

# *Pennington County, SD*

## Employee Handbook



### ***Mission Statement***

*The mission of Pennington County, SD is to provide quality public services, as determined by law and citizen needs, through innovative leadership and the teamwork of its people, officials and employees. Services shall be provided in a fair, respectful and professional manner consistent with available human, natural and economic resources.*

Effective: September 1, 2018

Updated: January 2, 2024

# *Code of Ethics*

## *for all Pennington County*

### *Employees*

*We will adhere to the highest ethical standards.*

*We will be caretakers of the public trust in all actions related to employment.*

*We will provide the highest level of service to all citizens and customers.*

*We will adhere to all applicable laws and regulations.*

*We will be fair to and respectful of fellow employees.*

*We will be accountable and responsible for all personal actions.*

*We will value diversity in the community and workplace.*

*We will support Pennington County as a drug-free, alcohol-free and violence-free workplace.*



## INTRODUCTION

### **Welcome to County Employment!**

On behalf of your colleagues, we welcome you to Pennington County and wish you every success here. We believe that each employee contributes directly to Pennington County's growth and success, and we hope you will take pride in being a member of our team.

Every employee represents Pennington County to the public. The way we do our jobs presents an image of our entire organization. The public judges all of us by how they are treated with each employee contact. Therefore, our first business priority is to assist the public. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public.

Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of Pennington County. Positive public relations enhance the public's perception or image of Pennington County. As an employee of Pennington County, it is important that you keep in mind that you are working for the citizens of Pennington County.

Pennington County strives to maintain a positive working environment where employees treat each other with respect and courtesy. You are encouraged to support your fellow employees to maintain a positive work environment for everyone.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with Pennington County.

We hope that your experience here will be challenging, enjoyable, and rewarding. Welcome!

*The Pennington County Board of Commissioners*

# Pennington County, SD Employee Handbook

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If you have additional questions, please consult with your immediate supervisor, Department Head, or the appropriate Human Resource Department. We also suggest you consult the County intranet website for the latest updates to this handbook and policy manual in your department.

Phone Numbers to Remember:

Auditor's Office (Payroll)	(605) 394-2153
Commissioners Office	(605) 394-2171
County Human Resource Department	(605) 721-6112
Sheriff's Office Human Resource Department	(605) 394-6113
SD Retirement Office	(888) 605-SDRS



## INTRODUCTORY STATEMENT/DISCLAIMER

The Pennington County Employee Handbook is a general guide to your employment with Pennington County. The policies and information described in this handbook are not conditions of employment, and the language is not intended to, nor does it, create a contract between the County and the employee. The objective of these policies and procedures is to assure fair and consistent administration for the benefit of all employees. Practical application of the policies may vary in departments to meet varied shift, schedule or service requirements.

Employment with Pennington County is voluntarily entered into, and the employee is free to resign at any time, with or without cause. Similarly, Pennington County may terminate the employment relationship at will at any time, with or without cause or notice, so long as there is no violation of applicable federal or state law.

Pennington County's Employee Handbook is updated regularly by the Human Resource Director and the Board of Commissioners. The provisions have been developed at the discretion of the Board of County Commissioners and except for its policy of employment-at-will, may be amended or cancelled at any time, at Pennington County's sole discretion.

The policies, procedures and benefits described here may be modified from time to time. As updates occur, this Employee Handbook will be revised and posted on Pennington County's Intranet site. We encourage you to visit this site periodically. No employee handbook can anticipate every circumstance or question about policy. If you have any questions, your Department Head or the appropriate Human Resource Department is available to assist you.

***This handbook supersedes all prior handbooks and/or policy manuals issued by the Board of Commissioners.***

## **1.0 CONDITIONS OF EMPLOYMENT**

### **1.1 Equal Employment Opportunity (EEO)**

Pennington County is an equal opportunity employer that complies with the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendment Act (ADAAA) of 2008. The County does not discriminate in employment opportunities or practices on the basis of race, creed, color, ancestry, religion, sex, national origin, age, genetic information, disability or any other characteristic protected by applicable law. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Pennington County will be based on merit, qualifications and abilities. Employment recruitment efforts will support the spirit and scope of Pennington County's desire to support our EEO commitment.

In accordance with South Dakota Veteran Preference Law (SDCL Chapter 3-3), If the applicant possesses at least the minimum qualifications necessary to fill the position, the veteran shall be granted an interview; and if candidates are equally qualified for a particular position, Pennington County must offer employment to qualified veterans as defined in applicable South Dakota Law when such candidates have disclosed their veteran's status. In addition, pursuant to South Dakota Law, a veteran who has a service-connected disability shall be given preference over a non-disabled veteran, provided the veteran possesses the qualifications and business capabilities necessary to discharge the duties of the position involved. In some cases, spouses of veterans are entitled to preference.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their Department Head or the appropriate Human Resource Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **1.2 Disability Accommodation**

Pennington County fully subscribes to the provisions of The Americans with Disabilities Act (ADA) which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs and

telecommunications. Title II of the ADA states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity.”

We will provide reasonable accommodation to otherwise qualified disabled employees or applicants. The guiding criterion for hearing-impaired or deaf individuals is that the public accommodation must provide appropriate auxiliary aids and services to ensure effective communication with the individual. Please recognize, however, that we cannot promise to make any and all requested accommodations. We must consider each accommodation on a case-by-case basis to determine whether it would cause an undue hardship to our organization.

### **1.3 Genetic Information**

The Federal Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by the law(s). We respect your medical privacy and take our responsibility to comply with these laws seriously. The County will not request or require you to provide genetic information except in those limited circumstances allowed by law. If you have any questions about this policy, please contact your supervisor, Department Head or the appropriate Human Resource Department. If you believe there has been a violation of this policy, please follow the procedure set forth in the County’s Equal Employment Opportunity policy.

### **1.4 Harassment**

It is the County’s policy to foster and maintain a work environment that is free from unlawful harassment. The County will not tolerate harassment of any employee based on the person’s race, color, national origin, ancestry, age, physical or mental disability, genetic information, religion, creed, sex or any other prohibited basis of discrimination. Employees who are the subject of conduct which may violate this policy and employees who observe conduct which may violate this policy should report such conduct immediately to their supervisor or the appropriate Department Head.

1. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, and which is motivated by a person’s race, color,

national origin, ancestry, age, physical or mental disability, genetic information, religion, creed, sex or any other prohibited basis of discrimination, whether or not the statements or conduct are overtly derogatory toward those protected characteristics. Prohibited behaviors may include, but are not limited to, the following:

- a. Written form, electronic communications, and social media, such as cartoons, e-mail, text messaging, posters, drawings or photographs; or
  - b. Verbal conduct as epithets, derogatory comments, slurs or jokes, innuendos or insults; or
  - c. Physical conduct such as unwanted physical contact, threatening behavior, assault, blocking an individual's movements or other negatively-perceived nonverbal conduct.
2. Sexual harassment is another form of discrimination and harassment which is based on the individual's gender. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
- a. Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
  - b. Submission or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
3. Types of Sexual Harassment
- a. Quid Pro Quo: A circumstance in which an employee or employees, against their wishes, are expected to provide sexual favors in order to receive favorable workplace treatment or face unfavorable workplace treatment if they refuse.
    - i. Submission to such conduct is either explicitly or implicitly made a term or condition of the individual's employment.
    - ii. Submission to or rejection of such conduct by the individual is used as the basis for employment decisions affective such individual.

- b. **Hostile Work Environment:** A circumstance in which an employee or employees, against their wishes, are confronted with an environment involving sexually explicit language, photos or conduct that has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or otherwise offensive work environment.
4. **Sex Discrimination**
- a. Sex discrimination involves treating an employee unfavorably because of that person's sex, or because of their connection with an organization or group that is generally employed with people of a certain sex.
    - i. The law forbids sex discrimination when it comes to any aspect of employment including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term of condition of employment. The sex of an employee can be the basis for an employment decision only when a bona-fide occupational qualification exists; such as to maintain male/female ratios in incarceration prisoner pods.
5. All employees are expected to conduct themselves in a professional and businesslike manner at all times. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. Such conduct includes:
- a. Written form and social media, such as, electronic communications, cartoons, posters, calendars, notes, letters, emails or text messaging; or
  - b. Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates; or
  - c. Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging and brushing up against another's body.

