position. Compensation may be based on number of personnel supervised, assigned responsibilities, and such other factors as are agreed to by the County Commissioners and the elected official. Any such additional compensation will be determined by the County Commissioners after taking into consideration the input of the elected official.
- 3.5.3** All Senior/Chief Deputies serve at the will and pleasure of the elected official who selected them and are subject to reassignment or removal at the sole discretion of the elected official or his/her successor for any or no expressed reason, at any time without prior notice. Such reassignment or removal and any reduction in pay, status, benefits, etc. (however characterized) is not subject to review, grievance or appeal under any provision of this Handbook.

3.6 Appointment of the Sheriff’s Senior or “Chief” Deputy

- 3.6.1** Upon the swearing in of the newly elected sheriff, the sheriff must choose his/her own Senior/Chief Deputy from within or outside his/her existing office personnel. The Senior/Chief Deputy of the prior elected Sheriff may, at the sole discretion of the newly elected Sheriff, revert to a position he/she held before he/she became the Senior/Chief Deputy, only if there is a current position available within the Sheriff’s Office. However no former Senior/Chief Deputy has a right to continued employment in any position, unless otherwise agreed to in writing by the newly elected Sheriff and the Board of Bingham County Commissioners.
- 3.6.2** The Sheriff’s Senior/Chief Deputy shall sign a letter of understanding regarding appointment to the Senior/Chief Deputy position, and said letter will be kept on file in the Department of Human Resources.

3.7 Supervisory Personnel

To the extent that superiors delegate authority to them, supervisors shall:

- 3.7.1** Interview and recommend applicants for positions under their supervision.
- 3.7.2** Administer appropriate discipline to employees under their supervision.

- 3.7.3** Participate in employee review hearing proceedings.
- 3.7.4** Ensure compliance with County policies and procedures.
- 3.7.5** Oversee long-term and daily work assignments and/or projects.

4 COMMENCEMENT OF EMPLOYMENT

4.1 Employment Forms to be Completed

The following employment forms, listed but not limited to, must be completed before the employee may begin work for Bingham County:

- 4.1.1 Employment Application form
- 4.1.2 Employment Verification form (Form I-9)
- 4.1.3 Employee's Withholding Allowance Certificate (Form W-4)
- 4.1.4 Direct Deposit Enrollment Form
- 4.1.5 Retirement Application (PERSI)
- 4.1.6 All Acknowledgements of County Policy forms
- 4.1.7 Insurance forms which include insurance information regarding dependents
- 4.1.8 Any other supplemental insurance program forms available for employee benefit
- 4.1.9 Emergency contact information form

4.2 Payroll Reporting Systems

Reporting of hours worked must be completed in a timely manner and in accordance with procedures established by the Clerk's Auditing/Payroll Department. Each report of employee time worked must be signed by both the employee and by the elected official, department head, supervisor, or designee, and shall contain a certification that it is a true and correct record of the employee's time worked, absences and benefit usage for the time period covered.

4.3 Distribution of Policy

Each employee shall receive a copy of this Handbook when employment commences. It is the responsibility of the employee to familiarize himself/herself with the contents of this Handbook and to acknowledge its receipt by signature. Periodic updates or changes shall also be acknowledged by signature.

5 EMPLOYEE CONDUCT

5.1 Personal Performance and Behavior

Each employee of Bingham County is expected to conduct himself/herself in a manner that does not adversely reflect upon Bingham County. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of Bingham County, each employee is expected to scrupulously avoid personal behaviors that would create unfavorable public impressions of Bingham County and its officials. In order to accomplish this, each employee:

- 5.1.1** Shall be prompt and regular in attendance at work or other required employee functions. See the policy on absenteeism and tardiness for further information. (See also: sec. 7)
- 5.1.2** Shall comply with dress standards established in a department for which the employee works. In general, employees shall maintain their personal dress and hygiene so that they appear clean, professional, and business-like, consistent with the nature of work that they perform. Each elected County official and department head may establish more specific written dress and grooming standards applicable to the employees whom he/she supervises.
- 5.1.3** Shall not create a conflict of interest between Bingham County employment and secondary employment. All secondary employment is subject to approval by the employee's supervisor, department head, or elected official. Individual department rules will make clear permissible examples of "moonlighting" where an employee may hold additional positions. In addition, no contracts shall be created between Bingham County and its employees outside of their employment pursuant to Idaho Code. (See also: sec. 8)
- 5.1.4** Shall not engage in conduct that violates State nepotism laws. (See also: sec. 2.2)
- 5.1.5** Shall not accept gifts or gratuities which could create the impression that the giver was seeking a favor from the employee or official. (See also: sec. 8)
- 5.1.6** Shall not serve on any board or commission that regulates or otherwise affects the official duties of personal interests of said official or employee in such a way that could create disadvantage for other members of the public or advantage for the employee. (See also: sec. 8)
- 5.1.7** Shall not release personnel information or any other public record without the express authority of the public official responsible for custody of the record or without an order from a court of competent jurisdiction. Additionally, all information that may involve current or potential litigation shall be discussed with the Director of Human Resources and the County Civil Attorney. (See also: sec. 9)
- 5.1.8** Shall not engage in conduct outside the workplace that, although not criminal, may reflect adversely upon Bingham County or its officials. (See also: sec. 8)

- 5.1.9** Shall not, at any time, use unlawful substances that will impair the employee's ability to function as a valued and competent part of the Bingham County work force. During work hours, shall not use prescription drugs that would impair the employee's ability to function as a valued employee, unless he/she has informed his/her supervisor of said medication. (See also: sec. 30)
- 5.1.10** Shall not engage in illegal conduct in the operation of a motor vehicle (street racing, DUI, or other traffic violations) that would impair the ability of the employee to perform job functions, even though the driving conduct does not occur during hours of employment.
- 5.1.11** Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board, or the official, or department for whom the employee works.
- 5.1.12** Shall disclose personal relationships or business interests which may compromise the ability to objectively and ethically discharge one's official duties.

5.2 Workplace Conduct

Each employee will be expected to conduct himself/herself in the workplace in accordance with the following rules. These rules are not all inclusive of conduct expected of Bingham County employees. Each employee of Bingham County shall:

- 5.2.1** Give his/her best efforts to accomplish the work of Bingham County for public benefit in accordance with policies and procedures adopted by the Board and elected officials. Each employee shall be subject to the administrative authority or the official who supervises the department where the employee works.
- 5.2.2** Adhere to any Code of Ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
- 5.2.3** Follow all rules for care and use of public property to assure that the public investment in equipment is protected and that the safety of the public and other workers is maintained.
- 5.2.4** Abide by all departmental rules, whether they be written or issued orally by the supervisor. No employee shall be required to follow a directive of his/her supervisor that violates laws of any pertinent local jurisdiction, the state, or nation.
- 5.2.5** Abide by pertinent state and federal statutes, and Bingham County rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from public records or to disclose writings or other public information will only be made by the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of their responsible official. (See Also: sec. 9)
- 5.2.6** Adhere to the defined work schedule and procedures for an exception from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and the approval that must be given for pay record submittal. Failure to follow such rules may be grounds for delayed payment of

wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.

- 5.2.7** Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work. (See Also: sec. 10)
- 5.2.8** Follow all rules for reporting accidents on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order to eliminate workplace hazards and proper consideration can be accorded to injured workers and the public. (See Also: sec. 11)
- 5.2.9** Report any accidents observed to have happened on County property or involving County property, illegal conduct by County employees or violations of the County Employee Handbook. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with the employee's work. Such incidents should be reported to the employee's immediate supervisor, Human Resource Director, and County Civil Attorney, as soon as physically possible, and reasonable efforts should be made to assist those in need. (See Also: sec. 32.7)
- 5.2.10** Follow all rules regarding safety in the workplace, whether established formally by the department or by outside agencies. As such, employees are required to exit and assist patrons in exiting County buildings any time the fire/evacuation alarm sounds. Employees are encouraged to suggest ways to make the workplace or work procedures safer. (See Also: sec. 11)
- 5.2.11** Perform such obligations as are necessary to carry out the work of Bingham County in an efficient and effective manner at minimal cost and with limited risk to the public and fellow workers.
- 5.2.12** All employees shall make every effort to conduct themselves as a team player. Conflicts among employees, i.e., arguing, gossiping, rumors, bickering, offensive language or gestures, insubordination, ethics violations, harassment and sexual harassment, will not be tolerated and may lead up to and include termination. The examples listed are not all inclusive of behaviors that will not be tolerated.
- 5.2.13** Report illegal conduct by County employees or violations of the County Employee Handbook to the employee's immediate supervisor, Human Resource Director, and/or the County Civil Attorney.

6 PROHIBITED WORKPLACE CONDUCT

The following lists are not all-inclusive. The rules contained in this Handbook are subject to change at any time with the sole discretion of the Board. Potential penalties for violation of any of the following rules may include, but shall not be limited to: verbal warning; written warning; suspension without pay; demotion; or dismissal.

6.1 Within the workplace, employees of Bingham County shall not:

- 6.1.1** Be present in the workplace under the influence of drugs, alcohol, illegal substances, or other substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public. (See also: sec. 30)
- 6.1.2** Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech. (See also: sec. 27, 28)
- 6.1.3** Sleeping while on duty or being absent from the employee's workstation when on duty. Employees shall be attentive to their work at all times.
- 6.1.4** Engage in malicious gossip and/or spreading rumors; engage in behavior designed to create discord and lack of harmony; willfully interfering with another employee's work output or encouraging others to do the same.
- 6.1.5** Use work time for personal business, including selling or fundraising of goods or services, or preaching religious or political views to employees or members of the public during the workday. See the policy on sales and solicitation for further information. (See also: sec. 13)
- 6.1.6** Engage in political activities while on duty in public service. Employees shall enjoy full political rights when not carrying out their work obligations.
- 6.1.7** Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
- 6.1.8** Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability, or national origin.
- 6.1.9** Smoke cigarettes, cigars, pipes, e-cigarettes, or use any vaporizing device within any public office, any public building, or while operating County equipment or vehicles.
- 6.1.10** Violate state statutes or local rules regarding the inappropriate use, alteration, destruction, or removal of any public records required by law to be kept by the County or by other public officials.
- 6.1.11** Abuse employee benefit offerings by taking unjustified or unearned PTO time, or otherwise participating in a scheme or deception designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with this Handbook.

- 6.1.12** Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by this Handbook for use of PTO time, bereavement, or other types of leave granted by this Handbook. Employees must not interfere with the course of work in the office or department in which the employee serves by engaging in excessive visiting with other employees, children, friends, or family members.
- 6.1.13** Use personal cell phones in the office or workplace in a manner that disrupts the work or work flow. Use of workplace telephones for local, *brief* personal phone calls is allowed, provided work or work flow is not disrupted. Use of workplace telephones shall not be used for long distance personal phone calls.
- 6.1.14** Employees will not engage in criminal conduct of any kind while on or off duty. Bingham County employees are expected to behave in a lawful and socially acceptable manner, and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
- 6.1.15** Violate any rule established by the appointing official to maintain order and productivity in the workplace.
- 6.1.16** Harass a fellow worker or member of the public at any time while in active service in Bingham County. (See also: sec. 27, 28)

7 TARDINESS / ABSENTEEISM

Regular and reliable attendance is an essential function of your job. Excessive tardiness and absenteeism may result in disciplinary action up to and including termination.

7.1 Tardiness

Any employee who will be more than fifteen (15) minutes **late** for work must call and talk directly with his/her supervisor to inform his/her supervisor of the circumstances causing the delay.

7.2 Absences

All employees are required to call and talk directly with their supervisors if they are going to be absent from work and call in every day thereafter if absence continues, unless other arrangements are made. Contact with the supervisor shall occur as soon as the employee reasonably knows that they will be absent, but no later than fifteen (15) minutes before the start of their scheduled shift, unless the written policy of their department or office sets a longer period of time in which case, the employee shall contact the supervisor in accordance with the written policy of the department or office.

7.3 Job Abandonment

Failure to report to work and not calling in to report the absence is a no call/no show and is a serious matter, and may subject the employee to disciplinary action, up to and including termination. Management will consider extenuating circumstances when determining discipline for a no call/no show (i.e., if the employee was in an accident and is hospitalized) and has the right to exercise discretion in such cases. An employee may be terminated for job abandonment after three (3) consecutive days of unscheduled (no call, no show) absences from his/her County position.

8 CONFLICTS OF INTEREST

Bingham County has no interest in influencing what you do outside of your working hours as long as what you are involved in does not unfavorably affect your attendance, your efficiency, and breach any confidentiality relating to Bingham County business, or Bingham County's reputation in the community.

8.1 It is our policy to prohibit our employees from engaging in any activity or practice in conflict with the interests of Bingham County, its employees, or its citizens. Some examples of conflicts of interest that should be avoided are set forth below. (see 5.1.3.)

8.1.1 No employee shall accept full-time, part-time, or temporary secondary employment with any organization that conducts business with Bingham County without first discussing such employment with his/her department head or elected official. Written authorization must be received from your department head and/or elected official as approval for such employment. Failure to obtain written authorization for outside employment or engaging in outside employment without permission may lead to disciplinary action.

8.1.2 Any outside employment authorization (in writing) may be revoked or suspended at any time due to the following circumstances, or any other reasonable circumstance:

8.1.2.1 Should an employee's work performance decline to the point where it is evaluated by a supervisor, department head, or elected official as needing to be improved upon, the employee would be advised by the department head or elected official of the revocation of the authorization. The authorization will be approved again in writing, once the employee meets the job requirements of the position.

8.1.2.2 When an employee's conduct or outside employment conflicts with the provisions of the policy for Bingham County, the authorization will be revoked or suspended.

8.1.2.3 When an employee is not able to perform at full duty capacity due to a work related injury or a serious medical condition which would violate the restrictions imposed by a doctor.

8.1.3 Outside work must not influence or affect your work at Bingham County. When any employee has a question concerning a possible conflict of interest, it is expected that he/she will request advice from his/her immediate supervisor.

8.1.4 No employee shall accept gifts from any person or firm conducting business or seeking to do business with Bingham County under circumstances from which it might be inferred that the purpose of the gift is to influence the employee and the conduct of Bingham County's business with the donor. Such gifts should be returned with a note of explanation. Trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality are allowable. (Ref. Idaho Code §18-1356)

8.1.5 Employees are prohibited from accepting gifts of value, even when circumstances clearly indicate that such gifts are offered for reasons of personal and professional gratitude. As stated in Idaho Code §18-1356 (4)(c)], gifts of nominal value (less than \$50 in value) can be accepted.

8.2 If an employee initiates candidacy against an incumbent Elected Official for whom he or she is a subordinate and there is a reasonable prediction of disruption in the office or department in which that employee works, the employee must immediately resign or face possible termination or suspension.

8.2.1 A "reasonable prediction of disruption" is based on **any** of the following factors:

8.2.1.1 The size of the office or department in which the employee works – the smaller the office or department, the greater is the likelihood of disruption.

8.2.1.2 Whether the employee-candidate holds a position of trust and confidence to the incumbent – the closer the ties between the employee and incumbent, the greater the likelihood of disruption.

8.2.1.3 Whether the employee-candidate is running for a position in which he or she would replace or become superior to his or her current supervisor – if so, there is a greater likelihood of disruption.

8.2.1.4 The nature of the relationship between the employee-candidate and the incumbent and the degree of contact they have with one another – the greater the amount of contact and interaction, the greater the likelihood of disruption.

