

**VALLEY COUNTY PERSONNEL  
POLICY**

Approved by the Board of County Commissioners

Date: July 31<sup>ST</sup>, 2017

## VALLEY COUNTY PERSONNEL POLICY

Welcome to employment for Valley County! Employees are the county's most valuable asset, without you, there would be no county services. As an employee, it is important you understand your role, rights, and responsibilities as a public servant. **Employees shall take time to read and understand this personnel policy.** If you have any questions, ASK!

This policy establishes a safe, efficient, and cooperative working environment, establishes the responsibilities and level of performance expected of all County employees, and explains benefits provided to County employees.

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and without the consent of, county employees. Changes may be made in the sole discretion of the Board of County Commissioners.

All employees of the County are **At-Will** and are employed at the discretion of the Board of County Commissioners or the Elected Official for whom they serve. Elected Officials are not considered employees. Employees will have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Elected Official and the Board of County Commissioners. This personnel policy is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized and signed by the Board of County Commissioners and memorialized in the minutes of the Board of County Commissioners can alter the at-will nature of employment by the County, notwithstanding anything said by a Commissioner, an Elected Official, supervisor, or any individual purporting to have supervisory authority.

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**APPENDIX A**

## **1. GENERAL POLICIES**

### **A. THE ORGANIZATION IN WHICH YOU WORK**

1. The County is a political subdivision of the state of Idaho, though it is not a part of state government. The Board of County Commissioners serves as the governing body of the County, carrying out local legislative duties and fulfilling other obligations as provided by law. The Board of County Commissioners is the general policymaker for the County, and has primary authority to establish terms and conditions of employment with the County. As with all elected public officials, the members of the Board of County Commissioners are ultimately responsible to the voters of the County.
2. Each employee should recognize that although he/she may serve as an employee in the office of an Elected Official, he/she remains an employee of the County, and not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official's pledge, without the express written agreement of the Board of County Commissioners and with confirmation in the Board of County Commissioners written minutes. This is particularly true for terms or conditions that would establish a current or future financial obligation for the County. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures unique to that office/department.
3. The terms set forth herein in this policy and all policies setting forth employee requirements and behavior are subject to change and updating from time to time. If a change or update occurs, employees will be required to sign an acknowledgement of receipt and understanding of the updated or new policies.

### **B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to hiring or other employment practices will be brought to the attention of the Elected Official, office/department head or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the County.

### **C. VETERAN'S PREFERENCE AND RIGHTS**

1. The County will accord a preference to U.S. Armed Services Veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65,

Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.

2. Any qualified veteran who has been restored to his/her position in accordance with Idaho Code § 65-508 will not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran will be entitled to an opportunity to be heard prior to termination. Such returning veteran will also be considered as having been on an unpaid leave of absence during his/her period of military duty. He/she will be restored to his/her position without loss of seniority, status or pay.

#### **D. NEPOTISM / HIRING OF RELATIVE**

1. No person will be employed by the County when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 74-401 et seq., I.C. §18-1359, and their successors. Any such employment made in violation of these sections may be void.
2. No person related to a County Commissioner by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty.
3. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment, or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.
4. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

#### **E. PREFERENCE FOR HIRING FROM WITHIN**

Qualified County employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

#### **F. CONFLICT OF INTEREST**

No person shall be employed by Valley County when said employment would result in a violation of the provisions found in Idaho Code § 59-701 et. seq. and § 18-1359 and the succession. Any such appointment may be void.

## G. AT-WILL STATUS

Employees of Valley County are employed on an at-will basis, and the County retains the right to terminate employees at any time. Involuntary terminations may occur for any reason, including but not limited to lack of work, organizational restructuring, or for unacceptable performance, personal conduct, and reasons specifically listed under "Prohibited Workplace Conduct."

## H. HARASSMENT

Valley County is committed to providing a work environment where its employees and those served by the County are treated respectfully and are free from harassment. Employees are responsible for respecting the rights of coworkers and others to be free from harassment. Employees shall familiarize themselves with the Valley County Harassment Policy.

## II. EMPLOYMENT START-UP

### A. EMPLOYMENT FORMS TO BE COMPLETED

The following forms must be completed before the employee begins work for the County:

1. Employment application form.
2. Insurance forms (if coverage is available to and selected by the employee).
3. Immigration form (I-9).
4. Any other benefit forms necessary for employee information.
5. Acknowledgement of receipt of personnel and administrative policies and agreement to familiarize with the contents therein.
6. W-4.
7. Drug Screen including initial testing.
8. Background check information (if required).
9. Personal action form for payroll.
10. Evidence of proper licensing if required for position.
11. Photo identification.