\*This policy applies to all employees, including Department Heads, Elected Officials, Supervisors, co-workers and non-employees such as customers, clients, vendors, consultants, members of the public or any person who interferes with the working environment of our employees. Pennington County will provide training on harassment and discrimination, to include reporting

instructions to employees to ensure understanding and compliance with the provisions of this policy.

Pennington County will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. This does not mean that the alleged harasser can avoid disciplinary action by participating in the investigation. If the allegations are substantiated, the alleged harasser will be disciplined up to and including termination.

### **1.5 Workplace Violence Prevention**

Pennington County is committed to preventing workplace violence and to maintaining a safe work environment without intimidation, threats or violence. Any action which, in the County's opinion, is inappropriate to the workplace will not be tolerated.

Threats, threatening language, or any other acts of aggression or violence made toward or by another employee, a customer or a member of the public at any time, including off-duty periods will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse; any attempt at intimidating or instilling fear in others; menacing gestures; flashing of weapons; stalking; or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation.

#### Procedures for Reporting a Threat

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to Law Enforcement and your Department Head/Supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible. Do not place yourself in danger. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

Pennington County will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is

practical. In order to maintain workplace safety and the integrity of its investigation, Pennington County may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### **1.6 Drug and Alcohol Use**

It is Pennington County's desire to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Any individual who conducts business for the County, is being considered for a position, or is conducting business on County property is covered by the County's drug-free workplace policy.

While on Pennington County premises, while conducting business-related activities off Pennington County premises and while driving a County vehicle, no employee may use, possess, distribute, sell or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Testing for drugs and/or alcohol will be conducted under the following circumstances:

1) **Pre-employment:**

The County will conduct drug testing of prospective employees for safety-sensitive positions after a conditional offer of employment has been made.

2) **Reasonable Suspicion:**

The County may conduct reasonable suspicion testing of all employees for drugs and/or alcohol based upon evidence that an employee is using or has used alcohol or other drugs in violation of its policy.

3) **Post-Accident Testing:**

The County may request or require all current employees to undergo testing for drugs and/or alcohol without prior

documented observations if the employee:

- (a) Has sustained a personal injury resulting in a lost-time accident or has been involved in an accident where another individual has sustained such a personal injury; or
- (b) Has caused a work-related accident or was operating, or helping to operate machinery, equipment or vehicles involved in a work-related accident where property damage is expected to be in excess of \$1,000.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their Department Head/Supervisor to receive assistance or referrals to appropriate resources in the community.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Pennington County of a criminal conviction for drug-related activity occurring in the workplace. Pennington County requires that any employee performing work for the County must complete the same notification to Pennington County of a criminal conviction for drug-related activity. The report must be made within five days of the conviction. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Department Head/Supervisor or Human Resource Department without fear of reprisal.

## **1.7 Rules of Conduct**

To ensure orderly operations and provide the best possible work environment, Pennington County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following list is not intended to be all inclusive but reflects infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

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- Violation of any Pennington County rule set forth in the County Manual or Handbook or otherwise established by the County Commission and/or Department Head.
- Dishonesty
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Fighting or threatening violence in the workplace
- Disobeying a direct work order
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace unless carrying of a firearm is part of your job duties
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of County property, telephones, mail system or other employer-owned equipment
- Release of confidential information outside the scope of official County business
- Unsatisfactory performance or conduct
- Use of work hours for the employee's own personal purposes or gain

Employment with Pennington County is at the mutual consent of Pennington County and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

## **2.0 OPERATIONAL POLICIES**

### **2.1 Business Ethics and Public Relations**

The successful business operation and reputation of Pennington County is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Every employee represents Pennington County to the public. The way we do our jobs presents an image of our entire organization. The public judges all of

us by how they are treated with each employee contact. Therefore, our first business priority is to assist the public. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public. The continued success of Pennington County is dependent upon the public's trust and we are dedicated to preserving that trust. Employees owe a duty to Pennington County and the public to act in a way that will merit the continued trust and confidence of the public.

Pennington County will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your Department Head/Supervisor for guidance. Compliance with this policy of business ethics and conduct is the responsibility of every Pennington County employee.

## **2.2 Confidentiality**

Various County employees may have custody of confidential information either through files in their possession or in computer files. All employees should take the steps necessary to keep such information confidential and only made accessible to others on a need-to-know basis. However, in taking such action, all employees must ensure that the information is accessible to your direct supervisor. Confidential information includes, but is not limited to, employee medical information or such other information that is not available to the public by South Dakota law.

Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of Pennington County (except as required by law), or acquires confidential information for their personal use, may be subject to disciplinary action up to and including termination.

### **2.3 Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Pennington County wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Department Head or the appropriate Human Resource Department for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Pennington County business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to a Department Head of Pennington County as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Pennington County does business, but also when an employee or relative receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving Pennington County.

Employees will not solicit or accept any gift or gratuity, any item of value, loan or service which would be given due to the employee's employment with Pennington County, except as authorized by the Board of Commissioners or other Elected Official.

Rewards: No employee, on or off duty, will accept a reward for services normally rendered by the County except as authorized by the Board of Commissioners or other Elected Official.

Disposition of Unauthorized Gifts and Gratuities: Items of value which are described and embody the spirit of the above two sections should, as a first action, be returned to the person giving them; and as a second action if needed, will be forwarded to the Board of Commissioner's office, for donation to a charitable organization, or other disposition as deemed adequate by the Board of Commission or other Elected Official.

## **2.4 Outside Employment**

Pennington County employees may hold secondary employment in addition to their County position as long as they continue to meet the expected performance standards for their County position. Employees holding outside employment will be subject to Pennington County scheduling demands, regardless of any existing outside work requirements.

If Pennington County determines that an employee's outside employment interferes with their performance or the ability to meet the requirements of Pennington County, as they may be modified on occasion, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with Pennington County.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside Pennington County for materials produced or services rendered while performing their jobs for Pennington County.

## **2.5 Political Activity**

County employees may join or affiliate with civic organizations of a partisan or non-partisan nature, may attend political meetings and may advocate and support the principles or policies of civic or political organizations in accordance with the constitution and laws of the State of South Dakota and the constitution of the United States of America.

County employees, while on duty, shall not aid, encourage or promote candidates for elected public office whether partisan or non-partisan or use County funds, supplies, or equipment for political or partisan purposes. A public employee while on the job may not post items in County owned facilities, vehicles or equipment which advocates a political position.

Those employees whose employment is financed by loans or grants made by the United States or a federal agency may be subject to the provisions of the Federal Election Campaign Act (the “Hatch” Act) regardless of when or where partisan election activities occur. This Act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to interfere with or affect an election or nomination of a candidate; donations of items of value to an election fund, or becoming a candidate for office.

## **2.6 Hiring of Relatives/Employee Relationships (Nepotism)**

The employment of a relative or an individual in an intimate relationship with a current employee in the same area of an organization may cause serious conflicts and problems with actual or perceived favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

1. Relatives or individuals in intimate relationships with current employees who are classified as regular full-time or regular part-time may not be hired into a position that will be working directly for, or supervising the current employee.
2. If a relative relationship is established or an intimate relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of those employees to disclose the existence of the relationship to the Department Head. The Department Head in conjunction with the appropriate Human Resource Department shall determine the appropriate resolution based on the best interest of the County.
3. In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

For purposes of this policy, a relative is the parent, spouse, spouse’s parent, child, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, step grandchild or stepparent of the employee who is classified as regular full-time or regular part-time.

## **2.7 Smoking**

In keeping with Pennington County's intent to provide a safe and healthful work environment, smoking and the use of all tobacco products, including e-cigarettes and other vaping devices, is prohibited in all County buildings, in all County vehicles and on all County property except in designated areas. In addition, this prohibition provides that no smoking shall be permitted at any public entrance to or exit from a County building or facility, and the prohibition extends twenty (20) feet from any public entrance or exit.