8.2.2 Not all of the above factors must be met in order to seek resignation, termination or suspension, of the employee.

8.2.3 The existence of a reasonable prediction of disruption shall constitute just and reasonable cause for dismissal or suspension of the candidate-employee. If the Elected Official determines that there exists a reasonable prediction of disruption should the employee remain employed with Bingham County and the employee refuses to resign, the employee may be terminated or suspended. In the event of an employee who is under the supervision of the County Commissioners, the Board of County Commissioners shall be responsible for determining whether there exists a reasonable prediction of disruption should the employee remain employed with Bingham County and if there is a reasonable prediction of disruption should the employee remain employed with Bingham County and the employee refuses to resign, the employee may be terminated or suspended. The Elected Official or, when applicable, the Board of County Commissioners should set out, in writing, the factual basis for finding that there exists a reasonable prediction of disruption using the above-listed factors. These written findings should be provided to the employee, placed in the employee's personnel file and shall be considered part of the record in any grievance procedure. All other applicable grievance procedures, as set out in this Handbook, shall apply.

9 NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

Bingham County possesses and will continue to possess information that has been disclosed to Bingham County under the obligation of confidentiality or has otherwise become known to Bingham County as confidential. Any information deemed confidential will be kept confidential by Bingham County. All such information, except such information as is known or becomes known to the public without violation of the terms of this paragraph, is hereafter called "confidential information". By way of illustration, but not limitation, confidential information includes court records, law enforcement records, juvenile records, medical records, personnel records, and computer programs.

- 9.1** Employees have an ethical duty not to disclose confidential information gleaned from business transactions, and to protect confidential relationships between Bingham County and its business associates.
- 9.2** Business information that has not been made public shall not be released to private individuals, organizations, or other government bodies, unless demanded by legal process such as a subpoena or court order. Employees shall not use confidential information obtained in the course of their employment for the purpose of advancing any private interest or otherwise for personal gain.
- 9.3** Employees shall refer any requests for information (reference checks, credit reporting, etc.) about present or former employees of Bingham County to the Director of Human Resources for handling.
- 9.4** During the employee's employment with Bingham County and after termination (whether voluntary or involuntary) of the employee's employment with Bingham County, the employee shall keep secret and obtain in strictest confidence such confidential information.
- 9.5** All memoranda, notes, lists, records, and other documents (and all copies thereof) made or compiled by the employee or made available to the employee concerning the business of Bingham County shall be Bingham County's property and shall be delivered to Bingham County promptly upon the termination of the employee's employment with Bingham County or at any other time on request.

10 WORK SCHEDULE, MEAL PERIODS, AND BREAKS

10.1 Work Periods

Employment with Bingham County is subject to the Federal Fair Labor Standards Act (FLSA). The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on either Sunday or Friday (depending on which one your department uses) of each week. The work week concludes at 11:59 p.m. on the succeeding Saturday or Thursday, respectively. Each employee is responsible for monitoring the status of hours worked in each work period. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. Such approval must be obtained **before** overtime is worked.

10.2 Meal and Rest Periods

10.2.1 While no state or federal law requires rest breaks, Bingham County provides them, when possible, to maintain the employees' well-being, which, in turn, will provide better service to our citizens. A supervisor may grant a paid rest period/break for each employee working over four (4) hours in a shift. The appropriate duration of a break is determined by the supervisor, to a maximum of fifteen (15) minutes. If an employee chooses to work through his/her rest period, no additional compensation will be paid. In addition, all employees who work at least six (6) hours in a day should take a meal break. Meal breaks are generally one (1) hour in length and may not be shortened to less than thirty (30) minutes. Meal breaks are generally unpaid; however employees who are required to work during the meal break will be paid for that time.

10.2.2 Typically, an employee working eight (8) hours and up to twelve (12) hours in a shift is entitled to two (2) rest periods and one meal period for each shift worked. Rest breaks may not be combined or foregone in order to leave earlier in the day. Unauthorized extensions of authorized work breaks will not be considered time worked. Rest breaks shall not be taken at the beginning or end of a work day, or combined with a lunch break.

10.2.3 Employees are required to leave the workstation if at all possible for the meal and rest periods pursuant to the FLSA. If an employee chooses to remain at his/her workstation, i.e., desk, truck, etc., no work shall be performed, (e.g. no answering the telephone or helping customers, etc). If an employee volunteers to perform work duties at his/her workstation, advance approval must be obtained from their supervisor. Permission will only be granted for a defined period of time (e.g. to complete an urgent task).

10.2.4 An employee's schedule will not be permanently changed to allow an earlier departure from or a later arrival to work by allowing him/her to work through any break period, by shortening a break period, or by any other means.

10.2.5 The foregoing policy may not apply for those whose position requires them to be on duty for the duration of their shift (law enforcement, etc.). Please see your supervisor and/or your department's policy concerning break periods.

11 SAFETY / WORKER'S COMPENSATION

Bingham County is committed to providing employees and visitors with a safe working environment. If you observe any unsafe conditions anywhere on the premises, please report this immediately to your supervisor or any member of management.

All employees are covered by worker's compensation (worker's comp) insurance which is purchased by Bingham County. The insurance covers occupational illness and injury in accordance with Idaho laws. Eligibility for worker's compensation benefits is automatic and is effective upon the date of hire. Volunteers of the County are also covered by worker's compensation insurance.

- 11.1** All on-the-job injuries and/or accidents shall be reported to your department head or elected official immediately, regardless of how small or trivial the employee considers the accident and/or injury to be. Known exposure to hazardous materials, communicable diseases, blood borne pathogens, and/or bodily fluids must also be reported immediately. Please refer to the drug-free workplace policy regarding post-accident drug screening procedures. (See also: sec. 30.4)
- 11.2** The accident/1st report of injury form shall be completed and forwarded on to the Department of Human Resources as soon as practicable to allow filing of worker's compensation claims in a timely manner.
- 11.3** The County utilizes a Case Management/Preferred Provider Program. In conjunction with the aforementioned purchased workers compensation insurance, the Case Management/Preferred Provider program ensures timely and appropriate medical care while simultaneously working toward a prompt return to work. Unless the injury/illness is life-threatening or otherwise requires emergency treatment, injured/ill workers are required to seek medical treatment with the County's designated Preferred Provider. A full list of treatment locations is available from the Human Resources Department. Failure to follow this policy may result in denial of the claim by the insurance provider and may also result in employee discipline, up to and including termination.

11.4 WORKER'S COMPENSATION BENEFITS

Worker's compensation insurance covers medical treatment costs, and if applicable, a portion of the employee's wages for time lost from work due to a work related injury according to the laws of the State of Idaho. Payment of wages does not start until five (5) calendar days after the injury/disability begins unless in-patient hospitalization occurs immediately after the injury occurs. Those earnings cover a portion of the employee's full base pay and a check is sent directly to the employee's mailing address. Employees absent due to a worker's comp injury have the option to accept only the worker's comp payment, or to supplement worker's comp with their paid leave balance(s) (comp time, PTO, sick leave). Any related medical bills for treatments, office visits, prescriptions, etc., will be paid by the County's worker's compensation insurance carrier as authorized.

- 11.4.1** Employees who wish to supplement worker's comp payment with paid time off (PTO), comp time or sick leave (when applicable) must notify their supervisor, who will then indicate it on the timesheet that the employee is on worker's comp leave AND that they wish to utilize leave balances to cover the difference for that which worker's comp does not cover. The

employee shall receive payment to bring their salary equal their net base pay from the County. Employees must submit a copy of the worker's compensation check(s) to Payroll before payment from the County will occur to avoid overpayment, so employees may experience a delay in payment of wages from the County. Worker's compensation and the County do not pay on the same schedule. Therefore, the County reserves the right to make any necessary adjustments to the employee's leave balances and/or request reimbursement from the employee in the cases of overpayment.

11.5 Per Idaho Code, Title 72, Chapter 11, any employee who meets the definition of peace or detention officer as defined in I.C. §72-11 who is injured and who's injury meets the qualifications of Idaho Code §72-11 and is temporarily incapacitated and unable to perform employment duties or is otherwise eligible to receive worker's compensation benefits shall receive their full base salary from Bingham County. If full wages are paid, any worker's compensation received or collected by the employee shall be submitted to the Payroll Clerk immediately upon receipt to avoid overpayment. The County will then apply for reimbursement from the Fund, pursuant Idaho Code §72-1104.

11.6 In the event that an employee is injured on the job and, in the opinion of the attending physician, should not return to work for the balance of his/her shift, the employee will be paid his/her regular straight time hourly rate for the balance of the shift.

11.7 Return to employment will be authorized on a case-by-case basis upon consultation with the elected official, department head, Director of Human Resources and the treating physician. If an employee cannot return to his/her regular position, light duty accommodations may be made accordingly.

11.8 Any time lost by an employee due to an occupational illness or injury covered by worker's compensation insurance is also counted as Family Medical Leave Act (FMLA) leave. Please see the FMLA policy (section 20) for further information.

11.9 Any time lost by an employee due to an occupational illness or injury covered by worker's compensation insurance is credited as active service for all County benefits with the exception of PERSI. Credited service in PERSI will only be granted if worker's compensation pays more than 50% of the member's regular salary and the difference is made up as outlined above. A month of service credit is earned for each month the employee receives salary in addition to workers' compensation benefits, provided the combination of salary and workers' compensation equals 100% of the employee's regular salary. PERSI contributions are only paid on the portion paid by Bingham County.

11.10 Concerns associated with injured worker status may be brought before the Director of Human Resources for review.

12 WORKPLACE VIOLENCE PREVENTION

- 12.1** Bingham County is committed to ensuring the safety and personal welfare of its employees and visitors. Bingham County has a zero tolerance policy regarding violence in the workplace. This includes, but is not limited to, intimidation, threatening or hostile behaviors (whether joking or implied), physical abuse, vandalism, arson, sabotage, the use of any weapons (unless authorized as a requirement of the job), or any other type of physical violence (either immediately or in the future) that reasonably could be perceived and/or interpreted as a violation of this policy. Any employee found to have engaged in the foregoing will be subject to discipline up to and including termination.
- 12.2** An employee who feels that their life or the life of any other individual is threatened should immediately call 9-911. If an employee witnesses a disturbance, suspicious people, or activities near their workstation they should immediately call 9-911 (or push a panic button if available) and move away from the affected area as quickly as possible. Employees should not place their lives in peril.
- 12.3** Employees who feel they have been subjected to any of the non-life threatening behaviors listed above are requested to report the violation immediately to their immediate supervisor or the Director of Human Resources. Complaints will be investigated appropriately. A threat may be made by another employee, supervisor, customer, vendor, solicitor, or the general public and should be taken seriously by the person being threatened. When reporting a threat of violence, the employee should give as many details about the threat and the person making the threat as possible.
- 12.4** Further guidelines on handling these and other emergency situations are found in the *Bingham County Employee Emergency Procedures*.

13 SALES AND SOLICITATION

In order to prevent disruption in the operation of Bingham County's work, certain limitations are placed on solicitation and distribution by employees and the general public.

- 13.1** Persons not employed by Bingham County may not solicit or distribute literature on Bingham County property for any purpose at any time. This prohibition includes, but is not limited to: charity solicitors, insurance representatives, union organizers, fundraisers, surveyor questioners, or any other form of solicitation or distribution.
- 13.2** Employees may not sell, promote, or provide commercial demonstrations for services or products that are not related to Bingham County's business, the employee's health or welfare, or a program sponsored by Bingham County.
- 13.3** No employee shall solicit or promote support of any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed. This includes solicitation for purpose of sales, surveys, distribution of samples of literature, the taking of petition signatures, union representation, or any other form of solicitation.
- 13.4** No employee shall distribute or circulate any written or printed material during his or her working time, or during the working time of the employee or employees at whom such activity is directed. Employees may not distribute any form of literature or other written materials at any time, for any purpose, in work areas. Work areas are all areas except for the employee lunchroom and parking areas.
- 13.5** For purpose of the above rules, "working time" does not include mealtime or break time. During non-working times, such as lunch and break periods, reasonable forms of solicitation and contact between employees are permitted in recognized non-working areas.
- 13.6** Cards, literature, announcements, notices, and other material of any kind may not be posted on official Bingham County bulletin boards or distributed in or about the working areas of any employees at any time unless the material is submitted to and approved by Bingham County and its Board.
- 13.7** Use of Bingham County's premises for meetings is restricted to those which concern Bingham County's own business. Use of Bingham County's premises for any other purpose is subject to advance arrangement and specific approval by Bingham County and the Board.
- 13.8** These rulings are not intended to prevent Bingham County from carrying on its normal programs or activities that may, from time to time, necessitate management approval and direction of distribution and solicitations on Bingham County's premises.

14 EMPLOYEE CLASSIFICATION

The classification of the position you hold with Bingham County may affect the status of obligations or benefits associated with your employment. The procedures for hiring, promoting, and transferring full-time employees shall be subject to the provisions of this policy. Personnel actions concerning part-time regular or seasonal employees are not subject to guidelines set forth herein unless the Handbook explicitly states such.

14.1 The primary classes of employees and their respective status are outlined as follows:

- 14.1.1 **Full-time regular employees** - An employee whose typical work schedule calls for at least thirty-five (35) hours of scheduled work during each seven (7) day payroll period is considered a full-time regular employee. Most law enforcement positions are considered full-time, although many work a rotating shift. Full-time regular employees shall receive all employee benefits provided by Bingham County as such benefits now exist or may be subsequently changed.
- 14.1.2 **Part-time regular employees** - An employee who is not temporary or seasonal and whose typical work schedule calls for 19 hours or less scheduled during each seven (7) day payroll period is considered a part-time regular employee. Part-time employees may work more than 19 hours and less than 35 hours a week, however by doing so they may be required to pay into and participate in the PERSI retirement plan. Generally part-time regular employees are not eligible for County benefits, except those required by law. Part-time positions that are not eligible for the PERSI retirement plan **must** work no more than 19 hours a week, with the exception of seasonal employees. If you have any questions regarding PERSI and/or benefits, please contact the Department of Human Resources.
- 14.1.3 **Seasonal Employees** - An employee who provides services for Bingham County for a defined period of time based on weather and/or growing season is considered a seasonal employee. Seasonal employees are not eligible for benefits provided to regular full-time employees. Seasonal employees **must** not work more than 8 months a year and must complete a certification of seasonal status form (PERSI form RS130) to be in compliance with laws governing PERSI retirement. An employee in this classification will be eligible for any benefits that are required by law. After the seasonal employment has ended, the PERSI form RS130 will need to be filled out with the termination information and sent to PERSI. Seasonal employees may be used each season, however, the appropriate PERSI forms need to be completed by the employee each year.
- 14.1.4 **Temporary Employees** - An employee who provides services for Bingham County for a defined length of time not to exceed five (5) months, or which are limited to the completion of a specific project or projects, wherein the completion of which will take less than five (5) months, is classified as a temporary employee. Temporary employees are not eligible for benefits provided to regular full-time employees with the exception that if a temporary employee works 20 hours per week for more than five (5) months they are required to participate in PERSI. If a temporary position extends beyond five (5) months, the position **must** be re-evaluated by the Department Head or

Elected Official and Bingham County Commissioners. This evaluation shall take place prior to the temporary employee reaching the end of the five (5) month period. An employee in this classification is eligible for any benefits that may be required by law.

- 14.1.5 **Exempt Employees** – Employees who work in positions exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis and are ineligible for both overtime pay and comp time.
- 14.1.6 **Nonexempt Employees** – Employees who are subject to overtime compensation, as provided by state and federal wage and hour laws.
- 14.1.7 **Employment At-Will** – Describes the relationship between you and the County, which is for an unspecified term, with you and the County each having the right to terminate the employment relationship at any time for any lawful reason, or for no reason at all.
- 14.1.8 **Deputy Prosecuting Attorneys** – Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and his/her client, Deputy Prosecuting Attorneys (including senior Deputy Prosecutors) and other legal counsel for the County appointed pursuant to I.C. § 31-2601 et seq. are considered to be at-will employees, and they serve.

