

WOODBURY COUNTY EMPLOYEE HANDBOOK

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Table of Contents

SECTION I – INTRODUCTION.....	6
1.1 GENERAL PURPOSE AND SCOPE	6
1.2 COLLECTIVE BARGAINING	6
1.3 NEPOTISM.....	7
1.4 EQUAL EMPLOYMENT OPPORTUNITY	8
1.5 BREASTFEEDING/EXPRESSING REQUIREMENTS.....	9
1.6 EMPLOYMENT CLASSIFICATION	9
1.7 PROBATIONARY PERIOD.....	10
1.8 EMPLOYEE RESPONSIBILITY AND CONDUCT	11
1.9 PERSONAL APPEARANCE AND CLEANLINESS.....	11
1.10 EMPLOYEE ATTIRE	12
1.11 CODE OF ETHICS	12
SECTION II –EMPLOYMENT	14
2.1 RECRUITMENT, HIRING, AND EMPLOYMENT.....	14
2.2 VETERANS’ PREFERENCE	14
2.3 NOTICE OF VACANCIES.....	14
2.4 PROMOTIONS AND TRANSFERS	14
2.5 LAYOFF AND RECALL	15
2.6 REASONABLE ACCOMMODATION	15
2.7 PERFORMANCE REVIEWS	16
2.8 EMPLOYMENT AT-WILL.....	16
SECTION III – HOURS OF WORK	18
3.1 TIME REPORTING	18
3.2 HOURS OF WORK.....	19
3.3 ATTENDANCE.....	20
3.4 OVERTIME	20
3.5 CALL BACK.....	21
3.6 SEVERE WEATHER CONDITIONS.....	22
SECTION IV – TIME OFF	25
4.1 REQUESTING PAID TIME OFF; UNAUTHORIZED ABSENCES	25
4.2 HOLIDAYS.....	25

4.3	VACATION	26
4.4	SICK LEAVE.....	27
4.5	EXTENDED FAMILY LEAVE.....	27
4.6	SICK LEAVE CONVERSION AND PAYMENT	28
4.7	SICK LEAVE DONATION.....	28
4.8	USE OF DONATED SICK LEAVE	29
4.9	PERSONAL DAYS.....	30
4.10	FUNERAL LEAVE.....	30
4.11	JURY AND WITNESS LEAVE	31
4.12	ADMINISTRATIVE LEAVE	31
4.13	MILITARY LEAVE.....	31
4.14	LEAVE WITHOUT PAY	31
4.15	FAMILY AND MEDICAL LEAVE	32
SECTION V – INSURANCE AND OTHER BENEFITS		37
5.1	HEALTH, DENTAL, LIFE, AND LTD INSURANCE.....	37
5.2	WORKERS’ COMPENSATION.....	38
5.3	UNEMPLOYMENT COMPENSATION.....	38
5.4	RETIREMENT BENEFITS	38
5.5	EDUCATION AND TRAINING	39
SECTION VI – COMPENSATION		40
6.1	COMPENSATION.....	40
6.2	RIGHT TO CHANGE COMPENSATION	40
6.3	PAYROLL ADMINISTRATION.....	40
6.4	REPORTING OF HOURS WORKED.....	41
6.5	EMPLOYEE LEAVE RECORDS.....	41
6.6	PAYROLL DEDUCTIONS.....	41
SECTION VII – MISCELLANEOUS.....		42
7.1	EMPLOYEE PERSONNEL RECORDS	42
7.2	PRIVACY AND USAGE OF COUNTY PROPERTY	42
7.3	REFERENCES	45
7.4	KEYS AND/OR PHOEBES TO COUNTY FACILITIES/EQUIPMENT.....	46
7.5	EMPLOYEE IDENTIFICATION CARDS	46

7.6	EMPLOYEE BULLETIN BOARDS.....	46
7.7	FIRE AND EMERGENCY RESCUE SERVICE FOR EMERGENCY SERVICES, CONSERVATION, AND SECONDARY ROADS.....	46
7.8	WOODBURY COUNTY TRAVEL AND EXPENSE POLICY.....	47
SECTION VIII – SAFETY AND HEALTH.....		49
8.1	SAFETY AND HEALTH	49
8.2	ACCIDENT REPORTING	49
8.3	RISK MANAGEMENT, SAFETY AND SECURITY COMMITTEE	49
8.4	DRUG AND ALCOHOL TESTING POLICY	49
SECTION IX – EMPLOYEE CONDUCT		61
9.1	WORKPLACE HARASSMENT	61
9.2	SEXUAL HARASSMENT DEFINED	61
9.3	OTHER TYPES OF HARASSMENT.....	62
9.4	HARASSMENT COMPLAINT PROCEDURE	62
9.5	OPEN COMMUNICATIONS/TAPE RECORDINGS.....	63
9.6	OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST	63
9.7	GIFTS	64
9.8	POLITICAL ACTIVITY	65
9.9	CONTACT WITH NEWS MEDIA	65
9.10	VIOLENCE IN THE WORKPLACE	65
9.11	TOBACCO FREE ENVIRONMENT	66
9.12	SUBSTANCE ABUSE AND DRUG FREE WORKPLACE	67
9.13	USE OF COUNTY VEHICLES.....	67
9.14	DRIVER LICENSE REQUIREMENTS AND DRIVING RECORD	68
9.15	SOCIAL NETWORKING	68
9.16	DISCIPLINARY ACTION	69
9.17	WORK RULES.....	69
SECTION X – COMPLAINTS.....		72
10.1	COMPLAINT PROCESS	72
10.2	COMPLAINT PROCEDURES.....	72
SECTION XI – TERMINATION.....		74
11.1	COMPENSATION UPON TERMINATION.....	74
11.2	SEPARATION FROM EMPLOYMENT	74

11.3 INSURANCE CONTINUATION AFTER SEPARATION.....74
WOODBURY COUNTY POLICY ACKNOWLEDGMENT FORM..... 1

SECTION I – INTRODUCTION

1.1 GENERAL PURPOSE AND SCOPE

With this Employee Handbook, Woodbury County (“County”) is providing this basic set of policies to give you guidance in your employment. These are not intended to be an exhaustive set of the policies, rules, or laws that apply to your employment. To the extent required, it is the intent of the County to comply with all state and federal laws and regulations. Other policies and procedures may also set some of the parameters of your employment if you are a bargaining unit employee, appointed by an elected official, or work for an entity within the County that has a separate board. . .

Regardless of the manner in which you are employed, the Woodbury County Board of Supervisors (“Board”) reminds you that you have an obligation to the taxpayers of the County to perform your job duties to the absolute best of your ability all of the time. You also have an obligation to conduct yourself in a civil and dignified manner which is always respectful of your supervisors, managers, directors, elected officials, co-workers, and the clientele we serve, namely the taxpayers of the County. While there is not a formal dress code, employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

All employees of the County are employees-at-will. This means that the County can terminate your employment at any time for any reason or no reason, except reasons specifically prohibited by law. It also means that the County is not required to provide a reason for terminating your employment and that you are free to terminate your employment at any time without providing a reason.

The publication of these policies does not create a contract of employment and does not change your employment status. The County reserves the right to change these policies at any time and in any manner with or without notice. The publication of these policies does not create any legal rights for employees. The policies are intended to inform employees of their benefits and responsibilities of their employment.

1.2 COLLECTIVE BARGAINING

If you are a bargaining unit covered employee, the negotiated bargaining contract sets some of the parameters of your employment. To the extent there is a conflict between the provisions in this Handbook and the negotiated bargaining contract, the negotiated bargaining contract is controlling.

1.3 NEPOTISM

No hiring authority may appoint or vote for the appointment as a regular, paid-on-call, temporary, or seasonal employee when any of the following conditions exist:

- When one member of the immediate family is already employed in the department to which another member of the immediate family is seeking employment; or
- When an employee seeking a promotion or transfer through in-house posting of job openings would result in a supervisory relationship between immediate family members; or
- When an applicant's immediate family member is employed by the County in a position that is classified as confidential.

Any such appointment may be voided by the Board if not done voluntarily by the hiring department.

If a family relationship is created by the marriage or cohabitation of County employees or in the event of an immediate family member becoming an elected official working in the same department, the two employees will be given the option of deciding who will transfer or be reassigned if possible. If it is not possible for one to transfer or to be reassigned the two employees may decide which one shall resign within 90 days of the occurrence or face immediate termination; if neither one will resign the least senior employee who is not an elected official shall be terminated. If a family relationship is created by marriage between an employee and a non-employee, the employee who became married must transfer or take reassignment, if possible, or terminate employment within 90 days.

For the purposes of this policy, the term "immediate family member" means any of the following: spouse (husband or wife), domestic partners¹, cohabitating couples, child and/or step-child (son or daughter), parent (mother or father), step-parent, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, grandparent, aunt, uncle, niece, nephew, cousin, and any other permanent member of the immediate family.

This policy does not apply to employees paid wages or salary of less than six hundred dollars per year.

This policy is not applicable to County Civil Service Employees.

Any further exceptions to this would require prior Board approval.

¹ Those employees who wish to apply for domestic partner benefits must complete a statement of domestic partnership.

1.4 EQUAL EMPLOYMENT OPPORTUNITY

The County supports equal employment opportunity for all individuals without regard to race, color, religion, sex, sexual orientation, gender identity, age, national origin, disability; genetic information of employees, applicants or their dependents; military status; pregnancy status; creed; and any other category protected by any applicable local, state, or federal law. This policy applies to all terms, conditions, and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge, and retirement.

Discrimination in employment will not be tolerated. In addition, the County will not tolerate retaliation against an employee for having opposed discrimination, having made a complaint of discrimination, having advised a member of management of alleged discriminatory conduct, or having participated in any manner in an investigation or proceeding regarding an allegation of discrimination. Employees are prohibited from engaging in any discrimination or retaliation.

The County has established a written Affirmative Action Plan that is intended to comply with applicable laws.

The County also prohibits the harassment of any employee on the basis of his or her race, color, religion, sex, sexual orientation, gender identity, age, national origin, disability, genetics, military status, pregnancy status, creed, and any other category protected by any applicable local, state, or federal law.

The County has appointed the Human Resources Director as Equal Employment Opportunity (EEO) Coordinator, whose responsibilities include monitoring compliance with this policy and reporting in accordance with applicable laws.

Every employee has an obligation to report any discriminatory conduct that he or she believes has occurred or is occurring, whether such conduct is directed toward that employee or another. If any employee or applicant for employment believes he/she has been discriminated against or believes he/she has observed or is aware of any discrimination, it should be immediately reported to the employee's department head or the EEO Coordinator. If the employee or applicant is uncomfortable reporting to either the department head or the EEO Coordinator, or if the allegation involves either the department head or the EEO Coordinator, then the report should be to the Chairperson of the Board of Supervisors. The County will take appropriate action to investigate and address when necessary any complaint concerning discrimination. Corrective action will be taken as appropriate.

Every employee, contractor, or subcontractor who does not comply with this policy will be subject to disciplinary action (in the case of an employee), including, but not limited to, discharge and penalties (in the case of a contractor or subcontractor), including, but not limited to, termination of contract.

The evaluation of employee job performance, including that of managers, directors, and departmental supervisors, will be based, in part, on employee's compliance with and promotion of the goals of this policy.

1.5 BREASTFEEDING/EXPRESSING REQUIREMENTS

The County will provide a reasonable unpaid break time for an employee to express breast milk for her nursing child and each time the employee has need to express milk. The employee should contact Human Resources to make arrangements.

1.6 EMPLOYMENT CLASSIFICATION

A. Employees shall have one of the following classifications:

Regular Full-time Employee

An employee who is normally scheduled to work at least forty (40) hours per week on a regularly scheduled basis and who has successfully completed the probationary period is a Regular Full-time Employee. Regular Full-time Employees are eligible to receive all benefits provided in this handbook.

Regular Part-time Employee Working At Least 30 Hours

An employee who is normally scheduled to work thirty (30) or more hours per week on a regularly scheduled basis and who has successfully completed the probationary period is a Regular Part-time Employee Working at Least 30 Hours and is eligible for the same benefits as a Regular Full Time Employee as specified by the policies in this Handbook.

Regular Part-time Employee Working Under 30 Hours

An employee who is normally scheduled to work less than thirty (30) hours per week on a regularly scheduled basis and who has successfully completed the probationary period is a Regular Part-time Employee working Under 30 Hours and is eligible for sick leave, holidays, vacation, or personal days as specified by the policies in this Handbook. Regular Part-time Employees Working Under 30 Hours are not eligible (except as otherwise required by law) for any other benefits provided in this Handbook.

On-call Employee

An On-call Employee is an employee who is normally scheduled to work less than forty (40) hours per week on an "as needed" basis. Part-time/on-call employees are not eligible for any benefits provided in this handbook (except as otherwise required by law).

Temporary Employee

An employee hired for a period of 120 days or less than four months per calendar year shall be a Temporary Employee. Temporary employees may be used during emergencies or other peak workload periods, to temporarily replace or assist regular

employees absent due to disability, illness, vacation, or other approved leave, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or skills examination. The length of time a temporary employee can work during a calendar year may be limited by some bargaining unit contracts. In certain cases, such as filling in for someone on military leave or illness, a temporary employee may have their status renewed for additional four month periods, at the discretion of the Board. Temporary employees are only eligible to receive benefits mandated by law. Temporary employees are not eligible for and do not receive vacation, sick leave, health insurance, holiday pay, or any other benefits during their employment, unless required by law. A temporary full-time and/or temporary part-time employee does not become a regular employee by virtue of being employed longer than the agreed upon employment term.

B. In addition to a classification under A., Employees will also be designated exempt or non-exempt as follows:

Exempt Employee

An exempt employee is a salaried employee who is not covered by the overtime provisions of the Fair Labor Standards Act and is not eligible to receive overtime compensation in the form of time off (compensatory time) or cash.

Non-exempt Hourly Employee

A non-exempt hourly employee is one who is covered by the overtime provisions of the Fair Labor Standards Act and is eligible to receive overtime compensation in the form of time off (compensatory time) or cash.

1.7 PROBATIONARY PERIOD

The County requires all Regular employees to serve a probationary period when a new employee is appointed to a position and when existing employees are promoted, transferred, or demoted.