This directive shall apply to all employees, clients and visitors, or persons otherwise required to be in a County building, facility or vehicle. Employees found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## **2.8 Computer and E-mail Usage**

Computers, computer files, data, the e-mail system and software furnished to employees are Pennington County property intended for business use. To ensure compliance with this policy, computer and e-mail usage may be monitored. The security inspection provisions of Section 2.14 of this handbook apply to any equipment or item listed in this section.

Commercial software programs used by the County are licensed under law and shall not under any circumstances be duplicated or transferred for use on equipment not owned or leased by the County. Any program development on County equipment shall become the property of the County.

Pennington County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Pennington County prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others or harmful to morale.

Passwords should not be shared with anyone, not even a supervisor. This protects the employee, the County, and the Information Technology staff from false accusations.

The display of or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes or anything that may be

construed as unlawful harassment. E-mail may not be used to solicit others for commercial ventures, religious or political causes, or other non-business matters. Pennington County prohibits the illegal use or duplication of software and its related documentation. Additionally, employees may not load unauthorized software onto Pennington County computers.

Employees should notify their immediate supervisor, the Department Head or any member of management upon learning of violations of this policy.

### Internet Usage

Internet access is provided by Pennington County to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data that is composed, transmitted or received via our computer communications systems is considered to be part of the official records of Pennington County and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in e-mail messages and other transmissions is accurate, appropriate, ethical and lawful. The equipment, services and technology provided to access the Internet remain at all times the property of Pennington County. As such, Pennington County reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent or received through our online connections and stored in our computer systems. The security inspection provisions of Section 2.14 of this handbook apply to any equipment or item listed in this section.

Data that is composed, transmitted, accessed or received via the Internet must not contain content that could be considered discriminatory, obscene, or threatening to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonably offend someone on the basis of race, color, age, sex, religious or political beliefs, national origin, creed, ancestry, genetic information, disability, or any other characteristic protected by applicable law. The unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to

it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Abuse of the Internet access provided by Pennington County in violation of law or Pennington County policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using or disclosing someone else's password
- Copying, or downloading software and electronic files without permission
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages



- Engaging in any other illegal activities

### Workplace Monitoring

Workplace monitoring may be conducted by Pennington County to ensure quality control, as well as the employees' and the public's safety, security and satisfaction. Employees who regularly communicate with the public may be video recorded or have their telephone conversations monitored or recorded. Video and telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances the public's image of Pennington County as well as their satisfaction with our service. The security inspection provisions of Section 2.14 of this handbook apply to any equipment or item listed in this section.

Because Pennington County is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

## **2.9 Cell Phone Usage**

**Purpose:** The purpose of this policy is to establish fair guidelines for the use of cellular telephones (including "smart phones") by Elected Officials, Department Heads, and Employees of Pennington County herein collectively referred to as 'employees'.

**Authority:** The Pennington County Board of Commissioners.

**Application:** This cell phone policy applies to employees who are authorized to use cell phones and/or employee wireless services for County business and/or who receive a stipend from the County to offset the cost of the cell phone for business-related calls or who receive a County-provided cell phone.

Employees whose job requires them to use a cell phone for County business, as outlined in this policy may 1) use a personal cell phone service for business use and will be eligible to receive monthly stipend or 2) elect to use a County-provided cell phone in lieu of receiving compensation for using a personal cell phone.

**Cell Phone Allowance Amount:** Pennington County will provide a monthly stipend up to fifty (\$50) to eligible employees. If the cost of service is less than \$50, the employee will be paid actual cost. The cell phone allowance must

be approved by the employee's immediate supervisor and Department Head.

The allowance is intended to reimburse the employee for the average business use of the cell phone, not to pay the entire phone bill. Any costs incurred over and above the stipend are the responsibility of the employee.

Payment of cell phone stipends will be made as part of the regular bi-weekly payroll cycle in the second (2<sup>nd</sup>) check of each month.

To the extent allowed by law, the stipend provided is not considered taxable income as it is for substantial non-compensatory business purposes. To comply with IRS guidelines, officials and/or employees should provide one complete invoice for personal cellular telephone service (demonstrating the service exists and the business use is equal to or greater than the stipend). Then, once every year by December 15<sup>th</sup>, individuals receiving a stipend must provide the front page of their personal cellular telephone bill to document that such services continues (and the amount paid for that service). If this is not done, the total annual amount of reimbursement received will be reported as taxable income on the individual's W-2.

Stipend will be eliminated when an employee is separated from employment in all circumstances.

Stipend will be suspended when an employee is on a leave of absence lasting longer than 30 days. The Auditor's Office will be informed immediately in the event an allowance is suspended during a leave of absence.

**Eligibility for Cell Phone Stipend:** The County may provide a cell phone stipend if at least one of the following criteria is met:

1. The job requires considerable time outside the office or away from workstation (job need, travel, meetings, etc.) and use of the cell phone facilitates the effective conduct of business operations while away.
2. The job required the employee to be immediately accessible to receive and/or make business calls outside of working hours or when out of the office.
3. Job duties away from the office may expose the employee or others to immediate harm or danger.

The allowance will be charged to the corresponding department's phone budget. Departmental eligibility criteria can be more (but no less) restrictive than the County criteria stated in this Policy.

Department Heads and/or Supervisors may periodically request the employee provide a copy of the first page of the phone bill in order to verify an active cell phone plan and/or to assess actual use of the level of use needed for official County business.

Each Department shall create and maintain a Departmental "Cell-Phone Log" which shall identify all phones used in the Department under this policy by phone number, name of each employee receiving a cell-phone allowance and the amount of the allowance. This log shall be available for review and may be audited at any time for any reason.

### **Use While Driving on County Business**

Use of a cell phone (including texting & e-mail) for any purpose (public or private) while operating any motor vehicle on County business is strictly forbidden. This applies to all County officials and all categories of employees, whether full-time, part-time or temporary. Violations of this policy will be grounds for appropriate discipline.

If the use of a cell phone is required to conduct County business while operating any motor vehicle, the official or employee should pull the vehicle to the side of the road or any safe location. If it is not possible to do so, the cell phone should not be used.

Exceptions may be made for use via a 'hands-free' device, or for emergencies where the belief exists that use of a cell-phone is necessary to save a life or property.

### **Personal Use on County Time**

Personal use of cell phones during the workday (including texting & e-mail) can create substantial distractions to the employee and to others. Therefore, as a general rule, employees should keep personal use to a minimum.

Employees who do not respect these guidelines, and exceed what their Elected Official (or supervisor) believe to be an appropriate level of personal use on

public time, will be subject to discipline. Such discipline may include: verbal warning; written warning; and ultimately termination.

### **County-Provided Cell Phones**

The County may purchase cell phones and pay for service if an employee elects not to use their personal cell and his/her position is deemed eligible. All County provided equipment will remain the property of the County. The County shall provide the necessary accessories for the cell phone including a protective case, screen protectors and charger. Other accessories are the responsibility of the employee.

Personal calls on county-provided cell phones are highly discouraged. The County recognizes that brief personal calls for family or emergency matters may occur. Any monthly overage charges attributed to personal use will be reimbursed to the county by the employee.

### **Damage, Loss/Theft**

Employees should take reasonable precautions to prevent loss, damage, theft or vandalism. The County will accept responsibility for devices that are damaged in the course of business unless the damage is the result of reckless or deliberately destructive actions of the employee. A device that is lost, stolen or damaged outside the course of business is the responsibility of the employee assigned to the device. Lost or stolen devices should be reported to the immediate supervisor or Department Head immediately so the service can be suspended or cancelled.

### **Employee Responsibilities**

1. Sign the Cell Phone Allowance Request form thereby certifying that he/she will provide the phone number within five days of activation and will be available for calls (in possession of the phone and have it turned on) during those times specified by Department Heads or supervisor.
2. Select any cell phone carrier whose service meets the requirements of the job responsibilities as determined by his/her supervisor. Employees shall be free to purchase and provide their own accessories at their own cost, without reimbursement, should the County not provide a desired accessory. Devices that the County will provide to employees include chargers, both in-car and traditional outlet units, and holsters or clips for ease of carrying phones.