## B. EMPLOYEE PERSONNEL FILES

### 1. Personnel Records

The official employee file for the County will be kept in the Human Resource vault. Payroll records shall be maintained by the payroll department and separate from the personnel file. Personnel files will contain records related to employee performance, employee status, pre-employment testing, and other relevant materials related to the employee's service with the County. The employee's supervisor, Elected Official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance. All documentation placed in a personnel file must be acknowledged by the individual employee.

### 2. Access to Personnel Files

Only the employee's supervisors, the Board of County Commissioners when acting as a board in the course of its official business, attorneys for the County, the Elected Official for the employee's office/department, and the employee himself/herself are authorized to view materials in a personnel file. Access of others to such files will be allowed only with authorization of the supervising official after consultation with legal counsel for the County. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the County, or pursuant to a Court order or a proper subpoena. The County reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

### 3. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the County, any offending material may be removed upon a finding by the County that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

## C. PRE-EMPLOYMENT TESTING

Applicants for certain positions may be required to take various tests which measure ability, aptitude, skills, or drug use. All tests administered will conform to all applicable

legal regulations. Any offer of employment is conditional upon the applicant's satisfactory completion of these tests.

### III. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below will be grounds for disciplinary action including possible dismissal from employment. This list is illustrative and not all inclusive and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of the employee's employment with the County or limit the reasons for which the employee may be disciplined, including termination of the employment. **The most important of these rules are those addressing attitude and cooperative behavior.**

#### A. PERSONAL CONDUCT

Each employee is expected to conduct himself/herself in a manner that is helpful and productive and that does not reflect adversely upon the County. 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. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the County and its officials. In order to accomplish this, each employee must:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. **THIS IS THE FIRST PRIORITY FOR ALL EMPLOYEES.**
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Not engage in criminal conduct of any kind while on or off duty. County employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
5. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the County or its officials, or otherwise impair the employee's ability to perform.
6. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the County and related agencies.

7. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 et seq. (Ethics in Government Act), I.C. §74-501 (Prohibitions Against Contracts), and I.C. §18-1359 (Using Public Position for Personal Gain).
8. Not accept gifts or gratuities in any personal or professional capacity that could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
9. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board of County Commissioners or the Elected Official or the office/department for whom he/she works.
10. Give his/her best efforts to accomplish the work of the County for public benefit in accordance with policies and procedures adopted by the Board of County Commissioners and Elected Officials and display an attitude of cooperation and constructive participation.
11. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.
12. Abide by all office/departmental rules whether written or oral. No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.
13. Perform such obligations as are necessary to carry out the work of the County in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
14. Not sleep or be absent from the employee's work station when on duty. Employees must be attentive to their work at all times.
15. Not engage in malicious gossip, spread rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee's work output or encourage others to do the same.
16. Not unlawfully harass a fellow worker employee or member of the public, as outlined in the County's Workplace Discrimination, Harassment and Retaliation Policy.
17. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability, or national origin.
18. Not engage in abusive conduct to fellow employees or the public, or use abusive language in the presence of fellow employees or the public. Abusive language will include profanity and loud, threatening, or harassing speech.

19. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
20. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
21. Follow the rules regarding the reporting of work hours and comply with the County's procedures for approval of time-keeping records.
22. Follow rules and schedules for breaks and lunch periods.
23. Report all accidents that occur or are observed on the job, or are on or involve County property, and cooperate as requested in the reconstruction of any such accident.
24. Follow all workplace safety rules whether established formally by the office/department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
25. Maintain a current appropriate driver's license when work for the County requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
26. Not serve on any board or commission that regulates or otherwise affects the official duties or personal interests of the employee in a way that could create disadvantage for other members of the public or advantage for the employee.
27. Not have non-County employment that conflicts with duties performed for the County in any meaningful way. The Board of County Commissioners or Elected Officials supervising an individual who desires non-County employment may determine permissible examples of outside employment. The Board of County Commissioners or the Elected Official supervising an employee must give written permission for an employee to undertake secondary employment. If an employee is denied permission for secondary employment, the employee may request reconsideration by the Board of County Commissioners.
28. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record, after consulting

with legal counsel for the County or without an order from a court or public agency of competent jurisdiction.

29. Maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.
30. Not use work time for personal business, including the selling of goods or services to the general public or other employees.
31. Adhere to any code of ethics of his/her profession.
32. Not engage in political activities while on duty.
33. Not provide false or misleading information verbally or in writing.
34. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. § 18-3201 and 18-3202).
35. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace activities.
36. Not abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with County policy.
37. Not violate rules concerning absence from the workplace without proper authorization.
38. Not engage in prolonged visits with co-workers, family members or the public that interfere with work in the office/department in which any employee serves.
39. Not use work time or public premises to promote religious beliefs.
40. Not be present in the workplace under the influence of drugs, alcohol, illegal substances to an extent which would impair the ability of employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
41. Employees shall keep their work spaces neat, orderly, and with a professional appearance.

THESE RULES ARE NOT ALL-INCLUSIVE and may be supplemented by County or Department policies.

## **B. RELATIONSHIP POLICY**

Personal relationships are a vital part of most people's lives. When personal relationships intersect with employment, an employer may become entangled with the

consequences of the choices that employees make. The County has no desire to become involved in such matters. Accordingly, these rules serve as a basic guide to family and romantic relationships in the County's workplace:

1. No person related to a County Commissioner by blood or marriage within the second degree may be hired as a paid employee of the County.
2. No employee of the County will hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor by blood or marriage within the second degree.
3. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the County to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

### C. CANDIDACY FOR ELECTIVE OFFICE

1. While the County recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the County's interest in promoting the efficiency of the public services it performs through its employees. Completing county business is the first priority. Employees who are seeking elected office are expected to act in a professional manner and conduct themselves accordingly.
2. If an employee initiates candidacy against an Elected Official for whom he/she is a subordinate and if there is a reasonable prediction of disruption in that official's office, the employee must immediately resign or face possible termination.
3. A reasonable prediction of disruption is based upon any of the following factors:
  - a. The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption;
  - b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
  - c. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or

- d. 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.
  - e. Not all of the above factors must be met in order to seek resignation or termination of the employee.
4. If the official determines that there exists a reasonable prediction of disruption should the employee remain employed with the County and the employee refuses to resign, he/she may be terminated. The official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors. The written findings should be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

#### D. ARREST, CRIMINAL CHARGING OR CONVICTION OF AN EMPLOYEE, LOSS OF LICENSING OR PROFESSIONAL CERTIFICATION

Any employee who is arrested, indicted, or otherwise charged with any misdemeanor or felony criminal charge must notify his/her immediate supervisor of such by the end of the next business day following the employee's arrest or receipt of criminal process. The reporting obligations of this paragraph apply to all employees including those on extended leave, and are required regardless of whether the alleged incident occurred on or off work hours. The employee must keep his/her supervisor advised of the current status of the matter.

Depending on the circumstances presented, the employee may be temporarily relieved of duty, either with or without pay. If placed on leave without pay, the employee may elect to use any accrued vacation time or compensation time they have earned.

Any employee who is required to maintain a license for job responsibilities shall immediately notify his/her supervisor if the license is suspended, revoked, the individual is disbarred, or any other action that might affect the license validation.

An employee's failure to comply with the above section may result in disciplinary action up to and including termination.

#### E. CONFIDENTIAL INFORMATION

The revelation or use of any confidential or non-public information without prior authorization is prohibited. The misuse, unauthorized access to, or mishandling of confidential information is strictly prohibited and will subject an employee to disciplinary action up to and including dismissal. All employees are expected to comply with the established procedures for their department or office in responding to public records requests. If the policy is not clear in a certain instance, employees should seek guidance from their respective elected official or the Valley County Prosecuting Attorney.

## IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The Payroll Department will endeavor to assist with such matters, but the employee is ultimately responsible to assure that his/her service is properly addressed.

### A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

#### 1. Employment Status

- a. All employees of the County, including part-time and temporary employees, are **AT-WILL EMPLOYEES**, except as otherwise provided by this policy, as required by law or pursuant to a written contract approved by the Board of County Commissioners and memorialized in the minutes of the Board of County Commissioners.

- b. Deputy Prosecuting Attorneys and Other Legal Counsel.

Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, Deputy Prosecutors (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 at the pleasure of the Prosecuting Attorney. They can be appointed or removed at the pleasure of the Elected Official for whom they serve.

- c. Chief Deputies.