14.2 Position Reclassifications/Working Out of Class – Definition: A Reclassification is a change from one job position/title to another that typically results in an increase in pay. Reclassification usually occurs as a result in one of the following:

- 14.2.1 A vacancy exists that a supervisor wants to change to a different position to better meet the needs of the department. For example, the employee previously filling the position worked at a Clerk I level but the department head feels that the County will be better served with a Clerk II classification.
- 14.2.2 An employee in a current position has mastered all job elements to the point where they now meet the requirements of an existing, higher level position and is already performing the duties of the higher position. For example, an experienced Laborer II is routinely performing the duties of a Laborer III.
- 14.2.3 A vacancy occurs and rather than fill the position, another employee absorbs a majority of the more responsible or complex duties of the vacant position. If this occurs, the vacant position will be deleted and therefore may not be filled if a Reclassification is approved. NOTE: An increasing workload as defined within a given job classification description is not grounds for a Reclassification; taking on additional, more responsible duties, however, may qualify for consideration.
- 14.2.4 Other circumstances for a Reclassification request may be considered by the Board of County Commissioners.

14.3 Procedure for Requesting a Reclassification – It shall be the responsibility of the department head/elected official to submit to the Director of Human Resources a written request for Reclassification consideration. The request shall include:

- 14.3.1 A detailed analysis of the existing situation, i.e., why the request is being submitted for consideration;
- 14.3.2 A discussion of exactly how a higher level employee will improve the department's operations and rectify the situation described immediately above;
- 14.3.3 A detailed, financial analysis reflecting the full cost increase of the reclassification; note that this analysis must include not just the salary increase but the fully-loaded rate of the position including any increased cost of benefits, payroll taxes, etc.; and
- 14.3.4 A discussion of how a denial of the request by the Board of County Commissioners will adversely affect departmental operations.

14.4 Human Resources Department Responsibility - The Director of Human Resources will conduct a thorough analysis of the request and will determine whether or not:

- 14.4.1 The proposed position title is appropriate for the responsibilities to be performed;
- 14.4.2 The proposed pay grade and salary range are appropriate for the responsibilities to be assumed;
- 14.4.3 The proposed pay grade is in line with the County's internal salary structure, i.e. the level of job responsibilities for the proposed position is similar to other positions within the County which have the same pay grade assignment; and
- 14.4.4 The proposed salary rate is in line with the pay of other employees in the same position (either within the same department or elsewhere in the County) who have similar education/experience levels.

Upon completing the analysis, the Director of Human Resources will recommend either approval or denial by the Board of County Commissioners. If the recommendation is to deny the request, the Director of Human Resources shall first work with the requesting department head/elected official to seek an appropriate solution that meets the needs of the requesting department while ensuring the integrity of the County's classification and salary structure plan. If a joint solution cannot be found, the department head's/elected official's request shall be forwarded to the Board of County Commissioners for consideration.

Approved Reclassifications taking effect before an employee's anniversary date will result in the re-setting of the anniversary date to the date the reclassification became effective; annual step increases will occur (if eligible and granted) on the new anniversary date.

14.5 Working Out of Class (Temporary Promotion)

When an employee is required to work in a position higher than that employee normally fills, whether to save money, assess a current employee's fitness for a future promotion, or because a suitable replacement has not been recruited, the department head/elected official may request such an underfill for consideration by the Board of County Commissioners. If granted, the employee working out of class will be entitled to a temporary pay increase equal to the first step of the higher position, or a five percent (3%) increase above his/her current rate of pay (whichever is less), for the period of time the employee is required to fulfill the duties of the higher level position. The acting

pay will begin after two (2) full work weeks (eighty regular hours) have been completed by the employee receiving the temporary promotion. A temporary promotion shall last for a period not to exceed six (6) months unless extended by the Board of County Commissioners. EXCEPTIONS: No extra compensation shall be paid to employees who are required to serve as a department head in the latter's absence who are normally recognized, either by classification or job description, as the department head's chief assistant (e.g. Assistant Director, Chief Deputy, etc.). Department heads shall notify the Human Resources Department and the County Clerk when an underfill situation will occur. The cost of the temporary pay increase shall be handled as follows:

- 14.5.1** If the underfill is due to a vacancy in the higher level position, the resultant salary savings in the departmental budget shall cover the cost of the temporary salary increase.
- 14.5.2** If the underfill occurs during a time in which there are no vacancies, the Merit Pay line item in the Human Resources Department budget shall cover the expense.
At the conclusion of the working-out-of-class period, the employee receiving a temporary promotion/salary increase in the manner described herein shall return to his/her previous classification and salary. Time spent working in the higher classification shall count toward the time required for advancement ("steps") along the established pay grade (if such advancement is otherwise warranted).

14.6 Requests for New Classifications

Requests for new position classifications that do not currently exist within the County's classification system will be considered during the annual budget development process. The procedure for requesting a new position will generally mirror that discussed herein. The deadline for submitting requests will be July 1 of each year.

15 EMPLOYEE JOB PERFORMANCE

Bingham County has a firm commitment to the performance evaluation of the Bingham County personnel for all positions, job titles and/or levels through a standard system. The primary purpose of the evaluation is to help employees 1) to fulfill the duties of their position, 2) to pursue professional development, and 3) to achieve the County's goals. Performance reviews shall be considered in decisions affecting salary advancement, promotions, dismissals, order of layoffs, and order of re-employment, placement, and training opportunities. Formal performance evaluations are not conducted. Instead, it shall be the responsibility of all supervisors to conduct year- round evaluations on a periodic basis. Notes to File shall be retained for all such meetings in which both positive and "needs improvement" discussions are held.

15.1 The performance reviews provide an opportunity for a one-on-one exchange of information between an employee and his/her supervisor for the purpose of communicating expected work standards of performance, establishing job objectives, and discussing work accomplishments and work progress. Employees will be given an opportunity to comment on their review and take part in setting performance goals for the next review period.

15.2 ONGOING PERFORMANCE MANAGEMENT

In order to make performance management successful it must occur all year long, not only at review time. A performance management system supports our efforts throughout the review period, from setting goals to documenting performance to providing feedback. Maintaining ongoing performance-related documentation makes it easier to plan, track, evaluate, and improve employee performance. Supervisors and employees are encouraged to use a performance management system year-round for conducting these important performance management functions:

- Setting and tracking goals.
- Recording/logging examples of ongoing performance events, including critical incidents, training, and achievements.
- Accessing coaching ideas and documenting coaching sessions.
- Storing job descriptions, past reviews, and other performance-related documents.
- Scheduling reminders for logging events regularly.

When it's time to actually write the review, supervisors and employees can review the log events and goal progress notes. The data recorded throughout the review period is now readily accessible and easily incorporated into the review.

16 COMPENSATION / PAYROLL POLICIES

16.1 Establishment of Compensation System

Bingham County compensates employees in accord with decisions by the Board as budgets are set and tax levies are authorized. Compensation for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or *status quo* maintenance for any time period. Further, a position, and the related compensation, may be eliminated for budgetary concerns as necessary. The supervising elected official or administrator may make suggestions about salary compensation or other compensation system concerns, but the final decision regarding compensation levels rest with the Board. The Board reserves the right to make budget adjustments, and consequent pay adjustments during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require changes in County expenditures. General compensation may also be adjusted for any reason, including job performance, as deemed appropriate by the Board.

The County utilizes a grade system of compensation. Each position is assigned a grade equal to the requirements of the position. Progression in a position's grade is granted based upon acceptable performance, as documented on the employee's ongoing performance evaluation, and the funds available for merit and/or cost of living increases. Employees shall participate in the performance evaluation system established by the Board, as outlined in the policy on employee performance evaluations. Such evaluation(s) may be the basis for allocating changes in compensation in each budget year. Records of any such evaluation(s) shall be kept in each employee's personnel file in the Department of Human Resources. Notes to File shall also be retained by Supervisors reflecting any performance discussions conducted with employees

16.1.1 Performance Based Pay (Merit Increase Beyond Market)

Bingham County supports a pay for performance philosophy where increases may be awarded to an employee based on the merits of achievement and individual performance factors. Generally, increases are budgeted for and employees are granted an increase, assuming acceptable performance, on their anniversary month of hire, or anniversary month of promotion when applicable.

16.2 Compliance with State and Federal Pay Acts

Bingham County shall comply with all state and federal pay acts respecting compensation of employees for work and services performed in public service.

16.3 Overtime

Non-exempt, hourly employees who are required and approved to work overtime shall be paid at the rate of one and one-half (1½) times their regular hourly rate in excess of forty (40) hours worked per week. The work week for all regular employees who are subject to the Federal Fair Labor Standards Act will begin at 12:00 a.m. (midnight) on either Sunday or Friday (depending on which one your department uses) of each week. The work week concludes at 11:59 p.m. on the succeeding Saturday or Thursday, respectively. For regular employees, hours actually worked must exceed forty (40) in a work week before

overtime compensation will be paid. This 40-hour threshold holds true for those employees working either the 35 or 40-hour work week. In other words, employees must work a minimum of 40 hours in a work week, regardless of regular schedule, before overtime will be paid.

- 16.4.1** Sworn law enforcement officers are subject to the special exception for their respective professions (Section 207(k)), which allows establishment of their work period up to twenty-eight (28) days. Overtime compensation must be paid for qualifying law enforcement hours beyond one hundred seventy-one (171) in a twenty-eight (28) day work period. For these special exception employees, payment of overtime compensation will be paid, or authorized compensatory time will accrue, on the paycheck that follows the conclusion of the twenty-eight (28) day work period by at least one (1) week.
- 16.4.2** Any violation of overtime policy may result in disciplinary action up to and including termination.
- 16.4.3** Holiday Emergency Call Back: Employees who are called in to work on a County-recognized holiday due to an emergency shall be compensated at the rate of 2x the normal rate of pay. This shall be in lieu of holiday pay and not added to it.

Exempt Employees

Employees who work in positions exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis and are ineligible for both overtime pay and comp time. Exempt (salaried) employees are expected to manage their work schedule to accomplish the duties of the position, and may be required to work over forty (40) hours in a week, including nights and weekends, as workloads demand. Salaried employees are not managed on an hourly basis; therefore, they do not record individual work hours but rather should document leave taken on their timesheet. Exempt employees who work at least a half-day do not have to record leave taken on their timesheet for that day. For example, John Doe, an exempt employee, works three (3) hours in a normal eight (8) hour work day. He will record five (5) hours of PTO or LTB (see sec. 17.10) as appropriate for the needed leave. As another example, if John Doe works seven (7) hours in an eight (8) hour work day he is not required to report any PTO or LTB time taken.

Compensatory Time Policy

As a public sector employer, Bingham County may grant hourly employees compensatory or “comp” time off in lieu of overtime pay, upon reaching an agreement in advance with the employee. Comp time will accrue at the rate of one and a half (1.5) hours for every one (1) hour of overtime worked in accordance with the Fair Labor Standards Act (FLSA). The department head shall approve all comp time earned by the employee, and every effort should be made by the supervisor to ensure that compensatory time earned is used within the employee’s following workweek. When compensatory time is earned and not used within the next workweek, every effort shall be made to ensure it is used within the following twenty-eight (28) days. Every effort will be made to accommodate the employee in compensatory time usage, but first priority will be the orderly functioning of affected departments. Employees must use all comp-time on record first in all cases of needing and using paid leave. This hierarchy applies to any un-scheduled or scheduled time off, even if the comp-time is earned after the time off is scheduled. If all comp-time is exhausted employees may then use PTO or Leave Time Bank (LTB; see 17.10).

Individual departments may internally limit comp time for appropriate financial and/or scheduling reasons and if equally applied to all employees within that department.

Compensatory time shall be capped at eighty (80) hours annually. Additional time earned beyond 80 hours shall be paid as earned and will not accrue as additional compensatory time. All hours accrued and not used by September 30 (the end of the fiscal year) shall be paid in cash so that all employees begin the new fiscal year with no compensatory time on the books. It shall be the responsibility of each employee and his/her supervisor to monitor the accrual and use of compensatory time so that the 80-hour limit is maintained.

Employees with accrued comp time will have their comp time balance paid out upon transfer to a salaried (FLSA exempt) position, transfer to another department or office, or upon separation from County employment.

On-Call Time

Non-exempt employees that are required to be on-call may be compensated for it. The scheduling of, and compensation for on-call will be determined by department heads in consultation with the Human Resources Director. Employees who are on-call are allowed to use that time for their own personal reasons, and are not limited to a given geographical area, but must be able to respond to a call within a reasonable amount of time.

Call Back: Employees who are called back to work after a shift has ended, or called in on a day they are not normally scheduled to work (other than holiday emergency call-back, see Section 16.4.3), shall be compensated for a minimum of one (1) hour of work even if the time spent on the task for which the employee was called back was less.

Reporting and Verifying Time Records

Bingham County is required to keep an accurate record of time worked and personal leave used by the non-exempt employees in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing job-related duties.

Altering, falsifying or tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the responsibility of each employee to properly record time worked during a payroll period. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter-signature by a supervisor or department head indicating that the hours claimed were actually worked. For supervisors and department heads, there shall be a signature from their elected official on the timesheets to verify the hours worked for the month are accurate. All timesheets are to be submitted to the payroll office four (4) working days prior to payday, or as requested by the Payroll Auditor (i.e. holidays may require an earlier submittal date). These records shall be retained for at least four (4) years following a pay period or the conclusion of an employee's service. Failure to carry out these duties may result in disciplinary action.

Promotions and Compensation

16.9 Compensation for all employees is established by action of the Board. The annual budget of Bingham County sets the funding available for compensation of employees in various departments.

16.9.1 Promotions are made on the basis of qualifications for the open position. An individual who recently received a disciplinary action, other than a verbal warning, may not be eligible for consideration. Candidates for a promotion will be expected to qualify for the vacant position through the same competitive process used to evaluate outside applicants.

16.9.2 If the open position's starting wage is greater than the current employee's wage, the employee will be placed on the lowest step of the new payscale, representing a minimum increase of 3% (not to exceed the highest step of new grade). If the employee voluntarily accepts a position in a lower grade, appointment on the payscale shall be determined by the Board of County Commissioners. All other situations will be determined on an individual basis, and such things as budgetary constraints, and internal equity, will be considered. For changes in status, see the Reclassification section of this handbook.

Payroll Procedures and Paydays

16.10.1 Employees are paid on the last business day of each month. Pay is issued by the payroll department of the Clerk's office.

16.10.2 Employees will receive their regular paychecks via direct deposit to the financial institution of their choice. Direct Deposit changes must be submitted to the Department of Human Resources by the 20th of the month; a new Direct Deposit form is required in order to make the changes. Employees will receive an actual paycheck for that month if the form was turned in on time - The following month's paycheck will be deposited into the new account assuming all transfer and account numbers are confirmed with the bank. Bingham County is not responsible for any bank charges employees may incur by not following this procedure or if a bank account is closed prior to setting up a new direct deposit - The original copies of all direct deposit forms are kept in Payroll. For those employees who decline the Direct Deposit option, checks will be sent via U.S. mail to their address of record the first business day following payday.

16.10.3 It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paycheck stubs and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Board with the assistance of the Director of Human Resources, the policy shall prevail.

Payroll Deductions

In accord with Idaho Code §45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized by the Board and the employee, or as required by law.

Bingham County is required to deduct from an employee's paycheck amounts including, but not limited to, federal and state withholding taxes, social security taxes, retirement benefits, and any garnishments or court ordered assignments. Other deductions may be made with your written approval for items such as: insurance premiums for dependents, supplemental insurance premiums, life insurance policies, flexible spending account deductions, or 401K contributions.

Travel Expense Reimbursement

An employee on Bingham County business shall be reimbursed for expenses incurred in completing his/her work-related assignment in accordance with the policies established by the Board. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested in accordance with Idaho Code §31-1506 or its successor. See the General Accounting Policies and Procedures Manual for further information.