3. Inform the County to discontinue the allowance when the eligibility criteria are no longer met or when the cell service is cancelled. If such notification is not submitted within 30 days of no longer meeting criteria or service cancellation, the employee must repay any allowance received.
4. Pay all charges on his/her personal cell phone plan. If the employee leaves the position, he/she continues to be responsible for the contractual obligations of his/her cell phone plan.
5. Comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others.
6. Acknowledge that cell phone transmissions are not secure and that employees should use discretion in relaying confidential information over cell phones. Further, cellular telephones may not be used to defame, harass, intimidate, or threaten any person. Employees are prohibited from using their cellular phones in any illegal, illicit, or offensive manner.
7. Acknowledge the cost of any apps, accessories or other equipment for a personal cell phone are the responsibility of the employee.

### **Privacy and Security**

Employees that conduct official County business on their personal or County provided cell phones are subject to public records and open meetings laws.

Both the nature of electronic communications and the public character of the County make cell phone uses less private than users may anticipate. As such, County employees should be aware that federal and state laws and County policies, guidelines, and regulations may limit the protection of certain aspects of individual privacy in connection with the use of a cell phone under this Policy. For example, in certain circumstances, the County may permit the inspections, monitoring or disclosure of phone records and text messages (including content and the cell phone numbers of calls or texts sent or received from a cell phone, and a cell phone user's location at a particular time), consistent with applicable local, state, and federal laws, by County personnel or law enforcement officers. The County and its employees may be required to disclose phone records, text messages, and other electronic data and documents (including cell phone user locations at particular times, phone numbers called or texted or from whom the County employee received calls or texts, or content of text messages sent or received) pursuant to the South

Dakota public records laws, court order or state and federal laws.

## **2.10 Social Media**

Online social networks such as Twitter, Facebook, YouTube and LinkedIn can be valuable tools for communicating with the public and employees. Pennington County departments are encouraged to study and deploy these new communications methods where appropriate.

*The social media restrictions do not apply to Elected County Officials.*

### Pennington County Departments

1. Pennington County social media sites make every effort to clearly identify their official status. Feed names will incorporate the program or unit's name or acronym whenever possible and will use the appropriate official logo if possible.
2. Some social media sites allow user comments. Pennington County will consider carefully whether to allow comments before launching a social media initiative. However, if comments are allowed, user feedback should remain regardless of whether it is favorable or unfavorable to the agency. Comments will be deleted only if they are offensive, abusive, racially inflammatory, threatening or clearly off topic. Comments that endorse a political candidate, party or commercial product will be deleted.
3. When reposting or referencing a post on one of the County's online sites, provide a link to the original post.
4. Do not post or link to any materials that are defamatory or obscene.
5. Always be mindful of functions that allow the organization to be a "fan" of an individual or cause. Consider whether such an action would imply support for a political cause.

### Pennington County Employees

Pennington County employees should be sensitive to the fact that social networks and other online forums blur the distinction between an individual's official and personal identities.

1. If you publish content to any website outside of the Pennington County's official online presence and it has something to do with subjects employed with our County, provide a disclaimer such as

this: “The postings are my own and do not necessarily represent the opinion of Pennington County.”

2. Never use or reference your formal position when writing in a non-official capacity. Do not use your official email to establish a private social media presence.
3. Those with leadership responsibilities, by virtue of their position, must consider whether the personal thoughts they publish, even in clearly personal venues, may be misunderstood as expressing the position of Pennington County. They should assume that those outside our agency will read what is written. Be aware of your Pennington County association in online social networks. If you identify yourself as a Pennington County employee or have a prominent position in which your association with Pennington County is known to the general public, ensure your profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a professional, appropriate with the public trust employed with your position.
4. When writing in your official capacity, do not write anything that could appear to be legal advice. Legal issues should be handled through the agency’s regular procedures to avoid conflicts and other ethical problems.
5. Emails and other correspondence conducted over personal social media channels that is official business of the agency should be preserved and retained in a manner similar to other official documents. If you receive an unsolicited official contact through your personal email or social media presence, forward a copy of the correspondence to your official email account and respond from that platform.
6. Remain focused on customers, existing commitments, and achieving Pennington County’s mission. Your use of social media tools should never interfere with your primary duties, with the exception of where it is a primary duty to use these tools to do your job.
7. To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.

## **2.11 Safety**

Each Department Head and Elected Official has responsibility for implementing, administering, monitoring and evaluating a safety program for their specific department's functions. The success of the program depends on the alertness and personal commitment of all.

Pennington County provides information to employees about workplace safety and health issues through internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or who fail to report or where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Department Head, Elected Official or Supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

## **2.12 Use of Equipment and Vehicles**

When using County property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. Except as specifically authorized by the Department Head, Elected Official or Supervisor, the use of County equipment for any purpose other than County business is strictly prohibited.

Employees should notify the Department Head, Elected Official or Supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Department Head or Elected Official can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.



On occasion workloads and office demands may require that employees perform County work outside the normal workplace or in their home. If this work can be aided or expedited by the use of County equipment, the Department Head or Elected Official may authorize an employee to utilize such, but any use is strictly limited to County business. If needed equipment is available only from another department, employees must present a written request from their Department Head or Elected Official.

Employees of Pennington County may be provided a vehicle for use in performing County business. This may include taking the vehicle home after normal work hours. All Pennington County employees are required to use safety seat belts when driving or riding in vehicles on County business. The Internal Revenue Service has numerous rules and regulations concerning the use by any employee of a vehicle owned or leased by the County. If employees are provided a County vehicle, the Department Head or Elected Official will notify the County Auditor within 14 days. Notice of taxable use will then be provided to the employee normally within 30 days. If the employee does not receive this notice within that time period, contact the County Auditor. Each year a review of vehicle use will be conducted and each employee will be notified of taxable use by January 1<sup>st</sup>.

A County vehicle may not be used for personal reasons. If an exception is required for a certain situation that may arise, the employee is required to reimburse the County for such use at the rate established by the Federal Government.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

### **2.13 Commercial Driver's License**

It is the employee's responsibility to pay for the standard Commercial Driver's License (CDL) unless required as a special assignment.

If an employee has their CDL disqualified or their driver's license suspended for any reason, they may be subject to disciplinary action up to and including termination of employment.

All employees who are required to have a CDL shall adhere to their department's CDL policy.

## **2.14 Security Inspections**

To safeguard each employee, their property and the property of Pennington County, the County desires to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials serving no legitimate business purpose. To this end, Pennington County prohibits the possession, transfer, sale or use of all such material on and within its premises and property including all premises and property owned or leased by the County. The County further reserves the right to inspect both County property and personal property consistent with this policy. Pennington County requires the cooperation of all employees in administering this policy and failure to cooperate with this policy will subject an employee to disciplinary action, up to and including termination of employment.

Desks, lockers, vehicles, computers and other storage devices/equipment may be provided for the convenience of employees but remain the sole property of Pennington County. Accordingly, whenever there is reasonable suspicion that a County policy is being or has been violated, management or any agent or representative of Pennington County may inspect such item or property at any time, either with or without prior notice in accordance with applicable state and federal laws. Personal property such as wallets, purses, tool boxes, backpacks, lunch boxes, briefcases or any other container or object brought to and from County premises may likewise be inspected upon reasonable suspicion that a County policy is being or has been violated in accordance with applicable state and federal laws. Items of personal property will usually only be inspected in the presence of the employee and a representative from Human Resources. In a department or office that is required to store information subject to attorney-client privilege, only the Department Head shall have the authority to inspect storage devices.

If Pennington County provides a locker or other storage device for an employee, the County will furnish the lock and keep a copy of the key or combination. If, in the discretion of the County, the employee is allowed to furnish their own lock, the employee shall provide the County with a copy of the key or combination.