Chief deputy appointments pursuant to Idaho Code § 31-2006 are political appointments, and any acceptance of an eligible Elected Official's offer or assignment to senior deputy status is an appointment at the will and at the pleasure of the Elected Official. In the event that an Elected Official chooses to remove an employee from senior deputy status, such employee may be offered the job and duties (at the current pay rate for that position with a possible adjustment for years of service and other relevant factors) that such employee fulfilled for at least six (6) months prior to his or her senior deputy appointment or be dismissed from County service. All other positions in the affected department will be subject to change, as a result of, and pursuant to, this section.



## 2. Employee Classification for Benefit Purposes

The classification of the position an employee holds with the County may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are:

### a. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 40 hours are considered full-time regular employees. Full-time regular employees are eligible for full employee benefits provided by the County. This classification includes both exempt and non-exempt employees. All employees who are full time are expected to work 40 hours per week. Exempt employees may shift their work week as needs dictate but they must work an equivalent of at least 40 hours per week.

### b. Part-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced or no employee benefits as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

### c. Temporary Employees

Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law.

## B. COMPENSATION POLICIES

### 1. Establishment of Employee Compensation

Employees are compensated in accordance with, and subject to, decisions of the Board of County Commissioners as annual budgets are set and are subject to increase, reduction, or *status quo* maintenance for any time period. The Elected Official may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of County Commissioners.

2. Compliance with State and Federal Pay Acts

The County will comply with all state and federal pay acts governing compensation of its employees.

3. Right to Change Compensation and Benefits

The Board of County Commissioners may change general compensation for any reason deemed appropriate by the Board of County Commissioners. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent county budget. Hours worked may be reduced or employees may be laid off by the Board of County Commissioners or by Elected Officials within their office/departments as necessary to meet budgetary constraints or as work needs change.

4. Overtime/Compensatory Time Policy

- a. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or nonexempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact his/her office/department supervisor or the Human Resources Office for further clarification of the employee's FLSA status.
  
- b. Overtime for non-exempt, hourly employees will be allowed **only** when **authorized by the Elected Official or Board of County Commissioners for whom the employee works or when absolutely necessary in an emergency.** THE ROAD DEPARTMENT AND THE VALLEY COUNTY SHERIFF'S OFFICE SHALL DEVELOP A SPECIFIC INTERNAL POLICY FOR OVERTIME/COMPENSATORY TIME THAT IS CONSISTENT WITH THEIR WORK REQUIREMENTS WHICH SHALL BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay as established by policy adopted by the Board of County Commissioners. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers or firefighters, will be computed at 1½ hours for each additional hour worked. **The Board of County Commissioners has set a maximum accumulation of 40 hours of compensatory time. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Board of County Commissioners. It is the employees responsibility to alert the Elected Official or**

**Board of County Commissioners for whom the employee works if the amount of accumulated hours MAY POTENTIALLY exceed the allowed 40 hours. IN NO CASE MAY AN EMPLOYEE ACCRUE MORE THAN 40 HOURS OF COMPENSATORY OR OVERTIME UNLESS SPECIFICALLY AUTHORIZED BY THE ELECTED OFFICIAL OR BOARD OF COUNTY COMMISSIONERS.**

- c. AN EMPLOYEE MAY NOT CHOOSE TO WAIVE HIS/HER RIGHTS TO COMPENSATORY/OVERTIME WAGES PURSUANT TO THE FAIR LABOR STANDARDS ACT.
- d. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

**5. Reporting and Verifying Time Records**

- a. Each hourly and exempt employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Board of County Commissioners and the payroll office. Each report of employees must be signed manually or electronically by both the Elected Official or Board of County Commissioners (or their designee) and the employee, and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Employees are reminded that time sheets are public records and falsification may be a crime.
- b. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., shall communicate such concerns to his/her Elected Official or the Board of County Commissioners as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.

**6. Work Periods**

- a. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.

- b. The work period for sworn law enforcement officers and firefighters may be up to the twenty-eight (28) day work period allowed by the FLSA, 29 U.S.C. § 207(k).
- c. At certain times, some hourly employees may be required to be available at a specific telephone number to enable him/her to respond to an emergency situation directly related to his/her duties and responsibilities. Such employees shall be considered to be "on-call" during those times and shall be paid for any hours actually worked during on-call periods. Time spent on the telephone or in person resolving a work issue while on-call is considered work time, and shall be reported on the employee's timesheet.

