



Bonner County Personnel Policy and Procedure Manual

Adopted by the Board of County Commissioners
January 15, 2013

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Date: January 15, 2013

BONNER COUNTY PERSONNEL POLICY AND PROCEDURE MANAUL

THIS PERSONNEL POLICY IS NOT A CONTRACT. NO CONTRACT OF EMPLOYMENT WITH BONNER COUNTY WILL BE VALID UNLESS IT IS EXPRESSLY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND UNLESS IT IS SIGNED BY AND CONTAINS THE NAME OF THE SPECIFIC EMPLOYEE WHO WOULD BE BENEFITED/OBLIGATED BY THE CONTRACT. NOTWITHSTANDING ANYTHING SAID BY A SUPERVISOR, DEPARTMENT HEAD AND/OR ELECTED OFFICIAL, NO CONTRACT OF CONTINUED EMPLOYMENT SHALL BE IMPLIED. LEGAL COUNSEL EMPLOYED BY BONNER COUNTY SERVES AT THE PLEASURE OF THE CLIENT REPRESENTED AND SUCH REPRESENTATION MAY BE TERMINATED AT THE PLEASURE OF THE CLIENT.

THE POLICIES AND BENEFITS OUTLINED IN THIS POLICY MANUAL ARE SUBJECT TO CHANGE AT ANY TIME, WITHOUT PRIOR NOTICE. CHANGES MAY BE MADE IN THE SOLE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS.

LEGAL COUNSEL for Bonner County is not covered by the generally applicable disciplinary provisions of this Policy Manual. Pursuant to the Idaho Rules of Professional Conduct, and notwithstanding different employment status for other employees of Bonner County, employed legal counsel serves at the pleasure of the client. Nonetheless, no legal counsel employed by Bonner County shall be dismissed from employment or demoted with an attendant reduction in pay for unlawful discriminatory reasons as noted elsewhere in this Policy Manual. Legal counsel believing that he/she faces termination from employment or demotion with an attendant reduction in pay for unlawful discriminatory reasons or because of allegations requiring the opportunity for a name-clearing hearing shall be given an opportunity to be heard regarding these allegations as noted elsewhere in this Policy Manual entitled, "Opportunity to be Heard— Assertions of Unlawful Discrimination and Name-Clearing Hearing."

PURPOSE

The purpose of this Policy Manual is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all County employees and to explain benefits provided to County employees. **THIS POLICY MANUAL IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCIPLINED OR DISCHARGED. THIS POLICY MANUAL CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE COUNTY.**

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I. GENERAL POLICIES

A. THE ORGANIZATION IN WHICH YOU WORK

Working for Bonner County may be somewhat different from any employer for which you may have worked in the past. Bonner County is a political subdivision of the State of Idaho, though it is not a part of state government. The Board of County Commissioners (three elected officials) serves as the governing body for Bonner County, carrying out local legislative duties and fulfilling other obligations as provided by law. The Board of County Commissioners is the general policymaker for Bonner County, and as such, has primary authority to establish terms and conditions of employment with Bonner County. The Board of County Commissioners also appoints personnel to help carry out its administrative responsibilities.

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

This Policy Manual is to serve as a guide for the Bonner County management in the administration of clear and consistent personnel programs throughout the County. Each employee will receive either a paper or electronic copy of this manual and it will be his/her responsibility to keep it up to date as revisions are supplied. Copies of this manual will also be available in the Human Resources Office. The terms set forth in this manual reflect County policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the Board of Commissioners. Substantive revisions of this manual are adopted by resolution of the Board. This Policy Manual is not a contract between the County and its employees. Employees may make suggestions for changes to this manual in writing to the Board of Commissioners.

Only the Board of County Commissioners has authority to establish general policy for Bonner County employees. Although an employee may work in the office of an elected or appointed official, he/she remains an employee of Bonner County, not of the official who supervises his/her work. The terms and conditions set forth in this Policy Manual, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express written agreement of the Board of County Commissioners, including terms or conditions which would establish a financial obligation for Bonner County, now or in the future. These policies apply to all employees of Bonner County. Individual departments may have their own policies and procedures that provide additional direction to employees or expectations and procedures unique to that department.

Six other Bonner County officials are elected by the County's voters to carry out specific public functions. These include the Sheriff (chief law enforcement officer), Prosecutor (prosecutes crimes and provides legal counsel), Assessor (determines property values and administers property taxation system), Treasurer (ex officio tax collector and public administrator), Clerk of the District

Court (ex officio auditor, recorder and clerk of the Board of County Commissioners), and Coroner (determines causes of deaths in the County). These Elected Officials have full authority to carry out the duties established for their offices by law. They can appoint deputies to assist them in carrying out their responsibilities, and they establish office policies which govern the conduct of workers in their respective departments. These policies must not conflict with general County policy or, if they do, the Board of County Commissioners must approve the differences.

In accepting employment with Bonner County, each employee shall be required to comply with these policies and the policies and procedures of the department in which he/she is employed. Employment with the County is for an indefinite period of time, regardless of the position hired into.

It is important that all employees understand the relationship between County policy adopted by the Board of County Commissioners and department policy implemented by other Elected Officials.

B. EMPLOYEE SELECTION

Employees of Bonner County are to be selected in order to accomplish the legal and operational duties established by statute and by the policy choices of the County's Elected Officials. Although the Board of County Commissioners is responsible for setting general County employment policy and choosing employees in departments under their direction, individual Elected Officials have authority to choose their employees based upon consideration deemed appropriate to accomplish the public goals for which they were elected.

C. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of Bonner County employees and all employment decisions, including classification, transfer, discipline, and termination, will be made without regard to race, religion, gender, 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, gender, or age is a bona fide occupational qualification. All objections to application of Bonner County's policy in this regard shall be brought to the attention of the Elected Official or department head, or in the case of objection to actions undertaken by that person, to legal counsel for the County.

D. VETERAN'S PREFERENCE

Bonner County will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code Title 65, Chapter 5 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to I.C. § 65-503, or its successor will be employed. Under certain circumstances, the widow, widower, spouse, or parent of a veteran may also be entitled to veteran's preference pursuant to I.C. § 65-503.

E. NEPOTISM / HIRING OF RELATIVES

No person shall be employed by Bonner County when said employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 59-701 et seq., I.C. §18-1359 and their successors. Any such appointment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited:

1. No person related to a County Commissioner by blood or marriage within the second degree shall be appointed to any office, position, employment or duty; and
2. No public servant, including Elected Officials and employees, shall appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any office, position, employment or duty.

An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed in I.C. §18-1359(5).

In addition:

No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.

No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.

No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the second degree of affinity or consanguinity pursuant to State law (I.C. 18-1359 or its successor).

F. PREFERENCE FOR HIRING FROM WITHIN

Qualified individuals who are already employees of Bonner County may be given preference over outside applicants to fill vacancies in the work force. Employees may be selected for transfer to positions without following the notice and selection procedures normally required for hiring of new employees.

G. DRUG FREE WORKPLACE

Bonner County is committed to having a "Drug Free Workplace" policy consistent with the requirement of Public Law 100-690, Title V, Section 1515. It is a condition of employment with Bonner County that all Bonner County employees comply with this policy.

Bonner County is committed to programs that promote safety in the workplace, employee health and wellbeing and public confidence. Consistent with the spirit and intent of this commitment, Bonner County has developed a policy which complies with Public Law 100-690, Title V, Section 1515. A copy of the

Bonner County Drug Policy and Procedures can be obtained through the Human Resources Office.

H. JUDICIAL CONFLICT

The Clerk of the District Court is a Judicial Office. As such, there are times when this policy and procedure manual and the duties and responsibilities of that position could be in conflict with judicial procedures. In those instances, the duties and responsibilities of the judicial functions of the office of the Clerk of the District Court will take precedence over those policies established by this policy and procedure manual. The Clerk of the District Court will notify the Board of County Commissioners of any conflicts.