## **2.15 Facility Closures**

The closing of County facilities shall occur when the safety of the public, employees, and volunteers is jeopardized. There may be other situations when the Board of Commissioners may decide the County facilities will be closed (i.e., days surrounding a Holiday Closure, etc.)

When a decision is made to close Pennington County facilities, proper procedures must be followed to ensure essential services are continued and effective communications are made to the public, employees, and volunteers.

### **EMERGENCY FACILITY CLOSURES**

In order to effectively serve the community during inclement weather and other emergencies, the County will make every effort to remain open during its regular business hours. Employees are advised to take all necessary precautions and to avoid dangerous conditions to, from, and around the worksite.

The Chair of the Board of Commissioners, along with Emergency Management, the Pennington County Sheriff's Office, and the Presiding Judge of the 7<sup>th</sup> Circuit Court will determine whether inclement weather, or another emergency, necessitates the closing of County facilities. Appropriate announcements will be made to notify employees and the public of the closing or delay.

When a decision is made to close County facilities for all or part of a day, Department Heads and employees should follow the protocol outlined below:

- Employees in positions which must report to work are required to do so.
- Employees who are in positions where the work can be done remotely are encouraged to work and should be prepared to do so in the event the Department Head determines their work is essential.
- Non-exempt employees unable to work due to full day facility closures and who are unable to work remotely or make up the remaining hours during the rest of the work week will receive Facility Closure Leave for the missed hours.

In the event of a facility closure, certain classifications of employees are required to report for duty in order to perform emergency services (i.e. public safety, highway, and emergency management departments). Departments that

provide these emergency services will schedule employees accordingly. Dependent upon the state of emergency the definition of emergency employees may include additional departments to provide essential services to the public.

Employees who are deemed as non-emergency are not permitted to report to work during a closure or delayed opening of County facilities.

In the event of a fire alarm during normal operating hours, the public citizens being served and all employees, with the exception of designated personnel, shall evacuate the building immediately. Please familiarize yourself with your Department's Emergency Response Plans which will advise you of the appropriate exit route and your designated location.

## **NON-EMERGENCY FACILITY CLOSURES**

When a decision is made by the Board of Commissioners to close County facilities for a non-emergency event, non-exempt employees may use their benefit time (i.e. vacation and/or sick leave) to cover unpaid hours during facilities closures.

### **FACILITY CLOSURE LEAVE**

It is the intent of Pennington County to make our non-exempt employees "whole" during full day facility closures due to an emergency. Facility Closure Leave will be granted in this type of closure. Partial days will require usage of benefit leave to cover the unpaid hours or make up the missed hours during the rest of that work week.

### **Emergency Facilities Closure**

In the event the Chair of the Board of Commissioners, along with Emergency Management, the Pennington County Sheriff's Office, and the Presiding Judge of the 7<sup>th</sup> Circuit Court determine a full day emergency closure of County facilities, non-exempt employees unable to work and who are unable to work remotely or make up the remaining hours during the rest of the work week will receive Facility Closure Leave for the missed hours. Facility Closure Leave will be paid at their regular rate of pay.

All emergency County employees, as designated by their Department Head, will be expected to report to work as usual unless directed otherwise. Hours worked by non-exempt employees required to work during the emergency event will be compensated with time and a half their regular rate of pay.

Employees who are in positions where the work can be done remotely are encouraged to work and should be prepared to do so in the event the Department Head determines their work is essential.

### **Absence When County Facilities Remain Open**

Individual employees may be unable to report to work or may need to leave early due to weather conditions, even though County offices remain open. In this case the Department Head will have the discretion to record the time off as benefit time, allow the employee to make up the time, or to take the time unpaid.

## **2.16 Remote Work**

### **POLICY**

Remote work allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Pennington County considers remote work to be a viable, flexible option when both the employee and the job are suited to such an arrangement remote work may be appropriate for some employees and jobs but not for others. Remote work is not an entitlement. It is not a County-wide benefit. It in no way changes the terms and conditions of employment with Pennington County. Remote work arrangements may also be suitable in cases of declared emergency or other facility closures. As outlined in the following document, the responsible Department Head or Elected Official should partner with Human Resources to determine suitability and establish guidelines for remote work arrangements. Remote work may not alter the essential job functions of the employee or in any way reduce or diminish the productivity expectations of the Department Head or Elected Official.

### **PROCEDURES**

Remote work can be informal, such as working from home for a short-term project, or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest remote work as a possible alternate arrangement.

Any remote work arrangement made will be on a temporary basis and may be discontinued at will and at any time at the request of either the employee or the Department Head or Elected Official. Every effort should be made to provide a thirty (30) day notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a remote

work arrangement. There may be instances, however, when no notice is possible.

### **Eligibility\***

Before entering into any remote work agreement, the employee and Department Head or Elected Official, with the assistance of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Employee suitability.** The employee and Department Head or Elected Official will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful remote workers.
- **Job responsibilities.** The employee and Department Head or Elected Official will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.
- **Equipment needs, workspace design considerations and scheduling issues.** The employee and Department Head or Elected Official will discuss the physical workspace needs, ensuring data security, and agree upon the location for the remote work.
- **Tax and other legal implications.** The employee must determine any tax or legal implications under, IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Department Head or Elected Official agree, a remote work assignment will be prepared and signed by all parties, and an approved remote work period will commence.

The remote work agreement may be altered at any time by the Department Head or Elected Official. Evaluation of a remote work employee's performance will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

The Department Head or Elected Official and remote work employee will communicate at a level consistent with employees working at the office, or in a manner and frequency that is appropriate for the job and the individuals involved.

## **Equipment\***

On a case-by-case basis, Department Heads or Elected Officials will determine, with information supplied by the employee, the appropriate equipment needs (including computer hardware, software, phone and other office supplies) for each remote work arrangement. If requisite equipment (i.e. laptop, etc.) is unavailable, a remote work arrangement may not be possible immediately.

Human Resources and Information Technology will serve as resources in this matter. Equipment supplied by Pennington County will be maintained by Pennington County. Equipment supplied by the employee, if deemed appropriate by the Department Head or Elected Official, will be maintained by the employee. Pennington County accepts no responsibility for damage or repairs to employee-owned equipment. Department Heads or Elected Officials reserve the right to make determinations as to appropriate equipment and supplies, subject to change at any time. Equipment supplied by Pennington County is to be used for business purposes only. The remote work employee must sign an inventory of all Pennington County property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all Pennington County property will be returned to the County, unless other arrangements have been made.

Pennington County will supply the remote work employee with appropriate basic office supplies (pens, paper, etc.) as deemed necessary and agreed to by the Department Head or Elected Official.

The remote work employee will establish an appropriate work environment within his or her home or other approved location for work purposes. Pennington County will not be responsible for costs employed with the setup or operation of the employee's remote work location, such as remodeling, furniture, lighting or internet access; nor for repairs or modifications to the remote work area.

## **Security**

Consistent with the County's expectations of information security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary Pennington County and citizen/customer information accessible from their remote work location. Steps include the use

of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

## **Safety**

Remote work employees are expected to maintain their remote workspace in a safe manner, free from safety hazards. Department Heads or Elected Officials will provide each remote work employee with a recommended safety checklist to be completed by the employee prior to the beginning of the remote work assignment. Injuries sustained by the remote work employees in a remote work location and in conjunction with the completion of his or her regular work duties are normally covered by the Pennington County workers' compensation policy. Remote work employees are responsible for notifying their Department Head or Elected Official of such injuries as soon as practicable and submitting a completed first report of injury form (FROI). Pennington County is not liable for injuries sustained by visitors to the remote worksite, or for injuries to remote work employees if not incurred while performing work for Pennington County.

Remote work is not designed to be a replacement for appropriate child care. Although an individual's work schedule may be modified to accommodate child care needs; the focus of the arrangement must remain on job performance and meeting business demands. Prospective remote work employees are encouraged to discuss expectations of remote work with family members or other household members prior to entering a remote work agreement.

## **Time Worked**

Remote work employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using their department time-keeping system. Hours worked in excess of those scheduled per day and per workweek require advance approval of the remote work employee's Department Head or Elected Official. Failure to comply with this requirement may result in the immediate termination of the remote work agreement.