The probationary period is regarded as an integral part of the screening process. It provides the County with a period of time during which the employee's work will be closely evaluated. The County may dismiss any employee, with or without cause, at any time during the probationary period. Any significant time, totaling more than five days that the employee is absent during this period will extend the probationary period for the amount of time missed.

The probationary period is six (6) months from the employee's date of hire, unless otherwise provided in a negotiated bargaining agreement, Civil Service regulation, or law. Newly hired probationary employees accrue vacation and sick leave, but are not eligible to use vacation until they have successfully completed their anniversary period.² The probationary period may be extended with the approval of the Human Resources Department when needed to properly evaluate the performance of a probationary

² One full year of employment.

employee. Probationary periods may also be extended by absences from work. Under no circumstances will the probationary period be shortened.

Prior to the completion of the probationary period, the employee's supervisor must review the performance of the probationary employee and notify the Human Resources Department with a written recommendation to retain or dismiss the employee. The employee will automatically become a regular employee if no recommendation to the contrary is submitted.

1.8 EMPLOYEE RESPONSIBILITY AND CONDUCT

Employees must hold the safety, welfare, and service to the County residents as the central mission of County government at all times. All employees are expected to represent the County in a professional manner that is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by the department head and the Human Resources Department. Uniforms and certain safety equipment may be required for certain County jobs. Employees will be responsible to keep their uniforms clean and neat.

All County employees are expected to respect and abide by these standards of personal conduct:

- Demonstrating tact and courtesy towards the public and all County employees.
- Adhering to County policies, procedures, safety rules, and safe work practices.
- Complying with directions from management officials.
- Protecting and preserving the County's equipment, grounds, facilities, and resources.
- Providing orderly and cost efficient services to the County's citizens.

1.9 PERSONAL APPEARANCE AND CLEANLINESS

The County's public image is a direct result of its employees, both individually and collectively. Quality service, positive attitude, cooperation, good customer relations, and pleasing personal appearance are key factors in creating and maintaining a favorable image.

The County expects employees to be neat and clean in their grooming and personal hygiene. An employee's appearance is unacceptable to the County's general standards if it hinders or is detrimental to the public image and performance of the County as a whole, to the employee's own job performance, or to a fellow employee's performance.

1.10 EMPLOYEE ATTIRE

Some departments within the County require a specific dress code or uniforms. Employees that do not work in a department requiring a specific dress code or uniform must dress appropriately for their position and department. For employees working in the Courthouse and that regularly interact with the public, appropriate dress is usually business or business casual. All clothing must be neat, clean, free of holes, rips, or stains. Employees with questions concerning appropriate dress are encouraged to talk to their supervisors.

1.11 CODE OF ETHICS

The County is committed to high standards of conduct by and among employees in the performance of their duties. Individual and collective adherence to high ethical standards is central to the maintenance of public trust and confidence in government.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The County Code of Ethics herein applies to the day to day conduct of all employees of County government.

The ethical County employee *must*:

1. Promote decisions which only benefit the public interest.
2. Promote public confidence in County government.
3. Keep safe all funds and other properties of the County.
4. Perform the work of the County diligently, promptly, and efficiently.
5. Maintain a positive image to pass constant public scrutiny.
6. Evaluate decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
7. Maintain high standards of work every day in dealings with the public, employees, and associates.
8. Maintain a respectful attitude toward employees, public officials, colleagues, associates, and citizens.

9. Comply with all laws, policies, rules, and regulations applicable to the County.

The ethical County employee ***must not***:

1. Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
2. Improperly influence or attempt to influence other employees to act in his/her own interest.
3. Accept anything of value from any source which is offered to, or could reasonably be expected to influence his/her action as a public employee.
4. Use any County resource for personal or private benefit or gain.
5. Engage in criminal activity.

The ethical County employee accepts the responsibility that his or her mission is that of servant and steward to the public.

Some County Departments have established their own code of conduct or ethical rules, and employees in these Departments must adhere to such rules in addition to the above.

A violation of either this County Code of Ethics or a departmental ethical rule may result in disciplinary action up to and including termination.

SECTION II –EMPLOYMENT

2.1 RECRUITMENT, HIRING, AND EMPLOYMENT

When a vacancy is authorized to be filled, the County will post an announcement. The County will select the best qualified person for each authorized vacancy from among the applicants who meet the minimum qualifications established for the position. Evaluation of qualifications is based solely on job-related criteria and without regard to race, color, religion, sex, sexual orientation, gender identity, age, national origin, disability; genetics; military status, pregnancy status, creed, and any other category protected by any applicable local, state, or federal law.

2.2 VETERANS' PREFERENCE

Any honorably discharged veteran, as defined in Chapter 35C of the Code of Iowa, shall be entitled to preference in appointment, employment, and promotion over other applicants of no greater qualifications.

2.3 NOTICE OF VACANCIES

Job postings will be posted on County employee bulletin boards from the date that the position is advertised until the established closing date for accepting applications, which shall not be less than ten (10) days after the position is posted. Job postings may be advertised in the County's official newspaper and may be advertised in selected newspapers, periodicals, the County's website, the Iowa Workforce Center, and various educational and technical institutions. The County may also distribute job postings to organizations whose membership includes people of color, people with disabilities, and women in an effort to recruit a broad range of diverse and qualified applicants. In the County's discretion, vacancies may remain open until filled or may be closed if there are no qualified applicants.

2.4 PROMOTIONS AND TRANSFERS

County employees are encouraged to apply for vacant County positions for which they are qualified when vacancies are posted. All vacancies will be posted for a minimum of ten (10) days.

The County is not precluded from recruitment and/or selection of applicants outside the County. The County has the right to make the final hiring decision based on qualifications, abilities, experience, and other job-related County requirements.

This policy does not limit the County's right to transfer employees to positions in the same or different departments, taking into account the needs of the County and the employee.

2.5 LAYOFF AND RECALL

In the event the work force is to be reduced, the County will provide affected employees as much advance notice as is administratively practical. The least senior qualified employee in the job classification affected shall be the first laid off, unless a different criteria is required by a bargaining unit contract. Employees laid off shall have recall rights to the job classification from which they were laid off for up to six (6) months. On recall from layoff, employees will be returned to work in the reverse order in which they were laid off, if they are qualified to perform the work available.

Employees to be recalled after being laid off shall be notified five (5) work days in advance by notice in writing sent by certified mail, return receipt requested to the last address shown on the employee's record.

2.6 REASONABLE ACCOMMODATION

It is the policy of the County to comply with the provisions of the Americans with Disabilities Act and the Americans with Disabilities Amendments Act (collectively, "ADA"). The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The County also will not discriminate against any qualified employee or applicant because the person is related to or associated with a person with a disability.

A qualified individual with a disability as defined by the ADA may request a reasonable accommodation to help the individual perform the essential functions of the job. To make such a request, you should supply information regarding your disability and what accommodations you are requesting be made because of your disability to Human Resources. On receipt of an accommodation request, the County will evaluate the request in accordance with the provisions of the ADA.

The County's ADA Coordinator will inform the employee of the County's decision on the accommodation request or on how to proceed with the accommodation. If the accommodation request is denied, the employee will be advised of their right to appeal the County's decision to the Board by submitting a written statement to the Board chairman along with the reasons for the request.

2.7 PERFORMANCE REVIEWS

It is the policy of the County to establish a performance review system to enhance the overall quality of services provided to the community, to improve productivity, and to foster employee development. The performance review system is designed to:

- Generate continuous, two-way communication between employees and supervisors.
- Provide probationary employees with timely reviews of their progress in meeting the requirements of their position.
- Review and document employee performance in relation to County and department goals and expectations.
- Recognize achievements, accomplishments, and contributions of employees.
- Identify areas for employee training and development.
- Provide a basis for planning future performance.

Probationary employees should receive a performance review prior to the end of the probationary period, at which time the employee will be advised whether he or she has been given regular employment status. The Department Head or elected official shall decide whether performance reviews will be conducted for all regular employees in the Department at the same time annually or for each regular employee annually on the anniversary of employment in his/her current position. Supervisors are encouraged to meet with employees to review performance more often.

At the start of each calendar year, the Human Resources Department will provide each department with a list of its current employees' anniversary dates, and the dates by which performance reviews should be completed and submitted to the Human Resources Department.

2.8 EMPLOYMENT AT-WILL

All employees of the County are employees-at-will. This means that the County can terminate your employment at any time for any reason or no reason, except reasons specifically prohibited by law. It also means that the County is not required to provide a reason for terminating your employment and that you are free to terminate your employment at any time without providing a reason.

The publication of these policies does not create a contract of employment and does not change your employment status. The County reserves the right to change these policies at any time and in any manner with or without notice. The publication of these policies does not create any legal rights for employees. The policies are intended to inform employees of their benefits and responsibilities of their employment.

Employment with the County is for an indefinite period of time and is terminable at any

time by you or the County, with or without reason, and with or without notice, or at the completion of a special grant or project. The only exception to this provision is in the event of the existence of a written contract or law that provides to the contrary. Nothing in these policies or in other rules or policies adopted by the County shall in any way be construed as creating an employment contract, either expressed, or implied.

SECTION III – HOURS OF WORK

3.1 TIME REPORTING

All non-exempt hourly employees are required to use the time clock/card system, where available, to record their hours worked. Non-exempt hourly employees are required to clock/card in/out for payroll and attendance purposes. Non-exempt hourly employees are required to complete the hours worked time entry system (filling out and submitting with the employee work schedule) for pay purposes.

Employees should clock/card in no sooner than five (5) minutes before/after the scheduled shift and clock/card out no later than five (5) minutes before/after the scheduled shift. Non-exempt hourly employees are required to clock in and/or out for lunch breaks, in addition to the beginning and end of the day. Failure to clock in and/or out and abuse the time clock/card system will result in disciplinary action up to and including termination.

If the employee misses an entry into the time clock/card system, the employee will notify the supervisor as soon as possible. Employees who consistently miss time clock entries will be subject to disciplinary action up to and including termination.

Non-exempt hourly employees are permitted to clock in and work before or after his or her normal work schedule or through the scheduled lunch period only with prior authorization from the supervisor. Non-exempt hourly employees who clock in early or clock out late or work more than his or her scheduled hours without prior authorization will be subject to disciplinary action up to and including termination. See Section 3.4 Overtime for further information about overtime hours for non-exempt employees.

Record keeping of hours worked for employees using the time approved time clock/card system

Non-exempt hourly employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. The non-exempt hourly employee must also record the beginning and ending time of any split shift or departure from work for personal reasons.

It is the employee's responsibility to sign his/her time clock/card system to certify the accuracy of all time recorded. The supervisor or payroll processing person for the department will review and then initial the time clock/card system before submitting it for payroll processing. In the event of an error in reporting the time for the clock/card system, immediately report the problem to the supervisor or payroll processing person.

If an employee is going to be absent, he/she must personally report that absence within the first 15 minutes of the scheduled start time. Failure to report, other than in an

emergency situation, may result in disciplinary action up to and including termination. Unexcused absences can lead to disciplinary action up to and including termination.

All County departments will transmit to the County Auditor's office all original documents, used to generate payroll, including but not limited to time cards, time off request forms, overtime slips, departmental time schedules, and approved hours worked proof listing.

3.2 HOURS OF WORK

The State of Iowa requires the County to have documentation for all expenditures. This includes hours of work for payroll purposes. The United States Department of Labor, in enforcing the Fair Labor Standards Act (FLSA) requires the County to maintain accurate records of employee's actual work hours during each workday and workweek.

All non-exempt hourly employees will be required to complete the hours worked time clock/card system (filling out and submitting with the employee work schedule).

Failure to complete the hours worked time clock/card system within the pay period will lead to disciplinary action up to and including termination. Without the hours worked detail provided within the current pay period, pay will not be received until the following pay period. The hours of work for exempt employees are set and approved by the Board.

The County has hours of work that vary depending upon the department. Some departments/facilities work twenty four (24) hours per day, seven (7) days per week. Others work eight (8) hours per day, five (5) days per week. Emergency services and law enforcement employees fall under separate Department of Labor's Rules and Regulations.

The County's normal work week is Monday through Friday from 8:00 a.m. to 4:30 p.m. with a one-half hour unpaid lunch period. The typical work week for regular full-time County employees is forty (40) hours within a seven (7) day work week. There is no guarantee of hours of work per day or days of work per week. Determination of daily and/or weekly hours will be made by the County or supervisors and may from time to time vary depending on the County's needs.

Work week hours may vary depending on the time of year, the position, and the department. Department heads and/or the Human Resources Department are responsible for developing schedules and advising employees of their specific work schedule.

Employees may take one fifteen (15) minute break for every four (4) hours worked. Breaks are to be taken at or around the middle of each half ½ shift. All breaks must be arranged so that they do not interfere with County business or continuous service to the public. Meal periods must be scheduled with the approval of the employee's supervisor.

The scheduling of breaks and meal periods may vary depending on department workload. Breaks and lunch periods may not be combined for the purpose of extending breaks, extending lunch periods, starting late, or leaving early.

All County departments will transmit to the County Auditor's office all original documents, used to generate payroll, including but not limited to time cards, time off request forms, overtime slips, departmental time schedules, and approved hours worked proof listing.

3.3 ATTENDANCE

All employees are expected to be working at their work stations at their designated time on regular work days. Punctual and consistent attendance is a condition of employment.

Employees who are unable to work or unable to report to work on time should personally speak with their supervisor as soon as possible and no later than within the first 15 minutes prior to or at the beginning of their shift. If it is impossible for an employee to give their supervisor advance notice, they are required to report their tardiness to their supervisor upon arrival to work and within the first 15 minutes.

Employees are expected to work until their designated quitting time each work day. Employees who need to leave work early must make arrangements with their supervisor prior to leaving.

An employee, who is absent without authorization and/or notification, is subject to disciplinary action up to and including termination.

3.4 OVERTIME

It is the responsibility of the Human Resources Department to designate each County job as exempt or non-exempt hourly for overtime compensation in accordance with the provisions of the Fair Labor Standards Act (FLSA). For most County employees, the established work period is forty (40) hours within a seven (7) day work week, unless otherwise established in an applicable collective bargaining agreement or policy. For example, law enforcement employees in the Sheriff's department, fire protection, and emergency services employees are covered by separate DOL's rules and regulations for overtime purposes.