#### 7. Payroll Procedures and Paydays

- a. Employees are paid monthly. Paychecks compensate employees for work performed in the pay period which precedes the month for which the check is issued.
- b. Each employee must monitor the accuracy of compensation received. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits shall 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 of County Commissioners, the policy will prevail. Employees are obligated and shall call to the County's attention any such errors, whether to the advantage or disadvantage of the employee.

#### 8. Serving as Juror or Witness

Leave will be granted and full pay provided only to employees called to serve as a court witness in matters **specifically related to County operations** or called to serve on jury duty. Any stipend paid shall be remitted to the County.

#### 9. Military Leave

A **leave of absence** will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA). For up to thirty (30) days annually, employees shall receive the difference of their military pay and county salary if the military pay is less than the county salary.

#### 10. Payroll Deductions

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code § 45-609).

## 11. Travel Expense Reimbursement

An employee on approved County business will be reimbursed for expenses incurred in completing his/her assignment in accordance with any policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested (Idaho Code § 31-1501). Mileage shall be reimbursed at the federal rate. EMPLOYEES MUST FIRST REQUEST A COUNTY CAR AND BE DENIED AVAILABILITY PRIOR TO THE COUNTY REIMBURSING MILEAGE FOR ANY WORK RELATED TRAVEL. THE DENIAL OF AVAILABILITY IN WRITTEN FORM SHALL BE ATTACHED TO THE REQUEST FOR MILEAGE REIMBURSEMENT. IF AN EMPLOYEE HAS BEEN PROVIDED A COUNTY CAR, TRAVEL SHALL BE COMPLETED IN THE COUNTY VEHICLE AND NO MILEAGE WILL BE REIMBURSED. Employees are reminded that they may not consume or be under the influence of any alcoholic beverages nor be impaired by any substance while driving a county vehicle.

## 12. On-the-Job Injuries

- a. Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries SHALL be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official or Board of County Commissioners for review. Employees shall return to work as soon as their treating physician determines they are fit for light duty.
- b. The County will handle worker's compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

## 13. Remote Access and Telecommuting

Only elected officials and the IT department employees are eligible for remote access privileges.

Telecommuting (working from home or elsewhere) is not permitted.

## C. EMPLOYEE BENEFITS

The County offers a number of employee benefits. These benefit offerings are subject to change or termination in the sole discretion of the Board of County Commissioners. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the Board of County Commissioners.

**1. Vacation Leave**

- a. Vacation leave is available to full-time employees. Vacation leave accrues at the rate as depicted in the below chart.
- b. Vacation leave can only be accrued up to the maximum as depicted in the below chart. Once an employee reaches accruals of that amount, no additional vacation leave will accrue until the employee's accrued hours are reduced below the maximum.
- c. Vacation leave is to be scheduled with consent of the responsible Elected Official or Board of County Commissioners, or the Board of County Commissioners designee. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected office/departments. Upon separation from employment, unused vacation leave up to the maximum allowed accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

Years service	Sick hours/yr	Sick hours/mo	Max hour accrual	Vacation hours/yr	Vacation hours/mo	Max hour accrual	Holiday hours year	Bereavement hours per allowed instance
0-5	96	8	720	80	6.67	100	80	40
5-10	96	8	720	100	8.33	120	80	40
10-15	96	8	720	120	10	140	80	40
15+	96	8	720	160	13.33	160	80	40

## 2. Sick Leave

- a. Sick leave benefits are provided to regular full-time employees at the rate of 8 hours per month. Sick leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when an immediate family member's (spouse, child, parent) illness presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Elected Officials or office/department supervisors may require the employee to provide a doctor's note, or require, at the County's expense, an independent review of reported illness by a competent medical authority. Employees may use sick leave to attend medical appointments for themselves and dependents. **If travel is required, sick time may only be taken for the actual travel and appointment time.** If additional time is requested, the employee's vacation leave time shall be deducted for the appropriate number of hours.
- b. Sick leave can only be accrued up to the maximum of 720 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee's accrued hours are reduced below the maximum.
- c. Sick leave benefit recipients will receive their normal compensation when using sick leave. All unused sick leave will be forfeited without compensation upon separation from employment.
- d. If an employee is gone more than a week on sick leave, the employee must have a doctor's note to return to full work duty.
- e. Employees who are sick and who are not able to give their full dedication to county work are encouraged to stay home and use their sick leave time.