Compensation for Out-of-Town Travel Expenses

Travel Time - Time spent in travel away from home outside of an employee's regular work hours as a passenger on an airplane, train, automobile or public transportation is generally not considered work time under the Fair Labor Standards Act (FLSA), but will be compensated as time worked in general, especially when such travel is in the best interest of and/or benefits the department/office. Employees will be expected to do other productive work while traveling as a passenger to justify the designation as work time. Work assignments that require an employee to stay out overnight will qualify for expenses, but no time will be compensated beyond appropriate travel.

Training Time - An employee's attendance at training sessions is considered time worked unless the following four criteria are met:

1. Attendance at the training session is outside of the employee's regular work hours,
2. Attendance at the training session is voluntary,
3. The training session is not directly related to the employee's current job, and
4. The employee performs no productive work during the training session.

Use of County Vehicles

Bingham County requires that all County owned or leased vehicles are operated for official use only. This prohibits the use of County vehicles for personal reasons including commuting to and from work, personal errands and similar activities. The purpose of this policy is to limit any taxable personal use.

However, if given prior approval by the elected officials or department head, a County employee may be required to take a County owned (or leased) vehicle to and from work in extreme weather, emergency, or other unusual situations. This must be a bona fide non-compensatory business reason. This approved personal use includes commuting in a County owned (or leased) vehicle including required on-call or when the vehicle is taken home for the convenience of Bingham County or to meet the needs of Bingham County. In these circumstances, all approved personal use of a County-owned vehicle is generally a taxable fringe benefit. Other than for elected officials, the value of the benefit will be calculated using the commuting valuation rule (see IRS Publication 15-B) and must be

included in wages. Reporting of the personal vehicle use must be turned into payroll every month by the payroll cut-off day (generally the 20th of each month). The withholding of income tax on the value of vehicle use is at the employer's option but Social security and Medicare withholding is required.

16.14.1 Exceptions

- 16.14.1.1** Employees of the Sheriff's Office who are authorized to carry a firearm, execute search warrants and/or make arrests. Sheriff Office employees are prohibited from driving County owned vehicles outside the jurisdiction unless on official business.
- 16.14.1.2** "De minimis" benefit use (i.e. infrequent and of little value) is considered non-taxable use. An example of this would be stopping for lunch while traveling between worksites during working hours.
- 16.14.1.3** Certain vehicles and or equipment are considered non-personal use vehicles and are exempt. Some examples include heavy equipment, dump trucks, and repair trucks. See IRS publication 15-B for more information

16.14.3 Elected Officials

The taxable fringe benefit included in wages for elected officials for personal use of a County owned vehicle will be valued at the lesser of the Lease Value Rule or Cents per Mile Rule (see IRS Publication 15-B).

Emergency County Building Closures

On occasion, inclement weather or some other unforeseen occurrence will prevent normal County operations and necessitate the closing of a County facility during a workday. The Board has the sole responsibility of making the decision to close any County facility in such situations.

If the decision is made to close the courthouse and/or other County facilities, elected officials and department heads have the responsibility of making the decision whether employees in their department will be required to attend work as scheduled (e.g. road and bridge employees working through a severe snow storm). Those not required to stay will be paid their regular work hours for that day without having to use accrued PTO or comp time.

Employees who are already absent during the closure (e.g. on PTO, comp time, personal leave (to include FMLA) or sick leave), must use the appropriate PTO, comp time, or sick leave, and will not be eligible for regular pay for the day(s) of the closure.

If the decision is made to not close the County buildings because of extenuating circumstance, an employee may be allowed to leave or not report to work under unusual/special circumstances (i.e. living on a private road without winter maintenance). This decision needs to be determined with the employee's department head's knowledge and approval. If the employee does not have accrued leave available (i.e. PTO or comp time) to cover this time off, it will be recorded as leave without pay on the timesheet or approval may be given by the department head to let the employee make the time up during the workweek.

17 PAID TIME OFF (PTO)

Bingham County believes that a reasonable amount of time away from work is conducive to better health and well being of the employee and the work environment of the County. The PTO benefit provides an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences. Each employee will accumulate a specified amount of PTO each pay period worked, and it is up to the employee to determine how to use it - for vacation, illness, caring for ill children, school activities, medical/dental appointments, personal business, or emergencies. The amount of PTO accrued, used, and available is accounted for in the payroll system, and will appear on the employee's paycheck stub. The amount of PTO accrued each year is based on length of service and accrues as follows (effective July 1, 2016):

Length of Service (i.e. years of service completed)	Paid Time Off Monthly Accrual	
	40 hour work schedule	35 hour work schedule
0 – 5 years	16 hours	14 hours
6 – 10 years	18 hours	15.75 hours
11 + years	20 hours	17.5 hours

17.1 Eligibility - Employees are eligible to receive PTO pursuant to this policy if they are a regular full-time employee (40 or 35 hour scheduled). Seasonal full-time, seasonal part-time, part-time, and temporary employees are not eligible for PTO. New employees begin accruing PTO with the first full paycheck (i.e. once a full calendar month is worked). Employees going from part-time to full-time status will begin to accrue PTO the first month that they work 120 hours, and their length of service for the purposes of this policy will be based on the date they started working full-time. Employees will not accrue PTO when less than 120 hours of paid time is on any given paycheck (while on leave of absence, on suspension by the County, etc.). The 120 hours of paid time also applies to employees on leave due to workers compensation or FMLA (See Also: sec. 11 and 20, respectively). An employee must have worked a 120 hours minimum on their final paycheck at separation in order to be eligible for that month's PTO grant (i.e. spent and/or paid out leave accruals do not count towards the 120 hour minimum).

An employee who is re-employed by Bingham County will not be credited for prior service in regard to PTO (i.e. PTO grants are based on their most recent hire date).

Loss of Eligibility - Employees going from full-time to part-time status or those becoming an elected official are no longer eligible for PTO. They will be given their PTO accrual for the last month of full-time status assuming that they worked a minimum of 120 hours. The amount left in their PTO account will be paid out according to requirements and eligibility explained in section 17.8 of this policy.

17.2 Management of PTO

Each employee is responsible for managing his/her own PTO account. This means each employee is responsible for managing their PTO in order to cover vacations, doctor's appointments and/or any other personal business. It also means having a bank of "reserve" PTO to cover the unexpected, such as emergencies and illnesses. The County strongly encourages all employees to take a minimum of 10 days (80 hours) of PTO per

calendar year for personal time and/or vacations. It is important that employees plan ahead for the future use of their PTO.

17.3 Maximum PTO Accumulation

The County recognizes the need to have a reserve of PTO to “insure” against future circumstances such as emergencies or prolonged illness. Employees who do not bank PTO adequately risk being hurt financially and hindering the work and services required by the county citizens. Therefore, the maximum amount of PTO an employee can accumulate is 480 hours for a 40 hour schedule and 420 for a 35-hour schedule. This encourages employees to use PTO and allows the County to manage its financial obligations responsibly. PTO will continue to accrue until the maximum limit is reached; however, no monthly accrual will be given thereafter until the accumulated PTO hours are below the appropriate maximum.

The used PTO hours turned in by supervisors at the payroll cutoff are the last hours that will be adjusted in the PTO account before a determination is made to see if an employee has reached the max of 480 hours (or 420 hours in some cases). Employees at, or above, 480 hours (or 420 hours) will not be given their normal monthly accrual of PTO. Those below the maximum will be given their full monthly accrual; it will not be pro-rated. Therefore it's possible that an employee could have a PTO balance that slightly exceeds the max of 480/420 hours for a time.

17.4 When PTO Is Earned and Scheduling PTO

The PTO hours earned each month are placed in employees' PTO accounts on the pay day of the month for which the PTO was earned. Only PTO hours already earned can be used for scheduling time off. Employees are required to provide their supervisor with at least 2 days advance notice and obtain approval prior to using PTO. Efforts will be made to accommodate the preference of the employee in scheduling their PTO, but first priority will be the orderly functioning of the affected departments. There may be occasions, such as sudden illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible, according to the Tardiness/Absenteeism policy (See Also: sec. 7). If requested, an employee shall furnish a doctor's note verifying that the illness or injury prevents the employee from working. In addition, at the request of an elected official or department head, the employee must submit to whatever medical examination is requested in order to determine the nature and extent of the employee's illness or injury; to determine whether or not that condition prevents the employee from working; and the expected duration of the illness or injury.

17.5 Hierarchy of Paid Leave Scheduling

Employees must use all comp-time on record first in all cases of needing and using paid leave. This hierarchy applies to any un-scheduled or scheduled time off, even if the comp-time is earned after the time off is scheduled. If all comp-time is exhausted employees may then use PTO or Leave Time Bank (LTB; see 17.10).

17.6 Recording Paid Time Off (PTO)

Non-exempt employees must report all PTO time used on their time card. PTO hours must be reported in increments of no less than 6 minutes (i.e. 0.10 / one tenth of an hour). This aligns the amounts reported with the payroll system. The County is required to track all absences for legal compliance reasons, including vacation/personal business, illness, work related illness/injury, the attendance of school-related activities, and so forth. The reason(s) for the absence should be indicated on the time card(s). Spent PTO hours are not considered time worked when calculating overtime or compensatory time.

Exempt employees are not managed on an hourly basis; therefore, they do not record individual work hours, but they do document any leave taken on their timesheet. Exempt employees who work at least a half-day do not have to record leave taken on their timesheet for that day. For example, John Doe, an exempt employee, works three (3) hours in a normal eight (8) hour work day. He will record five (5) hours of PTO (or LTB; see 17.10) as appropriate for the needed leave. As another example, if John Doe works seven (7) hours in an eight (8) hour work day he is not required to report any PTO or LTB time taken.

17.7 Abuse of Paid Time Off (PTO)

Unapproved, excessive use of unscheduled PTO will be grounds for disciplinary action. When the County has reasonable grounds to believe that an abuse exists, the employee will be notified in writing by their supervisor of the suspected abuse. The employee may then be required to submit a satisfactory doctor's note upon returning to work. This note should indicate the nature of the illness or disability and its duration, regardless of the duration of the absence. This must be done before such absence can be charged against an employee's PTO balance. Reasonable grounds of abuse include a pattern of numerous one-day absences throughout the year, especially where leave is always taken before or after weekends; frequency of absences; low/zero accumulated PTO balance; and other patterns of abuse. Further, PTO may not be used to make up tardiness or unapproved absences.

17.8 Separation of Employment / Change in Job Assignment

Employees who separate employment with a minimum of three years of full-time service with the County will be paid out 30% of accrued PTO up to a maximum of 80 hours. Employees who separate after having completed ten years of employment will be paid out 30% of their accrued PTO. Those eligible to retire (via the rule of 80 or 90 per PERSI, or per the Social Security Administration's full retirement age) from the County will be paid out 80 hours or one-third (1/3) of all accrued PTO, whichever is greater, as long as they have a minimum of three (3) years of service with the County. All payouts are based on the hourly rate at the time of separation. Scheduled or unscheduled PTO use cannot be used to extend an employee's termination or retirement date, or the date on which they went to part-time status. Those full-time employees who transfer to a part-time or Elected Official position will also have their PTO paid out as explained above. Upon receiving payout at separation, you may elect to place part or all of it in a 401(k), or receive the payout as a lump sum payment. If an employee passes away while employed at Bingham County, his/her PTO will not be paid out.

17.9 Transfer of Accumulated PTO

The rate of accrued PTO time is not affected if an employee transfers from one department to another within Bingham County. Any PTO time accrued before the transfer will carry over to the next department. PTO time will accrue at the same rate unless an employee transfers from full-time to part-time, temporary, or an Elected Official position at which time the employee will no longer be eligible for PTO leave.

17.10 Leave Time Bank (LTB) and Its Usage

The Leave Time Bank (LTB) is designed to hold the balances of legacy paid leave policies and practices for those employees who had a balance of paid leave when a conversion to current policy was made. There are two former policies that will be rolled into the LTB.

17.10.1 Sick Leave Bank

Sick leave remaining at the time of the County's change to a PTO system (January 2010) has been held in a separate account called Sick Leave Reserve. Effective July 1, 2016 any remaining hours in the Sick Leave Reserve will be transferred to the LTB.

17.10.2 Excess PTO Hours

Employees who have PTO hours in excess of the 480 hours (or 420 hours for the 35-hour schedule) on July 1, 2016 will have those hours placed in the LTB.

Usage The scheduling and using of LTB hours will be handled just like the scheduling and usage of PTO as explained above (see sec. 17.4)

Separation of Employment Employees who separate employment with a minimum of three years of full-time service with the County will be paid out 30% of their LTB up to a maximum of 80 hours. Employees who separate after having completed ten years of employment will be paid out 30% of their accrued LTB. Those eligible to retire (via the rule of 80 or 90 per PERSI or per the Social Security Administration's full retirement age) from the County will be paid out one-third (1/3) of all LTB hours will be paid to the employee, as long as they have a minimum of ten (10) years of service with the County. All payouts are based on the hourly rate at the time of separation. Upon receiving a LTB payout, the employee may elect to place part or all of it in a 401(k), or receive the payout as a lump sum payment. If an employee passes away during County employment, his/her unused LTB will not be paid out.

17.11 LTB Buyout Option

Employees with a balance in the LTB have the option to have all or part of their LTB hours paid out at a rate of 25%. This buyout is contingent upon the budgeting and funding abilities of the County. Those employees that wish to have all or part of their LTB hours paid out will need to complete *LTB Buyout Request Form* and turn it in to the Human Resources Department no later than July 1st of each year. Turning it in at this time is necessary to allow the County to calculate, plan for, and include the LTB buyouts in the budgeting process. Therefore, no buyout requests will be accepted after July 1st. The Monday following July 1st will be the deadline for those years where July 1st falls on a Saturday or Sunday.

It is anticipated that the LTB buyout checks will be issued in October of each new budget year, and the buyout will be calculated at the employee's hourly equivalent rate at the time that the buyout is processed in the payroll system. In the event that the County finds it is not able to fund any, or that it is only able to fund a portion of the requested buyouts based on budgetary constraints, this will be communicated to those who have made the requests. In both cases the County also holds the right to delay all or part of the requested buyouts to a subsequent budget year.

17.12 Donation of Paid Leave

County employees, who personally suffer from a life threatening medical emergency, critical illness, or injury, who have already been approved for FMLA may be eligible to receive donated PTO and/or LTB hours, up to a maximum of one hundred sixty (160) hours per fiscal year. Leave donations for absences due to a family member's illness, injury, etc. are not allowed.

Recipient Eligibility - An employee must have completed twelve (12) months of continuous employment with Bingham County and completed all applicable FMLA paperwork (see. Sec. 20) in order to be eligible to receive donated leave. The donation and receipt of leave is subject to the approval of the appropriate department head or elected official and the Board of County Commissioners. Employees who have already received one hundred sixty (160) hours of donated leave during the last twelve (12) months are not eligible. Employees receiving workers' compensation benefits through the County are not eligible to receive donated leave. Consideration for approval may include prior satisfactory attendance, with no history of leave abuse. A recipient may not receive donated leave for any period which is covered by unemployment benefits or worker's compensation.

An employee may receive up to one hundred sixty (160) hours of donated PTO and/or LTB per fiscal year, however, a transfer of leave will not occur until the receiving employee has exhausted all of his or her accrued PTO and LTB. Once the employee's own leave balances are exhausted donated leave will be applied, as needed, in the order in which it is received. An employee may donate a maximum of twenty (20) hours of PTO, and/or LTB, per employee that has requested a donation of leave. Once transferred, donated PTO and/or LTB hours are forfeited and will not be returned to the donor. Names of donors and recipients will be kept confidential from each other, and will only be disclosed to those necessary for the processing of the donation.