1. Unless subject to a negotiated bargaining agreement or policy, non-exempt hourly employees are eligible for overtime pay and/or compensatory time at the rate of one and one-half (1½) hours for every hour worked over forty (40) hours in a work week. Exempt employees are not eligible for overtime compensation.

2. Non-exempt hourly employees who work overtime and are not covered by a collective bargaining agreement may receive compensatory time in lieu of payment in cash at the rate of one and one-half (1½), subject to the approval of the employee's department head. Such employees must decide whether they are requesting overtime in cash or in compensatory time subject to the approval of the employee's department head and/or the Human Resources Department before the overtime work is performed.
3. Compensatory time may be accumulated to a maximum of eighty (80) hours, unless a collective bargaining agreement provides otherwise. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid based on the regular rate earned by the employee at the time the employee receives the payment. Accrued compensatory time not used by June 10 shall be paid for in cash prior to July 1, unless a collective bargaining agreement provides otherwise.
4. Employees will be paid in cash for accrued compensatory time prior to transfer to a higher paying position unless otherwise provided for in a collective bargaining agreement.
5. Employees who have accrued compensatory time may request the use of compensatory time and shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt operations. Normally a notice of three days will be required for the use of compensatory time. At the County's discretion, an employee's supervisor may direct the employee to use their compensatory time.
6. All overtime must be authorized in advance by a supervisor who has been designated by the department head to make such decisions.
7. When computing overtime, all days or hours worked shall be counted as time worked. Paid leave, such as holidays, vacations, sick time, jury duty, funeral leaves, etc. are **not** considered work time for the purpose of determining overtime.

All County departments will transmit to the County Auditor's office all original documents, used to generate payroll, including but not limited to time cards, time off request forms, overtime slips, departmental time schedules, and approved hours worked proof listing.

3.5 CALL BACK

All employees may be called back in emergencies or as needed by the County to provide necessary services to the public. Call-back pay for all non-exempt hourly employees covered by a negotiated bargaining agreement will be determined in accordance with the applicable provisions of their agreement.

Any non-exempt hourly employee who is eligible to receive overtime compensation and who is called back to work outside their normal work day shall be paid a minimum of two (2) hours and may be required to work up to two (2) hours.

Employees called back to work must not report to work if they are under the influence of alcohol, any controlled substances, or any prescription drugs that may affect their alertness, coordination, reaction, response, judgment, decision-making, or safety. Failure or refusal of an employee to communicate to his or her supervisor, manager, director, elected official the reason that he or she cannot respond to a call back is grounds for immediate disciplinary action up to and including termination.

3.6 SEVERE WEATHER CONDITIONS

The County recognizes that inclement weather is an unforeseen event and that it is important to have a procedure in place to accommodate such events.

Severe weather may make reporting to work difficult. It is the policy of the Board, pursuant to Iowa Code, to make the determination as to whether or not to close the Courthouse or any department and/or operation during a severe weather event such as inclement weather conditions, lack of heat, water, or electricity, or other similar conditions. Such a closing may involve a single County office, department, and/or operation of all County offices, departments, and/or operations depending upon the severe weather event. Affected employees are those employees assigned to the specific office, department, and/or operation that is closed.

County offices will remain open in all but the most extreme conditions. Unless severe weather event closing is announced, all County employees are expected to report to work in accordance with the regular work schedules.

When the Board officially closes the County offices, departments, and/or operations, there may be circumstances under which essential personnel may be required to work. The department head will designate those essential personnel as the situation dictates. In the event of emergency severe weather event closing of County offices, designated individuals and supervisors will attempt to notify employees electronically. Notification of closing will also be announced as early as possible through the local radio and television media.

County employees designated as “essential personnel” during the severe weather event closing must report to work as scheduled and cover the 24/7 hour facilities and/or departments. “Essential personnel” County employees, if scheduled to work and absolutely cannot get to work, must maintain a work readiness status as someone, if possible, prepares to provide transportation for the employee.

Employees are urged to use discretion in deciding whether he/she can commute safely to work. If weather conditions prevent an employee from reporting to work or from

reporting to work on time, the employee is responsible for notifying his/her supervisor. As with all absences from work, proper notification must be given prior to the start of the normal work schedule.

I. CLOSINGS DURING NORMAL WORKING HOURS

When the Board determines the Courthouse, department, and/or operation should be closed prior to the end of the normal hours of operation, employees on the job at the time will be paid for the balance of their scheduled work day without having to use compensatory, vacation, or personal time off. Employees designated as “essential personnel” on the job at the time of the inclement weather, emergency, and/or emergency closing, will not leave for the balance of the scheduled work day until another essential employee reports to replace them.

If a severe weather closing occurs during an employee's excused absence from work for vacation, sick leave, etc., the employee shall not have the option of changing their leave status because employees on the job were paid for the balance of the work day. These employees will still be required to use the scheduled paid time off as requested.

Employees involved in emergency services such as Law Enforcement, Juvenile Detention, Secondary Roads, Emergency Services, Building Services, and/or employees who work either first, second, or third shift for snow removal, and/or for accommodations in accordance with the emergency, shall be directed by the department head as to the reporting assignments based upon the need of services and in accordance with the applicable collective bargaining contract. An employee who reports for work designated as “essential personnel” during the severe weather closing period will also be compensated at the regular rate of pay during the severe weather closing period for all hours scheduled to work.

II. CLOSINGS PRIOR TO NORMAL OPENING HOURS

If the Board determines that the Courthouse, department, and/or operation should be closed prior to the start of the normal work day, the Board will notify employees through local radio and television media.

When the Board officially closes the Courthouse, department, and/or operation preventing employees from reporting to work through no fault of their own, the employees scheduled to work will be paid for the normal period of work during the time the Courthouse, department, and/or operation is closed, with the exception of “essential personnel”. Employees scheduled to work will not be required to use their vacation, compensatory, or personal time off. Employees that were not scheduled to work because they had requested sick, personal, compensatory, or vacation time off but would have worked but for the requested time off, will also be paid for the normal work

day and will not have to use their sick, personal, compensatory, or vacation time off.

III. EMPLOYEE EARLY DEPARTURES OR ABSENCES DUE TO CONCERNS FOR PERSONAL SAFETY

When the County Courthouse, departments, and/or operations remain open and functional, employees who feel their safety is in question due to a severe weather event may request to be dismissed early and change the balance of the hours of the assigned work schedule to vacation, personal, compensatory time if applicable, or time off without pay. The request must be directed to and approved by the supervisor.

If the Courthouse, department, and/or organization is not closed prior to reporting time, it is expected that all employees will make every effort to report to the Courthouse, department, and/or operation.

If an employee is unable to report to work due to a severe weather event, he/she must utilize vacation or compensatory time in order to receive full pay. If an employee's vacation or compensatory time has been exhausted, then, upon approval by the supervisor, the employee will be granted leave without pay.

SECTION IV – TIME OFF

4.1 REQUESTING PAID TIME OFF; UNAUTHORIZED ABSENCES

Paid time off includes all forms of time off with pay allowed by the policies under this Handbook. Regular full-time County employees are eligible for paid time off as outlined by the policies in this Handbook. Regular part time employees are eligible for certain paid time off as outlined by the policies in this Handbook.

The employee’s supervisor must approve all requests for paid time off. Supervisors keep copies of leave slips for time requested. Leave time is entered on each employee’s time clock/card system for that pay period.

Unauthorized absence is time away from work not authorized by the appropriate supervisor. Employees will not be paid for unauthorized absences. Unauthorized absences may result in disciplinary action up to and including termination. Three consecutive unauthorized absences, or “no call, no shows,” will be deemed a voluntary resignation.

If an employee has exhausted his or her paid time off available, the employee may not take leave without pay except as allowed by Policy 4.14 Leave Without Pay.

All County departments will transmit to the County Auditor’s office all original documents, used to generate payroll, including but not limited to time cards, time off request forms, overtime slips, departmental time schedules, and approved hours worked proof listing.

4.2 HOLIDAYS

Holidays are those designated days that most County offices are closed to business. Regular Full-time Employees and Regular Part-time Employees are eligible for the following holidays:

New Year’s Day	Veterans' Day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day
Labor Day	Floating Christmas Holiday

Any holiday falling on Saturday or Sunday will be observed on Friday or Monday pursuant to the determination of the Board.

Non-exempt hourly Regular Full-time and non-exempt Regular Part-time Employees will be paid for the holiday plus one and one-half (1.5) times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor.

A holiday falling within an employee's vacation will not be counted as a vacation day.

In order to receive holiday pay, a non-exempt hourly employee must work or be on paid leave on the last scheduled work day before and the first scheduled work day after the holiday.

If an employee's religious beliefs require observance of a holiday not included in the regular holiday schedule, the employee may, with the department head's approval, take the day off using a personal day, vacation, compensatory time, or leave without pay.

4.3 VACATION

Vacation leave is a benefit granted by the County to eligible Regular Full-time and Regular Part-time Employees who have completed one year of employment. Temporary and On-call Employees are not eligible for vacation benefits. **Employees that have not completed one year of employment earn vacation leave as provided below but may not use any vacation leave prior to their one year anniversary.**

Vacation leave is earned on the following basis:

Years of Continuous Service	Vacation Leave Hours Earned per Hour Worked ("Vacation Credits")	Maximum Full-time Annual Vacation Hours Earned
Start to one year	.01923	40
After one year	.01923	40
2 through 7 years	.03847	80
8 through 14 years	.05770	120
15 through 19 years	.07693	160
20 years and over	.09615	200

Vacation leave is not earned during any leave without pay. Vacation credits are earned from anniversary date to anniversary date. Carrying over of vacation credits is limited to an amount equal to the amount of vacation which was earned in the previous anniversary year. Any amount of vacation leave in excess of this amount on the anniversary date will be forfeited by the employee.

Normally, vacation requests should be received at least thirty (30) calendar days in advance. Vacations must be approved by the department head. Vacation time will normally be scheduled in increments of five (5) scheduled workdays. Vacation may be taken in less than five (5) day increments with advance approval of the department head. The department head may require rescheduling of vacation when it is necessary for the efficient operation of the department. The smallest increment that vacation leave can be taken is in quarter ($\frac{1}{4}$) hour increments.

Each department is responsible for scheduling employee vacations without undue disruption of department operations. Leave requests shall be submitted as early as possible by the employee, or at the direction of the supervisor. Upon resignation or termination, such employee will be paid for all vacation accrued.

Employees who are covered by a collective bargaining agreement should check their contract for provisions unique to their bargaining unit.

4.4 SICK LEAVE

Sick leave is a benefit granted by the County to eligible employees for employees to address employees' own medical needs. Regular Full-time Employees and Regular Part-time Employees earn sick leave at the rate of .04615 hours per hour worked up to a maximum of ninety-six (96) hours per year. Temporary Employees and On-call Employees do not earn sick leave benefits.

Employees accrue and may use sick leave during their probationary period. Employees do not accrue sick leave benefits during a leave without pay or during the time of sick leave usage. Maximum sick leave accrual is 640 hours.

Employees who are covered by a collective bargaining agreement should check their contract for provisions unique to their bargaining unit.

Employees will be required to furnish a medical certification at the discretion of the Human Resources Department. Employees are required to furnish a medical release for all absences of more than three days. The Human Resources Department may also request the opinion of a second doctor at the County's expense.

Employees may also use paid sick leave for medical, dental, and vision appointments if they must be scheduled during normal working hours. Proof that such scheduling is necessary may be required.

4.5 EXTENDED FAMILY LEAVE

An employee may be granted permission to use up to one hundred and twenty (120) hours or 15 days of their accrued paid sick leave per fiscal year to provide care for the

medical needs of a spouse, child, or parent (called “extended family leave” or “family leave”). After twenty-four (24) hours of family leave, if a longer period of time is needed, the employee requesting family leave will be required to provide a written statement of the reason family leave is needed and will be required to provide a physician’s statement concerning the illness or injury of the spouse, child, or parent. This leave shall be non-accumulative.

If an employee is granted FMLA leave for care of a spouse, child, or parent with a serious health condition or is granted FMLA leave for military caregiver leave, an employee’s grant of extended family leave shall run concurrently with the FMLA leave.

4.6 SICK LEAVE CONVERSION AND PAYMENT

An employee who has accumulated and maintains six hundred and forty (640) hours of sick leave will be allowed to convert sick leave earned to vacation at the rate of four (4) hours of sick leave for one (1) hour of vacation. An employee will cease to be eligible for this conversion any time their accumulated sick leave falls below six hundred and forty (640) hours.

Accumulated sick leave is not paid out upon separation or termination from employment except that an employee who is retiring and who has a minimum of twenty-five (25) years of employment with Woodbury County will be paid for fifteen percent (15%) of their accumulated sick leave up to a maximum of three thousand dollars (\$3,000).

4.7 SICK LEAVE DONATION

County employees are eligible to donate sick leave hours to eligible employees to use for an employee’s own catastrophic illness or to care for an immediate family member suffering a catastrophic illness. Contact Human Resources to obtain necessary forms.

Regular Full-time Employees and Regular Part-time Employees who have completed their probationary period may apply to receive donated leave for a catastrophic illness. In order to receive donated leave for a catastrophic illness, such employee must meet all of the following;

- Have a catastrophic illness³
- Have exhausted all of their own paid leave time available for such catastrophic illness
- Not be supplementing pay with Workers' Compensation
- Be approved for and using the Family and Medical Leave Act benefits or have exhausted the Family and Medical Leave Act benefits.

³ Catastrophic Illness is defined as a physical or mental illness or injury, as certified by a licensed physician that will result in the inability of the employee to work for more than 20 work days within a 60 calendar day period.

The physician's statement on the Donated Leave for Catastrophic Illness form is the basis for determining if an employee meets the requirements of the catastrophic illness definition. The Human Resources Department will determine if the employee meets the remaining eligibility requirements.

The County has the option to seek second opinions or updates, at the County's expense regarding the status of the employee's or immediate family member's (parent, spouse, and child) illness.

To the extent that this policy conflicts with the provisions of a negotiated bargaining agreement, the employees who are covered by that bargaining unit contract are excluded from this policy.

4.8 USE OF DONATED SICK LEAVE

The maximum amount of donated sick leave hours an employee may receive is 240 hours within any 12 month period.