II. HIRING PRACTICES

A. ADMINISTRATION OF THE HIRING PRACTICES

The authority and responsibility to select Bonner County employees is vested with the Elected Officials who are responsible for the supervision of those employees. All selections shall be subject to budgetary authority approved by the Board of County Commissioners and subject to policies and procedures for employee selection adopted for the County by the Commissioners. Newly hired employees shall have a minimum probationary period for the first year of service. Each Elected Official is responsible for seeing that employment procedures established by this manual are followed.

B. HUMAN RESOURCES OFFICE

It shall be the duty of the Human Resources Office to be available to each Elected Official to assist him/her with the hiring process for Bonner County. Prior to recruitment, the department shall submit to the Human Resources Office a job description and proposed schedule to fill the vacancy.

Vacancies for employment in Bonner County shall be announced by the Human Resources Office in the following manner:

1. An e-mail to all employees for internal applications.
2. Registration with the Bonner County office of the Idaho Department of Labor.
3. Posting on the bulletin board outside the Human Resources Office and on the Bonner County website.
4. Other means deemed necessary regarding filling the position.

C. GENERAL EMPLOYEE SELECTION PROCEDURES

1. Promotions or transfers within the department will be considered first. If there is no promotion or transfer within the department, then the selection process will be as follows.

2. Each applicant for a position shall complete a Bonner County application. Additional application information may be required. Additional information requests are subject to review by legal counsel for the County to assure compliance with applicable law. No applications will be received after the close date of the posting.
3. All successful applicants, as a condition of employment, shall be required to take and pass a drug/alcohol test and pass a criminal background check which will be paid for by the appropriate department. Applicants for certain County positions may be subject to additional job-related testing (i.e.: physicals, written tests, credit checks, polygraphs, etc.) to determine their competence, integrity and their ability to perform certain tasks. Bonner County also recognizes its responsibility to be in compliance with the regulations for drug/alcohol testing for all County employees holding a Commercial Driver's License and employees performing safety sensitive functions. Such tests may be subject to approval by legal counsel for the County.
4. The employing official or designee may conduct interviews to determine the fitness of applicants for a certain position. Interviews shall encompass a similar scope of questioning for all applicants for a similar position. Differences of interview inquiries shall be based upon information obtained from job resumes, application forms, and responses to interview questions.
5. The decision to hire County employees shall be made by the Elected Official who will serve as the ultimate supervisor for that employee. **No employment decision shall be deemed valid unless the salary and budget authorization shall first have been approved by the responsible Elected Official or department head, subject to the approval by Board of County Commissioners.**
6. The Human Resources Director must be notified and must meet with or must have a meeting scheduled with each new employee before the employee reports to work to complete paperwork as required by Federal, State and local law.

III. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee begins to work for Bonner County:

1. Employment application form.
2. New Hire Sheet signed by the Elected Official or department head and the Human Resources Director and approved by the Board of County Commissioners.
3. Pre-employment drug screen.
4. Immigration form (I-9).

Other forms must be completed after the employee begins work but before the employee receives pay and benefits. The employee will receive these forms during new employee orientation.

B. PAYROLL REPORTING SYSTEMS

Reports of hours worked and time on and off the job must be completed in a timely manner in accord with procedures established by the Payroll Officer. Time will be tracked in quarter hour increments for non-exempt employees. Each report of employee time shall be signed by the supervisor, department head and/or Elected Official and by the employee and shall contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the Payroll Officer as soon as any such concern becomes evident. If the response from the Payroll Officer is unsatisfactory, the employee may address the issue to his/her immediate supervisor, department head and/or Elected Official in order to resolve stated concerns. Any written record of such contested issues shall be maintained in the employee's personnel file.

C. DISTRIBUTION OF POLICY

At the time of employment, each employee shall have access to either a paper or electronic copy of this Policy Manual. It is the responsibility of the employee to familiarize him/herself with the contents of the manual and to acknowledge its receipt in writing. Periodic updates or changes shall be distributed either electronically or by paper copy and acknowledged by the employee.

D. PROBATIONARY PERIOD

New employees to Bonner County are subject to a minimum twelve (12) month probationary period where employees must demonstrate their abilities to handle the responsibilities of their position. Current employees promoted or transferred to new job responsibilities are subject to a minimum six (6) month probationary period. Bonner County uses this period to determine if the employee meets the expectations for the position for which the employee was hired. No later than the conclusion of the initial six-month period, the supervisor shall make a written evaluation of the employee's performance. Pay increases may be given upon the employee's successful completion of the conditions of hiring and/or the probationary period, subject to salary and budget authorization by the responsible Elected Official or department head and subject to the approval by Board of County Commissioners.

At any time during this probationary period, including any extension of the probationary period, either the employee or Bonner County may end the employment relationship in their respective discretion for any lawful reason, with or without advance notice. During the probationary period, employment is at-will.

An employee's department head and/or Elected Official may extend the probationary period for up to an additional six (6) months if he/she deems it necessary to work further with an employee who is not meeting the expectations or requirements for his/her position. If a promoted or transferred employee is terminated from a newly assumed position, he/she may be returned to his/her previous position or transferred to another position for which he/she is fully qualified, but only if a qualifying vacancy exists within the department. Any decision to retain a previously promoted or transferred employee who does not succeed in a new position shall be in the sole discretion of Bonner County.

Any decision to terminate an employee or to terminate or demote a transferred or promoted employee during the probationary period shall be subject to the Unlawful Discrimination and Name-Clearing Hearing Policy, subject to its terms and conditions, as noted elsewhere in this Policy Manual. Any request for a hearing under this section shall be communicated to the prosecuting attorney or retained civil counsel for advice prior to final action. Any employee so aggrieved may address such concerns by seeking a hearing pursuant to the limitations contained within such policy provisions.

This Probationary section does not apply to the appointment or removal of Senior/Chief Deputy status, which can be removed at the discretion of the Elected Official at any time with or without notice.

E. EMPLOYEE PERSONNEL FILES

1. Personnel Records

The employee records for Bonner County will be kept in the Human Resources Office. In addition, each Elected Official or department head may maintain personnel files on their employees. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with Bonner County. The employee's supervisor, department head, Elected Official or the employee may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for County purposes. All requests for personnel files will be reviewed by the Prosecutor's Office.

2. Access to Personnel Files

It is the policy of Bonner County to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the employee's supervisor, department head, Board of County Commissioners when acting as a Board in the course of its official business, legal counsel for the County, Elected Official for the employee's department, Human Resources, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others

to such files shall 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, or when deemed necessary by legal counsel for the County or pursuant to Court order or pursuant to a proper subpoena. The County reserves the right to disclose the contents of personnel files to outside State or Federal agencies, to its insurance carrier or its agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.

3. Management of Information in Personnel Files

Each employee shall be provided an opportunity to contest the contents of his/her personnel file during regular business hours. 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 department head and/or Elected Official, after consultation with legal counsel for the County, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be 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.

4. HIPAA Compliance

Bonner County is committed to following the Federal Privacy Rules, Title XI/42 U.S.C., 1301 (et.seq.) the Health Insurance Portability and Accountability Act of 1996 (HIPAA), an amendment to the Employee Retirement Income Security Act (ERISA) under the Department of Health and Human Services requiring that a Privacy Compliance Officer be appointed who has the duty and responsibility of developing and implementing a Privacy Plan and its associated privacy and procedures policies, and in overseeing, training, and informing designated Privacy Contacts for the purpose of protecting privacy and security of health information and establishing unique health records. The Human Resources Director has been designated as the Privacy Compliance Officer.

IV. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible termination from employment. However, this list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well.