## 3. Holidays

Ten official holidays are provided for full-time regular employees. Regular full-time employees receive compensation for eight hours that day even though they do not work those days. Holidays which fall on Saturday will be observed on the preceding Friday. Those which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of County Commissioners.

New Year's Day	Labor Day
Martin Luther King, Jr./Human Rights Day	Columbus Day
Presidents Day	Veterans Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

Employees who work non-traditional schedules, or who would not otherwise be scheduled to work on a day that a recognized holiday falls, are entitled to holiday leave (comp time) in the amount of eight hours of the employee's regular workweek during the week that the holiday occurs. If, in the discretion of the Elected Official or Board of County Commissioner, work needs do not allow a day-off for the holiday, the employee is entitled to payment of eight hours pay, in addition to his/her pay for hours worked during the week that the holiday occurs.

Unscheduled emergency work on holidays will be compensated at a rate of one and one-half (1 ½) times the employee's regular rate of pay.

#### 4. Bereavement Leave

Up to forty hours of paid leave of absence per allowed instance will be provided for a death of a spouse, parent, grandparent, children, grandchildren, brother or sister, or mother or father in law. Employees may use accrued vacation leave beyond the leave of absence allowed by this section.

#### 5. Leaves of Absence

Up to thirty (30) days of unpaid leave of absence can be granted by the Elected Official or Board of County Commissioners for any justifiable purpose. Unpaid leave requires written approval of the Board of County Commissioners or Elected Official and shall be forwarded to the payroll department.

#### 6. Family Medical Leave Act (FMLA)

##### a. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

- (i) must have worked for the County for at least 12 months;
- (ii) must have worked at least 1,250 hours for the County during the previous 12 months; and



- (iii) the County must employ at least 50 employees.

b. FMLA Rights

- (i) An eligible employee is entitled to job-protected, unpaid leave for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition.
- (ii) The employee may request up to 12 weeks of leave during a twelve month period during which the County will continue the employee's benefits (employer portion only). The 12-month period is determined using a "rolling" 12-month calendar measured backward to the date an employee first uses any FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the County may recover from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period. Employees who are out of the office for more than a week shall apply for FMLA.
- (iii) Total FMLA leave for employee spouses/parents who both work for the County is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

c. Concurrent Use of Accrued Leave and Worker's Compensation Required

- (i) Employees are required to use any accrued paid vacation and sick leave concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick leave to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue vacation and sick leave while utilizing such leave, but will not accrue such leave during the unpaid portion of their leave.
- (ii) If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.

d. Employee Obligations

- (i) Employees are required to give thirty (30) days advance notice or as

much time as practical when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the employee's or family member's FMLA qualifying medical condition. The County may also require second or third opinions at the County's expense.

- (ii) Employees who are on FMLA leave for their own serious illness for at least five (5) days are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the County's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
- (iii) An employee on FMLA leave will not be allowed to work for any other employer without prior approval from his/her supervisor. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment.
- (iv) Employees should contact the Human Resource Office to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
- (v) To request FMLA leave, the employee must contact the Human Resource Office indicating the reason for requesting FMLA leave and the expected duration of leave.
- (vi) Employees shall be placed on FMLA leave after being absent from work for more than five days.

e. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the Elected Official or Board of County Commissioners.

f. Employer's Rights and Obligations

- (i) The County has the right to determine whether the employee is or is not an "eligible employee" under the Act and to place an employee on FMLA leave without the employee's consent if the employee meets the eligibility requirements under the Act.
- (ii) The County may require periodic notices of the employee's FMLA status and his/her intent to return to work.
- (iii) The County will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. 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".

g. The National Defense Authorization Act

- (i) The FMLA also provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the County may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
- (ii) FMLA also now provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the County may require certification that the service member has actually been called to active duty.
- (iii) Employees will provide prior notice when the need for this type of FMLA military leave is foreseeable.

7. Benefits for Temporary Employees

All temporary employees will receive benefits as required by law.

## **8. Insurance Coverage Available to Employees**

Various insurance benefits are available to employees and family members in accordance with the terms and conditions of the County's contract for such services. The Human Resource Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available at employee or shared expense.

## **9. Retirement Program Offering**

The County participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the County to withhold a percentage of an employee's gross salary for pension purposes, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

## **10. Transfer of Benefits with Employee Transfer**

Accrued benefits for each employee continue when the employee transfers from one office/department to another within the County. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by similarly-situated employees.