Sick leave hours must be donated in whole hour increments. The entire recipient's accrued sick leave and personal leave hours must be used before donations will be credited to the recipient. Hours will be credited so as not to exceed the employee's regularly scheduled work hours. Recipients will not accrue vacation or sick leave on donated leave hours unless doing so is allowed within a negotiated bargaining agreement.

Unused donated sick leave to a recipient will be returned to the employee who made the donation at a ratio compared to what was donated by the employee(s) if the donating employee has not reached the 640 hour maximum sick leave accrual. Any donated hours reimbursed will not be counted towards sick leave conversion to vacation time.

If an employee does not need to use all donated leave, the remainder will be cancelled from the recipient's sick leave hours. Donated sick leave not used by an employee will be cleared from the employee's sick leave accrual account upon return to work and returned to the employee who donated the hours.

Donated leave will be credited on a first-in first-out basis according to the date and time on the Donated Leave for Catastrophic Illness Contribution form.

Approval of requests for donated sick leave must be provided in a timely manner to an employee's department head. The department must recommend, to either approve or disapprove the initial request and forward, it to the Human Resources Department for a final action.

Upon approval by the Human Resources Department of a request for donation of sick leave an announcement will be posted in the department for which the employee works. Posting of the request for donations will be done within all departments if it is determined such donations cannot be received from the employee's department adequate to meet the needs of the employee.

Donated sick leave hours will be treated on an hour to hour basis in the crediting of donated hours from donating employee to recipient employee.

Any employee found to be abusing, falsifying information, or misrepresenting the extent of a catastrophic illness, will be subject to immediate disciplinary action up to and/or including termination.

4.9 PERSONAL DAYS

Regular Full-time Employees and Regular Part-time Employees are eligible for two (2) paid personal days per fiscal year. During a fiscal year, the personal days must be used or are forfeited at the end of the fiscal year. Unused personal day leave is not paid out upon separation or termination from employment.

Normally, requests to use personal days must be made at least thirty (30) days in advance. and are subject to the approval of an Employee's supervisor.

Employees who are covered by a collective bargaining agreement should check their contract for provisions unique to their bargaining unit. To the extent there is a conflict between the collective bargaining agreement and this Handbook, the collective bargaining agreement is controlling.

4.10 FUNERAL LEAVE

Funeral leave benefits are granted only to Regular Full-time Employees and to Regular Part-time Employees Working 30 hours per week or more. An employee may be granted up to three (3) work days of paid funeral leave to attend the funeral of a member of their immediate family. "Immediate family" is defined as the employee's spouse, domestic partner, children, parents, mother-in-law or father-in-law, brother (and spouse) or sister (and spouse), grandparents, grandchildren, aunt or uncle of the employee, or permanent members of the immediate household. For purposes of the definition of "immediate family," "step"-relations shall be treated the same as natural-relations. A supervisor may approve one (1) day of funeral leave with pay, chargeable to sick leave, to attend the funeral of members of the family not included above, a fellow employee or friend. Upon request of the employee, the supervisor may grant an extension of a three (3) day period in the event long distance travel is required. Any such extension shall be charged against the employee's sick leave.

4.11 JURY AND WITNESS LEAVE

Employees may be granted time off with pay to serve on a jury or as a court witness for County business. If an employee is summoned during a critical work period, the County may ask the employee to request a waiver from duty. An employee granted such leave shall give any pay received while serving as a juror or witness to the County, excluding payment received for travel expenses.

4.12 ADMINISTRATIVE LEAVE

On a case-by-case basis, the County may place an employee on administrative leave with or without pay for an indefinite period of time during an investigation or other administrative proceeding.

4.13 MILITARY LEAVE

Leaves Available

The County will grant leaves of absence for military service to full-time and part-time employees in accordance with applicable state and federal law. A full-time or part-time employee, who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service. The first thirty calendar days of military leave each calendar year shall be without loss of pay. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the thirty work days without loss of pay. Absences required for military service that exceed thirty (30) work days shall be granted in accordance with the County's policies on vacation, personal, compensatory time, or unpaid leave, and with applicable state and federal law.

Any employee when ordered by the proper authority to active state or federal service is entitled to a leave of absence from the County for the period of such active state or federal service without loss of status and pay during the first thirty (30) days of such leave of absence per Iowa Code Chapter 29A.28.

The County recognizes an employee's reemployment right in accordance with the Uniform Services Employment and Reemployment Act.

4.14 LEAVE WITHOUT PAY

The department head with approval from the Board and the Human Resources Department may grant leaves of absence without pay for absence from work not

covered by any other type of leave or if other leave balances are exhausted. The employer will normally require an employee to exhaust all appropriate accrued paid leave and/or compensatory time, prior to the approval of the use of unpaid leaves. Only Regular Full-time and Regular Part-time employees working at least 1,040 hours annually who have satisfactorily completed their probationary period are eligible to request leave without pay. The following requirements apply:

- An employee on unpaid leave of absence shall not be eligible to accrue benefits such as holiday pay, retirement credit, vacation, or sick leave credits during the period of the leave.
- An employee who fails to report promptly at the end of the leave without pay is presumed to have resigned.

4.15 FAMILY AND MEDICAL LEAVE

It is the policy of the County to provide unpaid family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) of 1993. Whether or not a particular situation is covered by FMLA depends on whether the law's requirements have been met, not on whether an employee actually requests FMLA leave. The County reserves the right to provide FMLA notices to employees and designate leave as FMLA leave if the employee is eligible for FMLA leave and if the law's other requirements are satisfied, even if the employee has not requested FMLA leave.

Leaves Available

An eligible employee will be granted up to twelve (12) work weeks (twenty-six (26) work weeks for military caregiver leave) of paid and/or unpaid, job - protected leave each twelve-month period⁴ for any of the following qualifying reasons:

1. The birth of and/or need to care for a newborn child within one (1) year of birth;
2. The placement of a child with the employee for adoption or foster care and to care for the newly placed child within one (1) year of placement;
3. The need to care for a spouse, child, or parent with a serious health condition;
4. A serious health condition that makes the employee unable to perform the essential functions of the job;
5. To care for a family member who is a covered service member with a serious illness or injury incurred in the line of duty on active duty ("Military Caregiver Leave"); or
6. To use for a qualifying exigency arising out of the fact that a family member who is a covered military member is on active duty or called to active duty in support of a contingency operation ("Qualifying Exigency Leave").

⁴ The amount FMLA leave available will be measured backward on a rolling basis from each date leave is used.

Eligibility Requirements

To be eligible for family and medical leave, the employee must have worked for the County for at least twelve (12) months, and for at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

General Provisions

For purposes of this policy:

"Child" means son or daughter under 18 years of age, or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster child, or step-child.

"Parent" does **not** include parents-in-law.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves...

- inpatient care in a hospital, hospice, or residential medical care facility; or
- a period of incapacity that requires absence from work for more than three (3) consecutive calendar days AND involves either two (2) or more treatments by a health care provider, OR at least one (1) treatment by a health care provider plus a regimen of continuing treatment; or
- any period of incapacity due to pregnancy or for prenatal care;
- chronic serious health condition;
- long-term conditions for which treatment may not be effective; or
- multiple treatments and recovery there from.

"Spouse" does **not** include an unmarried domestic partner.

The **"twelve month period"** during which the leave entitlement occurs is designated as the rolling twelve (12) month period.

Married employees: If the employee and his/her spouse are both employed by the County, and are both eligible for family and medical leave, they will be limited to a combined total of twelve (12) weeks of family and medical leave a year taken for any one or all of the following reasons: birth of a child or to care for the child after birth; placement of a child with the employee for adoption or foster care, or to care for the child after placement; or to care for a parent with a serious health condition. This limitation does not apply in cases of leave to care for the serious health condition of a spouse or child, or because of the employee's own serious health condition.

Notice Requirements

When the need for FMLA leave is foreseeable, the employee must notify the immediate supervisor or the human resources department of the employee's need for leave, the

anticipated timing of leave, and the duration of the leave at least thirty (30) days in advance.

If circumstances require that the leave begin in less than 30 days, the employee must notify the immediate supervisor and Human Resources as soon as is practicable. When an employee's need for leave is unforeseeable, employees shall notify the immediate supervisor or human resources department as soon as practicable, generally within the time prescribed in the County's normal and customary notice requirements for requesting leave. Employees shall be required to follow the County's normal and customary notice requirements for each subsequent instance of unforeseeable intermittent leave even if the employee's FMLA leave request has already been approved for that qualifying reason. Failure to follow the County's policy for requesting leave may result in denial or delay of FMLA protected leave and disciplinary action up to and including termination.

When the need for leave is foreseeable based on planned medical treatment for the employee or for his/her covered family member, whether the leave is in consecutive blocks, intermittent, or reduced schedule,, the employee shall consult with the immediate supervisor and/or department head or Elected Official, and Human Resources, and to make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

Medical Certification

The County reserves the right to require written medical certification from the appropriate health care provider when leave is requested to care for a child, spouse, or parent with a serious health condition, or because of the employee's own serious health condition. Certification forms are available from Human Resources. This certification will include the date of onset, the probable duration, type of treatment, and other appropriate medical facts concerning the condition. If the employee is seeking leave for his/her own health condition, the certification must also state that he/she is unable to perform the functions of his/her position. For leave to care for a family member, the certification must state that the employee is needed to care for the family member, and an estimate of the amount of time needed. Other certification requirements apply in the case of intermittent or reduced schedule leave.

The County will, through Human Resources, require medical recertification, and/or periodic reports from the employee during Family/Medical Leave as allowed pursuant to law. Failure of the employee to provide the County with the required reports may result in delay or denial of FMLA leave and disciplinary action up to and/or including termination. Medical certification will be required prior to the employee's return when an employee is returning to work after leave for the employee's own serious health condition (the employee must provide a return to work slip from the health care provider stating that the employee is fit for duty prior to returning to work).

How and When Leave May Be Taken

As allowed by FMLA regulations for the appropriate circumstances, family and medical leave is taken either in consecutive workweeks; intermittently in separate blocks of time; or by reducing the number of days an employee works per week, or hours per day

(recorded in the smallest increment allowed for non-FMLA time off).

For foreseeable intermittent or reduced schedule leave, the employee may be transferred temporarily to an alternative position or schedule, with the same pay and benefits, which better accommodates the intermittent leave or reduced schedule.

Leave for childbirth, adoption, or foster care may be taken intermittently or on a reduced leave schedule only if the County agrees to the proposed intermittent or reduced leave schedule.

Use of Paid Leave/Compensatory Time

Employees on FMLA leave will be required to use all accrued sick leave, extended family leave, vacation leave, and compensatory time concurrently with the FMLA leave. Accordingly, the concurrent use of paid leave does not extend the 12 work week period leave period. When the employee has exhausted the employee's available paid leave or compensatory time during a FMLA leave, the balance of the FMLA leave will be without pay.

Rights and Benefits during Leave

Seniority will accrue only during periods of paid leave. Vacation and sick leave will not accrue during an unpaid FMLA leave.

All benefits which the employee had accrued before taking leave will be retained after returning from an approved FMLA leave, if not depleted during the leave.

While the employee is on Family/Medical Leave, paid or unpaid, the County will continue group health insurance coverage at the same level and under the same conditions that coverage would have been provided had the employee continued working. The employee will be required to pay the same cost of coverage as if he/she were actively at work. Employee contributions to the premium will be required either through payroll deduction or by personal check to Woodbury County by the 25th of the month for which the following month premium continued coverage is required. The employee will be informed of the amount and method of payment at the beginning of the leave. Loss of insurance coverage may result if the premium amount is more than thirty days late.

Under certain circumstances, if the employee fails to return to work after an approved FMLA leave, the County may require him/her to reimburse it for the amount the County paid for the health insurance premium during the leave.

Returning to Work

At the conclusion of the FMLA leave, unless the employee qualifies as a "key" employee⁵, he/she will be restored to his/her former position, if that position is vacant, or

⁵ If an employee qualifies as a "key" employee (those employees defined among the 10% highest paid of the County), there is a possibility that his/her employment will not be restored when the unfilled position, at the discretion of the County, will cause substantial and grievous economic injury to the operations of the County.

one with equivalent pay, benefits, and conditions of employment, provided he/she has complied with the requirements of this policy.

Upon returning to work from leave of over three days, due to the employee's own serious health condition, he/she will be required to provide a written certification from a health care provider to Human Resources that he/she is able to resume work and is fit for duty. Medical certification will be required prior to the employee's return.

Return to Work

Before returning to work, an employee who has been receiving Workers' Compensation benefits must submit satisfactory evidence to Human Resources that the employee is safely able to return to work.

Special Note

Any employee, who is found to have falsified either the application for FMLA leave or the supporting medical documentation, will be subject to disciplinary action up to and including termination.

Procedures

Employees should contact the Human Resources Department to request FMLA leave and complete necessary paperwork.

The County reserves the right to place an employee on FMLA leave when appropriate.

SECTION V – INSURANCE AND OTHER BENEFITS

5.1 HEALTH, DENTAL, LIFE, AND LTD INSURANCE

Regular Full-time Employees are eligible to participate in the County's health, dental, and life insurance programs. Regular Part-time Employees working at least thirty (30) hours per work week are eligible to participate in the County's health, dental, and life insurance programs. The programs and requirements will be explained at the time the employee becomes eligible to join. The County reserves the right to make changes in the carriers and provisions of these programs at any time.

The insurance programs referred to in this handbook shall be subject to all terms and conditions of the contract with the insurance carrier(s) (TPA) selected by the County.

Continuation of Health Insurance Benefits

Employees are eligible for continued group health insurance coverage at their option and at their expense under certain circumstances to the extent provided under the Consolidated Omnibus Budget Reconciliation Act (COBRA), and employees that retire and qualify for retirement benefits under IPERS may be eligible to continue to participate in the County's group health insurance plan at their own cost until age 65. COBRA gives County employees and their dependent family members who lose their health insurance benefits the right to choose to continue group health benefits provided by the County's group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Employees or their dependents who elect to exercise COBRA rights will be charged the full cost of their insurance premium and an administrative fee not to exceed 2%.