PROCEDURES

Initiating the Donation Request - An employee who wishes to receive donated leave should submit a Request for Donated Leave form to his/her supervisor for approval. The supervisor will forward the request through their line of supervision to the department head or elected official for approval. An employee's immediate supervisor may also initiate a request in cases where the employee is unable to make a request on their own, or under other special circumstances which can be discussed with the Human Resources Director.

Donor Responsibilities - Employee who wishes to donate leave to another employee should submit a completed Donation of Leave agreement to his/her supervisor for approval. Donating employees must have a cumulative total of 160 hours of PTO and/or

LTB in order to donate. Donors may donate up to a maximum of twenty (20) hours leave total per recipient employee.

Administration - The department head or elected official will review the appropriate forms and make a recommendation for approval/denial. In addition to the above, the department head or elected official for the receiving employee must consider whether the reason for the requests meets the donation of leave policy criteria. County employees who suffer from a medical emergency involving life threatening or critical illness or injury, may be eligible to receive donated PTO and/or LTB leave. Such policy parameters are required to remain in compliance with IRS regulations regarding such transactions.

Once both the Donated Leave Request form and the Donation of Leave agreement have been approved by the department head or elected official, the approval and all completed forms are to be sent to Bingham County Human Resources. They will then be forwarded for consideration of the Board of County Commissions for final approval. Any denials of requests or donations are to be returned to the employee. Bingham County Human Resources will coordinate the approved leave transfer(s) with the supervisor and Payroll.

18 HOLIDAYS

- 18.1** Twelve (12) official holidays (eight hours each; seven hours for 35 hour/work week) are provided for full-time employees. Employees who have full-time active status on the date of any holiday shall receive compensation for that day even though they do not work. Holidays that fall on Saturdays shall be observed on the preceding Friday. Those that fall on Sunday shall be observed on the following Monday. The Board may change the holiday schedule at any time.
- 18.2** Employees must be on paid time the last scheduled work day before and the first scheduled work day after the holiday to be eligible for holiday pay. Paid time includes comp time, PTO, or sick leave reserve usage.
- 18.3** Employees who work on holidays shall be scheduled to receive a substitute day with pay, preferably within the same month that the holiday occurred.
- 18.4** The following holidays are recognized by Bingham County: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day and the day after Christmas.
- 18.5** Time off may be granted to employees who desire to observe a religious holiday which is not recognized by Bingham County, provided it does not create an undue hardship on the County. This time off will be covered by paid leave as explained in 17.5, if available, otherwise, it will be unpaid.
- 18.6** Employees that are scheduled to work a shift on a holiday are required to supplement the 8 hours of holiday pay with PTO or LTB when they are requesting to take time off for that holiday when their regular shift length is more than 8 hours. They may also make other arrangements with their Supervisor to make up those hours of absences from their normal shift.

19 PERSONAL LEAVE OF ABSENCE

- 19.1** A personal leave of absence without pay may be granted under special circumstances to a regular full-time employee at the discretion of the Department Head/Elected Official, but must be requested by the employee, in writing, in advance of the leave. Normally this leave will be granted for no longer than four weeks (160 hours) and only on the basis of full workday increments, not on an hourly basis. If a personal leave is needed due to a medical condition, it should be addressed under the Family Medical Leave Act (FMLA) policy. The granting of a leave of absence and its duration is solely within the discretion of Bingham County. Return to work from a personal leave of absence will be at the sole discretion of Bingham County, unless otherwise required by state or federal law.
- 19.2 Eligibility** To be considered for an unpaid leave of absence the employee must have used all paid leave first (i.e. PTO, comp time and sick leave reserve). Further unpaid leave of absences are generally not granted to employees with less than a year of service. The Department Head/Elected Official will consider the following factors in determining whether or not to recommend that an employee be allowed to take the leave of absence:
- 19.2.1** A negative impact on coworkers not being able to complete their work and/or absorb the increased workload;
 - 19.2.2** Whether the position is critical to the operation of the department, and for which a temporary replacement is impractical;
 - 19.2.3** Willingness to fill the position on a temporary basis and the time and cost doing so (i.e. time to train, sufficient funds in the department's budget, etc.)
 - 19.2.4** The employee must have satisfactory performance ratings
 - 19.2.5** The length and frequency of other paid and unpaid unscheduled leaves and absences
- 19.3** Request forms for personal leave without pay should be given to your department head or elected official for approval/denial and then submitted to the Board of Commissioners for their approval/denial and then given to the Director of Human Resources for his/her signature. The request will then be placed in the employee's personnel file. A copy of the request will also be forwarded to the payroll office so they will know what to do during the leave of absence for payroll issues.
- 19.4** An employee shall not be granted a personal leave of absence unless it is expected that he/she will return to work following such leave. The employee must resume work on the first scheduled workday following the expiration date of leave. If the employee does not return on the specified date and has not requested an extension, he/she will be considered to have voluntarily resigned.
- 19.5** While out on unpaid leave, an employee may not undertake outside employment, including self-employment (paid or volunteer work), without notification and consent of the department head/elected official.

20 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The purpose of this policy is to provide Bingham County employees with a general description of the Family and Medical Leave Act (FMLA) rights. In the event that specific details are not contained in this policy, the federal law will be used to provide additional guidance. This policy covers the Basic and Military Family Leave entitlements and includes information on eligibility, employee responsibility, continuation of benefits, and other useful topics.

20.1 Basic Leave Entitlement

The FMLA attempts to balance an employee's need for time off for family and medical reasons and the employer's need for a stable work force. The FMLA provides an eligible employee up to twelve (12) workweeks of unpaid, job protected leave during a twelve (12) month period for qualifying reasons. The twelve (12) month period is measured backward from the date an employee uses FMLA. Each time an employee takes FMLA leave, the remaining leave available is the balance of the twelve (12) weeks remaining during the preceding twelve (12) months.

20.2 Eligibility Requirements for FMLA Use

To be eligible for FMLA leave, an employee must have worked for the County for at least twelve (12) months (consecutive or non-consecutive) and worked at least 1,250 hours during the twelve (12) months prior to the start of the leave. Employment periods preceding a break in service of seven (7) years or more must not be counted in determining whether the employee has been employed by Bingham County for at least twelve (12) months.

20.3 Reasons for taking FMLA

FMLA leave may be granted/designated for any of the qualifying medical reasons listed below:

- 20.3.1** For incapacity due to pregnancy, prenatal medical care, child birth or to care for the employee's child after birth, or placement for adoption or foster care. Family and Medical Leave may begin before the actual date of the birth of a child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition renders her unable to work. A pregnant employee may take leave intermittently for prenatal examinations or for her own medical condition, such as periods of morning sickness. Likewise, leave may be taken prior to the actual date of placement for adoption or foster care in order to attend to the necessary details of completing the placement. Leave for a birth of a child or the placement of children for adoption or foster care must conclude within twelve (12) months of the birth or placement.
- 20.3.2** To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

20.3.3 For a serious health condition that makes the employee unable to perform the essential job duties.

20.4 Serious Health Condition

A “Serious Health Condition” is an illness, injury, impairment, or a physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. The continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

20.5 Definitions of Spouse, Child, and Parent for Basic FMLA:

Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides.

Child means a biological, adopted, foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under the age of eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee. This term does not include parents “in-law”.

20.6 Worker’s Compensation. The FMLA policy states that a serious health condition may result from injury to an employee on or off the job. As such, an employee who is off work on worker’s compensation leave will have that time designated as FMLA leave, which will count towards the twelve (12) week FMLA entitlement.

20.7 Military Family Leave Entitlements. The FMLA attempts to balance an employee’s need for time off for certain situations related to a covered military family member’s service in the Armed Forces and the employer’s need for a stable work force.

20.8 Military Exigency Leave. An eligible employee whose spouse, child, or parent is in the National Guard or Reserves may take FMLA leave due to a qualifying exigency resulting from the covered family member’s active military duty or call to active duty status in support of a contingency operation. A qualifying exigency includes any one or more of the following non-medical, non-routine activities and no others:

1. Short-notice deployment activities
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling activities
6. Rest and recuperation activities

7. Post-deployment activities and/or
8. Additional activities as mutually agreed upon by Bingham County and the employee

- 20.8.1 Amount of Military Exigency Leave.** An eligible employee is limited to a total of twelve (12) workweeks for all FMLA-qualifying leave, including Military Exigency Leave, in a rolling twelve (12) month period measured backward from the starting date of the requested leave. Durations of leave periods for Military Exigency Leave vary by situation and qualifying exigency. The leave may commence as soon as the servicemember receives the call-up notice.
- 20.8.2 Military Caregiver Leave.** An eligible employee who is the spouse, child, or next of kin of a covered servicemember may take up to twenty-six (26) workweeks of leave in a twelve (12) month period to care for the servicemember recovering from an illness or injury sustained while on active duty.
- 20.8.3 Amount of Military Caregiver Leave.** The twenty-six (26) week entitlement is determined by measuring forward from the date the employee first takes caregiver leave. During that single twelve (12) month period, caregiver leave is combined with other FMLA leave and the total cannot exceed twenty-six (26) weeks.

20.9 Definitions under Military Family Leave:

- 20.9.1** Covered servicemember means: a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability/retired list.
- 20.9.2** Active duty or call to active duty status means: duty under a call or order to active duty (or impending call or order to active duty) in support of a contingency operation.
- 20.9.3** Child on active duty or called to active duty status means: the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or called to active duty status and who is of any age.
- 20.9.4** Child of covered servicemember means: the servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child whom the servicemember stood in loco parentis, and who is of any age.
- 20.9.5** Parent of a covered service member means: a covered servicemembers' biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in-law."
- 20.9.6** Next of Kin of a covered servicemember means: the nearest blood relative other than the covered servicemember's spouse, parent or child in the following order of priority: blood relatives who have been granted legal

custody of the servicemember, brothers or sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

20.10 Request for FMLA Leave/Employee Responsibilities

To request leave under FMLA, the employee should complete and submit a Leave Request. Employees must provide at least thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable (e.g. childbirth or adoption, planned surgery). When thirty (30) days is not possible, the employee must provide notice of the need for leave either the same day or the next business day. Failure to provide advance notice of the need for FMLA leave could result in the delay of FMLA coverage. In some circumstances, the supervisor may identify an employee's leave as being eligible for FMLA leave when the employee has not requested it.

20.11 Certification

Bingham County requires the employee using leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition, be supported through certification paperwork issued by the health care provider of the employee or the employee's family member. Failure to provide complete and sufficient certification paperwork may result in the denial of the FMLA leave.

20.12 Designation of FMLA Leave

Within five (5) business days after the appropriate completed certification paperwork has been received, Bingham County must complete and provide the employee with the Designation Notice form. This form will inform the employee whether or not FMLA Leave will be granted to them.

20.13 Employers Rights

Bingham County has the right to determine whether the employee is or is not an "eligible employee" under the act. Bingham County has the right to place an employee on FMLA leave without the employee's consent should the County determine that the employee meets the eligibility requirements under the Act.

Bingham County will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the Family and Medical Leave Act. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury."

Bingham County reserves the right to require periodic notices (determined by Bingham County) of you or your family member's FMLA status and your intent to return to work.

Bingham County may, at its own expense, require a second opinion from a physician or health care provider of its own choosing to verify the employee's inability to work or the employee's ability to return to work and the nature of the specific limitations imposed toward the employee.

20.14 Outside Employment while on FMLA Leave

Employees of Bingham County that are engaged in outside employment, who are placed on FMLA Leave should inform their immediate supervisor of their approval to use FMLA Leave. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Department Head or Elected Official whether the outside employment should continue.

In the event the Department Head or Elected Official determines that the outside employment should be discontinued a notice of revocation of the member's authorization will be forwarded to the involved employee, and a copy will be attached to the original outside employment authorization form.

Certain criteria for revoking outside employment authorization include, but are not limited to, the following:

The outside employment is medically detrimental to the total recovery of the serious medical condition of the employee, as indicated by the certification documents from the health care provider.

The outside employment performed requires the same or similar physical activity, as would be required if the employee were on full duty status, but has physical limitations from the health care provider stating that light duty restrictions are in place until the employee is well enough to be released to full duty.

When the employee receives medical documentation from the health care provider stating the employee is released to full duty status, the employee may request (in writing) Bingham County to re-authorize the outside work status.

20.15 Use of Paid Time

Bingham County requires the use of paid leave (comp time must be used first and then PTO and sick leave reserve will be used) before unpaid leave is taken under FMLA. Employees need to apply for FMLA even if there is enough comp time, PTO, and/or sick leave reserve to cover the anticipated days of the absence.

PTO benefits continue to accrue during an employee's FMLA leave when a minimum of 120 hours of paid time is recorded within a pay period. PTO benefits do not continue to accrue during the remainder, unpaid period of the FMLA leave.

Holiday pay will not be granted for holidays that occur during any unpaid time while an employee is on a leave of absence.

20.16 Intermittent or Reduced Schedule Leave

When medically necessary, employees will be allowed to use FMLA leave intermittently or use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks or twenty-six (26) workweeks to care for an injured or ill servicemember over a twelve (12) month period.

If FMLA leave is being taken because of the birth of a child or placement of a child for adoption or foster care, allowance of intermittent or reduced schedule leave is at the discretion of Bingham County. Employees must make reasonable efforts to schedule intermittent or reduced schedule leave so as not to unduly disrupt the County's operations.

20.17 Job Benefits and Protection

For the duration of FMLA leave, Bingham County will maintain the employee's medical, dental, and vision coverage as provided to active employees. If an employee elects to retain dependent health insurance coverage during FMLA leave, the employee must continue to pay the respective premium contributions for such coverage. If an employee elects not to retain dependent health insurance coverage during family and medical leave, the employee will be entitled to reenroll in dependent coverage without any qualification requirements imposed by the plan, including any new preexisting condition waiting period, waiting for open enrollment, or passing a medical examination.

If the employee fails to return to work for reasons other than a continued serious health condition of their own or the employee's family member or a circumstance beyond their control, the employee may be required to reimburse the County for all health coverage premiums the County paid during any unpaid family and medical leave period. An employee must return to work for at least thirty (30) calendar days to be considered as having "returned" to work.

Life insurance and flexible spending premiums will not be maintained at Bingham County's expense for the employee on FMLA leave. If the employee elects to continue such insurance coverage, the respective premiums must be paid by the employee.

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when the leave started, or to an equivalent position with equivalent pay, benefits and working conditions, and substantially similar duties, responsibilities, and authority.

The use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's leave. PTO will not accrue for any month that an employee has less than 120 hours of paid time due to a FMLA leave.

In the case of leave related to an employee's own serious health condition, the employee will be required to provide a written statement from the health care provider confirming the employee's intent to return to work and will include any specific limitations imposed on the employee.

20.18 Husband and Wife Rights when both are Bingham County Employees

Where a husband and wife are both employed by Bingham County, eligibility for FMLA leave is limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken: (1) for the birth of the employee's child or to care for and bond with the child after birth; (2) for placement of a child with the employee for adoption or foster care, or to care for and bond with the child after placement; (3) to care for the employee's parent with a serious health condition.

This means that the twelve (12) week maximum applies to couples, rather than individual employees, when both of the married couple work for Bingham County and the leave is taken for one or more of the three reasons listed above.

If one spouse is ineligible for FMLA leave, the other spouse will be entitled to a full twelve (12) weeks of FMLA leave. Where a husband and wife both use a portion of the total twelve (12) weeks of FMLA leave entitlement for one of the purposes listed above, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and twelve (12) weeks for FMLA leave for a purpose other than those listed above.

Example: If each spouse takes six (6) weeks of leave to care for a healthy, newborn child, each could use an additional six (6) weeks due to his or her own serious medical condition or to care for a child or parent with a serious health condition.

20.19 Unlawful Acts By Employers

FMLA Leave makes it unlawful for Bingham County to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
3. Use an employee's inquiry or request about the use of family and medical leave or the utilization of family and medical leave as a negative factor in any employment decisions or actions.