A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of Bonner County is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon Bonner 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 Bonner County as a public institution, each

employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon Bonner County and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. **SHALL WORK COOPERATIVELY AND CONSTRUCTIVELY WITH FELLOW WORKERS AND MEMBERS OF THE PUBLIC TO PROVIDE PUBLIC SERVICE OF THE HIGHEST QUALITY AND QUANTITY.** This is a high priority for all employees.
2. Shall be prompt and regular in attendance at work or other required employer functions.
3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be neat, clean, professional, non-offensive and appropriate for the functions performed and shall present a suitable appearance to the public.
4. Shall dedicate primary efforts to Bonner County employment with secondary employment subject to approval by the Elected Official or department head. Each employee must notify the appointing official of any other employment, self-employment or other business interests. Secondary employment shall not conflict with duties performed for the County in any meaningful way. Individual department rules may spell out permissible examples of "moonlighting" wherein employees may hold additional positions.
5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in Bonner County and related agencies. No employee shall engage in conduct which 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. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Shall not accept gifts or gratuities in any personal or professional capacity which 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.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Shall not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with

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

10. Shall not engage in unbecoming conduct away from work which, although not criminal, may reflect adversely upon Bonner County or its officials or otherwise impair the employee's ability to perform and bring the County in disrepute.
11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the Bonner County work force. 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 upon 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 sick leave while taking the medication.
12. Shall not engage in workplace or public conduct otherwise detrimental to the reputation of Bonner County and the accomplishment of the goals established by the Board of County Commissioners or the Elected Official or the department for whom he/she works.

B. WORKPLACE CONDUCT

Each employee shall conduct him/herself in the workplace in accordance with the following rules. THESE RULES ARE NOT ALL-INCLUSIVE OF CONDUCT EXPECTED OF BONNER COUNTY EMPLOYEES. Each employee of Bonner County shall:

1. Give his/her best efforts to accomplish the work of Bonner County for public benefit in accordance with policies and procedures adopted by the Board of County Commissioners and Elected Officials displaying an attitude of cooperation and constructive participation.
2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. 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.
5. Abide by all departmental rules whether they are written or issued orally by the supervisor, department head and/or Elected Official. No employee shall be required to follow the directive of a supervisor, department head and/or Elected Official which violates any Federal, State or local laws.
6. Abide by pertinent State and Federal statutes, and Bonner County rules concerning the dissemination of information to the public from public

records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official.

7. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. 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.
9. Report all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
10. Report any accidents observed to have happened on County property or involving County property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information shall be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.
11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Maintain a current driver's license when necessary in the conduct of work for Bonner County. 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.
13. Perform such obligations as are necessary to carry out the work of Bonner County in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

C. USE OF COUNTY VEHICLE

All use of County-owned vehicles shall be in compliance with the Bonner County Vehicle Use Policy and the Bonner County Travel Policy and Reimbursement Procedures. A copy of these policies can be obtained from the Human Resources Office.

D. PROHIBITED CONDUCT

Employees of Bonner County shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal 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.
2. Possess alcohol in County buildings except as pre-approved by the Board of County Commissioners.
3. 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.
4. Sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
5. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
6. Use work time for personal business, including the selling of goods or services to the general public. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.
7. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Engage in political activities, specifically campaigning for or against any candidate of ballot issue, while on duty in public service. This rule shall not apply to Elected Officials.
9. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
10. Destroy without proper authorization, 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).
11. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
12. Smoke, except in designated outdoor smoking areas if so provided. This includes no smoking in County vehicles.
13. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation leave or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not earned in accordance with policy.

14. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by policy for use of vacation leave, sick leave, bereavement, or other types of leave granted by this Policy Manual.
15. Engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work in the office or department in which the employee serves.
16. Use of communication equipment in the workplace in a manner that violates policy or which disrupts workplace activities.
17. Engage in criminal conduct of any kind while on duty or off. Bonner 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 Elected Official or department head.
18. Violate any lawful rule established by the Elected Official or department head to maintain order and productivity in the workplace.
19. Unlawfully harass a fellow worker or member of the public at any time while in active service at Bonner County, as outlined in the Discriminatory Workplace Harassment Policy and Complaint Procedure below.

E. RELATIONSHIP POLICY

1. Bonner County's Responsibilities

While Bonner County will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply:

- a. Employees should not directly supervise, occupy a position in the line of supervision or be directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
- b. If the Elected Official or department head determines that circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
- c. When personnel and circumstances permit, the Elected Official or department head will make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Elected Official or department head, however, reserves the right to transfer or reassign any employee to another position, as it may deem necessary, in order to avoid conflicts with any provision of this policy.
- d. Unless specifically authorized by the Elected Official or department head, employees should not participate in, contribute to, or recommend salary, wages, pay or compensation, hiring, promotions,

assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

2. Employee's Responsibilities

- a. Prior to entering into any personal or business relationship or other circumstances which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, such employee shall promptly, normally within 10 working days, notify his/her uninvolvement, next highest level of supervisor.
- b. Whenever any employee is placed in circumstances which would require the employee to provide official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly, normally within 10 working days, notify his/her uninvolvement, immediate supervisor.

3. Supervisor's Responsibilities

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly, normally within 10 working days, notify the Elected Official or department head of such actual or potential violations.

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.

F. CANDIDACY FOR ELECTIVE OFFICE

While Bonner 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 interests in promoting the efficiency of the public services it performs through its employees. (*Pickering v. Board of Education*, 391 U.S. 563, 88 S.Ct. 1731 (1968)).

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

A reasonable prediction of disruption is based upon any of the following factors:

1. The size of the office in which the employee works--the smaller the office, the greater prediction of disruption;

2. Whether the employee candidate holds a position of trust and confidence to the incumbent--the closer the ties, the greater likelihood of disruption;
3. 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 threat of disruption would loom larger; or
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 possibility of disruption.

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

If the Elected Official determines that there exists a reasonable prediction of disruption should the employee remain employed with Bonner County and the employee refuses to resign, he/she may be terminated. The Elected Official shall set out, in writing, the factual basis for finding that there exists a reasonable prediction of disruption using the above factors. Said written findings shall be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable opportunities to be heard procedures, as set out in this Policy Manual, shall apply.

V. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by class or category 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 County will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his/her classification is properly addressed.

The procedures for hiring, promoting, and transferring of all regular employees shall be subject to the provisions of this policy. Personnel actions concerning probationary, temporary or seasonal employees are not subject to the procedures set forth herein to address cause as a basis for employee termination from employment or disciplinary action unless the policy provisions expressly provide therefore.

With the exception of Elected Officials, any employee, regardless of designation, may utilize the opportunity to be heard procedures with regard to allegations of unlawful discrimination and name-clearing hearing procedures set out in the Employee Performance section of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination. For regular employees, allegations of unlawful discrimination or the right to a name-clearing hearing may only be addressed in the disciplinary process as provided for in this policy.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

a. For-Cause Employment

- i) Regular Employees. Except as otherwise provided in this policy, regular employees of Bonner County will not be suspended without pay, demoted with an accompanying change in pay, or discharged from their positions for disciplinary purposes except for cause related to performance of their job duties or other violations of this policy. Cause shall be determined by the employee's supervisor, department head and/or Elected Official and shall be communicated in writing to the employee when the employee's status is proposed to be changed.
- ii) Only suspension without pay, demotion with a reduction in pay, or discharge for cause shall be subject to the opportunity to be heard with regard to any disciplinary procedure set forth in this Policy Manual. This opportunity is to be administered in a directory manner, allowing flexibility in administration that does not adversely affect the employee's fundamental opportunity to be heard. It is the responsibility of an employee to show by clear and convincing evidence that the factual basis for the personnel action is incorrect or that the reasons for the personnel action are contrary to existing law.
- iii) Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings shall not be subject to the hearing procedure set forth herein. Bonner County retains full authority, without prior notice, to modify the general terms and conditions of employment. Additional information may be obtained in the Human Resources Office or by communication with an employee's supervisor, department head and/or Elected Official.