Long Term Disability Coverage

The County will provide a long-term disability insurance plan to all Regular Full-time Employees. The County will provide a long-term disability insurance plan to all Regular Part-time employees working at least thirty (30) hours per work week on a pro rata basis. The programs and requirements will be explained at the time the employee becomes eligible to join. The County reserves the right to make changes in the carriers and provisions of these programs at any time.

Flexible Benefits Plan

The County will provide employees with access to a Flexible Benefit Plan. Employees will be able to apply pre-tax dollars for any use sanctioned by federal law. Current uses include, but are not necessarily limited to, insurance deductibles, coinsurance, and vision care, glasses, and dependent care. This plan is subject to revision if federal laws governing flexible benefits are revised.

Wellness Program

The County has established a voluntary Wellness Program.

Health Insurance and Wellness Committees

The County has established health insurance and wellness committees made up of employees from various departments.

5.2 WORKERS' COMPENSATION

All employees are covered by the state Workers' Compensation program. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. All job-related accidents/injuries must be reported immediately to the supervisor and Human Resources and the workers' compensation administrator as designated by the County as soon as practicable to allow for filing workers' compensation claims in the proper manner.

The County may require an examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position. The employee will be required to go to a doctor designated by the County.

For qualifying cases and when required by law, Workers' Compensation will pay the employee for work days lost for required medical care and any temporary disability resulting from job-related injuries or illnesses. While an employee is receiving Workers' Compensation benefits, the County will continue to pay its share of the employee's health, dental, life, and LTD insurance premiums. The employee will be responsible for payment of his/her share of the premiums or will need to make other arrangements for making payment.

5.3 UNEMPLOYMENT COMPENSATION

County employees, except for elected officials, are eligible for unemployment compensation benefits when the employee meets program requirements and is otherwise not disqualified under the law. The County pays the cost of this benefit.

5.4 RETIREMENT BENEFITS

The County offers eligible employees a retirement benefit.

The County makes contributions on behalf of all eligible employees to Social Security in addition to contributions made by the employee through FICA payroll deductions.

All regular full-time and eligible part-time employees are covered under the Iowa Public

Employees Retirement System (IPERS). Employer and employee contribution rates are set by the State.

5.5 EDUCATION AND TRAINING

When the County requires employees to participate in training programs, all training costs are paid or reimbursed by the County. The time an employee spends away from work to attend required training programs is considered work time. Authorization to attend professional seminars and certification courses is decided on a case-by-case basis by supervisors/department heads within the constraints of the training and education budget.

SECTION VI – COMPENSATION

6.1 COMPENSATION

The County compensates employees in accordance with decisions of the Board. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo for any time period. Department heads may make suggestions about compensation and other pay system issues, but the final decision regarding compensation levels rests with the Board. The County will comply with all state and federal pay acts regarding the compensation of employees for services performed.

6.2 RIGHT TO CHANGE COMPENSATION

The County reserves the right to change compensation for any reason deemed appropriate by the Board. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent County budget.

6.3 PAYROLL ADMINISTRATION

The County pays all employees bi-weekly, or every other week on Friday. If a Friday payday falls on a holiday, the County will pay employees the day preceding the holiday. Non-exempt hourly employees are required to complete the hours worked time clock/card system (filling out and submitting with the employee work schedule) for pay purposes.

All employees are required as a condition of employment to participate in direct deposit of wages to a financial institution of the employee's choosing. Notwithstanding, an employee that satisfies any one of the following exceptions, may elect to receive a paycheck:

- Was hired before July 1, 2005;
- The costs to the employee of establishing and maintaining an account for purposes of direct deposit would effectively reduce the employee's wages to below minimum wage;
- The employee would incur fees charged to the employee's account as a result of the direct deposit; or
- The provisions of a collective bargaining agreement prohibit the requirement of direct deposit.

6.4 REPORTING OF HOURS WORKED

It is the responsibility of those employees who are required to maintain a time clock/card system to properly record the time that he/she has worked during a payroll period. At the end of the reporting period, the employee will sign (electronically or manually) the time clock/card system, verifying its accuracy. The supervisor will sign (electronically or manually) the time clock/card system, indicating that the hours claimed were actually worked. **Non-exempt employees are to report all hours worked.** Non-exempt employees are required to complete the hours worked time clock/card system (filling out and submitting with the employee work schedule) for pay purposes.

Failure to complete the hours worked time clock/card system and forward the employee work schedule to the Auditor's office within the pay period will lead to disciplinary action up to and/or including termination. Without the hours worked detail and the employee work schedule provided within the current pay period, corrections on missed entries may not be received until the following pay period.

All County departments will transmit to the County Auditor's office all original documents, used to generate payroll, including but not limited to time cards, time off request forms, overtime slips, departmental time schedules, and approved hours worked proof listing.

6.5 EMPLOYEE LEAVE RECORDS

Records of leave accrual and leave taken are kept with payroll information in employee records. These records are updated with each payroll. Changes in leave requested or taken can be corrected on the time clock/card system and the employee schedule or by request to Human Resources or the Auditor's Office.

6.6 PAYROLL DEDUCTIONS

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect the amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. Additionally, deductions may be authorized for employee contributions to health and dental insurance, supplemental life insurance, flexible benefits plans, and deferred compensation plans as requested by the employee.

SECTION VII – MISCELLANEOUS

7.1 EMPLOYEE PERSONNEL RECORDS

The County maintains a personnel file on each employee. The personnel file may include an employee's job application, resume, performance reviews, personnel action notices, training, and education. Personnel files are the property of the County and access to such files is restricted. Employees may review their employment file pursuant to Iowa Code Chapter 91B by notifying Human Resources and arranging a time to review the file during normal business hours. Personnel files and their contents must remain in Human Resources at all times. The employee must complete a "Request to Examine Employee Records" form. A County representative will be present during the examination. The employee will be allowed a reasonable amount of time for inspection of the file. The employee may, at his/her own expense, request and receive copies of the contents of the file. The County may charge a reasonable fee for copying the requested items.

Employees are responsible for supplying Human Resources with up-to-date information including:

- Home address
- Telephone number
- Change in marital status
- Additions to the family
- Death of an immediate family member
- Change in military reserve status
- Change in visa or citizenship status

7.2 PRIVACY AND USAGE OF COUNTY PROPERTY

Desk, storage areas, work areas, file cabinets, lockers, credenzas, computer systems, office telephones, modems, facsimile machines, duplicating machines, and any vehicles or equipment are the property of the County and must be maintained according to this policy. All such areas and items must be kept clean and are to be used only for work purposes. The County reserves the right, at all times, and without prior notice, to inspect and search any and all of the County property for the purpose of determining whether this policy or any other policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state or federal laws. Such inspections may be conducted during or outside of business hours.

County Equipment

No County employee has any expectation of privacy in the work space, storage area, in any County facility, or vehicle. Further, no County employee has any expectation of privacy when using the County's computer system or telephone system. Messages and data sent, received, and stored on electronic media, including but not limited to the County's computer network, County personal computers, telephones, voice mail, and cellular telephones, may be monitored and the County reserves the right to monitor without further notice to employees. The County reserves the right, at all times, and without prior notice, to inspect and search any and all of the County's property for the purpose of determining whether this policy or any other policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state or federal laws. Such inspections may be conducted during or outside of business hours.

Employees are required to keep personal telephone calls to an absolute minimum. Employees are prohibited from using County telephones to make personal long distance calls. Use of the County's fax machines to send or receive personal fax transmissions is prohibited.

Employees must not use County computers or other electronic media to manage any part of a private business, for personal gain, or for political or criminal activity.

County Property Usage by Employees for Personal Reasons

The County is committed to providing safe and secure work equipment for all of its employees while in the performance of their duties. Appropriate, well maintained equipment is part of this commitment. In order to insure that County employees have the equipment they need to perform their various functions and to maximize the useful life of that equipment, no County employee shall be permitted to use any County owned equipment for personal, financial, or other gain. Employees shall use County equipment to only perform their assigned job duties and are prohibited from using County equipment for personal use or loaning County owned equipment to others. County equipment shall include all things or items purchased with County dollars or owned by the County.

This applies to all individuals associated and/or employed with the County. Employees who fail to follow this policy will be subject to disciplinary action up to and including termination of employment.

County Texting Policy

Definitions.

"Texting" or "text messaging" means reading from or entering data into any handheld electronic device, including for the purpose of short messaging service (SMS) texting, emailing, or instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.

"Driving" means operating a motor vehicle on an active roadway with the motor running,

including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

No County employee shall engage in text messaging while driving a County-owned vehicle or a personal vehicle while on official County business.

Nothing in this policy shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call by means of a handheld electronic device while driving on an active roadway. Nothing in this policy shall be construed or interpreted as prohibiting a person from utilizing, including entering data, emailing or text messaging, through an electronic device that is permanently embedded or affixed to a motor vehicle. The provisions of this policy relating to reading a text message do not apply to the following persons:

- A member of a public safety agency, performing official duties
- A health care professional in the course of an emergency situation
- A person receiving safety-related information including emergency, traffic, or weather alerts

Employees who fail to follow this policy will be subject to disciplinary action, up to and/or including termination of employment.

Computer Configuration

Employees are not permitted to install, use, or download software onto County computers without prior approval of their department head and the IT department. Personal hardware devices, including personal digital assistants, cannot be installed for use on a County computer without prior approval of their supervisor and the IT department. Further, if any employee is allowed to connect a PDA to the County system, the employee loses any expectation of privacy relating to that device. No employee is allowed to bring a lap top, any floppy disk, CD-Rom, DVD, "thumb drive", or any other type of personal storage device into the workplace without the consent of their supervisor and the IT department. Further, if any employee is allowed to bring such devices into the work place, the employee loses any expectation of privacy relating to information stored on the devices.

Individual workstations are configured to operate in a complex, networked environment. Users may not change the system's setup. Users who believe the setup is not configured correctly must contact their supervisor and the IT department.

Users shall not create additional security, such as passwords, to their workstations or files. Users who believe they have security needs that go beyond current information technology standards and tools must contact their supervisor and the IT department.

Computer User Access Controls

Computer users shall identify themselves to the system by signing on with their assigned user name. Users shall never attempt to sign on the system with any other user name. All users shall maintain passwords as required by IT. Passwords must not be shared.

Computer Licensed Software

The County complies with all software copyrights and terms of all software licenses. County employees are not permitted to duplicate licensed software or related documentation. Any such duplication may subject employees and/or the County to both civil and criminal penalties under the United States Copyright Act and the appropriate software licensing agreement. Personal software may be installed only with the express permission of the IT department. County owned software must not be loaded on to external systems unless the employee has the permission of the supervisor and the IT department.

Computer Virus Protection

Employees shall not change their system's configuration or take other steps to defeat or bypass virus protection devices or systems. Employees must take steps to protect County personal computers from viruses. Individual outside computers must be scanned for viruses prior to their use in County offices. Employees must contact IT for assistance in having disks checked. All users are required to take appropriate safeguards to prevent the introduction of programs known as viruses to the County's computer equipment and network.

Computer Work Product Ownership

All information developed by a County employee on computers outside of County offices, if in conjunction with his or her County employment, is the property of the County. Copies of such files must be provided to the County, which has exclusive rights to retain, maintain, and modify them.

Electronic Mail and Internet Usage

The use of the Internet during work hours should be limited to those subjects that are directly related to an individual's job duties for the County. Employees are not to use the Internet for personal and non-County business purposes. All Internet use can, and will on a random basis, be monitored. Use of the Internet to view illegal, pornographic, or other inappropriate materials, whether during work hours or on personal time, is prohibited and will be cause for disciplinary action, up to and including termination.

The use of insensitive language or derogatory, offensive, insulting, discriminatory, or sexually harassing remarks in any electronic mail communication is subject to discipline, up to and/or including termination.

7.3 REFERENCES

The County does not routinely give references. The County will verify employment dates and position held. Only the Human Resource Director and/or his designee will release employment information on current or former County employees.

7.4 KEYS AND/OR PHOEBES TO COUNTY FACILITIES/EQUIPMENT

County employees will be given only the keys and/or phoebes necessary for their work-related purposes. Approval of the issuance of keys and/or phoebes must be given by the appropriate department head. Keys and/or phoebes to County buildings and other County facilities and equipment are the property of the County and must be returned immediately upon request by the County or separation from County employment. An employee who loses or misplaces a County-provided key and/or phoebe must report it immediately to their department head.

Employees will be responsible for maintaining their County-provided keys and/or phoebes in a safe manner. Unauthorized copying of keys and/or phoebes is strictly prohibited. If additional keys and/or phoebes are needed, a request must be made through the employee's department head. Keys and/or phoebes shall not be issued to persons who are not County employees unless approved by the appropriate department head.

7.5 EMPLOYEE IDENTIFICATION CARDS

Employee identification cards are issued to regular full time and regular part time employees. An employee who loses or misplaces his or her County-issued employee identification card must report it immediately to the Human Resources Department.

7.6 EMPLOYEE BULLETIN BOARDS

The County provides a bulletin board at each County work site to display matters pertaining to union issues. The County also provides bulletin boards to display employment notices, public notices, and other County information. Only official notices may be posted on these bulletin boards.

7.7 FIRE AND EMERGENCY RESCUE SERVICE FOR EMERGENCY SERVICES, CONSERVATION, AND SECONDARY ROADS

Employees who are members of a fire or emergency rescue service which is provided and maintained for the benefit of a town or area located in the County, and have received prior approval of the County, will be permitted to perform fire or emergency rescue service during their regular working hours without loss of pay subject to the following conditions of this policy.

1. Employees must make applications to the Human Resource Director. An employee whose regular job is located in the Sioux City area will normally not be allowed to respond to calls.
2. Employees who are fire or emergency service members will obtain from their town and file with the Human Resources Director a copy of the liability insurance and worker compensation, or disability insurance policies which provide coverage for members of the service. A copy of these policies shall be updated annually.
3. Whenever possible, employees who are responding to a fire or emergency rescue service which occurs during their regular working hours shall provide immediate notice to their supervisor that they have been called into service. If immediate notice cannot be given, employees shall provide notice as soon as it is reasonably practical for them to do so. If a fire or emergency rescue service call occurs outside of regular working hours but an employee's response to the call cannot be completed before regular working hours begin, the employee shall provide notice to his/her supervisor that he/she will not be reporting for duty at the regularly scheduled hour and shall notify the supervisor upon returning to work.
4. Whenever possible, employees who are responding to a fire or emergency rescue service call which occurs during working hours shall use their personal vehicle to respond to the call.
5. Leave with pay will be granted for the period of time reasonably necessary to respond to the call and return to work. Employees will be expected to return to work unless their regular working hours have already been completed.