21 PRIVACY PRACTICES FOR PROTECTED HEALTH INFORMATION (HIPAA)

- 21.1** This notice is provided to you as a requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This notice describes how medical information about you may be used and disclosed and how you can get access to this information. This notice also describes your rights to amend your PHI (Protected Health Information). Please review this notice carefully.

Bingham County, because of its health plans for employees or emergency services it provides, may be in possession of PHI (Protected Health Information) concerning you, and is a “covered entity” under HIPAA.

When providing your PHI to the County in asking for services or information on available services, you are allowing the County to use and disclose necessary information about you within the County and with its business associates in order to provide treatment, to process payment for treatment or other medical goods, or services provided, and to conduct its day to day health care operations and for other purposes. In those instances Bingham County discloses your PHI through an appropriate privacy agreement with the third party.

21.2 How We May Use and Disclose Medical Information About You Without Your Consent

The law permits Bingham County to use or disclose your PHI without your consent in certain routine limited situations. These situations are sometimes referred to as “TPO”: Treatment, Payment & Health Care Operations.

21.2.1 Treatment

When necessary to assist in your treatment, we may use or disclose your PHI to, for example, a doctor, a hospital, or other health care provider.

21.2.2 Payment

We may use and disclose your PHI, for example, to assist you in paying claims from doctors, hospitals, and other health care providers for services delivered to you that are covered by your health plan and to obtain premium payments.

21.2.3 Health Care Operations

We may use and disclose your PHI in connection with your health care operations. For example: business management and general administrative activities, including management activities relating to privacy, customer service, resolution of concerns, and creating de-identified protected health information or a limited data set; evaluating plan costs and determining contributions for your health plan; staff may handle your physical health care record in the process of filing documentation and in making the record available for use by your service providers. The County may contact you to provide information about health-related benefits and services that may be of

interest to you. We may disclose your PHI to another entity which has a relationship with you and is subject to the Federal Privacy Rule for their health care operations.

21.2.4 Other Specific Circumstances for Disclosure Without Consent

The County is also allowed by law in certain other circumstances to disclose specific health information about you without your authorization:

- For public health activities, including disease and vital statistic reporting, child abuse reporting, Food and Drug Administration oversight;
- To report adult abuse, neglect, or domestic violence;
- To health oversight agencies; In response to court and administrative orders and other lawful processes;
- To law enforcement officials pursuant to subpoenas and other lawful purposes;
- To avert serious threat to the health and safety of another person;
- To Workers Compensation officials to facilitate processing and payment;
- To the military and to federal officials for lawful intelligence, counterintelligence, and national security activities;
- Coroners, medical examiners, and funeral directors for identification of a deceased person or to determine cause of death;
- To Correctional Facilities about an inmate.

21.2.5 Circumstances for Use or Disclosure Without Consent or Notice

In certain situations, the law allows disclosures of your PHI to be made by Bingham County to other parties without your prior written consent and without your first receiving this notice of privacy practices. Disclosures may be made for purposes of treatment, payment or health care operations without your prior consent or prior delivery of a privacy notice to you:

- In the case of an emergency as determined in the professional judgment of Bingham County personnel (e.g., in response to a 911 call);
- When Bingham County is required by law to treat you; or
- When there are substantial communication barriers (e.g., as where a language other than English is involved)

In the event Bingham County, as it is allowed to do, uses or discloses your PHI without consent and notice in one of the circumstances set forth above, Bingham County is required, as soon as reasonably practicable after the provision of treatment to you, to attempt to provide you with this privacy notice.

21.3 Other Uses or Disclosures Require Your Consent

Except as provided above, uses and disclosures of your PHI will be made by Bingham County only with your written authorization. You may give us written permission to use

your PHI or to give it to anyone for any purpose. You may withdraw your permission in writing at any time. Withdrawing your permission will not affect any use or disclosures permitted by your authorization while it was in effect.

21.4 Other Uses and Disclosures of your Health Information by Authorization Only

The County is required to obtain your authorization to use or disclose your PHI for any reason other than for treatment of service delivery, payment, health care operations, and those specific circumstances outlined previously. The County uses a special authorization for disclosure form that specifically states what information will be given to whom, for what purpose, and through what time frame. This authorization document is only valid when signed by your or your legal representative. You have the ability to revoke the signed authorization at any time by a written statement except to the extent that the County has already acted on the authorization.

21.5 Your Individual Rights: Amendment of Records

You have the right to request an amendment of your health care record if you believe information in the record is inaccurate or incomplete. If you wish to make such an amendment, the request must be made in writing. Bingham County can provide you the form to sign, making a request for amendment to your record. The County may deny the request for proper reasons; and, if your request is denied, you will be provided with a written explanation of the reason.

21.6 Right to Inspect and Copy

You have the right, consistent with Federal regulations, to inspect and copy your PHI upon request. The request must be reasonable as to time and place and Bingham County is allowed to make a reasonable charge for copying and mailing expenses.

21.7 Accounting of Disclosures

You have the right to receive an accounting of the County's disclosures of your PHI that were made for purposes other than treatment, payment, or health care operations, or that were not otherwise specifically authorized by you. An accounting will include the disclosure date, the name (and address, if known) of the entity or person to whom the disclosure was made, a brief description of the information disclosed, and a brief statement of the purpose for the disclosure.

21.8 Request for Restriction

You have the right to request a restriction from the County with regard to the use or disclosure of your PHI. This request will be given serious consideration by the County and you will be informed promptly whether the County will agree to honor the requested restriction. Consideration of this request will take into account the ability of the County to offer effective services, receive payment and maintain health care operations. Legally, the County is not required to agree to restrictions you request; however, if the County

does agree, it is bound by that agreement except under certain emergency circumstances.

21.9 Confidential Communications

You have the right to request that the County communicate with you about medical matters in a certain confidential way or at an alternate location. The County will accommodate reasonable requests.

21.10 Right to a Paper Copy of this Notice

You have the right, consistent with Federal regulations, to receive a paper copy of this notice of privacy practices, even if you have previously agreed to receive this notice electronically.

21.11 Changes to Privacy Practices

The County reserves the right to change any of its privacy policies and related practices at any time, as allowed by Federal and state law, and to make the change effective for all information that it maintains. Should the County make a change to its privacy practices, a revised notice will be posted at all County buildings/locations, and is available upon request. You may make your request for a copy of the County's Notice of Privacy Practices by contacting the Department of Human Resources.

21.12 Complaint Process & Contact Information

The County provides a process as required by HIPAA for you to make complaints regarding the County's policies and procedures or compliance with policies and procedures related to protecting the privacy of your health information. You will not be retaliated against for filing a complaint. To access the complaint process or to request additional information about your privacy rights, you may contact, either verbally or in writing, the Director of Human Resources.

22 MISCELLANEOUS LEAVE

22.1 Bereavement Leave

Bereavement leave of up to three (3) days of paid leave (eight hours each; seven hours each for the 35 hour/work week) may be granted, as needed, in the event of death of an immediate family member. An immediate family member is defined as a spouse, child, parent, grandparent, grandchild, brother or sister, mother-in-law, father-in-law, brother-in-law or sister-in-law. Bereavement leave is granted at the discretion of the department head or elected official as is any additional leave from accrued PTO or comp time that is requested to cover these difficult situations.

Employees who wish to take leave from work for the death of other family relatives or friends may take accrued PTO, comp time, or leave without pay, at the discretion of the department head or elected official.

22.2 Jury Duty

Employees, who are summoned to jury duty or as a witness for a governmental entity, will be given a paid leave of absence and are protected from any adverse action being taken against them; including, but not limited to: threats, harassment, denial of promotional opportunities, or termination. Employees must immediately inform their supervisor when they receive a jury/court duty summons. Employees called to attend court hearings in connection with their official duties will consider those hours as work time.

Employees will continue to receive pay while they are on jury duty. If an employee receives payment (with the exception of mileage) for such service, the employee must endorse such payment to the County to receive their normal pay for the time spent serving jury duty. If there are any questions regarding jury duty, the employee should see their elected official or department head.

On any day when jury service ends before the end of that employee's usual work day, the employee must check in with their supervisor to find out whether they need to return to work for that day.

Any other reason for court attendance other than that indicated above will be considered leave without pay. However, employees may substitute accrued comp time or PTO instead of taking leave without pay.

22.3 Military Leave

Bingham County employees who are members of the National Guard or Reserve who are directed by proper authority to participate in ordered and authorized field training under the national defense act shall receive military leave for a maximum of twenty-one (21) calendar days annually, which does not affect vacation or sick leave status or accumulation. Bingham County shall compensate such employees for the difference in military pay and the straight time pay they would normally have received during military leave, if the military time equals less than straight pay.

Bingham County adheres to all guidelines as stated in the Federal Uniform Services Employment and Re-Employment Rights Act (USERRA). Following is a summary of leave with and without pay; however, there are additional conditions that are not explained that are included in this Act. Please refer to the Act in its entirety for further information.

22.3.1 Military Leave With Pay: A full-time employee, immediately preceding an application for military leave and who is a member of the National Guard or any reserve component of the Armed Forces of the United States is entitled to leave of absence from his duties for a period not to exceed 21 days (calendar) in any calendar year (beginning in January 2018). Such leave shall be granted without impairment of other benefits to which said employee is entitled, and the employee shall receive only that portion of his/her regular salary which will, together with his/her military pay, equal his/her regular pay. Military leave with pay may be granted only when an employee has received bona fide orders to active duty for a temporary period and shall not be paid unless the employee returns to his position with the County immediately following expiration of the period for which he/she was ordered to duty. Leave with pay shall not be granted to employees entering the military service for extended and/or indefinite periods of active duty or when the employee has volunteered for call-up, additional training/education, etc. when such voluntary leave causes the employee's leave period to exceed the time allowed herein.

22.3.2 Military Leave Without Pay: A regular employee shall be entitled to a military leave of absence without pay during a period of extended services with the Armed Forces of the United States. Said employee shall, upon honorable separation from such service, be returned to a position in the same grade as his/her last held position at the salary rate prevailing for such grade without loss of seniority or employment rights. If it is established that the employee is not physically qualified to perform the duties of his/her former position by reason of such service, he/she shall be reinstated in other work, if available, that he/she is able to perform at the nearest appropriate level of pay to that of his/her former grade. Such employee shall make application for reinstatement within 90 days after discharge; failure to comply shall terminate military leave. An employee who voluntarily reenlists or extends his/her period of military leave shall be deemed to have cancelled his/her military leave and terminated his/her employment with the County. Regular full-time employees who are ordered to active duty for disciplinary reasons related to his/her service in the National Guard or reserve components of the United States Armed Forces shall not qualify for leave without pay under the provisions of this section and shall not qualify for leave with pay under the provisions of the preceding section.

22.3.3 Request for Military Leave: Employees requesting military leave with or without pay, must complete a Leave of Absence Request Form available from the Department of Human Resources and return it to their supervisor as soon as the need for military leave is known. A copy of the employee's orders for active leave being requested must be attached to the form. When the Leave of Absence Request Form and active duty orders are returned to the Department of Human Resources, the latter will fill out a PERSI Notice of Change in Employment Status Form (RS 109) and submit it to PERSI with the

active duty orders. This will be updated with PERSI for all of the active duty orders the employee receives. The employee may continue to earn military service credit for the period of active duty if:

- The employee is called into military service while an active member and begin active duty within 90 days of leaving PERSI-covered employment, and
- The employee returns to PERSI-covered employment within 90 days of being released from active duty.

23 BENEFITS

Bingham County, through the Board, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

Part-time, regular, casual/seasonal, and temporary employees shall receive Workers' Compensation benefits only. If a temporary position extends beyond five (5) months, the position will be re-evaluated by the Department Head or Elected Official and the Bingham County Commissioners. This evaluation should take place prior to the temporary employee reaching the end of the five (5) month period.

23.1 Insurance Coverage

Bingham County provides comprehensive medical, dental, and vision insurance to employees, and offers family coverage at the employee's option. Insurance coverage begins on the first day of the month following the month in which the employee's first paycheck is issued or the month in which full-time status is obtained. All coverage is subject to policy terms and to change at any time. Claims procedures are administered by the Department of Human Resources. Continued medical insurance coverage is available to separated employees at their own cost pursuant to federal law (COBRA). Information may be obtained from the Department of Human Resources.

Limited life insurance coverage is provided to full-time employees. The terms of these programs are contained in booklets and administrative policies available for inspection in the Department of Human Resources. Workers Compensation Insurance covering job-related injuries is provided for all employees. Questions about Workers Compensation issues should be directed to the Department of Human Resources.

23.2 Retirement

Bingham County has elected to participate in the Public Employees Retirement System of Idaho (PERSI). Under Idaho Code §59-1321 - §59-1322 public employees are required to participate in this retirement system since the County has elected to participate. PERSI benefits are coordinated with Social Security (FICA) benefits. PERSI charges a percentage of an employee's gross salary, which is presently exempt from federal and state income taxes. Bingham County also contributes to this system for the funding of the retirement benefit of the employee. Contact the Department of Human Resources for further information.

23.3 Miscellaneous Benefits

In addition to the benefits listed above, the following miscellaneous benefits are available to full-time, regular employees. Bingham County offers these miscellaneous benefits to its employees in accordance with the terms of specific resolutions approving any such programs, and in accordance with the policies or other documents that establish the programs. These miscellaneous benefits are offered at the time of this handbook's adoption, and they are subject to change at the Board's sole discretion at any time.

Miscellaneous benefits may include the following: deferred compensation plans handled by payroll deduction; provision of uniforms, tools, and equipment; use of lunch room and kitchen facilities; use of a locker; and further work-related training and higher education reimbursement or tuition refund (See Also: Accounting Manual).

24 EMPLOYEE DISCIPLINE

24.1 General Overview

Bingham County is an “at-will” employer and retains full authority, without prior notice, to modify the general terms and conditions of employment. Additional information may be obtained in the Department of Human Resources.

24.2 Purpose of Discipline Policy

The purpose underlying the discipline policy of Bingham County is to establish a consistent procedure for maintaining suitable behavior and a productive working environment. Minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

24.3 Disciplinary System Framework

Bingham County adopts the following framework for actions to be taken, in the event that any employee, subject to this Handbook, violates policies established by Bingham County, its elected officials and/or its department heads. Progressive, corrective measures should be utilized in addressing and discouraging policy violations. Progressive discipline is encouraged only where the supervisor, department head or elected official believes that a potential for improvement and correction of the behavior is possible. A supervisor, department head, or elected official may skip any of the progressive disciplinary steps when the actions of the employee are serious enough to warrant a more severe disciplinary action. Any disciplinary action will be documented and retained in the employee’s personnel file in the Department of Human Resources. Supervisors and department heads are required, and elected officials are encouraged, to consult with the Human Resource Director and the County Civil Attorney when a possible employee discipline exists as that consultation may provide supervisors, department heads and Elected officials with immunity from civil or possible criminal claims.

- 24.3.1** The following actions are among the progressive disciplinary steps that can be taken in response to personnel policy violations: (1) verbal warning; (2) written warning; (3) suspension without pay; (4) demotion; or (5) dismissal. Only the elected official or department head shall have the authority to dismiss, demote or suspend an employee without pay.
- 24.3.2** Whenever an elected official, department head, or supervisor considers suspending an employee with pay for investigation without prior notice, it is required that he/she discuss the proposed suspension with the Director of Human Resources and County Civil Attorney prior to making a final decision. Such suspension may be necessary for non-punitive reasons or for investigation of charges that are a proper cause for dismissal under this handbook. Each suspension shall be followed by a reinstatement to duty or a dismissal.
- 24.3.3** Whenever an elected official or department head suspends an employee without pay for disciplinary action, written notification shall be forwarded to the

employee, along with a copy to the Department of Human Resources to be placed in the employee's personnel file.