## **Ad Hoc Arrangements**



Temporary remote work arrangements may be approved by Department Heads or Elected Officials for circumstances such as inclement weather, emergency declarations which cause disruptions in regular work arrangements, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, arrangements may be made for employees on family or medical leave to the extent practical for the employee and the Department Head or Elected Official with the consent of the employee's health care provider, if appropriate.

All informal remote work arrangements are made on a case-by-case basis, focusing first on the business needs of Pennington County departments or offices.

\*This policy and procedure applies to general work arrangements. Pennington County's Disability/Reasonable Accommodations policy applies to remote work related to a disability.

### **3.0 EMPLOYMENT LIFE CYCLE**

#### **3.1 Employment Categories**

It is the intent of Pennington County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Pennington County.

Each employee is designated as either nonexempt or exempt from the overtime provisions of applicable federal and state laws. Nonexempt employees are entitled to overtime pay while exempt employees are not entitled to overtime pay.

In addition to the above categories, each employee will belong to one additional employment category:

**FULL-TIME BENEFITED** employees are those who are regularly scheduled to work a Pennington County full-time schedule of 40 or more hours per week. They are eligible for the Pennington County benefit package, subject to the

terms, conditions and limitations of each benefit program, and are referred to as a full-time benefited classification (FTB).

PART-TIME BENEFITED employees are those who are regularly scheduled to work less than the full-time work schedule, but at least 29 hours per week. Regular part-time employees are eligible for the Pennington County benefit package, subject to the terms, conditions and limitations of each benefit program, and are referred to as a part-time benefited classification (PTB).

PART-TIME NON-BENEFITED employees are those who are regularly scheduled to work less than 29 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers compensation insurance), they are ineligible for any other Pennington County benefit programs and are referred to as a part-time non-benefited classification (PTNB). PTNB employees shall also be eligible to receive annual step increases, but not performance increases or time of service pay.

SEASONAL/TEMPORARY NON-BENEFITED employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally mandated benefits (such as workers compensation insurance and Social Security), they are ineligible for any other Pennington County benefit programs and are referred to as a seasonal/temporary non-benefited classification (STNB).

### **3.2 Job Posting**

Pennington County provides employees an opportunity to indicate their interest in open positions and advancement within the organization according to their skills and experience. In general, notices of all regular full-time job openings are posted, although Pennington County reserves its discretionary right to not post a particular opening.

Job openings will be communicated to employees through the Human Resource Department(s) and are posted on the County website. Each job posting notice may include the job title, department, location, grade level, job summary, essential duties and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently in their current position. Eligible employees should only apply for those posted jobs for which they possess the required skills, competencies and qualifications, but are free to apply to any position they are interested in.

To apply for an open position, employees are encouraged, but not required, to first discuss their interest with their current Department Head, Elected Official or Supervisor; then submit a completed application online through the County website. If an employee requires an accommodation to complete the application process, please contact the appropriate Human Resource Department. Employees should describe how their current experience with Pennington County and prior work experience and/or education qualifies them for the position. Interested employees must complete the application fully to be considered for the position they are applying to. Incomplete applications may exclude the candidates from consideration.

The job posting process is a way to inform employees of openings and of identifying qualified and interested applicants who might not otherwise be known to the hiring manager. Pennington County may also utilize other recruiting sources to create an adequate candidate pool to fill open positions.

### **3.3 Job Descriptions**

Pennington County makes every effort to maintain accurate job descriptions for all positions within the County. The job descriptions are used to aid in orienting new employees to their jobs, identifying the requirements of each

position, establishing hiring criteria, setting standards for employee performance evaluations and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Department Head, Elected Official or Supervisor in conjunction with the Human Resource Department(s) prepares job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are current. Job descriptions may also be updated periodically to reflect any changes in the job duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being performed by incumbents in the position.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be required, and that additional responsibilities may be assigned as necessary. Contact the Department Head, Elected Official or the appropriate Human Resource Department if you have any questions or concerns about your job description.

### **3.4 Employee Medical Examinations**

To help ensure that employees are able to perform their duties safely, medical examinations may be required. After a conditional offer of employment has been made to an applicant entering a designated job category, a medical examination will be performed at Pennington County expense by a health professional of Pennington County's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### **3.5 Employment Applications**

Pennington County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may

result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Current County employees interested in working in new departments or divisions within the County must have worked in their current positions for a minimum time period of 6 months after successful completion of their probationary period.

Skill performance assessments may be used as part of the candidate selection process. The assessments used will vary by department; and the assessment results will be maintained by the hiring department as outlined in the Records Retention provision of this handbook.

If used, the assessments must be consistently applied to all eligible applicants being considered for hire; with a pre-identified threshold that would, when combined with other data, allow successful applicants to move forward in the consideration process.

Examples of skill assessments that may be used include, but not limited to:

- Data entry
- Keyboarding
- Various Microsoft Office® software applications to include: Word, Excel, PowerPoint, Publisher, Project, etc.
- Accounting
- CritiCall (or other assessment) - Dispatch testing program

### **3.6 Employment Reference Checks**

To ensure individuals who join Pennington County are well qualified and have a strong potential to be productive and successful, it is the policy of Pennington County to check the employment references of all applicants.

Pennington County will respond to inquiries regarding employees and former employees by providing only dates of employment and position titles unless the request is accompanied by a written release from the employee or former employee. Verification should be completed by the Dept Head/Elected Official/Supervisor or other department-authorized representative. Contact the appropriate HR Department with questions if unsure how to proceed.

***You're hired!***

### **3.7 Probationary Period**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Pennington County uses this period to evaluate employee capabilities, work habits and overall performance. Either the employee or Pennington County may end the employment relationship at will at any time during or after the probationary period, with or without cause or advance notice.

All new and rehired employees may work in a probationary period for a varied length of time. The probationary period is established by each Department or Office for each specific job. Any significant absence will automatically extend a probationary period by the length of the absence. If the Department Head or Elected Official determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. If the absences unreasonably disrupt the probationary period, the Department Head or Elected Official will have the discretion to separate the employee after reviewing their intention to do so with the appropriate Human Resource Department.

During the probationary period new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They are also eligible for other Pennington County-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements. The probationary period shall not change the time when employees become eligible for County-provided employee benefits.

The new-employee onboarding process shall be completed during the probationary period. Onboarding will include attending a new-hire orientation session as arranged by the appropriate Human Resource Department.

### **3.8 Keys and Security Cards**

Reasonable care and precautions must be taken with any keys and security cards given into your custody for County buildings, property and equipment. Using your keys or security card to grant unauthorized access to any County facility is not allowed and may result in disciplinary action up to and including termination.

If your employment with the County ends for any reason, you are required to return any County keys and security cards in your possession to your Department Head, Elected Official or the Human Resource Department. Minimum wage and overtime owed will be paid as per the Fair Labor Standards acts. Any remaining compensation will be held until after the property is returned.

### **3.9 Personal Appearance**

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the business image Pennington County presents to the public. It's important for County employees to present themselves in an appropriate and professional manner. During business hours or at any time when representing Pennington County, you are expected to present a neat, clean and professional appearance. You should dress and groom yourself according to the professional requirements of your position; in some departments that requires specific uniforms.

Your Department Head or Elected Official is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed based on departmental guidelines. Under such circumstance, you will not normally be compensated for the time away from work.

Basic Guidelines for All Employees:

- **Hair:** must be neat, clean and of a natural color. Hair color or style should not create a safety hazard or be distracting to the general public whom we serve.
- **Clothing:** Must be neat, clean and free from tears or stains. Business-casual attire may be acceptable for your work area, but the Department

Head/Elected Official will define requirements for your work areas. Midriff tops are not appropriate for the workplace. Shorts, sweat pant/shirts, jogging suits or other athletic attire is also not appropriate for the workplace.

Consult your Department Head/Elected Official or the appropriate Human Resource Department if you have questions as to what constitutes appropriate appearance for your Department or Division.