It is understood that the County is not liable for any injuries suffered or damages incurred by employees who responding to a fire or emergency rescue service call and that liability for the actions of employees responding to such calls will be borne by the town providing the service.

7.8 WOODBURY COUNTY TRAVEL AND EXPENSE POLICY

It is the policy of Woodbury County to authorize approved travel for employees and/or elected officials/deputies to attend meetings, conferences, seminars, or other events related to their positions. Employees and/or elected officials/deputies conducting official County business may be eligible for the cost of mileage, parking, meals (excluding alcoholic beverages), lodging, airfare, car rental, and miscellaneous travel expenses, if approved by the department head or elected official.

Whenever this travel regulation is in conflict with federal or state laws or with a collective bargaining agreement between the County and certified bargaining unit, Federal law takes precedence over a State statute or an employment or union contract in determining the Federal tax liability for furnished meals or lodging.

All travel away from the County must be approved by a department head or elected official for an employee. Employees and/or elected officials/deputies claiming reimbursement for travel and meeting expenses shall file a claim for reimbursement with the Woodbury County Auditor. All applicable itemized/detailed receipts must be attached to the Woodbury County travel reimbursement form. As provided by the Code of Iowa, the Board of Supervisors approval is required before a check for payment can be completed.

For more information about approved travel and travel expenses, please discuss with the Human Resources Department.

SECTION VIII – SAFETY AND HEALTH

8.1 SAFETY AND HEALTH

The County is committed to providing a safe, healthy, and secure work environment for all employees that is free from safety, security, and health concerns. Employees are responsible for maintaining a safe, secure, and healthy work environment and following the County's safety, security, and health rules. Employees are responsible for promptly reporting all unsafe, unsecure, or potentially hazardous conditions to their supervisor by filling out an Incident/Accident Report Form. The County will make every effort to remedy problems as quickly as possible. The County will not retaliate against employees that raise a safety or health concern.

8.2 ACCIDENT REPORTING

Employees shall report all work-related injuries and illnesses immediately or as soon as possible to their supervisor and to Human Resources. Employees will be required to complete a First Report of Injury Form and the Incident/Accident Report Form.

All employees have a right to report work-related injuries and illnesses without being retaliated against. The County is committed to workplace safety and will not retaliate against employees that report work-related injuries and illnesses.

8.3 RISK MANAGEMENT, SAFETY AND SECURITY COMMITTEE

The County has established a Risk Management, Safety, and Security Committee to promote a safe, secure, and healthy work environment. The purpose of the Committee is to evaluate accidents, operating practices, and the handling of County supplies, materials, and equipment, and to assess training needed to ensure a safe and secure workplace. The Committee will study issues and make recommendations to the Board that promote and maintain a safe, secure, and healthy working environment for County employees, protect the public's resources, and reduce County exposure to risk and loss.

8.4 DRUG AND ALCOHOL TESTING POLICY

Purpose

It is the policy of Woodbury County to provide a drug-free, healthful, and safe workplace, free from the effects of alcohol and illegal or abuse drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol programs. The U. S. Department of Transportation (DOT) has published 49

CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the federal Congress passed the "Drug-Free Workplace Act of 1988" which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. This policy incorporates those requirements for employees as noted elsewhere.

Applicability

This policy is applicable to all County employees. This policy also applies to all full time and part time drivers subject to the DOT/FMCSA regulations and other employees placed under this policy by the County's own authority. The use of the term "employee" hereafter incorporates all categories listed above. The term "DOT" employees refers to the drivers covered by the Department of Transportation's (DOT) rule, 49 CFR Part 40, which describes required procedures for conducting workplace drug and alcohol testing for the Federally regulated transportation industry. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Prohibited Substances

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to:

	Initial	Confirmation
Marijuana Metabolite(1)	50 ng/ml	15 ng/ml
Cocaine Metabolite(2)	150 ng/ml	100 ng/ml
Amphetamines	500 ng/ml	250 ng/ml
Amphetamine	-----	250 ng/ml
Methamphetamine (3)	-----	500 ng/ml
Opiates	2000 ng/ml	-----
	-----	-----
Morphine	-----	2000 ng/ml
Codeine	-----	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Ecstasy (MDMA)	500 ng/ml	200 ng/ml
(6-AM) Acetylmorphine	-----	-----

(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid: (2) Benzoylcegonine; (3) Specimen must also include amphetamine at a concentration greater than or equal to 200 ng/ml.

Illegally used controlled substances include any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance that carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by employees with their appropriate health care professional before performing work-related duties. Educational information regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees are urged strongly to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect their ability to safely operate or maintain vehicles.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If the employee tests positive for drugs, he/she must provide, within 24 hours, a valid prescription. A valid prescription includes the employee's name, the name of the substance, quantity/amount to be taken, and the time period of the authorization. The misuse or abuse of legal drugs while performing safety-sensitive work is prohibited.

Prohibited Conduct

Manufacture, Trafficking, Possession and Use

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on the County's premises, in the County's vehicles, or while conducting the County's business. Employees who violate this provision will be terminated. In addition, law enforcement will be notified, as appropriate, where criminal activity is suspected.

Intoxication/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test shall be removed from duty pending a decision about their continued employment and referred to a Substance Abuse Professional (SAP) for evaluation. Failure of an employee to obtain a SAP evaluation and/or failure to follow the SAP's recommended treatment plan will be cause for termination of employment. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

Alcohol Use

No employee may report for duty or remain on duty when his/her ability to perform

assigned duties is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use or be in possession of alcohol while on duty, while performing work. No employee shall use alcohol within four hours before reporting for duty, or during the hours while on call. Violation of these provisions is prohibited and may be cause for termination of employment.

Not Negative Alcohol Test. If an employee tests between 0.02 and 0.04 on an alcohol test, the employee will be removed from duty for twenty-four (24) hours. This absence from work will be considered an unexcused absence and subject to the County's disciplinary procedures.

Compliance with Testing Requirements

All employees will be subject to urine drug testing and breath alcohol testing as specified in this policy. Any employee who refuses to comply with a request for testing shall be removed from duty and disciplinary consequences will be assessed. The Employer will consider test refusal to be a positive test, and the employee will be provided with a list of Substance Abuse Professionals (SAP) for evaluation. Failure of an employee to obtain a SAP evaluation and/or failure to follow the SAP's recommended treatment plan will be cause for termination of employment. Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed sample collection. Verification of these actions will result in the employee's removal from duty and his/her employment being terminated. Refusal can include inability to provide a sufficient urine specimen or breathe sample without a valid medical explanation, as well as, a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Treatment Requirements

All employees are encouraged to make use of the available resources for treatment of alcohol misuse, as well as legal and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse as explained in this policy. Any employee who refuses or fails to comply with the SAP's requirements for treatment, after-care or return-to-duty directives will be subject to termination of employment. The employee's insurance provider will coordinate the cost of the treatment or rehabilitation services. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services.

Notice of Criminal Drug Conviction

Apart from federal regulations, but under the County's own authority, all employees are required to notify the Employer of any criminal drug statute conviction for a violation within five working days after such conviction.

Proper Application of the Policy

The Employer is dedicated to assuring fair and equitable application of this substance

abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/ manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination of employment.

Voluntary Treatment

The Employer encourages employees to seek treatment voluntarily. Any employee who comes forward and notifies the Employer of an alcohol or chemical abuse problem will be provided access to assistance. This assistance will include a mandatory referral to the Substance Abuse Professional (SAP) at the County's expense. Employees are encouraged, but not mandated to follow the SAP's recommended treatment plan. An appropriate leave of absence may be granted for treatment and rehabilitation. Payment for treatment will be coordinated through the employee's health insurance provider. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services.

Voluntary requests for treatment must be made prior to any pending drug/alcohol test, disciplinary action, or occurrence of an incident giving rise to a disciplinary action. Employees will not be disciplined for requesting treatment, but will be expected to observe job performance standards and work rules as they apply to every employee. Any decision to seek help through the Employer will not interfere with an employee's eligibility for promotional opportunities. Confidentiality of information will be maintained at all times.

Non-DOT Employees

Apart from federal regulations, but under the County's own authority, non-DOT employees who have a positive drug or alcohol test may be referred to the Substance Abuse Professional (SAP) for assessment and/or may be subject to disciplinary action up to and including termination.

Confidentiality

The Employer affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be kept under the control of the County's Human Resources Department. The reports or test results may only be disclosed without an employee's consent when:

1. The information is compelled by law, or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the employee and employer.

The employee must sign a separate release every time substance testing information is to be disclosed. The employee must sign releases anytime information is to be released to the employee, subsequent employers, and to any other third party

designated by the employee.

Testing Procedures

Urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by federal regulations. All DOT employees shall be subject to drug testing prior to employment, for reasonable suspicion, random, and following an accident as defined in this policy. In addition, all employees will be tested prior to returning to duty after failing a random drug or alcohol test. Follow-up testing will be conducted for a period of one to five years based on the SAP's recommendation, with at least six tests performed during the first year.

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

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, apart from federal regulations, the Employer reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols.

All drug testing laboratory results will only be released to and reviewed by a qualified Medical Review Officer (MRO) in order to verify and validate test results. The MRO will release findings only to a Designated Employer Representative (DER). A MRO shall be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an employee's confirmed positive test result. Before verifying that an employee has a positive test result, the MRO is responsible for contacting the employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. A MRO's staff member may make the initial contact, but is prohibited from gathering medical information. If, after reasonable efforts, the MRO is unable to reach the employee directly, the MRO may contact the County's DER for assistance in contacting the employee. The County's DER will take maximum precautions to preserve the confidentiality of the MRO contact.

If, after making all diligent and reasonable efforts, neither the MRO nor the County's DER are able to contact the employee within ten (10) days after the date the MRO received the confirmed positive test result from the laboratory, the MRO may verify the test result as positive. The MRO may also verify the test result as positive if the employee does not contact the MRO within three (3) days after being contacted by the

County's DER or the employee expressly declines the opportunity to discuss the test result. The MRO may reopen the verification of a positive test if the employee presents documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period and if the employee then presents a legitimate (in the MRO's opinion) explanation for the positive test. When these conditions have been satisfied, the MRO shall declare the test to be negative.

The MRO will review and interpret an individual's medical history, including any medical records and biomedical information provided; affording the individual an opportunity to discuss the test result and decide whether there is a legitimate medical explanation for the result, including legally prescribed medication.

The MRO may declare a test invalid or canceled based on the regulations specified in 49 CFR Part 40. A canceled/invalid test is considered neither a positive nor a negative test. An example of a canceled test is a urine sample being rejected by the laboratory. The MRO shall cancel the test and report the cancellation and the reasons for it to the Employer and employee. A negative dilute specimen will not require a retest.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to a Designated Employer Representative (DER). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of greater than 0.02, but less than 0.04, will be removed from his/her position for twenty-four hours. The inability to perform any duties due to an alcohol test result greater than 0.02, but less than 0.04, will be considered an unexcused absence subject to the County's disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the federal requirements.

Consequences for Violation of this Policy

Any employee that is in violation of this policy and/or has a confirmed positive drug or alcohol test may be immediately removed from his/her position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment, and/or subject to disciplinary action up to and including termination. Non-DOT employees are exempt under federal regulations, but are governed under the County's own policy authority.

Split Specimen Testing

Any employee who questions the results of a required drug test under this policy may request that an additional test be conducted. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample was provided. All

costs for such testing are paid by the employer. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours following notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

Types of Testing

Pre-Employment Testing

All applicants for employment shall undergo urine drug testing immediately following the offer of employment. Receipt of a negative drug test result is required prior to employment. Pre-employment drug tests may be administered only after the applicant has signed a consent form. Non-DOT applicants are tested apart from federal regulations, but under the County's own policy. Failure of a pre-employment drug test will disqualify an applicant for employment.

Other Testing

Under County's own policy authority, all employees may be required to submit to drug testing in conjunction with any required physical examination. Required physical examinations may include, but are not limited to, workers' compensation injuries or any leave of absence of 30 days or more.

Reasonable Suspicion Testing

All employees may be subject to a fitness-for-duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. Apart from federal regulations, non-DOT employees are governed under the County's own policy authority. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, and articulable observations concerning appearance, behavior, speech, or body odors of the employee consistent with possible drug use or alcohol misuse. An employee is reasonably suspected of prohibited drug use or alcohol misuse when a trained supervisor or other Employer-authorized official can:

- Substantiate specific behaviors that may indicate drug use or alcohol misuse.
- Identify job performance problems that may indicate prohibited drug use or alcohol misuse.
- Actually observe physical indications that prohibited drug use or alcohol misuse may be occurring.

A supervisor or other Employer-authorized official must make reasonable suspicion referrals. To make reasonable suspicion determinations, supervisors or other officials must be trained on the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and/or behaviors associated with drug use and/or alcohol misuse. One supervisor will complete the County's "Reasonable Suspicion" form, but two or more trained supervisors may participate in the reasonable

suspicion determination process. A copy of the completed form will be provided to the employee.

Post-Accident Testing

All employees will be subject to drug and alcohol testing when his or her use of drugs or alcohol likely contributed to an accident while at work which resulted in an injury to a person for which injury, if suffered by an employee, a record or report could be required under Iowa Code Chapter 88 – Occupational Health and Safety, or resulted in damage to property, including equipment in an amount reasonable estimated at the time of the accident to exceed **\$1000** and if the testing can detect level of impairment at the time of the accident. Post-accident testing is stayed while an employee assists in resolution of the accident or receives medical attention following the accident. However, employees must remain readily available during the time periods stated below. Post-accident testing will be done as soon as possible, but no later than (8) eight hours after the accident for alcohol testing and (32) thirty-two hours after the accident for drug testing. An employee involved in an accident must not use alcohol until after the undergoing alcohol testing or eight hours have elapsed, whichever comes first.

Nothing in this policy shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, any employee who under the above circumstance fails to remain available for drug and alcohol testing (including notifying the Employer of his/her location), or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test.