b. Exceptions to For-Cause Employment

- i) Deputy Prosecuting Attorneys & Other Legal Counsel. 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 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 or the Board of County Commissioners (if they serve at the Board's pleasure). They can be appointed or removed at the pleasure of the Elected Official for whom they serve, and the opportunity to be heard with regard to any disciplinary procedure as set out in this policy does not apply. However, any Deputy Prosecutor or other legal counsel for the County who believes that he/she has been removed from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may be given an opportunity to be heard on these issues as noted elsewhere in this Policy Manual.
- ii) Senior Deputies (sometimes referred to as "chief deputies or undersheriff") appointed pursuant to I.C. § 31-2006 serve in that role at the pleasure of the Elected Official for whom they serve. The designation can be established or removed at the pleasure of that Elected Official, and the opportunity to be heard as set out in this policy does not apply to the removal process. An Elected Official has the right to appoint his/her own Senior Deputy as he/she sees fit. Therefore, at any time a newly-elected official takes office or at the discretion of a current Elected Official, the Senior Deputy may be removed from that position and reassigned to another available position at that position's current rate of pay or be dismissed from County employment. In all other respects of this policy, the Senior Deputy is considered to be a regular employee and shall receive all employee benefits provided by Bonner County as such benefits now exist or may be subsequently changed.

c. Temporary or Seasonal Employees

Employees who work on an irregular, on-call, seasonal or temporary basis are considered to be temporary or seasonal employees. As such, these employees are not considered to be regular employees and the opportunity to be heard with regard to the disciplinary process as set out in this policy does not apply. They are at-will employees. However, any seasonal or temporary employee who believes that he/she has been terminated from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the procedures as noted elsewhere in this Policy Manual.

d. Veteran's Rights Following Reinstatement.

Any veteran, who has been restored to his/her position in accordance with I.C. § 46-407 and 46-407(a), shall 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 shall be entitled the opportunity to be heard prior to termination. Such returning veteran shall also be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

2. Employee Classification for Benefit Purposes

The classification of the position an employee holds with Bonner County may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees and their respective status is outlined as follows:

a. Elected Officials

Elected Officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the Board of County Commissioners.

b. Full-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees shall receive all employee benefits provided by Bonner County as such benefits now exist or may be subsequently changed by action of the Board of County Commissioners.

c. Part-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of 18 to 29 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits in accordance with specific policies adopted by the Board of County Commissioners. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

Part-time regular employees whose typical work week consists of less than 18 hours on a regular basis will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of County Commissioners.

d. Temporary or Seasonal Employees

Employees who work on an irregular, on-call, seasonal or temporary basis are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of County Commissioners. The opportunity to be heard with regards to the disciplinary process set out in this policy does not apply to temporary or seasonal employees, and they are considered to be at-will employees.

Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures as noted elsewhere in this Policy Manual.

e. Independent Contractors

Independent contractors who provide services to the County on a contractual basis are not considered employees of the County. As such, this Policy Manual does not apply to independent contractors.

B. COMPENSATION POLICIES

1. Establishment of Employee Compensation

Bonner County compensates employees in accord with decisions by the Board of County Commissioners as budgets are set and tax levies are authorized. Pay 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. The supervising Elected Official or department head 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. The Board of County Commissioners reserves the right to make budget adjustments, and consequently 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 change in County expenditures.

2. Compliance with State and Federal Pay Acts

Bonner County shall comply with all State and Federal Pay Acts respecting the compensation of employees for services performed in the public service.

3. Additional Compensation Policies

Elected Officials shall be paid a set salary as established by the Board of County Commissioners in the annual budget. They shall have no right to overtime pay, compensatory time off, vacation leave or sick leave.

Employees determined to be exempt from the hourly requirements of the Fair Labor Standards Act shall be paid on a salary basis as established by the Board of County Commissioners.

The Senior Deputy in the office of the Assessor, Clerk of the District Court, Coroner, Prosecuting Attorney, Sheriff, and Treasurer may in addition to the regular wage for their position be paid additional compensation. The Senior Deputy designation and any additional Board of County Commissioners approved compensation that accompanies it shall be in the sole discretion of the designating Elected Official. Removal from Senior Deputy status shall not be subject to the hearing procedures established by this Policy Manual.

4. Right to Change Compensation and Benefits

- a. Bonner County reserves the right to 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 as necessary to meet budgetary constraints or work load changes.
- b. The Board of County Commissioners has approved and adopted a Compensation Program that addresses job analysis, pay structures, performance management and training programs. Elected Officials and department heads shall follow the steps outlined in the Compensation Program when establishing the pay structure for a new position or re-evaluating the pay structure for a current position.

5. Overtime Compensation - Compliance with Fair Labor Standards Act

In addition to the employee classifications as noted elsewhere in this Policy Manual, all employees are classified as exempt (salaried) or nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they perform work that qualifies for the professional, executive or administrative exemption. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers or as firefighters may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Employees should contact their supervisor or the Human Resources Director for further clarification of their FLSA status.

6. Compensatory Time Policy

It is the policy of Bonner County that hourly employees who work over the regular hours paid in each seven-day work period may accrue compensatory time at the discretion of the Board of County Commissioners. Compensatory time in excess of 40 hours per week, or in excess of the

work period interval established pursuant to 29 U.S.C. §207(k), shall be computed at 1½ hours for each additional hour worked. The Board of County Commissioners has set a maximum accumulation of 100 hours of compensatory time. The Board of County Commissioners is to be advised by the Payroll Officer of any employee who has an accumulation of 90 or more hours of compensatory time. Any compensatory time over 100 hours shall be paid in the next pay period. The Elected Official, department head and/or supervisor may also require the employee to use his/her compensatory time. Compensatory time use shall be reflected on the employee's timesheet. The employee and his/her supervisor shall make every effort to use the compensatory time within six months of accruing these hours.

Employee transfers to another department will not be approved unless all compensatory time accrued by the transferring employee has been expended; unless the receiving department is willing and able to absorb the compensatory time in its budget.

7. Emergency/Disaster Response Compensation

Bonner County desires to utilize employees to the maximum extent possible including use of personnel not normally assigned emergency responsibilities. Employees who are required to work overtime in responding to a disaster will be compensated at the overtime rate of 1½ times their regular hourly wage in accordance with existing Bonner County policies and the requirements of the Fair Labor Standards Act (FLSA).

8. Reporting and Verifying Time Records

It is the responsibility of each hourly employee to properly record time that he/she has worked in quarter hour increments. Each time sheet shall bear the signature of the employee attesting to its completeness and accuracy. The supervisor will submit the department's time to the Payroll Officer on a form supplied by the Payroll Officer. The supervisor's signature on the form will serve as approval and authorization for the hours reported. These records shall be retained as required by the records retention policy of the County, consistent with State law. Exempt employees, except for Elected Officials and legal counsel for the County, shall be required to document time worked for accountability and benefit purposes.

9. Work Periods

Employment with Bonner County is subject to FLSA as previously described. 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. The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday. For regular employees, time actually worked in excess of 40 hours in a work week will be computed at one and one-half (1½) times the hours worked. This time will accrue as compensatory time on payroll records following the work

period during which it was earned. However, the County reserves the right to pay compensatory time at the overtime rate of 1 ½ times the regular hourly wage.

Sworn law enforcement officers and firefighters may be subject to the special exception for their respective professions under 29 U.S.C. § 207(k) which allows establishment of their work period up to twenty-eight (28) days. Overtime compensation at one and one-half (1½) times the hours worked is to be paid for qualifying law enforcement officers' hours beyond those established by the 29 U.S.C. § 207(k) schedule. For these special exception employees, compensatory time will accrue on the paycheck which follows the conclusion of each work period.

10. On-Call, Call-Out (reserved policy, not adopted)

11. Promotions and Compensation

Compensation for all employees and Elected Officials is established by action of the Board of County Commissioners. The annual budget of Bonner County sets the funding available for compensation for positions in various departments. Promotions and changes in status may be recommended by the Elected Official or department head, but final authority regarding compensation rests with the Board of County Commissioners.

12. Payroll Procedures and Paydays

Employees are paid every two weeks throughout the year. Completed and verified time sheets for each pay period must be in to the office of the County Auditor no less than 12:00 Noon, four (4) days prior to the payday. Paychecks are issued by the office of the County Auditor on every other Friday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.