### **3.10 Clothing Policy**

It is the policy of Pennington County that, with a few limited delineated exceptions, the County shall not provide any clothing allowance or cleaning allowance for employee clothing.

The County may purchase specific uniform(s) if mandated to be worn by employees while at work; or if the piece of clothing has the County logo and department and/or employee named embroidered/embedded in the fabric.

The County will provide protective safety clothing/equipment on jobs where such protective safety clothing/equipment provides necessary protection against contact with material injurious to health and to preserve the employee's safety:

- It is not the intent to provide clothing where ordinary dirt and materials incidental to the job are involved, or where, by custom, the employee provides his/her own clothing.
- It is the employee's responsibility to maintain the clothing in good order and request replacement of any provided clothing which may be damaged.

If any department desires a clothing allowance under one of the exceptions, it must first develop a clothing policy for its employees and receive approval of the Board of Commissioners prior to instituting such clothing allowance.

There shall be no cleaning allowance for clothing worn by County employees whether such clothing is the employee's or provided by the County.



Any reimbursement for clothing allowance to any employee shall be based upon a receipt for the clothing purchased submitted through proper channels. There will be no cash advance payments.

If safety shoes/boots are required by the Department Head, there may be a one-time payment of \$100.00 reimbursed to the employee based upon a receipt as stated above to be paid after the employee's Orientation Period is complete, provided the employee remains employed by Pennington County.

If safety glasses are recommended by the Department Head, there may be a one-time reimbursement of 50% of the cost of the prescription safety glasses based upon a receipt.

Regular full-time employees with 10 years of service will be allowed a \$100 reimbursement on one additional pair of safety shoes/boots. If the employee's safety shoes or safety glasses are destroyed by an on-the-job accident they will be replaced by the County.

### **3.11 Attendance and Punctuality**

Pennington County employees are expected to perform their job as effectively and efficiently as possible; part of such performance is attendance at work when scheduled. The County expects regular, prompt attendance from all employees and considers attendance to be an essential job function for every position.

The County is aware it may be necessary for employees to be absent from work for unexpected events and emergencies, illnesses, or even pressing personal business that cannot be scheduled outside scheduled work hours. Notice must be provided to the Department Head/Supervisor as soon as possible, per department policy.

Excessive unapproved absences, tardiness and leaving early from a scheduled shift are detrimental to the County's ability to meet the expectations of our customers or public expectations for service; and are not acceptable. Exceptions for extenuating circumstances will be considered when evaluating attendance under this policy. Employees who are absent from work for three (3) consecutive scheduled shifts without authorization shall be deemed to have voluntarily resigned their position with Pennington County, and may be terminated from employment.

### Definitions:

The following are provided to add clarity to the terms used in this policy.

*Absence:* Occurs when employees miss either a full scheduled shift or more than half of their scheduled shift; excluding leaving early or arriving late for the shift.

*Tardy:* Occurs when employees arrive to at their work station or duty assignment after the designated/scheduled start time of their work shift.

*Leaving Early:* Occurs when employees depart from their work station or duty assignment prior to the end of their designated/scheduled shift.

*Unapproved Absence:* Occurs when employees fail to follow absence reporting requirements of this policy or their department, the reason for absence is not acceptable, or the employee is in an unpaid leave status not approved by the department, or by law.

### Reporting and recordkeeping provisions

*Absence:* Employees unable to work as scheduled shall notify their Department Head, Elected Official or Supervisor in accordance with their departmental procedures, but not later than 30 minutes prior to the start of the scheduled work shift, unless circumstances prevent such notice. Employees unable to contact the Department Head/Elected Official/ Supervisor personally due to illness, emergency, or some other reason, should have someone make contact on their behalf. For non-FMLA continuous absences, employees are expected to provide notification each day of their absence unless alternate arrangements have been made and are authorized by the Department Head/Elected Official. Failure to provide notice of absence may result in discipline, up to and including termination.

If employees become ill during their work shift, they must notify their Department Head/Elected Official or other employee per Department policy, prior to leaving the workplace.

Any unapproved absence by employees shall be an absence without pay; except as required under the FLSA for exempt employees. Attendance challenges at work for exempt employees will be addressed through the performance management process.

*Tardy:* employees who anticipate they will be arriving to work after their scheduled shift start time shall make every effort to contact their Department Head/Elected Official/Supervisor to notify them of their anticipated arrival time.

*Leaving Early:* Employees shall notify their Department Head/Elected Official/Supervisor prior to leaving work before the end of the scheduled shift due to illness or other circumstances.

*Recordkeeping:* Departments shall keep daily attendance records for its employees. Department Heads will note any incidences of unapproved absences, tardiness or leaving early. Employee attendance records shall be considered when evaluating requests for promotions, transfers, leave requests as well as approved-time off requests.

Attendance Policy Violations:

In general two (2) unapproved absences in a 60-day calendar period, or a consistent pattern of absence will be considered excessive; and may lead to disciplinary action, up to and including termination. (i.e. A pattern may be described as absences that regularly occur on certain days of the week, i.e. Fridays or Mondays, or the days following a holiday, etc.)

In addition, two (2) incidences of unapproved tardiness or unapproved leaving early in a 60-day calendar period will also be considered a pattern of absence under this policy. Any two (2) incidences of tardiness or leaving early will carry the same weight as a single full absence; and may lead to disciplinary action, up to and including termination.

Department Heads/Elected Officials retain the right to enforce additional attendance guidelines as required for their departments, with this policy presenting minimum County expectations.

**3.12 Work Schedules**

Work schedules for employees vary throughout the County. Department Heads/Elected Officials/Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The standard 40 hour work week, unless otherwise approved by the County Commission for the purpose of

calculating pay and overtime - shall begin at 12:00 AM, Sunday and end at 11:59 PM, Saturday. Special Deputies hired for the annual Sturgis Motorcycle Rally will be eligible for overtime pay after 88 hours in a 14-day period.

**Meal Breaks:** Meal breaks are to be taken away from the assigned work area and are not to include any work-related activities. Meal breaks are not to occur at the beginning or end of a work shift; they should be scheduled by the Department Head/Supervisor to coincide with the approximate mid-point of the employee's scheduled shift.

The Department Head/Elected Official/Supervisor has the discretion to schedule meal breaks as to not disrupt the level of service provided to County customers. When an employee is prevented from receiving the full meal break, the applicable time will be entered as worked time and compensated.

### **3.13 Overtime/Compensatory Time**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Department Head's/Supervisor's prior authorization. Overtime compensation is paid to all nonexempt employees in accordance with applicable law.

Sick leave, vacation hours, holiday hours, court and jury leave, military leave and any other paid leave time, except compensatory time, will be counted as hours worked for purposes of computing overtime.

Each County position is classified as either non-exempt (eligible for overtime pay and compensatory time) or exempt (not eligible for overtime pay or compensatory time) for pay purposes according to the Fair Labor Standards Act.

#### Non-Exempt Employees

Most County employees are non-exempt. When required by a Department Head/Elected Official to work more than 40 hours in the designated work week, only non-exempt employees are entitled to either: 1) Overtime pay at 1 ½ times the regular rate of pay for each hour worked more than 40 hours in the work week, or 2) Compensatory time off at 1 ½ times the

hours worked more than 40 hours in a work week. The decision to compensate with overtime pay or compensatory time must be agreed to or understood before the overtime work is performed.

Employees are encouraged to use compensatory time in the calendar year in which it is earned. The maximum allowable accumulation of compensatory time is 40 hours; time in excess of this limit is paid as overtime in the applicable payroll period. Department Heads/Supervisors must determine if unused comp time under 40 hours will be paid at the end of the calendar year; or authorize the time less than 40 hours to be carried over into the next year.

### Exempt Employees

Exempt employees are not eligible for overtime pay or compensatory time off. They are expected, under supervision of their Department Head/Elected Official/Supervisor, to discharge their job duties responsibly and efficiently and to schedule their work hours according to the defined work week, needs of their position and department.

### **3.14 Safe Harbor Policy for Exempt Employees**

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly and that no improper deductions are made, employees must review their pay stubs promptly to identify and report all errors.