## **11. Longevity Bonus**

Employees who work for the county for more than ten (10) years, shall receive a bonus of \$1,000 upon separation. Employees who work for the county for more than fifteen (15) years shall receive a separation bonus of \$1,500. Employees shall not receive a bonus if they are terminated for cause.

# **V. EMPLOYEE PERFORMANCE AND DISCIPLINE**

## **A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY**

This discipline/performance policy of the County establishes a consistent procedure for maintaining suitable behavior and a productive working environment. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.

## **B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK**

The following framework guides the processes to be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of the

employment. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The County may take any of the prescribed steps in any order when a supervisor deems an action of the employee to be serious enough to warrant a certain step.

### **C. DISCIPLINARY ACTIONS AVAILABLE**

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations:
  - a. Oral warning
  - b. Written warning or reprimand
  - c. Suspension without pay
  - d. Demotion
  - e. Dismissal
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

### **D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND RETALIATION AND NAME-CLEARING HEARING**

1. All employees are **AT-WILL** employees. However, at-will employees may from time to time experience adverse consequences of unlawful discrimination or retaliation. In addition, a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing hearing when one is requested.
2. Unlawful discrimination and retaliation address actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that are not bona fide occupational qualifications. The County does not condone discrimination or retaliation on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.
3. Failure to pursue this opportunity to be heard or name-clearing hearing procedures constitutes a waiver of this opportunity.

4. Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this procedure and will not be heard.
5. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
  - a. Within fourteen (14) days of his/her termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation on the basis for entitlement to a name-clearing hearing, stating with particularity the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.
  - b. An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name-clearing hearing, will meet with the Board of County Commissioners. The hearing will not exceed one (1) hour in duration.
  - c. An audio recording of the hearing will be made and maintained as part of the personnel record.
  - d. The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The Board of County Commissioners may require the employee's supervisor to participate in the hearing.
  - e. The employee will be provided an opportunity to present evidence upon which the claims are based.
  - f. The Board of County Commissioners may ask questions during this process.
  - g. The employee may question participants during this process.
  - h. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing, however, an employee may be represented by legal counsel.
6. After the hearing, the Board of County Commissioners will consider the information submitted, and such other information as might be in the County's records, to arrive at a decision concerning the employee's allegations. The decision will set forth in writing the reasons for the Board of County Commissioner's determination.

## **VI. WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION POLICY AND COMPLAINT PROCEDURE**

### **A. PURPOSE**

1. This section establishes the County's commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.
2. It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor, office/department head and Elected Official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace will not be tolerated.
3. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

### **B. POLICY**

1. Unlawful discrimination or harassment of an applicant for employment, a member of the public or an employee by any employee of the County on the basis of race, color, religion, national origin, sex, age (40 and over) or disability is in violation of state and/or federal law and will not be tolerated by the County.
2. Employees found to be participating in any form of employment-related unlawful discrimination or harassment, or retaliating against another employee for filing a complaint alleging discrimination or harassment or cooperating with an investigation, will be subject to disciplinary action up to and including termination of employment.

### **C. RESPONSIBILITIES**

1. The County
  - a. It is the responsibility of the County to develop this policy, provide training on it, keep it up to date, and ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.
  - b. The County designates the Valley County Prosecuting Attorney, or his/her designee ("Designated Official"), as the official who will be responsible for directing the procedures of this policy.

## 2. Elected Officials and the Board of County Commissioners

- a. Elected Officials and the Board of County Commissioners enforce the policy, train new employees on it, regularly review it with all employees so that the employees know its provisions, and monitor the workplace for compliance. Employees who supervise other employees are also responsible for ensuring compliance with county policies.
- b. If an Elected Official, County Commissioner or supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consulting with the office/department head, and taking corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he/she should notify the office/department head or other appropriate management employee, who should then take prompt steps to address the allegation.
- c. If unlawful discrimination, harassment or retaliation is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

## 2. Employees

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. But, satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their supervisor, office/department head, Human Resource Officer or legal counsel for the County of such actions, recounting specific actions or occurrences whenever possible.

## D. DEFINITIONS

Unlawful harassment includes, but is not limited to, the following behaviors:

1. **Verbal Harassment** – Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) or disability, whether made in general, directed to an individual or directed to a group of people regardless of whether the behavior was



intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" that is oriented towards a prohibited form of harassment.

2. **Physical Harassment** – Assault, impeding or blocking movement, leering at, physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This applies to both posted material and material maintained in or on County equipment or personal property in the workplace.
4. **Sexual Harassment** – Any act that is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with the authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee, or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.