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. The paycheck is generated by a computer program. Actual practices respecting the issuance of paychecks 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 of County Commissioners with the assistance of the County Auditor, the policy shall prevail. Employees are obligated to call to their supervisor's attention any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

13. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

a. Serving on Jury Duty

Leave will be granted and full pay provided to employees called to serve on jury duty.

If an employee is called for jury duty on a scheduled work day, and the jury duty is completed before the end of the day, the employee is expected to return to work. Department heads with shift requirements will discuss the schedule expectations with an employee who serves on jury duty. Time spent on jury duty does not count as hours worked for the purposes of calculating overtime or compensatory time. The compensation check the employee receives for jury duty does not have to be returned to the County.

b. Work Related Witness in a Court Proceeding

When an employee is directed to appear as a witness or to attend court in any capacity in connection with his/her official County duties, he/she shall not be entitled to receive any compensation from the court. Necessary travel expenses incurred by the employee will be paid by Bonner County unless reimbursement is made to the employee by another entity or individual.

The Bonner County Board of Commissioners recognizes the importance of employee's days off and the need to adequately compensate the Sheriff's Office personnel for court time. The minimum time allowed will be 4 (four) hours for court proceedings lasting four hours or less. Court proceedings lasting over four hours will be compensated by the actual time, rounded to the nearest quarter hour.

c. Non-Work Related Witness in a Court Proceeding

If an employee is subpoenaed as a witness in a court case, which is not work related, he/she shall use accrued comp time then vacation leave for the court appearance and may keep any witness fees received. If no comp time or vacation leave is available, then the employee may take leave without pay. If there is any question as to the work-relatedness of the court duty, the employee shall provide documentation to the department head and/or Elected Official who will make the decision.

14. Military Leave

Unpaid leave of absence will be granted to participate in ordered and authorized field training. The County's employment policy will comply with the provisions of I.C. § 46-407, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

15. Payroll Deductions

In accord with I.C. § 45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law.

16. Travel Expense Reimbursement

An employee on approved County business shall be reimbursed for necessary expenses incurred in completing his/her work-related assignment in accord with the policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested in accord with I.C. § 31-1501 or its successor. Refer to Bonner County Travel Policy and Reimbursement Procedures. A copy of the Bonner County Travel Policy and Reimbursement Procedures can be obtained through the Human Resources Office.

17. On-the-Job Injuries

All on-the-job injuries shall be reported to the employee's supervisor and the Human Resources Director before the end of the shift or as soon as practical. If an employee is disabled temporarily by an on-the-job accident, he/she shall be eligible for worker's compensation benefits and shall not be charged with any vacation leave or sick leave time while away from his/her position, except during the first five days of such absence.

Workers' compensation for the first five days will not be paid by the State Insurance Fund unless the disability exceeds 14 days. In such instances, the first five days will be paid retroactively on the 15th day. It shall be the policy of Bonner County that employees take available sick leave for those first five days of any injury and if the injury continues, on the 6th day, sick leave shall cease and the workers' compensation benefits shall begin. If workers' compensation is eventually paid for the first five days, that check does not have to be reimbursed to the County.

However, beginning on the 6th day of any injury, the employee must follow the rules of the State Insurance Fund on compensation and may not use sick leave from the County while collecting benefits from the State fund, however, the employee may authorize the use of accrued vacation leave, sick leave or compensation time to be used to pay for employee approved deductions not paid for by the County. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.

For sworn law enforcement officers, the County shall handle worker's compensation claims pursuant to Idaho Code, Title 72, Chapter 11.

C. EMPLOYEE BENEFITS

Bonner County offers a number of employee benefits for regular full-time and part-time employees. 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 contract for such services and/or official resolution of the Board of County Commissioners.

1. Notice and Scheduling of Leave

Employees must complete a leave request form for all vacation and sick leave used and submit it to their supervisor for approval prior to using any vacation or sick leave time.

Employees are required to provide their supervisor with advanced notice pursuant to department policy.

There may be occasions, such as sudden illness or injury, 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 and may be required to provide a doctor's note.

2. Vacation Leave

Elected Officials and attorneys are exempt from this policy and do not accrue vacation leave.

Vacation leave is available to full-time and part-time regular employees. Employees will not accrue vacation time while on leave without pay or suspension without pay.

Vacation accrues from the start of employment for full-time regular employees and is prorated based on the number of regularly scheduled work hours on a weekly basis for part-time regular employees in the following manner

<u>Length of Service</u>	<u>Vacation Accrual</u>
0 through 60 months	10 days/year -- 80 hrs. max
61 thru 120 months	15 days/year -- 120 hrs. max
121 months or more	20 days/year -- 160 hrs. max

The maximum accumulation at any one time shall be:

<u>Length of Service</u>	<u>Vacation Accrual</u>
0 through 60 months	20 days or 160 hours max
61 through 120 months	30 days or 240 hours max
121 months or more	40 days or 320 hours max

Any excess, over the maximum accrual, not used during the year in which it accrues will be forfeited, without right of compensation, at the conclusion of the fiscal year in which it became excess. Vacation leave is to be scheduled with consent of the responsible elected official or department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected departments. Upon separation from employment unused vacation leave up to the maximum allowable accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

3. Sick Leave

Elected Officials and attorneys are exempt from this policy and do not accrue sick leave.

Sick leave benefits are provided to regular full-time employees at the rate of one workday per month of employment. Sick leave is prorated based on the number of hours the part-time employee is regularly scheduled to work on a weekly basis. Employees will not accrue sick time while on leave without pay or suspension without pay. Sick leave is a benefit to provide relief to the employee in the event of illness or injury to the employee or his/her immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness or injury presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time when the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Elected officials or department supervisors asked to approve use of sick leave may, at Bonner County's expense, request an independent review of reported illness or injury at any time by a competent medical authority.

Sick leave can accrue to a maximum of 640 hours. Sick leave benefit recipients will receive their normal compensation when using sick leave. If eligible for FMLA, the time will run concurrent. All unused sick leave will be forfeited without compensation upon separation from employment.

4. Holidays

Eleven holidays are provided for full-time regular employees. Regular full-time, part-time and temporary or seasonal employees shall receive compensation for a holiday that falls on a regularly scheduled work day up to a maximum of 12 hours at the employee's regular rate of pay. Employees who are not scheduled to work a holiday but are eligible for holiday pay will receive compensation up to a maximum of 8 hours. Holidays which fall on Saturday shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of County Commissioners.

Employees who are required to work on holidays may receive a substitute day off with pay within sixty days of the date of the holiday they worked or the employee may receive holiday pay at the employee's discretion. Work performed on holidays shall be compensated at a rate of 1½ times the employee's regular rate of pay. In addition, the employee will receive holiday pay for the time worked (in effect, a maximum of 2½ times the employee's regular rate of pay for the hours worked).

Recognized Holidays:

New Year's Day
Martin Luther King, Jr./Human Rights Day
Presidents' Day

Labor Day
Columbus Day
Veteran's Day

Memorial Day
Independence Day

Thanksgiving Day
Christmas Day

Personal Day (with the supervisor's prior approval; must be used within the fiscal year)

5. Bereavement Leave

Up to five days of paid leave of absence shall be provided for a death in the immediate family (spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, grandchildren, brothers, sisters, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother-in-law and grandfather-in-law). Additional leave may be granted from accrued comp time, vacation leave, sick leave then leave without pay.

6. Leave Without Pay

In any fiscal year, up to 30 days unpaid leave can be granted by the Elected Official or department head. Unpaid leave in excess of 30 days shall require written approval of the Board of County Commissioners. Requests for unpaid leave will not be granted until all comp time, vacation leave and sick leave is exhausted.

7. 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 employer for at least 12 months;
- ii) must have worked at least 1,250 hours for the employer during the previous 12 months; and
- iii) the employer must employ at least 50 employees.