All employees shall report workplace injuries and illnesses pursuant to the County's Accident Reporting Policy. No employee will be retaliated against for reporting workplace injuries or illnesses.

Random Testing (DOT)

In accordance with federal regulations, employees in DOT positions will be subjected to random, unannounced testing. The selection of employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. The DOT determines the testing percentages annually. All DOT employees will be placed in a common selection pool. Each employee in this pool will be matched with a unique random selection number. Through the use of a computer-based random number generation program, the required number of persons will be selected for each testing cycle throughout the year. All employees in the pool will remain in the random selection pool at all times throughout the year regardless of whether or not they have been previously selected. Employees who are not available for testing during the testing period will be removed from the random pool prior to the random selection drawing occurring. The DER will access the selection pool numbers. Notification will be

made to those who must submit a specimen or complete an alcohol breath test. The test may be completed prior to, during or after the employee's work shift. The employee will be immediately escorted to the medical facility for the test. As soon as the urine specimen is collected or breath test is completed, the employee will be required to return to work, unless the breath test is not negative.

Return-To-Duty Testing

Employees who have violated the County's drug testing policy and are allowed to return to work must submit to a return-to-duty test. Follow-up tests are conducted unannounced and at least six tests are generally conducted in the first 12 months after an employee returns to duty. Follow-up testing may also be extended for up to 60 months following return to duty. The test results of all return-to-duty and follow-up tests of the employees must be negative.

Effective August 31, 2009, the Department of Transportation ('DOT') will require employees in safety-sensitive positions to submit to 'observed' urination drug testing for all follow-up and return-to-duty drug tests. DOT regulations require these employees to complete substance abuse programs before returning to their safety-sensitive positions.

Follow-Up Testing

Follow-up tests are conducted unannounced and at least six tests will be generally conducted in the first 12 months after an employee returns to duty. Follow-up testing may also be extended for up to 60 months following return to duty. The test results of all return-to-duty and follow-up tests of the employees must be negative.

Employment Assessment

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation to a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. If an employee is allowed to return to duty, he/she must (1) properly follow the rehabilitation program prescribed by the SAP, (2) have a negative return-to-duty drug or alcohol test, and (3) can be subject to unannounced follow-up tests for a period of one to five years. At least six follow-up tests are required in the first year following treatment. The employee's insurance provider will coordinate the cost of treatment or rehabilitation services. Employees who do not have health coverage are responsible for the entire cost of any treatment services.

Re-Entry Conditions

Safety-sensitive employees who re-enter the workforce after a confirmed positive test must agree to re-entry conditions. Those conditions may include (but are not limited to):

1. A release to work statement from the SAP.

2. A negative test for drugs and/or alcohol.
3. An employee signed agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. An employee signed agreement to follow specified after-care requirements with the understanding that violation of the re-entry conditions is grounds for termination of employment.

If an employee has a second positive drug/alcohol test during the five-year period following a previously confirmed positive test, their employment will be immediately terminated.

Exclusions

1. This policy is not intended to cover Woodbury County sponsored social events.
2. This policy does not apply to Woodbury County facilities that have been rented to others for the purpose of entertainment or social events.
3. When applicable, federal or state laws take precedence over this policy.

Drug and Alcohol Program Managers and Designated Employer Representatives

Any questions regarding this policy or any other aspect of the County’s substance abuse program should be addressed to the following representatives:

Drug and Alcohol Program Manager (DAPM)/Designated Employer Representative (DER):

Name: Melissa Thomas
 Title: Human Resources Risk and Safety Coordinator
 Address: 620 Douglas St # 701 Sioux City IA 51101
 Telephone Number: (712) 255-2681
 FAX Number: (712) 279-6597
 Email: melissa.thomas@woodburycountyiowa.gov

A complete copy of 49 CFR Parts 40, as amended, is available for review in the County Human Resources Office.

Medical Review Officer (MRO):

	Pre Employment	All Other (Random, Reasonable Suspicion, Post Accident, Return to Work)
Name:	<u>Mercy Business Health</u>	<u>Mercy Business Health</u>
Address:	<u>3500 Singing Hills Blvd.</u>	<u>3500 Singing Hills Blvd.</u>
Ph Number:	<u>(712) 274-4250</u>	<u>(712) 274-4250</u>
Fax Number:	<u>(712) 274-4260</u>	<u>(712) 274-4260</u>
Email:	<u></u>	<u></u>

Employee Assistance Program (EAP):

Name: Mercy EAP – Carebridge
 Address: 3500 Singing Hills Blvd

Telephone Number: 1-800-437-0911
Fax Number: (712) 274-4241
Email: _____

Substance Abuse Professional (SAP):

Name: Mercy Medical Services
Address: 3500 Singing Hills Blvd
Telephone Number: (712) 274-4300
Fax Number: (712) 274-4241
Email: _____

SECTION IX – EMPLOYEE CONDUCT

9.1 WORKPLACE HARASSMENT

The County is committed to providing all of its employees with a work place free from harassment. The County maintains a strict policy prohibiting sexual harassment and harassment on the basis of sexual orientation, gender identity, race, color, national origin, religion, sex, physical or mental disability, age, veteran status, genetic information, pregnancy status, creed, or any other characteristic protected by applicable laws. This prohibition applies to all employees, volunteers, vendors, residents, and citizens of the County. No employee of the County is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in County business.

9.2 SEXUAL HARASSMENT DEFINED

Sexual harassment prohibited by this policy includes any unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when submission to such conduct is made a term or condition of employment; or submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance; or it creates an intimidating, hostile, or offensive working environment.

The following is a partial list of conduct that could be considered sexual harassment:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening retaliation after a negative response to sexual advances.
- Conduct such as leering, making sexual gestures, displaying sexually suggestive objects, or pictures, cartoons, calendars, or posters.
- Conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, sexual banter, or innuendoes, or inappropriate or unwelcome comments about an employee's body, or manner of dress.
- Communications of a sexual nature distributed in hard copy or via a computer network.
- Sexual advances or propositions.
- Abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct such as touching, assault, impeding, or blocking movements.
- Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment investigation.

Sexual harassment can occur between employees of the opposite sex or the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment can occur between supervisors and subordinates, employees and non-employees, and between co-workers.

9.3 OTHER TYPES OF HARASSMENT

The County also prohibits other forms of harassment on the basis of race, color, national origin, religion, gender, sexual orientation, gender identity, physical or mental disability, age, veteran status, genetic information, creed, pregnancy status, or any other characteristic protected by applicable laws. Such prohibited harassment includes, but is not limited to, the following:

- Conduct such as threats, epithets, derogatory comments, or slurs;
- Conduct such as derogatory posters, photographs, cartoons, drawings, or gestures.
- Communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.
- Physical conduct such as assault, unwanted touching, or blocking normal movement.
- Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment investigation.

9.4 HARASSMENT COMPLAINT PROCEDURE

Any employee who believes he or she has been subjected to harassment, prohibited by this policy, should immediately report that behavior, to their department head, the Human Resource Director, or the Board.

If an employee becomes aware of harassing conduct engaged in or suffered by a County employee, regardless of whether such harassment directly affects him/her, the employee should immediately report that information, preferably in writing, to their department head, the Human Resource Director, or the Board.

Whenever the County is made aware of a situation that may violate this policy, Human Resources will conduct an immediate, thorough, and objective investigation of any harassment claims in a manner as confidential as possible; employees are required to cooperate fully in any investigation. If the County determines that prohibited harassment has occurred, it will take appropriate action against any person found to have engaged in prohibited harassment. A determination regarding the alleged harassment will be made and communicated to the person claiming harassment as soon as practical. The type of discipline administered will be dependent upon the severity of the conduct, as well as any other factors presented, and the particular

circumstances. Employees violating this policy are subject to discipline action, up to and/or including termination. In addition, if an investigation of a complaint shows that an individual knowingly provided a false complaint or false information, the individual will be subject to disciplinary action, up to and including termination.

The County strictly prohibits retaliation against any person by another employee or by the County for using this complaint procedure, reporting harassment, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the County or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire, or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

The County does not consider conduct in violation of this policy to be within the proper course and scope of employment and does not sanction such conduct on the part of any employee, including management employees, as well as vendors, contractors, and citizens.

9.5 OPEN COMMUNICATIONS/TAPE RECORDINGS

In order for the County to function appropriately, there must be free and open communication between all employees of the County. Secret tape recording by an employee or group of employees of communications with other employees is harmful to the atmosphere of free and open communications that must be maintained to provide an appropriate level of service to the County's citizens. Any secret tape recording, including a first offense, by one or more employees of communications with other employees, may result in termination of the offender's employment with the County. If an employee wants to tape record any communication or meeting, they should inform all participants and may tape record only if all participants agree. Employees are not required to agree. This policy shall not prevent law enforcement personnel from using tape recordings during investigations and shall not apply to tape recording meetings as may be required by the Iowa Code.

9.6 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

Employees shall not engage in any outside employment activity or enterprise that is inconsistent, incompatible with, or interferes with the employee's ability to effectively perform assigned duties for the County.

The County expects regular, full-time employees to consider County work their primary employment. Any other employment must be compatible, without conflict of interest, or schedule.

Employees may not engage in the following outside employment or self-employment activities, which are considered to be inconsistent with, incompatible with, and interfere with County employment:

- 1) Any employment activity that prevents an employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is an expectation of the employee's job
- 2) Any employment activity or enterprise that involves the use of the County's time, facilities, equipment, or supplies, or the prestige and influence of a County office, or employment for private gain
- 3) Employment with a firm that has a contract with or does business with the County
- 4) Activities that involve the receipt or acceptance of money or other considerations by a County employee from anyone other than the County for the performance of activities that the employee is required or expected to provide in the course of the employee's employment with the County
- 5) Activities that involve so much of the employee's time that it impairs the employee's attendance or efficiency in the performance of duties assigned by the County
- 6) Activities that may reasonably be perceived by members of the public to constitute a conflict of interest or otherwise discredit public service.

Employees who engage in any outside employment or self employment must notify their department head and the Director of Human Resources in writing of such activities.

9.7 GIFTS

The County employees, managers, directors, elected officials, and supervisors are not allowed to receive gifts or gratuities in any personal or professional capacity that could create the impression that the giver was seeking favor or trying to influence an opinion or a judgment from the employee or official.

Except for certain exceptions, Iowa law (Iowa Code § 68B.22) prohibits County employees and their immediate family members from receiving gifts with a value of more than \$3.00 per day from a "restrictive donor." A "restrictive donor" is someone who: (a) is or is seeking to be a party to any sale, purchase, lease, or contract with the County; (b) will personally benefit financially, or is the agent of a person who will personally benefit financially, from the way the donee performs his or her job for the County (more than the general public); (c) has a matter pending before the donee's department over which the donee has discretionary authority to decide the pending

matter; or (d) is a lobbyist or a client of a lobbyist. Any employees with questions about this law should contact the Human Resources Department.

9.8 POLITICAL ACTIVITY

County employees may participate in political or partisan activities of their choosing provided that such activities occur separately and apart from their employment with the County and do not conflict with applicable federal laws.

Employees may not use County resources or property in political or partisan activities, and they must not participate in such activities on the County's time. Employees must not conduct political or partisan activities when in a County uniform, and they must not wear or display on their clothing any button, badge, or sticker relevant to any candidate or ballot issue while performing their County duties. Employees must not solicit contributions for a political or partisan cause while working for the County or on County property.

9.9 CONTACT WITH NEWS MEDIA

Department heads and elected officials shall be responsible for all official contacts with the news media, including answering questions from the media. An employee approached by news media should direct the inquiry to his or her Department head or appropriate elected official and advise that he or she is not authorized to comment on behalf of the County.

9.10 VIOLENCE IN THE WORKPLACE

The County has adopted a Zero Tolerance Policy for workplace violence. Consistent with this policy, acts, or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the County or which occur on County property will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the County or to create a hostile, abusive, or intimidating work environment for one or several County employees. Examples of workplace violence include, but are not limited to:

- All threats or acts of violence occurring on County premises, regardless of the relationship between the County and the parties involved in the incident.
- All threats or acts of violence occurring off the County premises involving someone who is acting in the capacity of a representative of the County.

- All threats or acts of violence occurring off the County premises involving an employee of the County if the threats or acts affect the legitimate interest of the County.
- Any acts or threats resulting in the conviction of an employee or agent of the County, or of an individual performing services for the County on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence that adversely affect the legitimate interests of the County.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to:

- Hitting or shoving an individual
- Threatening an individual or his/her family, friends, associates, or property
- The intentional destruction or threat of destruction of property
- Harassing or threatening phone calls or other contact
- Harassing surveillance or stalking
- The suggestion or intimation that violence is appropriate
- Unauthorized possession or inappropriate use of firearms or weapons

The County's prohibition against threats and acts of violence applies to all persons involved in the County's operation, including, but not limited to, County personnel, contract and temporary workers, and anyone else on County property, by any individual acting as a representative of the County while off County property, or by an individual acting off of County property when his/her actions affect the County's interests.

Violation of this prohibition will lead to disciplinary action, up to and including termination, and/or legal action as appropriate. No provision of this policy shall alter the at-will nature of the employment relationship with the County.

Every employee and every person on County property is encouraged to report incidents, threats, or acts of physical violence. The report should be made to their department head, or the Human Resource Director, or any other department head. Nothing in this policy alters any other reporting obligation established in County policies or in state, federal, or other applicable law.

9.11 TOBACCO FREE ENVIRONMENT

The County is committed to providing a work environment for all employees that is free from the health and safety problems caused by smoking and chewing. It is the policy of the County pursuant to the Iowa Smokefree Air Act to prohibit all tobacco products by employees and non-employees in all County facilities and vehicles. Smoking and chewing are permitted only in those areas specifically designated as a smoking and chewing area.

If you believe there has been a violation of the Iowa Smokefree Air Act, please contact the Human Resources Department immediately so that the County can take prompt action. You may also contact the Iowa Department of Public Health at <http://www.iowasmokefreeair.gov> or 1-888-944-2247. Retaliation against an employee, applicant for employment, or patron because the employee, applicant, or patron exercised any rights afforded under the law, registered a complaint, or attempted to prosecute a violation of the law is strictly prohibited.