- 24.3.4** Elected officials and department heads are required to discuss proposed dismissal of an employee with the Director of Human Resources and the County Civil Attorney prior to making a final decision. In the event an elected official or department head makes the decision to dismiss an employee, he/she shall provide notice of the dismissal immediately to the Director of Human Resources and the County Civil Attorney, so that the business affairs between the County and the employee can be completed.

24.4 Employee Response to Disciplinary Action

The employee will be allowed to submit a written response to any written warning issued by the supervisor, elected official or department head. The employee must submit the written response to the Director of Human Resources, who shall place a copy in the employee's personnel file and provide a copy to the supervising elected official or department head. The employee's written response shall be delivered to the Department of Human Resources within five (5) working days of receiving the written warning. Failure to submit a written response by the deadline shall result in a forfeiture of this right by the employee.

25 SEPARATION FROM EMPLOYMENT

We recognize that employment separations are a part of County business, and that they occur under varied circumstances and for any number of reasons. Employees have the right to separate from Bingham County at any time. Bingham County also reserves the right under the employment-at-will doctrine to terminate an employee when it considers the termination to be in the best interest of the County. The County is committed to ensuring all such decisions are in compliance and consideration of applicable employment laws. It is County policy to ensure that employee separations are handled in a professional manner with minimal disruption to ongoing work functions.

25.1 Resignation

Voluntary resignations will be accepted if given verbally and/or in writing. As a courtesy, employees are asked to provide the County at least two (2) weeks notice of their intention to separate in order to allow a reasonable amount of time to transfer ongoing workloads and to allow more time to find a replacement. Employees are asked to provide a letter of resignation to their supervisor and to provide a copy of the resignation letter to the Department of Human Resources. Failure to provide a two (2) week notice may result in ineligibility for re-hire with the County. Employees will be required to return all County property on or before their last day of work.

25.2 Exit Interview

Each employee who separates employment or who is involuntarily terminated from employment with Bingham County may participate in an exit interview with the Director of Human Resources. In such interview, the employee shall be notified when certain benefits will terminate and when final pay will be issued. The employee may be asked to discuss with the interviewer his/her impressions of employment in such interview. An employee exit interview form will be completed and will be retained in the employee's personnel file.

25.3 Reduction in Force

If financial circumstances or changes of workload occur, Bingham County reserves the right to reduce forces in such a manner as it deems necessary to maintain the effective functioning of Bingham County services. Decisions about the functions or positions to be reduced are not subject to the approval procedure established by Bingham County.

Reductions in force shall be accomplished in a systematic and objective manner consistent with the principles of the merit system. The department head shall determine the class or classes of positions that will be affected and rank the incumbents in the following manner:

25.3.1 Status or Type of Employment

Temporary or seasonal employees in the affected class shall be laid off first followed by employees with regular status in the affected class.

25.3.2 Performance

If a decision must be made between two or more employees with the same status, the performance records shall be used to determine retention value. In the absence of any documentation to the contrary, the employee's performance shall be considered equal. Primary consideration should be given to the employee's performance within the affected class or class series, with greater weight given to clearly established recent trends.

25.3.3 Seniority

If a decision must be made between two or more employees with equal status and no clear or significant difference exists in their performance records, the employee's length of service may be considered. Service in the affected class or a higher class in the same series shall be considered first. If there is no difference, then years of service in the department shall be considered. Finally, if there is still no difference, total County service shall be considered.

25.3.4 Other Factors

If a decision must be made between two or more employees where all other factors are substantially equal, then any other identifiable factors that are indicative of the employee's overall value and attitude to the department may be used to make the determination.

25.4 (Reserved)

25.5 Retirement Policy

The retirement policy of Bingham County shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employees Retirement System of Idaho (PERSI). No employee shall be compelled to retire except in compliance with said acts. Employees who wish to retire are asked to notify their supervisor and the Department of Human Resources in writing at least one (1) month before a planned retirement date to ensure proper commencement of benefits, transition of work duties, etc. (See Also: sec. 17 to find out how PTO and the Sick Leave Reserve are paid out for re

25.5.1 Retirement Gift and/or Party Funds

The County will allow expenditures for a retirement gift and/or party to be paid up to a maximum of \$200 per retiree.

25.6 COBRA/Early Retiree

Employees of Bingham County who currently receive medical benefits may be eligible to continue those medical benefits at the time of separation at the employee's sole expense for a limited time in accordance with the Consolidated Omnibus Budget

Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after separating from Bingham County employment, please contact the Director of Human Resources. The employee will be responsible to pay the current rates the County is being billed, plus an administrative fee, for the type of coverage elected.

25.6.1 Early Retiree Coverage Eligibility

To be eligible for early retiree coverage, an employee must have completed twenty (20) years of uninterrupted service with the County, and must be age 55 years old or over, or must have completed twenty (20) years of uninterrupted service with the employer and be eligible under the PERSI rule of 80 or 90. Early retiree coverage may be continued until the employee is eligible for Medicare. Please be aware that upon the employee's Medicare eligibility, dependent coverage will cease.

The County buy-down premiums will be coordinated through County Payroll personnel (NOTE: You will not be billed for the buy-down premiums). Payment is due five days before coverage begins. Coverage begins on the first of the month following termination of employment.

If the premium is not paid as stated above, there is a 30-day grace period; however, if payment is not received within the grace period, coverage will be terminated with **NO PROVISION FOR REINSTATEMENT**.

25.7 Determination of Separation Date

Paid time off (PTO), or comp-time cannot be used to extend the separation date recorded in the employee records. Once a separation or retirement date has been announced by an employee, all requests for PTO in excess of two (2) weeks (FMLA and other sick leave issues already being addressed notwithstanding) shall be approved in advance by the Board of County Commissioners. In the unfortunate event that an employee passes away while actively employed by Bingham County, his or her date of passing will be recorded as the date of separation.

26 PERSONNEL INFORMATION

- 26.1** In the event of an emergency, Bingham County may need to know how to contact the employee or the employee's nearest relatives. It is important to both the employee and Bingham County that Bingham County has the employee's current home address and telephone number at all times, as well as current address and telephone number of the person(s) to be contacted in case of an emergency.
- 26.2** The official employee records for Bingham County will be kept in the Department of Human Resources. Within these personnel files will be kept all records of employee performance reviews, employee status, and other relevant materials related to the employee's service with Bingham County. The employee, the employee's supervisor, or the Director of Human Resources may contribute to the personnel file materials deemed relevant to the employee's performance and tenure. Each employee shall have the right to review materials placed in his/her personnel file at any reasonable time. Copies of materials in a personnel file are available to each employee without charge. Personnel files shall not be removed from the premises.

26.3 Access to Personnel Files

It is the policy of Bingham County to allow limited access to the personnel file of any employee. Those authorized to evaluate materials in the personnel file include the Director of Human Resources, the County Civil Attorney, the employee's supervisor, department head, elected officials, clerical payroll personnel (for payroll purposes), members of the Board, and the employee him/herself. Based upon the inherent confidentiality of personnel matters, access of others to personnel files shall be only with authorization of the Director of Human Resources and the Board. Information regarding personnel matters will only be provided to outside parties with a release from the employee or in other circumstances where release is deemed appropriate or necessary, with the concurrence of both the Director of Human Resources and the Board.

26.4 Management of Information in Personnel File

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation, which will be included in the file along with the objectionable material. In the sole judgment of the Director of Human Resources and elected official with the concurrence of the Board, the employee may remove any offending material upon showing that it is inaccurate or misleading. A former employee shall retain the right of rebuttal or correction of personnel information for a period not to exceed two (2) years.

27 GENERAL PROHIBITION OF HARASSMENT

- 27.1** Bingham County is committed to providing a work environment where all employees are treated with respect and dignity. Therefore, Bingham County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, sexual orientation, national origin, age, veteran or marital status, physical or mental disabilities, or status in any other legally protected group. Harassment may have serious consequences not only for the employees involved, but also for the entire County. Therefore, it is the responsibility of every employee and supervisor to cooperate with, and assist in the implementation of this policy.
- 27.2** It is both illegal and against policy for any employee or supervisor, male or female, to harass any other employee, customer, client, or visitor of Bingham County. By the term “harassment” Bingham County means unwelcome, annoying or offensive conduct directed at another employee, customer, client, or visitor of Bingham County, such as threats, demands, requests, pursuit, teasing, abuse, taunts, insults, heckling, torment, vulgar language, or other similar actions.
- 27.3** Each member of management is responsible for creating an atmosphere free of harassment, sexual, or otherwise. Furthermore, employees and supervisors are responsible for respecting the rights of their coworkers, employees, customers, clients, and visitors of Bingham County, and strictly adhering to the letter and spirit of this policy.
- 27.4** The provision of detailed information in the policy set forth relating to “sexual harassment” should not be interpreted as a lessened commitment to prevention of other types of possible unlawful harassment. No type of unlawful harassment is acceptable.

28 SEXUAL HARASSMENT

- 28.1** It is both illegal and against policy for any employee or supervisor, male or female, to harass another employee, customer, client, or visitor of Bingham County on the basis of his or her gender. For purposes of this policy, harassment refers to: (1) unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, and (2) comments, jokes, innuendoes, and other sexually-oriented statements, where, with respect to any of the above:
- 28.1.1** Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
 - 28.1.2** Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - 28.1.3** Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
- 28.2** Examples of the types of conduct that are likely to violate this policy, whether unwelcome or uninvited, include, but are not limited to, the following:
- 28.2.1** Sexually suggestive touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or intentionally brushing against another's body.
 - 28.2.2** Grabbing, groping, kissing, or fondling another person, either male or female.
 - 28.2.3** Lewd, off color, sexually-oriented comments or jokes.
 - 28.2.4** Sexually suggestive leering or stalking.
 - 28.2.5** Suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons, which have the effect of creating a hostile or offensive work environment.
 - 28.2.6** Sexually explicit or suggestive e-mail or voice mail messages.
 - 28.2.7** Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
 - 28.2.8** Questions about one's sex life or experiences.
 - 28.2.9** Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
 - 28.2.10** Sexual assault or rape.
 - 28.2.11** Any other sexually harassing conduct or behavior deemed inappropriate by Bingham County.

- 28.3** The above examples are for illustrative purposes only. For such behavior to qualify as sexual harassment, it must be sufficiently severe or pervasive so as to reasonably interfere with an employee's terms, conditions, or privileges of employment, and to create a hostile working environment. Even though a behavior listed above may not qualify as sexual harassment under relevant law, Bingham County may still treat such conduct as inappropriate behavior and discipline the individuals involved. Each and every complaint of harassment, including sexual harassment, will be assessed on a case-by-case basis.
- 28.4** Bingham County will not condone, under any circumstances, sexual harassment by any member of its management team or any other employee, customer, client, visitor, volunteer, or guest. Conduct that is intended to be innocent may still constitute sexual harassment if it falls within the terms of this policy. If a coworker, customer, client, visitor, volunteer, or guest or any member of management, expresses concern that your behavior, or the behavior of another you work with may have violated this policy, please report this concern to your supervisor, the Director of Human Resources, and/or the County Civil Attorney. Regardless of the intent, how others interpret the behavior is important.
- 28.5** This policy is not meant to interfere with or discourage friendships among employees. Employees, however, must be sensitive to actual conduct that may be considered offensive by other employees and must refrain from engaging in such conduct. Any employee who violates this policy may be subject to discipline up to and including termination.

29 COMPLAINT PROCEDURE

29.1 The Director of Human Resources, elected officials, department head, or any other designated supervisor, and/or the Board are the individuals with whom you may bring a complaint to, if you believe that Bingham County's policies on general prohibition of harassment, sexual harassment, or prohibition of retaliation have been violated.

29.2 All employees should feel free to make a complaint or discuss this policy with the persons mentioned above if they feel they may have been wrongly harassed, or if they have questions relating to the issue of harassment.

29.3 In general, if you feel that you have experienced any job-related harassment based on your gender, race, color, national origin, sexual orientation, religion, age, veteran or marital status, physical or mental disabilities, or status in any other legally-protected group, you must follow the general procedure listed below.

29.3.1 Informal Resolution

In many instances, the problem may be caused by a lack of awareness and will be solved if you respectfully raise it with the person who has offended you. We encourage you to try this informal resolution before you bring a formal complaint. If, however, you believe that it would be inappropriate to discuss the matter with the person, the person does not respond as defined, or if you are uncomfortable discussing the issue with that person, you may bypass that person and report it directly to the persons listed above. If the complaint is made to a person other than the persons named above (including the potential offending party), then the person told is responsible for informing the persons named above of the matter. If the matter has been provisionally resolved, then the resolution should also be communicated to the persons named above.

In addition, any employee who observes such conduct is encouraged to immediately report it to the persons named above.

29.3.2 Complaint

If you are not satisfied with the informal resolution (or if you are uncomfortable with talking directly to the person), then you should discuss the issue or problem with one of the persons listed above. Any reports or complaints will be promptly investigated and kept confidential to the extent possible consistent with Bingham County's desire to investigate the complaint and address the situation. Different circumstances will produce different responses and levels of investigation. If a violation of this policy is established on a more-likely-than-not basis, the offending party will be subject to disciplinary action up to and including termination.

29.4 The above-referenced complaint procedure constitutes the approved manner for an employee to report, and obtain resolution of potential violations of the harassment

policies described above. Please understand that failure to use this complaint procedure may bar an employee from bringing a claim for harassment, including sexual harassment, or retaliation against Bingham County.

29.5 Prohibition of Retaliation

Bingham County prohibits any form of retaliation against any employee for good faith actions in filing a complaint under this policy, reporting suspected harassment, or for assisting in a complaint investigation. Retaliation may include, but is not limited to, treating the employee who has made a complaint of harassment in a “non-professional manner” or otherwise taking retaliatory or negative action against that employee. If you believe that you have been subjected to retaliation for making a complaint of harassment, or if you observe that another employee has been subjected to such retaliation, you are expected to report the matter immediately by using the complaint procedure described above.

30 DRUG-FREE WORKPLACE

- 30.1** Bingham County is committed to a drug-free workplace for the safety of its employees and the public. It is Bingham County's intent to provide a drug-free, healthful, safe, and secure workplace environment. Any illegal use of controlled substances or alcohol is inconsistent with the level of performance expected of employees, and subjects Bingham County to unacceptable risks to workplace accidents or other failures that would undermine our ability to operate effectively and efficiently. Bingham County supports and complies with all applicable federal and state laws and regulations through the enactment of this drug-free workplace program.
- 30.2** After a conditional offer of employment has been made, **all** applicants for employment will be required to submit to a drug test. Applicants will be required to sign an "Applicant Consent Form" before submitting to a drug test. Any applicant who tests positive for illegal drugs will have his/her offer of employment withdrawn. Additionally, any applicant who refuses to submit to a drug test will also have his/her offer of employment withdrawn.
- 30.3** Bingham County will take action against an employee who is involved in the unlawful manufacture, distribution, dispensing, possession, or use of any illegal or controlled substance or alcohol on the job, or while off Bingham County's premises. A violation of this policy may result in disciplinary action up to and including termination, and may also have legal consequences.
- 30.4** Bingham County reserves the right, at its sole discretion, to conduct for-cause alcohol and drug testing when Bingham County deems it reasonably appropriate. An employee will take a post accident drug test any time an accident occurs while operating County equipment or vehicles that involves another party, and any other accident unrelated to the operation of a vehicle when deemed appropriate. A post-accident drug test will be taken when any accident occurs that does not involve other parties when the damage equals or exceeds \$500. A post-accident drug screen may be requested within a timely manner by the employee's supervisor or the elected official over said supervisor, for any accident with damages under \$500.
- 30.5 CDL and Safety Sensitive Testing**

In accordance with the Omnibus Transportation Employee Testing Act of 1991 and CFR, Title 40, Parts 40 and 382, pre-employment, random, reasonable belief and post accident alcohol and drug testing shall be required for employees in positions that require a Commercial Drivers License.