If the employee's employment situation does not meet all of the qualifications set forth above, the subsequent FMLA policy, which is required by law to be included in this Policy Manual, DOES NOT apply.

b. Entitlements

FMLA provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees 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. It also requires that the employee's group health benefits be maintained during the leave. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave.

If all eligibility requirements are met, the employee is covered under the FMLA. He/she may request or be placed on up to 12 weeks of leave where Bonner County will continue the employee's benefits (employer portion only) during the leave period. If the employee does not return to work for reasons other than their own continued serious health condition or that of an eligible family member, Bonner County may recover from the employee the premium(s) that were paid for the employee's medical coverage.

Total FMLA leave for employee spouses/parents who both work for Bonner 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

Employees are required to use any accrued vacation leave and sick leave (if applicable) concurrently with any FMLA leave. If paid leave accruals are less than 12 weeks, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue leave while utilizing their vacation leave and sick leave. They will cease to accrue vacation leave and sick leave during the unpaid portion of their leave. If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.

d. Employee Obligations

Employees are required to give 30 days' advance notice or as much time as practical when the need for FMLA leave is foreseeable. Bonner County reserves the right to request medical certification supporting any leave, and may require second or third opinions (at Bonner County's expense). Bonner County may also require a doctor's fitness for duty report prior to the employee returning to work. Leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely Bonner County's in compliance with the provisions of FMLA. Should a doctor not find the employee fit to return to duty, the employee will not be allowed to return to work.

When an employee is off work for FMLA leave, the employee will not be allowed to work for any other employer without prior approval from his/her department head or Elected Official. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment.

Employees shall contact the Human Resources Director 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 may occur.

To request FMLA leave, the employee must contact the Human Resources Director indicating the reason for requesting FMLA leave and the expected duration of leave. Note: 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 medical condition or the medical condition of the family member.

e. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule to allow the employee to care for a sick family member, or for an employee's own serious health condition 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.

f. Employer's Rights and Obligations

Bonner County has the right to determine whether the employee is or is not an "eligible employee" under the Act. Bonner 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.

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

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

g. The National Defense Authorization Act

On January 28, 2008, the FMLA was amended by the National Defense Authorization Act. This amendment 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 which renders that person unfit to perform his/her duties in the Armed Forces. Bonner County may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition.

The National Defense Authorization Act also provides 12 weeks of FMLA leave to an employee if his/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. Bonner County may require the request for this type of leave be supported by certification that the service member has actually been called to active duty. Bonner County employees shall provide prior notice when the need for this type of leave is foreseeable.

If you have any questions about your rights under FMLA, contact the Human Resources Director.

8. Change in Benefits

Bonner County, through the Board of County Commissioners, 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.

9. Benefits for All Employees

All employees shall receive benefits as required by law to include Workers Compensation insurance. All other benefits are to be determined by the Board of County Commissioners.

10. Insurance Coverage Available to Employees

Health insurance is available to employees and family members in accordance with the terms and conditions of the County's contract for such services. Other insurance offerings including life insurance, medical insurance, dental insurance, vision insurance, health savings accounts, flexible spending accounts, and supplemental income protection are available at the employee's and/or County's expense. The Human Resources Director shall be contacted for additional information. Any such offerings are subject to change at any time.

11. Retirement

The retirement plan of Bonner County combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes. Bonner County contributes an additional amount to PERSI. Contact the Human Resources Director for further information.

12. Miscellaneous Benefits

In addition to the benefits listed above, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement:

- i) deferred compensation plans handled by payroll deduction
- ii) credit union participation
- iii) employee-requested deduction programs subject to County policy
- iv) provision of uniforms, tools, equipment allowance, etc.
- v) further training and higher education reimbursement or tuition refund
- vi) employee assistance program

Any such offerings are subject to change at the Board of County Commissioners' sole discretion at any time.

13. Sick Leave Bank

The Sick Leave Bank shall provide employees who qualify for membership and choose to participate in the Sick Leave Bank with additional sick leave hours needed for his/her own recovery from serious non-work related illness and/or injury or to care for an immediate family member following the exhaustion of all accumulated vacation leave, sick leave and compensatory time. A copy of the Bonner County Employee Sick Leave Bank Policy can be obtained through the Human Resources Office.

14. Funeral Leave

Paid time off not under sick leave or outside bereavement leave will be allowed a limit of 2 hours per occurrence.

15. Transfer of Benefits with Employee Transfer

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

VI. EMPLOYEE EVALUATION PROCESS

A. PURPOSE OF THE EMPLOYEE EVALUATION PROCESS

The purpose of an employee evaluation is to motivate the employee, acknowledge employee performance and accomplishments, identify areas needing improvement, and establish goals.

B. EMPLOYEE EVALUATION PROCESS

Reviews with each probationary employee shall be conducted after six months of employment. Reviews with each regular employee shall be conducted annually. Evaluations shall consist of the direct supervisor's observations of the employee's performance, the accuracy of the employee's work in addition to the quantity, and additional efforts expended by the employee on behalf of the County. Each supervisor is authorized to use written evaluation tools, including the Bonner County Evaluation Form and/or other evaluation tools approved by the Elected Official or department head.

The written evaluation shall be signed by both the supervisor and the employee. A copy of the signed evaluation shall be given to the employee. All evaluations shall be reviewed by the Elected Official or department head before the supervisor meets with the employee to review the evaluation.

Each evaluation shall include an appraisal interview between the evaluated employee and the direct supervisor in which the employee will be told the findings of the employer's evaluation. Each employee will be given an opportunity to respond to the evaluation. The employee may submit a written response to the employer's evaluation to be placed in the employee's personnel file, providing that it is filed with the employer within 10 days of the date of the oral presentation of the evaluation.

VII. GRIEVANCE PROCEDURE

Employees are encouraged to openly discuss work-related concerns or complaints with their supervisors and make suggestions for improvement of work methods, safety practices and general policies or procedures. Issues which cannot be resolved informally may be addressed through the formal grievance procedure. The County shall attempt to resolve all complaints or concerns which are appropriate for handling under this policy in a timely manner. The grievance procedure does not apply to disciplinary action or employee evaluations.

Examples of matters which may be appropriate subjects for the grievance procedure include:

- i) Inconsistent, improper, or unfair application of work rules, policies or procedures
- ii) Inconsistent, improper, or unfair administration of employee compensation or benefit programs
- iii) Illegal discrimination in employment on the basis of race, color, gender, age, religion, national origin, marital status or handicap
- iv) Failure to maintain a safe and productive work environment

Issues which are generally not appropriate for resolution under the grievance procedure include:

- i) General administrative changes in county pay classification and compensation policies
- ii) General administrative changes in employee benefit plans and eligibility requirements
- iii) Changes in job classifications including minimum requirements or duties
- iv) Changes in work assignments and work schedules
- v) Changes in policies, procedures or work rules
- vi) Administrative changes in organizational structure or staffing levels including reductions in force

This grievance procedure shall be the exclusive remedy for employees with appropriate complaints or concerns. All complaints must be in writing and must be filed within 10 working days of the date of the occurrence or the date the employee becomes aware of the occurrence.

The County reserves the right to proceed with any action it deems appropriate regardless of any grievance proceeding. However, the application or implementation of current or pending policies, procedures, work rules or management actions may be suspended or delayed at the discretion of the County pending a final resolution.

The formal grievance procedure consists of a maximum of two steps. Decisions shall become final when the employee fails to appeal in a timely manner or when the process has been completed. Employees who feel they have an appropriate complaint or concern shall proceed as follows:

1. Step 1

Submit the complaint or concern in writing to the immediate supervisor within 10 working days of the date of the occurrence or the date the employee becomes aware of the occurrence. The supervisor shall investigate the complaint or concern and provide a written response in a timely manner (normally within 10 working days). (If the grievance involves the supervisor, the employee may elect to proceed directly to Step 2 of this procedure.)