9.12 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

The use of controlled substances, either on or off the job, is inconsistent with the behavior expected of County employees, subjects all employees and the public to unacceptable safety risks, and undermines the County's ability to operate effectively and efficiently. Therefore, the policy of the County is to maintain a drug-free workplace free of the presence of alcohol or any controlled substance (drugs in any unauthorized form) as defined in Sections I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 81 and as further defined in regulation 21 C.F.R. 1308.11-1308.15). The unlawful manufacture, distribution, dispensing, possession, sale, or use of a controlled substance in the workplace, or any premise where County business is carried out, is strictly prohibited.

The Drug-Free Workplace Act of 1988 requires employees to report any conviction under a criminal drug statute for violations occurring on the employer's premises, or off the employer's premises while conducting official County business. A report of a conviction must be made to your department head within five (5) workdays after conviction. Failure to do so will result in immediate discharge from County employment.

The County's complete Substance Abuse and Drug Testing Policy appears separately in this Handbook.

9.13 USE OF COUNTY VEHICLES

No employee is permitted to use County vehicles, equipment, facilities, or supplies, and materials for personal, non-County business purposes.

The County's no smoking and chewing policy includes all County-owned and leased vehicles.

Employees authorized to drive County vehicles must use these vehicles strictly for County business. Personal use of a County vehicle is prohibited. There are to be no passengers in County vehicles except for County business.

Any employee operating or riding in a County vehicle must wear seat belts at all times.

Any employee that receives a moving violation or citation while driving a County vehicle must report the violation or citation to his or her supervisor as soon as possible and may be subject to disciplinary action up to and including termination.

9.14 DRIVER LICENSE REQUIREMENTS AND DRIVING RECORD

Employees who operate County or personal vehicles as part of the essential duties of their position are required to have possession of an appropriate driver license valid in the State of Iowa (or state of residence) and proof of coverage as an insured driver. Any employee whose driver license is revoked, suspended, or lost or whose insurance coverage is terminated must notify his/her department head and Human Resources immediately. The employee will be unable to resume operating a County vehicle until providing proof of a valid driver license and insurance coverage to the department head. Employees who are not able to perform essential job duties due to the suspension or revocation of their driver license may be terminated.

9.15 SOCIAL NETWORKING

In general, Woodbury County views social networking sites (e.g., Myspace, Facebook, and Twitter), personal websites, and weblogs positively and respects the right of employees to use them as a medium of self-expression. However, as a condition of employment, the County requires that employees observe the following guidelines when online or when using social media:

- Employees must be respectful in all communications and blogs related to or referencing the County and/or other employees.
- Employees may not post anything in the name of the County or in a manner that could reasonably be attributed to the County.
- An employee choosing to identify himself or herself as an employee of the County, must use the disclaimer when posting anything that “the postings on this site are my own and do not represent the County’s positions or opinions.”
- Employees may not disclose personal information about other employees, patrons, citizens, or vendors.
- Employees must not use obscenities, profanity, or vulgar language.
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- Employees must not use the internet or social media to harass, bully, or intimidate other employees. Any harassment, bullying, decimation, or retaliation that is not permissible in the workplace is not permissible online, even if it is after-hours, from home and on personal computers or devices. Behaviors that constitute harassment and bullying include, but are not limited to, comments made that are derogatory with respect to race, religion, gender, sexual orientation, color, or disability; sexually suggestive, humiliating or demeaning comments; and threats to stalk, haze, or physically injure another employee.
- Employees are prohibited from revealing the County’s secret or confidential information. Employees must respect all copyright and other intellectual property

laws and respect the proprietary information, content, brands, trademarks, and copyrights of others, including such intellectual property of the County.

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Any employee found to be in violation of any portion of this Social Networking and Blogging Policy will be subject to immediate disciplinary action, up to and/or including termination of employment.

9.16 DISCIPLINARY ACTION

At all times, employees are expected to meet the County's standards for work performance and conduct and to follow the policies and procedures covered in this Handbook. Failing to adhere to these standards, rules, code of ethics and policies may result in disciplinary action, up to and including termination. Each case shall be considered on its own merits with due consideration as to the nature of the offense, the cause, the background, the likelihood of repetition, and the attitude of the offender. The rules and policies in this Handbook should not be viewed as all inclusive of every situation that may give rise to disciplinary action, and as always, you may terminate your employment at any time, with or without cause, and the County retains that same right. The County reserves the right to decide in its sole discretion the form of discipline to take in each case. Such discipline may include, but not be limited to, verbal warning, written warning, suspension (with or without pay), and termination. With respect to most disciplinary problems, disciplinary actions will be administered in that order. However, depending on the severity of the problem and the number of occurrences, one or more of the types of discipline may be bypassed. Some circumstances or situations may be serious enough to justify either a suspension or termination.

The County uses management techniques called True-Speak. The County reserves the right to use different management techniques in its sole discretion at any time. In the event of a conflict between (1) the True-Speak management techniques or any other management techniques or training and (2) this Handbook, the provisions in the Handbook control.

9.17 WORK RULES

To ensure orderly operation and provide the best possible work environment, the County expects its employees to follow work rules that will protect the interest and safety of all employees, the citizens, and the County. It is impossible to list every type of behavior that may be deemed unacceptable; however, the following Work Rules provide guidelines of conduct that may result in disciplinary action, up to and including termination:

- 1) Neglecting job duties or responsibilities.
- 2) Unsatisfactory performance or incompetence.

- 3) Failure to complete County records.
- 4) Improper or negligent conduct.
- 5) Tardiness, absenteeism, or other unauthorized breaks.
- 6) Failure to notify supervisor of absences and/or obtain proper approval for time off.
- 7) Unprofessional appearance or conduct.
- 8) Theft, abuse, unauthorized removal, unauthorized use, destruction, or misuse of County property, equipment, or vehicles.
- 9) Negligent or reckless operation or care of County property, equipment, or vehicles.
- 10)Transporting of unauthorized passengers in County vehicles or equipment.
- 11)Driving violations for employees required to use a motor vehicle on County business.
- 12)Dishonesty.
- 13)Falsification of records, including but not limited to applications, payroll records, and time off requests.
- 14)Knowingly providing false information to obtain or qualify for an employment benefit.
- 15)Threatening, bullying, or inflicting bodily harm to fellow employees.
- 16)Fighting or threatening violence in the workplace.
- 17)Making false or malicious statements about others.
- 18)Boisterous or disruptive activity in the workplace.
- 19)Failure or refusal to follow the written or oral instructions of a supervisor or manager.
- 20)Violation of any ethical rule, work rule, procedure, or policy of the County.
- 21)Violation of local, state, or federal law or court order.
- 22)Participation in criminal activity whether during work or during time away from work.
- 23)Discrimination, bullying, or harassment of others.
- 24)Possession of dangerous or unauthorized materials, such as explosives, weapons, or firearms, in the workplace.
- 25)Violation of safety or health rules.
- 26)Failure to report an accident or incident.
- 27)Engaging in personal business during work hours.
- 28)Failure to maintain necessary licenses or certifications.
- 29)A guilty plea to, being convicted of, or granted a deferred judgment.
- 30)Failing to maintain insurability.
- 31)Smoking in non-smoking areas.
- 32)Illegal consumption, possession, distribution, transportation, or manufacture of alcohol or controlled substances.

SECTION X – COMPLAINTS

10.1 COMPLAINT PROCESS

The County encourages employees who have a complaint to talk to their supervisor. Many problems and concerns can be resolved in this manner. If, however, an employee believes that his or her issue remains unresolved, he or she may wish to consider making a complaint under the complaint process described below.

No employee shall be subject to any form of retribution as the result of making a complaint under the complaint procedure. Specifically, an employee may not suffer disciplinary action, reduction of employment status, or benefits, or discrimination in employment, promotion, wages, or transfers because of filing a complaint.

An employee who is entitled to file a complaint under the complaint procedure of an applicable negotiated bargaining agreement may not file a complaint using the procedure established under this policy for complaints regarding bargaining agreement provisions.

An employee with standing to use this complaint process must initiate this process in a timely manner. A timely initiation of this process means filing the complaint within the timelines outlined in the Complaint Procedure. If the complaint is not initiated within this established time period, it will be considered waived.

10.2 COMPLAINT PROCEDURES

1) Step One

- a) Complaints shall be submitted to the Director of Human Resources and the employee's department head in writing within ten (10) work days after the incident.
- b) Each complaint must include:
 - The employee's name and signature;
 - The specific sections of the County's personnel policies at issue;
 - The nature of the complaint;
 - When the event took place [date(s) and time(s)];
 - Any informal action(s) taken to resolve the issue;
 - The action requested to resolve the complaint.

- c) The Director of Human Resources will be responsible for conducting all investigations of complaints filed under this policy. The Director of Human Resources will also be responsible for working with the department head to respond to the complaint. The decision must be rendered within five (5) work days after receiving the first step complaint. If a longer period of time is needed to complete any investigatory work, the department head will contact the employee filing the complaint in writing to indicate the anticipated date they will receive the response.

2) Step Two

- a) Appeals of Step One decisions shall be filed through the Director of Human Resources to the Board within ten (10) work days after receiving the Step One decision. Such appeals shall be in writing and take the same form outlined in Step One.
- b) The Board shall render a decision within thirty (30) work days after receiving the Step One complaint appeal. If a longer period of time is needed to complete any investigatory work, the Board will contact the employee filing the complaint, in writing, to indicate the date they will receive the response. The decision of the Board shall be final.

SECTION XI – TERMINATION

11.1 COMPENSATION UPON TERMINATION

When employment with the County ends for any reason, the employee will receive the following compensation:

- Regular wages for all hours worked up to the date of termination which has not already been paid.
- A lump-sum payment of any accrued unused vacation and compensatory time.

11.2 SEPARATION FROM EMPLOYMENT

Termination can occur for any reason. If the reason is resignation, the employee is requested to give notice in writing at least two weeks before the last day of work. For termination due to retirement, more notice is requested. Layoff may occur if a position is eliminated or when there is a lack of funding or work. Upon separation for any reason, any wages due an employee will be made on the next scheduled payday.

11.3 INSURANCE CONTINUATION AFTER SEPARATION

Pursuant to COBRA, a person employed by the County and enrolled in the employee health plan, can choose to continue the insurance coverage at his/her own cost if his/her position is lost due to reduction in hours or termination of employment. Also, the spouse of an employee enrolled in the health plan can choose to continue the coverage at his/her own cost in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage by Medicare. Similar circumstances would permit the child of a separated employee to continue the coverage at his/her own cost. Coverage may be continued for eighteen months, and in some circumstances, up to three years. The Human Resources Department will be able to provide more information on the COBRA options and costs for affected employees and dependents.

Pursuant to Iowa Code 509A.13, employees that retire and qualify for retirement benefits under IPERS may be eligible to continue to participate in the County's health insurance plan at their own cost until age 65.

WOODBURY COUNTY POLICY ACKNOWLEDGMENT FORM

I have received a copy of the Woodbury County Employee Handbook. I know that I must read the Handbook so that I can understand my responsibilities as an employee of Woodbury County.

I understand that this Handbook is not a contract of employment, but rather an explanation of County policies. The County has not solicited my assent or agreement to the policies set forth in this Handbook and my employment is not in consideration of, or in return for, my being bound by this Handbook. I realize that the County may interpret, clarify, revise, and/or deviate from the policies set forth in the Handbook at any time, with or without notice.

I also realize that my employment relationship with the County is voluntarily entered into and is subject to termination by me or my employer at-will, with or without reason or notice, at any time either party believes such action to be appropriate, and that nothing in this Handbook creates additional rights or provides a basis for me to believe my employment is not terminable at-will.

I understand that if I have any questions, I am to talk with my department head or Human Resources.

Woodbury County is an Equal Opportunity Employer. It is the policy of Woodbury County that all personnel actions are conducted in a manner that provides equal opportunity to all employees and prospective employees. Every effort is made to ensure that employees and prospective employees are treated fairly and that their civil rights are protected.

I acknowledge that I have received a copy of the County's policies regarding privacy, social media, electronic media, and internet Policy. I agree to read it thoroughly, and agree that if there is any policy or provision in the policy I do not understand, I will seek clarification from the County Auditor.

I understand that desks, storage areas, work areas, file cabinets, lockers, credenzas, computer systems, office telephones, smart phones, modems, facsimile machines, duplicating machines and any vehicles or equipment are the Employer's property and that the Employer reserves the right, at all times, and without prior notice, to inspect and search any and all of the Employer's property for the purpose of determining whether this policy or any other policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state or federal laws. I understand further that such inspections may be conducted during or outside of business hours.

I understand that my use of Employer's E-mail system constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that: (1) the E-mail system and all information transmitted by, received from, or stored in that system are the property of the Employer, (2) the system is to be used only for business purposes and not for personal purposes, (3) electronic media may not be used for knowingly transmitting, retrieving, or storage of any communications of a discriminatory, defamatory, threatening, or harassing nature, or which are obscene or X-rated communications, and (4) I have no expectation of privacy in connection with the use of the E-mail system or the Internet or Social Media systems or with the transmission, receipt, or storage of information in that system.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the Employer's monitoring my use of the E-mail system, Social Media systems, and the Internet at any time at its discretion, including printing and reading all E-mails entering, leaving, or stored in the system.

This is to acknowledge that I have received a copy of the Woodbury County's policies prohibiting discrimination and harassment.

These policies have been explained to me and I have been encouraged to thoroughly read and to ask any questions that I may have about these policies. I understand the procedure for reporting a complaint of

harassment and I understand that no employee will be subject to any form of retaliation or discipline for making a harassment complaint or assisting in an investigation. I understand that I am expected to comply with all of the provisions of these policies.

I understand that I am required to report all work-related injuries and illnesses immediately or as soon as possible. I have had the opportunity to ask questions about the procedure for reporting work-related injuries and illnesses and I understand this procedure. I acknowledge that the County will not retaliate against anyone that reports a work-related injury or illness.

I have read and understand the County's policies concerning time and reporting. I understand that I must:

- Clock in and out for payroll purposes
- Report all hours worked
- Use the clock/card system
- Review and sign the clock/card system to certify accuracy

I understand the policy and that failure to clock in and/or out and/or abuse the time clock/card system will result in disciplinary action up to and/or including termination.

Employee's Name (Please Print)

Date

Employee's Signature