Pre-employment, random, reasonable suspicion and post-incident drug and alcohol testing shall also be required of all personnel within safety sensitive positions, including but not limited to all operations of the Sheriff's Department.

In the event of a positive test, the employee will be provided the opportunity to discuss the results with the Medical Review Officer (MRO) to determine if there is a legitimate explanation for the result before it is reported to the employer. If the MRO determines that a positive result was not caused by either an illegal substance or abuse/misuse of a legal substance, the results will be reported to the employer as negative. If the MRO determines that the positive result is due to illegal substance(s) or abuse/misuse of legal

substance(s), the employee may request a test of the split sample by another lab under DOT testing procedures or a retest of their sample by a different, certified lab. The employee must request a confirming test within seven (7) working days of the date the original results are reported to the employer. Failure to request a confirming test within this time period will automatically result in a positive test being reported to the employer. Subsequent testing will be at the expense of the employee; however, if the results of the subsequent testing are negative, the employee shall be reimbursed for the cost of the test.

A positive test that is confirmed to be the result of either usage of an illegal substance or abuse/misuse of a legal substance shall be cause for discipline, up to and including termination. The level of discipline, if any, shall be determined by the Department Head/Elected official after first consulting with the County Civil Attorney and the Director of Human Resources/Risk Manager. While the County endeavors to utilize progressive discipline when appropriate and practical, any one positive test result may be cause for termination.

- 30.6** If you need help in dealing with drug or alcohol dependency problems, you are encouraged to seek the help and advice of your personal physician, or any hospital, clinic, or mental health agency with expertise in this area. Conscientious efforts to seek help for this problem will be handled confidentially, and will not be noted in your personnel file.
- 30.7** Employees who are in positions affecting public safety (truck driver, patrol deputy, etc.) must report to their supervisor when they are taking medications that may affect their ability to perform essential functions of their work.

31 COMPUTER, INTERNET AND E-MAIL USAGE

County computer resources are owned or provided for use by Bingham County and are made available to employees for the discharge of their official duties. Access to these electronic resources is a privilege, which all Bingham County employees are to guard and use judiciously. We, as County employees, must take care in using these resources as anything you create or load on the systems becomes County property.

31.1 Definitions

“Computer resources” as used in this policy includes, but is not limited to, desk and laptop computers, computer software; personal hand held computers (smart phones, etc.), computer hardware, computer network, wireless local area network (WIFI), servers, internet access, electronic mail, electronic data storage, voice mail, and printers.

31.2 Monitoring

All information stored on County computer resources is the property of Bingham County. As such, the information is subject to access and review by the County. Bingham County will access County computer resources at any time, for any or no reason, in order to monitor, detect and investigate violations of this policy and misuse and abuse of County computer resources.

31.3 Electronic Data Confidentiality

Pursuant to Idaho Code §9-311 and §9-328 through §9-349, the records of Bingham County are public record. Certain records are exempt from disclosure. Each employee must understand that the records of Bingham County are open to the public, unless a statute specifically exempts disclosure. Please consult with the County Civil Attorney, if there is any question as to what may or may not be considered exempt or not under the above referenced codes.

31.4 Acceptable Uses

County computer resources **may** be used for:

31.4.1 Any activity related to the carrying-out and execution of the employee’s job-related duties for Bingham County. This includes, but is not limited to, word processing, data entry and retrieval, e-mail access and exchange, and research.

31.4.2 Incidental and occasional personal use of County computer resources, when such does not violate the unacceptable uses described below.

31.4.3 Elected Officials/Department heads have the primary responsibility to monitor and enforce the use of computer resources.

31.5 Private Email Requirements

As with the Internet, very limited personal use of email is permitted so long as the

messages are appropriate, do not risk confidential or proprietary information, and are sent or read during lunch, breaks, or prior to or after work. Any personal use of email must not interfere with the effective and efficient performance of your job responsibilities. Also, you should not use email for jokes, gambling, games, derogatory or discriminatory remarks, or commercial messages.

31.6 Unacceptable Uses

County computer resources shall **not** be used to do the following or under the following circumstances:

- 31.6.1** Install or download of computer resources, which are not purchased through or approved by the IT Department. This includes, but is not limited to downloading and installing, software, screensavers, instant messaging programs, or any other instant message type programs; desktop backgrounds, icons, games, e-mail attachments or internet downloads with executable file extensions (.exe, .vbs, .com, .bat, etc.). This also includes the installing and use of personal PCs, personal printers, software, etc.
- 31.6.2** Personal use which interferes with the time the employee is required to devote to their job-related duties.
- 31.6.3** Personal use at times when the employee is expected to be performing his/her job-related duties.
- 31.6.4** Personal use which results in a direct cost to Bingham County.
- 31.6.5** Accessing or downloading pornography or lewd or sexually offensive material. This is including, but not limited to, pictures, videos, and text.
- 31.6.6** Use in a manner, which discriminates or advocates discrimination against persons based on race, religion, gender, age, physical or mental disability.
- 31.6.7** Use in a manner, which contains sexual content and constitutes sexual harassment or creates a hostile work environment.
- 31.6.8** Use in a manner, which assists, facilitates or advocates the practice of religion, a certain political agenda, or other personal interests or pursuits.
- 31.6.9** Installation and/or playing of computer games on the County computers.
- 31.6.10** Commercial purposes designed to generate personal income or benefit to the employee.
- 31.6.11** Duplication of copyrighted software, except for back-up or archival purposes which are allowed by applicable licenses, notices, contract, or agreement, and which do not violate state or federal law.
- 31.6.12** To knowingly perpetrate or facilitate a violation of any municipal, county, state or federal law.

31.7 Purchasing

The purchasing of all computer resources shall be centralized with the IT Department to ensure that all applications conform to County standards and are purchased at the best possible price and in compliance with all bidding laws in effect in the state of Idaho. All requests to acquire computer resources must be submitted to the Department head or Elected official of the office for approval. The request must then be sent to the IT Department who will determine that the computer resources are compatible with existing and anticipated County computer resources, and will determine the computer resource that best accommodates the desired request.

31.8 Non-County Equipment/Software/Hardware

Non-County computer resources, including equipment, software, or hardware shall not be plugged into, installed, or used in conjunction with County computer resources without specific and express permission of the IT Department.

31.9 Software

All software acquired for or on behalf of Bingham County shall become and remain Bingham County property. All software developed by County employees or contract personnel on behalf of Bingham County shall become and remain Bingham County property. All such software must be used in compliance with applicable licenses, notices, contract, and agreements, with IT Department approval.

31.9.1 The standard office software for Bingham County is Microsoft Office, and it is fully supported by the IT Department.

31.9.2 Employees needing software other than what is provided by Bingham County must request such software from the IT Department. Each request will be considered on a case-by-case basis in conjunction with the County's software purchasing policy.

31.10 Hardware

All hardware devices acquired for or on behalf of Bingham County shall become and remain Bingham County property. All hardware devices developed by County employees or contract personnel on behalf of Bingham County shall become and remain Bingham County property. All such hardware devices must be used in compliance with applicable licenses, notices, contracts, and agreements with IT Department approval.

31.10.1 Employees will have access to appropriate network laser printers. In some limited cases, employees may be provided with local printers if deemed necessary by the IT Department.

31.11 Licensing

Each employee is individually responsible for reading, understanding, and following all applicable licenses, notices, contracts, and agreements for all software that he or she uses or seeks to use on County computer resources. Duplication of copyrighted software, except for back-up or archival purposes, may be a violation of Federal and

State law, unless otherwise provided in the applicable licenses, notices, contract, or agreement.

31.12 Violations and Penalties

A violation of the terms of this policy shall be grounds for disciplinary action, including, but not limited to, reprimand, suspension, and/or termination of employment, as well as civil and/or criminal prosecution under Federal and/or State law.

31.12.1 Disciplinary actions shall be determined in accordance with the existing disciplinary procedures as set forth in the Bingham County Employee Handbook.

31.12.2 Violations of the terms of this policy shall be addressed on a case-by-case basis. Failure of the County to address or discipline an employee for a violation of this policy shall not be deemed a waiver of any terms of this policy or the ability to discipline the employee for future violations of the policy.

32 VEHICLE USE

- 32.1** This policy outlines the use of vehicles in the completion of Bingham County work. Bingham County is committed to providing a safe working environment that protects our employees and our citizens from injury and property loss. This policy applies to all employees and volunteers who operate vehicles on County business. Although the term “employee” is often used in the following policy, the term applies to both employees and volunteers that may operate vehicles on Bingham County business.
- 32.2** Operators of Bingham County-owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both Bingham County-owned property and public trust. Employees are expected to operate vehicles safely, and obey all State and local traffic laws.

32.3 Use

Vehicles owned or leased by Bingham County are to be used for the operations of Bingham County. Personal use or any other type of use must be authorized by the elected official. Each Elected Official and Department Head is entrusted with the care and keeping of the vehicles for their respective operations and may assign that responsibility to an employee. Personal vehicles used to conduct County business are required to maintain at least the minimum amount of liability insurance required by law.

- 32.3.1** Seat Belts Seat belts must be worn at all times by all occupants while operating or riding in any vehicle being used for County business. This includes, but is not limited to, personal vehicles used in the course of County business, County-owned vehicles and rental vehicles.
- 32.3.2** Cell Phone; Distracting Activities The driver of a County vehicle, or any other vehicle being used for County business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion to send text messages, images or data. This does not apply to County work-related two-way radios. Drivers must be safely parked before using mobile phone or computer equipment. A mobile communication device is defined as “a wireless, two-way communication device designed to receive and transmit voice or text communication”. Further, the use of any hand held cell phone while operating a commercial vehicle is prohibited. Engaging in other distracting activities including, but not limited to, putting on makeup, eating, and reading, while driving are also prohibited.
- 32.3.3** Driver Licensing/Restrictions Employees that use a vehicle in the course of their work for Bingham County are required to maintain a current driver’s license or commercial driver’s license (CDL). Each employee must report any state imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired by anything other than state restrictions.

32.4 Impaired Driving

The employee driver must not operate a vehicle when his/her ability to do so is impaired or influenced by alcohol, illegal drugs or other illegal substances, prescribed or over-the-

counter medication, or illness, fatigue or injury. The employee is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely. (See Also: sec. 6.1.1; 30)

32.5 Smoking Prohibition

Smoking cigarettes, cigars, pipes, or E-cigarettes, etc. within any County owned, leased or rented vehicle is expressly prohibited. (See Also: sec. 6.1.9)

32.6 Traffic Violation

All fines and other criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any County vehicle. These costs are not reimbursable by County and must be paid promptly by the driver. Those regularly required to drive County vehicles in the course of their jobs must immediately report any driver's license or CDL suspensions or restrictions imposed.

32.7 Vehicle Accidents

In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. The driver may move the vehicle to a safe location out of the way of traffic, if it is possible to do so in a safe manner.

32.7.1 The employee driver shall always have a law enforcement officer investigate any accident that involves a County vehicle. This will help ensure that the County is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a law enforcement officer, a representative from ICRMP or an authorized representative of Bingham County.

32.8 The employee should notify their supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved. (See Also: sec. 5.2.8-9, 11) The employee and supervisor will see that a post-accident drug screen is conducted, as soon as possible, to meet the requirements of section 30.4 of the Drug-Free Workplace policy.

32.9 The employee involved in the accident shall cooperate fully with the ICRMP Claims Department in the handling of the claim.

32.10 Violations and Penalties

A violation of this policy shall be grounds for disciplinary action, including, but not limited to, reprimand, suspension, and/or termination of employment. (See Also: sec 24)

32.11 Sheriff's Office

There are certain situations wherein law enforcement employees of the Sheriff's Office must work contrary to certain aspects of this policy. These situations are addressed in the Sheriff's Office policies.

33 CELL PHONE POLICY

This cell phone policy is applicable to all employees, volunteers, Elected Officials and contracted/State employee where Bingham County makes contributions. This policy is effective July 24, 2015 per Bingham County Resolution No. 2015-25.

Both the nature of electronic communications and the public character of the County make cell phone uses less private than users may anticipate. As such, County employees should be aware that federal and state laws and County policies, and regulations may limit, to a degree, the protection of individual privacy in connection with the use of a cell phone under this Policy. For example, in certain circumstances, the County may permit the inspection, monitoring or disclosure of phone records and text messages (including content and the cell phone numbers of calls or texts sent or received from a cell phone, and a cell phone user's location at a particular time), consistent with applicable local, state, and federal laws, by County personnel or law enforcement officers. The County and its employees may be required to disclose phone records, text messages, and other electronic data and documents (including cell phone user locations at particular times, phone numbers called or texted or from whom the County employee received calls or texts, or contents of text messages sent or received) pursuant to public records laws in the State of Idaho, court order or other state and federal laws. Please see sections 5.1.7, 5.2.5, 6.1.10, and 9 for more information on the proper use and care that must be taken in handling public and confidential information.

33.1 Policy

Bingham County recognizes that the performance of certain job responsibilities may include use of a basic cell phone or a smart phone. Elected Officials and Department Heads shall determine which employees require a basic cell phone or a smart phone. Requests for cell phone stipends shall be submitted during the budgeting process to the Board of County Commissioners and shall be limited to the amounts listed below (Stipend Rate).

Bingham County will not cover the cost of purchasing the actual device. The Elected Official or employee is responsible for any upgrade from the free option and establishing a service contract with the cell phone service provider of their choice. The contract is in the name of the Elected Official or employee, who is solely responsible for all payments and costs associated with the cell phone and plan.

Exception - The cost for shared cell phones assigned to specific departments (e.g. those used for on-call coverage) will continue to be paid by the County.

33.2 Stipend Rate

The County reserves the right to adjust the stipend rate as needed. The current stipend rate for reimbursement (which may be adjusted by resolution by the Board of County Commissioners as needed) is as follows:

- Tier 1: Up to \$20.00 a month for low use.
- Tier 2: Up to \$40.00 a month for medium use.
- Tier 3: Up to \$60.00 a month for high use.

33.3 Procedure

Annually, once the budget is adopted, Elected Officials and Department Heads will provide the Auditor's Office with a list of employees and Elected Officials who will be receiving a stipend and the stipend amount. Notification must also be sent to the Auditor's Office when an employee or Elected Official leaves and a new employee or Elected Official is to receive a stipend. Stipend checks shall be issued the last week of October in the new fiscal year and shall be for all twelve (12) months. All Elected Officials and employees are signing a release and authorization pursuant to Idaho Code § 45-609 upon signing the employee acknowledgement of this, the Bingham County Employee Handbook. This will allow the County to recover any portion of unused or ineligible stipend amounts from earned wages. Stipend checks will be prorated monthly for employees and Elected Officials who are known to not be employee with the County for the entire fiscal year.

33.4 Employee Responsibilities

Employees acknowledge by the receipt of this employee handbook and the stipend provided under this policy that they are aware that cell phone transmissions are not secure and that discretion should be used in relaying sensitive information over cell phones. These transmissions include those transmitted via cellular networks, County WIFI, and external WIFI networks. Employees also acknowledge that they know that the use of cell phones for County work may necessitate the release of the cell phone, cell phone records, etc. in the case of a public records request, court order, etc., as explained above. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner. (See also: sections 5, 6, 27, 28, and 31).

Please see sections, 6.1.13, and 32.3.2 regarding the proper use of cell phones in the course of work assignments.

33.5 Cancellation

If there is a separation of employment, or a change in position for which a phone stipend is no longer authorized, prior to the end of the fiscal year, the unused stipend for the fiscal year will be withheld from the next or final paycheck, in compliance with I.C. § 45-609. Any stipend agreement will be immediately cancelled if an employee who is receiving a cell phone stipend separates employment with Bingham County.