2. Step 2

If the employee is not satisfied with the supervisor's response, he/she may appeal the matter to the Elected Official, department head or their designated representative within five working days from the date they receive the supervisor's written response. The appeal shall be in writing and shall include a copy of the supervisor's response if applicable. The Elected Official, department head or their designated representative shall evaluate the complaint or concern together with the supervisor's response if applicable and issue a written response in a timely manner (normally within 10 working days).

Employees will be compensated at their regular rate for time spent during their normal working hours in meetings with department heads, supervisors or other agents of the County in connection with the grievance process.

Decisions resulting from this grievance procedure shall not be considered as establishing a precedent in any subsequent issues unless they are officially adopted as County policy.

When appropriate, decisions may be made retroactive.

Employees shall not be subject to disciplinary action or retaliated against for proper use of the grievance process. However, it is not considered proper to raise complaints or concerns in bad faith or solely for the purpose of delay or harassment, or to repeatedly raise issues that a reasonable person would judge to have no merit.

Information concerning employee complaints or concerns is generally considered confidential. Supervisors and department heads who are responsible for investigating and resolving employee complaints or concerns shall discuss them only with those individuals who have a need to know or who may have necessary information. Supervisors and department heads shall keep the Human Resources Director informed of all formal complaints or concerns in progress. The Human Resources Director shall monitor the grievance process and assist department heads, supervisors and employees in resolving employee's work-related complaints and concerns in a timely manner in accordance with the provisions of this policy. The Human Resources Director shall also maintain a record of all formal grievance proceedings.

VIII. EMPLOYEE DISCIPLINE PROCESS

A. PURPOSE OF THE DISCIPLINE POLICY

The purpose underlying the discipline policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

B. DISCIPLINARY SYSTEM FRAMEWORK

Bonner County adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. Bonner County reserves the right to take any of the prescribed steps, in any order, in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step up, to and including termination for a first time offense.

C. DISCIPLINARY ACTIONS AVAILABLE AND AUTHORITY

The following actions are among the disciplinary steps that may be recommended by the supervisor in response to personnel policy violations. The department head and/or Elected Official shall impose all disciplinary action on subordinate personnel.

When determining the appropriate disciplinary action, the supervisor will consider on the following factors:

- The severity, frequency and/or pervasiveness of the conduct;
- Prior complaints made by the complainant;
- Prior complaints made against the employee; and
- The quality of the evidence (first-hand knowledge, credible corroboration etc.).

These disciplinary actions may be taken in any order, up to and including termination for a first offense.

- Oral warning
- Written reprimand
- Suspension with or without pay
- Probation with the same terms and conditions of employment as that of a Probationary Employee as noted elsewhere in this Policy Manual
- Demotion
- Termination from employment
- Any other requirement the County deems appropriate

D. OPPORTUNITY TO BE HEARD CONCERNING PROPOSED DISCIPLINE OR FAILURE TO PERFORM

This section applies to regular full-time and part-time employees.

The personnel policy of Bonner County establishes the right of regular employees (but not independent contractors, probationary employees, temporary employees, seasonal employees or legal counsel for the County) to be heard in the event of contemplated demotion with a reduction in pay, suspension without pay or termination from employment. The opportunity to be heard is designed to be informal, allowing the employee to discuss with his/her Elected Official the facts surrounding the proposed disciplinary action or performance-based personnel action and to provide any additional documentation that the employee believes would be helpful in explaining his/her actions, attitude or behavior.

The following steps shall be followed at the direction of the Elected Official:

1. The employee shall be provided with a written notice of the reasons for the proposed personnel action that would affect him/her, along with an explanation and copies of the County's supporting information and the proposed personnel action.
2. The written notice will include a date, time and place for the employee to be heard to discuss the proposed personnel action. Such date shall be at least 5, and no more than 10, working days after the notice is received.

3. The notice shall state whether the employee is being placed on suspension pending the outcome of the opportunity to be heard, and whether any such suspension will be with or without pay.
4. If the employee is unable to participate in the scheduled opportunity to be heard, he/she may request an alternate date and time. Any approved alternate date that falls after the scheduled date and time may be without pay, if any pay has been provided by the County.
5. The employee must notify his/her Elected Official or designee within two business days of the date of the notice that he/she desires to be heard as scheduled in order to discuss the reasons for the proposed personnel action. If notice of acceptance of the opportunity to be heard is not received within two business days, the opportunity to be heard will be vacated and deemed waived.
6. As an alternative to an opportunity to be heard, the employee may choose to provide a written response to the basis for the proposed personnel action. This written response must be submitted no later than the scheduled date and time initially set for the opportunity to be heard.
7. The opportunity to be heard, if chosen, will last no longer than one hour, unless otherwise approved by the County, and will be limited to discussion of the issues contained in the notice and to any allegations by the employee of unlawful discrimination in employment.
8. The employee may have an attorney assist him/her at the employee's own expense.
9. The employee will be allowed to present oral testimony from his/her witnesses (or provide written statements) about the issues contained in the notice.
10. The County may ask the employee's witnesses questions for clarification purposes should that be necessary during the discussion.
11. The employee may ask the County questions for clarification purposes should that be necessary during the discussion.
12. The Idaho Rules of Evidence shall not apply to the opportunity to be heard.
13. Unlawful discrimination allegations must be raised during this process, or they will be deemed waived by the employee.
14. There will be a record maintained, including a recording of the discussion that constitutes the opportunity to be heard.
15. The Elected Official will render a written decision (normally within 10 days) after considering employee's responses, if any, to the allegations set out in the notice.

FAILURE TO PARTICIPATE IN THE OPPORTUNITY TO BE HEARD ALLOWED HEREIN SHALL CONSTITUTE A FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS POLICY.

E. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND NAME-CLEARING HEARING

This section applies to independent contractors, probationary employees, temporary employees, seasonal employees and legal counsel for the County.

This policy establishes an opportunity for certain employees (independent contractors, probationary employees, temporary employees, seasonal employees and legal counsel for the County) to be heard in the event of a discharge or demotion with a reduction in pay; and 1) the employee asserts that this discharge or demotion is actually the consequence of alleged unlawful discrimination by the County; or 2) the allegation involves dishonesty, immorality or criminal misconduct that would entitle the employee to a name-clearing hearing. *Cox v. Roskelley*, 359 F.3d 1105 (9th Cir. 2004).

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, gender, race, religion, national origin or disability that is not a bona fide occupational qualification. Issues of job performance or employee attitude are not the proper subject of this opportunity to be heard. Bonner County does not condone discrimination on the basis of the foregoing unlawful categories. **FAILURE TO SEEK AN OPPORTUNITY TO BE HEARD PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.** Any employee entitled to an opportunity to be heard as a result of a disciplinary action that concerns job performance or behavior must raise allegations of unlawful discrimination or the need for a name-clearing hearing in the course of that disciplinary process, with such issues to be addressed as provided by this section of the policy.

When the employee asserts an allegation of unlawful discrimination or the need for a name-clearing hearing, the elements of procedure to be followed and undertaken at the direction of the Elected Official, unless waived by the employee, are as follows:

1. The employee may, within 10 working days of his/her termination or demotion, submit a written allegation of unlawful discrimination or a request for a name-clearing hearing, stating with particularity the basis for the requested opportunity to be heard. Complaints filed untimely or failing to state a particular, legally recognized basis for this opportunity will not be heard.
2. The opportunity to be heard with regard to the employee's allegations shall be provided as promptly as possible, normally within 10 working days, after receipt of a properly documented request.
3. An employee alleging unlawful discrimination or entitlement to a name-clearing hearing shall be allowed one hour, unless otherwise approved by the Elected Official, to meet and discuss the allegations with the Elected Official.

4. There shall be a record maintained, including a recording, of the discussion that constitutes the opportunity to be heard.
5. The employee's supervisor, to the extent of his/her knowledge, may be required to provide a brief, written statement in response to the particular allegation of discrimination or name-clearing request. The Elected Official may request that the employee's supervisor participate in the discussion.
6. The employee may have an attorney assist him/her at the employee's own expense.
7. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or name-clearing is based.
8. The Elected Official may ask the employee's witnesses questions for clarification purposes.
9. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Elected Official to consider.
10. The Idaho Rules of Evidence do not apply to this opportunity to be heard.