## **E. COMPLAINT PROCEDURE**

The following complaint procedure must be followed to address a complaint regarding discrimination, harassment or retaliation:

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against should report it to his/her supervisor, office/department head, Human Resource Officer, or legal counsel for the County. If a supervisor becomes aware of a complaint in any way that unlawful discrimination, harassment or retaliation is occurring in any County office/department, the supervisor should immediately report it to a designated official and legal counsel for the County, unless the designated official is the focus of the complaint, in which case the legal counsel for the County should be informed, and will have the responsibility to direct the investigation.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. Promptly upon receiving the complaint, the designated official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy or law has occurred.
4. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the designated official should review the complaint and consult with legal counsel for the County and the Human Resource Officer.
5. The designated official, in consultation with legal counsel for the County, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. As soon as practicable, the investigator will conclude the investigation and submit a report of the findings to the designated official, who will then route it as appropriate.
8. If it is determined that unlawful discrimination, harassment or retaliation has occurred, the appropriate official will recommend the course of action to be taken by the County. The action will depend on the following factors:
  - a. The severity, frequency and pervasiveness of the conduct;
  - b. The conduct of the respective employees;

- c. Prior complaints made against the person alleged to have committed the offenses; and
  - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
9. If the investigation is inconclusive or it is determined that there has been no unlawful discrimination, harassment or retaliation, but some potentially problematic conduct is revealed, corrective action should be taken.
  10. Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and legal counsel for the County will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
  11. The complainant and the person alleged to have committed the offenses may submit statements to the designated officials and/or supervisors challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
  12. Promptly after the designated official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel, a decision will be made as to what action, if any, should be taken by the Elected Official or department head.

#### **F. DISCIPLINARY ACTION**

If unlawful discrimination, harassment, or retaliation is determined to have occurred, the Elected Official or the Board of County Commissioners shall take prompt and effective remedial action against the actor. The action should be commensurate with the severity of the offense, up to and including termination of employment.

#### **G. RETALIATION**

Retaliation in any manner against a person for filing or initiating in good faith a charge or complaint of discrimination or harassment, testifying in an investigation, providing information or assisting in an investigation is expressly prohibited and subject to disciplinary action up to and including termination. The supervisor, office/department head and Elected Official should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

## **H. CONFIDENTIALITY**

Confidentiality should be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County's insurer may also be engaged to assist in all phases of any proceeding or investigation.

## **I. FALSE COMPLAINTS**

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

## **VII. SEPARATION FROM EMPLOYMENT**

### **A. REDUCTIONS IN FORCE (RIF)**

When financial circumstances or changes of workload require, the County may reduce forces in such manner as it deems necessary to maintain the effective functioning of the County services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Board of County Commissioners and/or Elected Officials may make any changes in the work force or assignment of resources deemed to be in the County's best interests.

### **B. COBRA BENEFITS**

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resource Officer.

### **C. EXIT INTERVIEW**

Each employee who terminates from employment is encouraged to participate in an exit interview with a designated representative of the County. In such interview, the County should notify the employee when certain benefits will terminate, when final pay will be

issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

#### D. RESIGNATION POLICY

1. Resignations shall be in writing and are effective upon receipt by an Elected Official or Board of County Commissioners. Written resignations shall be placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the County will consider the employee as having resigned and immediately notify him/her of such.

#### E. RETIREMENT POLICY

The retirement policy of Valley County shall comply in all respects with Federal and State requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System of Idaho (PERSI).

ADOPTED this 31<sup>ST</sup> day of JULY, 2017.

VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS:

Robert S. Cruickshank, Chairman

Bill Willey, Board Member

Elting D. Zurborn, Board Member

Attest: Wanda A. Hill  
Clerk

**APPENDIX "A"**

**ACKNOWLEDGMENT OF RECEIPT OF VALLEY COUNTY PERSONNEL POLICY**

I, \_\_\_\_\_ acknowledge receipt of the \_\_\_\_\_  
Personnel Policy, adopted on \_\_\_\_\_.

- I understand that it is my responsibility to read and review this Policy.
- I understand that I am an at-will employee of the County, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy Manual and any additional rules, regulations, policies or procedures imposed by the office/department in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Employee)

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the Valley County Personnel Policy, as adopted by the Board of County Commissioners on \_\_\_\_\_ to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

*(Name - Title - Office/department)*