After the conclusion of the discussion, the Elected Official will consider all of 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. Said decision shall set forth the reasons for the Elected Official's determination in writing. If as a result of this opportunity to be heard, the Elected Official finds fault with the basis for the County's action, remedial action may be prescribed, including restoration of employment and payment of back pay.

VIII. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

The purpose of this Harassment Policy is to clearly establish the County's commitment to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment. Because of the importance of a workplace free from unlawful harassment, the Elected Official, department head, or designee, shall review this policy annually with each employee and document the review to the employee's file and in his/her evaluation.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee, supervisor, department head and Elected Official to prevent inappropriate behavior in the workplace. Inappropriate behavior which impacts

the workplace, or has the potential to impact the workplace, will not be tolerated.

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

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, religion, national origin, gender, age and disability is in violation of State and/or Federal law and will not be tolerated by Bonner County.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES

1. County

It is the responsibility of the County to develop this policy, provide training on this policy, 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.

The County designates the Human Resources Director to be responsible for following the Complaint Procedures as set out in this policy.

2. Supervisors, Department Heads, Elected Officials

It is the responsibility of supervisors, department heads and Elected Officials to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed. The policy review meeting shall be documented to the employee's file and in his/her evaluation. If a supervisor, department head or Elected Official observes that unlawful discrimination, harassment or retaliation is occurring, he/she shall take immediate action to address the problem. Such action shall 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; consulting with the supervisor; 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 shall notify the department head or other appropriate management employee, who shall then take prompt steps to address the allegation.

If unlawful harassment is reported or alleged, it must be followed up. No complaining party shall be allowed to retract an allegation of unlawful

harassment without proving that it was made erroneously. If a supervisor, department head or Elected Official receives information that discrimination, unlawful harassment or retaliation might be occurring, he/she shall follow the Complaint Procedure as set out in this policy.

3. Employees

It is the responsibility of each and every employee to know this policy and to follow it. All County employees share the responsibility of understanding and preventing unlawful discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing their supervisor, department head, Elected Official, Human Resources Director or legal counsel for the County of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

D. DEFINITIONS

For purposes of clarification unlawful harassment includes, but is not limited to, the following behaviors:

1. Verbal Harassment

Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religion, national origin, gender, age and 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 including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" which is oriented toward a prohibited form of harassment.

2. Physical Harassment

Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, national origin, gender, age and disability. This includes pinching, patting, grabbing, inappropriate behavior, or making explicit or implied threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment

Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, religion, national origin, gender, age and disability. This

applies to both posted material and material maintained in or on Bonner County computers, equipment or personal property in the workplace.

4. Sexual Harassment

Any act which 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"

Where submission to unlawful harassment is used as the basis for employment decisions.

Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: 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.

Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even 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.

E. COMPLAINT PROCEDURE

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

1. A person who believes he/she has been unlawfully harassed, discriminated or retaliated against should report it to his/her supervisor, department head, Elected Official, the Human Resources Director, or legal counsel for the County as soon as possible, normally within 10 working days. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in any County department as a result of an employee coming forward, the supervisor shall immediately report it to the Human Resources Director. Once a complaint of unlawful harassment, discrimination or

retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.

2. Promptly, not later than three working days, upon receiving the complaint, the Human Resources Director shall initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.
3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Human Resources Director shall review the complaint with legal counsel for the County and the Board of County Commissioners.
4. The Human Resources Director, in conjunction with legal counsel for the County, shall engage an appropriate person to investigate the complaint. The investigator shall be a neutral party.
5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.
6. As soon as practical, normally within 10 working days, the investigator will conclude the investigation and submit a report of his/her findings to the Human Resources Director, who then will route it as appropriate.
7. If it is determined that unlawful harassment or discrimination in violation of the County's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the County. The appropriate action will depend on the following factors:
 - The severity, frequency and pervasiveness of the conduct;
 - Prior complaints made by the complainant;
 - Prior complaints made against the respondent; and
 - The quality of the evidence (first-hand knowledge, credible corroboration etc.).
8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this Policy but some potentially problematic conduct is revealed, corrective action may be taken.
9. Promptly, normally within 10 working days, after the investigation is concluded, the department head and/or Elected Official will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation.
10. The complainant and the respondent may submit statements to the department head and/or Elected Official challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the department head and/or Elected Official in which the findings of the investigation is discussed.
11. Promptly, normally within 10 working days, after the department head and/or Elected Official has met with both parties and reviewed the

documentation, he/she will decide, after consultation with legal counsel for the County, what action, if any, should be taken.

F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the department head and/or Elected Official shall take prompt and effective remedial action against the harasser. The action shall 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 an harassment charge or initiating a harassment complaint, 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, department head and/or Elected Official shall take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

H. CONFIDENTIALITY

Confidentiality will 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.

I. FALSE COMPLAINTS

Any complaint made by an employee of the County regarding employment-based harassment which is conclusively proven to be false, shall result in discipline. This discipline may include termination of employment. This section is not intended to discourage employees from making complaints regarding employment-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

IX. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, Bonner County reserves the right to change employee assignments and/or reduce forces in such manner as it deems necessary to maintain the effective functioning of Bonner County services. The Board of County Commissioners or each Elected Official within his/her department, reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests.

Decisions about the functions or positions to be changed and/or reduced are not subject to the Grievance procedure or the Opportunity to be Heard

procedure as established by Bonner County. However, any employee who believes that he/she has been terminated or reassigned from his/her position as a result of unlawful discrimination may utilize the Name-Clearing Hearing procedures as noted elsewhere in this Policy Manual.

In the event of a RIF or reorganization, when all other qualifications are equal, the following criteria shall be used to determine which position(s) will be affected:

- i) Classification, then
- ii) Evaluation, then
- iii) Seniority.

B. RETIREMENT POLICY

The retirement policy of Bonner 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).

C. COBRA BENEFITS

Employees of Bonner County who currently receive medical benefits, who separate 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). If you have any questions regarding your right to continue your health coverage after separating from Bonner County, contact the Human Resources Director.

D. EXIT INTERVIEW

Each employee who separates from employment with Bonner County is encouraged to participate in an exit interview with the Human Resources Director. In such interview, the employer shall notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be asked why he/she is leaving Bonner County employment and invited him/her to inform the interviewer about his/her impressions of employment and offer any suggestions for improvement. An employee exit form will be completed and will be retained in the employee's personnel file. Also, a copy of the employee's resignation letter or acknowledgment letter of the employer accepting an oral resignation will be retained in the employee's personnel file.

The separating employee shall turn in all property that belongs to the County (i.e.: keys, credit cards, phone cards, pagers, cell phones, identification, etc.) to the supervisor, department head and/or Elected Official.

Any compensation for time worked and accrued compensatory time will be included in the employee's final paycheck. Accrued vacation leave and sick leave will be paid as noted elsewhere in this Policy Manual when all County property has been returned.

E. RESIGNATION POLICY

Voluntary resignations will generally be made in writing to the department head or Elected Official who will notify the Human Resources Director. If the employee wants his/her formal records to indicate "voluntary resignation", they must do so in writing to their supervisor or department head. Oral resignations will be documented by the supervisor after consultation with the Elected Official or department. Evidence of acceptance of a resignation shall be provided to the ex-employee, if possible. Employees who have an unexcused or unauthorized absence of three working days or more may be considered to have abandoned their position and therefore resigned.

DISTRIBUTION

Access to this policy shall be provided to all employees, supervisors, department heads and Elected Officials of the County either by paper or electronic copy. Any questions, concerns or comments related to this policy shall be directed to the department head, Elected Official or Human Resources Director.

ADOPTED this 15 day of January, 2013 by the Board of Bonner County Commissioners

Cary Kelly, Chairman

Joyce Broadsword, Commissioner

Mike Nielsen, Commissioner

Attest: _____
Deputy Clerk