Employees classified as exempt employees will receive a salary which is intended to compensate them for all hours they may work for the County, including those outside the defined work week as determined by their department/office. This salary will be established at the time of hire or when the employee becomes classified as exempt. While it may be subject to review and modification on occasion, such as during salary review times; the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed. The quality or quantity of work completed will be addressed through performance management and/or positive discipline processes per County policy.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons
- Full-day absences for sickness or disability
- Full-day disciplinary suspensions for infractions of our written policies and procedures
- Penalties for major safety rule violations
- Family and Medical Leave unpaid absences (either full or partial day absences)
- To offset amounts received as payment for jury and witness fees or military pay
- The County is not required to pay the full salary in the initial or terminal week of employment in the event the employee works less than the full week.
- Any full work week in which you do not perform any work

Your salary will also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions.

Your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability
- Your absence on a day because the County has decided to close a facility for part or all of a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by applicable state or federal law

If an employee believes they have been subject to any improper deductions, they should immediately report the matter to their supervisor and the appropriate Human Resource Department.

### **3.15 Time Records**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require Pennington County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work. Overtime work must always be approved before it is performed.

County employees may on occasion be required to work away from their regular work location. In cases where attendance at an offsite event is required, or the employee is required to work at an alternate location, the employee shall be compensated for the travel time as well as the time at the required event or alternate workplace in service of the County. For non-exempt employees, in accordance with the Fair Labor Standards Act (FLSA), all hours worked on behalf of the employer shall be compensated.

Employees traveling by vehicle are paid the predictable or expected travel time according to an established map search engine, unless weather or other circumstances unduly extended the actual travel time.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. It is the employee's responsibility to verify and acknowledge their time records to certify the accuracy of all time recorded. The Department Head/Elected Official/Supervisor will review and then acknowledge the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Supervisor must verify the accuracy of the changes by initialing the time record.

The County's policy is to compensate employees for all time worked under applicable law. We specifically prohibit employees from working "off the clock." Any employee who is asked to work "off the clock" should report this conduct to the appropriate Human Resource Department, and appropriate corrective action will be taken to address the current occurrence and prevent future occurrences.

"Off the clock" is defined as performing work without recording the time worked and, therefore, not receiving compensation. If you have questions regarding what is compensable work, please contact your Department Head or the appropriate Human Resource Department.

### **3.16 Paydays and Pay Cycles**

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For the purposes of ensuring consistent pay periods for all County employees, the pay period shall be two weeks in length starting with the pay period that begins on Sunday, October 20, 2019. Employee pay checks shall be deposited every other Friday following one full pay cycle for processing. If the designated Friday payday falls on a holiday, the payday will be on the Thursday immediately preceding Friday. All employees will have wages directly deposited into their designated bank accounts and itemized statements will be available through the employee portal.

### **3.17 Administrative Pay Corrections**

Pennington County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Department Head so that corrections can be made.

### **3.18 Compensation Administration**

#### New Hires:

- New hires are to begin at the 1st step of the appropriate scale for the grade classification of their position. The Department Head/Elected Official may adjust the starting rate for new employees up to step 12 of the scale based on documented, verifiable experience. The 12 steps may be applied at point of hire or during the first 12 months in role.
- To place a new hire above step 12, or grant in excess of 12 steps in the employee's first year, of the applicable pay scale, the Department Head/Elected Official shall appear before the Board of County Commissioners in executive session, accompanied by the County Human Resources Director, providing supporting documentation and discussing the reason(s) for exceeding policy guidance.
- Exception to the new hire placement as outlined in this policy – If less than twelve (12) months has passed since the most recent seasonal layoff, returning seasonal employees from the prior season may be rehired at their prior pay level (Grade and Step) with the possibility of one step granted at the point of rehire each year.



Promotions (“Promotions” applies to any move to a position with a higher DBM classification, or to a position of greater skill or responsibility within the same DBM)

- Employees being moved to a job with a higher DBM classification, or to a position of greater skill or responsibility within the same DBM will be placed on the applicable classification grade and step where their pay increases at least 2% but may not be in excess of 10%, unless Step 1 of the higher DBM classification exceeds 10%. In this case the employee would be placed at Step 1 of the higher DBM classification.

Demotions:

- Employees being placed into a position with a lower DBM classification due to voluntary or performance-related demotions, shall have their pay decreased. The employee’s rate of pay will be reduced within the range established for the position to which demoted, with placement at a step closest to, but not less than a 5% decrease.
- If an employee had been promoted within the past twelve (12) months and is currently demoting to a previously held classification, the employee will be placed at the rate of pay for the grade/step the employee would have been at if he/she had never been promoted.

Transfers:

- The transferring employee may or may not have their pay adjusted up to 12 steps in the first 12 months in the new position in the same manner as a new hire. This shall be left to the discretion of the hiring department head/elected official, with the final decision resting with the employee accepting the position.

Performance Steps:

- Performance steps will be granted based on the employee’s documented performance levels at the department head/elected official’s discretion and if the budget supports it.

Time of Service Differential (TOS Bonus):

- TOS bonuses are to recognize career benefitted (FTB and PTB) employees beginning the year they have achieved 10 years of continuous benefitted service to Pennington County, based on their most recent anniversary date. TOS bonuses will be paid in the 1st full pay period following the employee’s current employment anniversary date. For full-time employees TOS bonus shall be determined by multiplying \$50.00 by the number of continuous years the employee has worked for

Pennington County. The TOS bonus for part-time benefited employees will be set at \$35.00 for each year of continuous service to Pennington County.

- TOS bonuses shall not be granted in advance of the employee achieving their anniversary date, and shall not be awarded in advance for employees terminating employment in the month of their anniversary.

#### Compensation Levels for Elected Officials:

- Pennington County Board of County Commissioners shall review, and by resolution, set the compensation levels for Elected Officials annually by the 1st Commission meeting of the calendar year to mirror any wage scale adjustments made for the same year. Elected Officials are not participants in the County wage scale. An annual review of the Elected Official compensation levels shall be completed by the County Human Resources department, with the data provided to the Board of County Commissioners during the annual budget cycle period so it may be considered during annual budget work and formally applied at the 1st Board meeting of the following calendar year.

#### Compensation Scale Review:

- Pennington County shall budget for and conduct a formal review of the employee pay scale at intervals of 5 years, or as needed if significant market changes occur. In the interim periods, the Compensation Committee shall review market wage data annually to ensure equitable compensation levels are maintained. Partnership with external vendors shall be sought if wage scale complexity requires it.

#### Out of Class Pay

Out of Class Pay may be used to compensate non-exempt employees who perform substantial work requiring additional training, responsibilities, risk and/or knowledge above and beyond those of their job description and normally assigned duties. The following are items that a department may pay Out of Class Pay for:

- Employees assigned as acting supervisors by the Department Head may be compensated an additional \$2.00/hr.
- Employees assigned as trainers by the Department Head may be compensated at a rate of an additional \$1.00/hr while training and/or developing training materials.
- Employees performing ancillary duties for the Sheriff's Office such as Coroner, serving on the Dive Rescue Team, Special Response

Team or Mobile Response Team may be compensated at a rate of an additional \$1.00/hr.

- An employee shall not receive more than \$3.00/hr for any combination of the above items.

#### *Payroll Items*

- All Out of Class Pay will be for an entire shift during which the Out of Class Pay was performed.
- Out of Class Pay will not be applied to any leave benefit time.

#### *Exception*

- Certified Tower Climbers will be compensated at a rate of \$50/hr while performing tower climbing duties.

Any department using Out of Class Pay must have a work rule detailing how it is administered; a copy of which will be maintained by the County Auditor's Office and the Human Resource Department.

### **3.19 Performance Evaluation**

Department Heads/Elected Officials/Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations will be conducted to provide both Department Heads/Elected Officials/Supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting personal and departmental goals. Employees are also encouraged to discuss personal career and skill-development goals at any time during the course of their employment.

Performance evaluations are scheduled approximately every 12 months (but may be held more often), coinciding generally with the anniversary of the employee's original date of hire or before being considered for a pay increase. The annual performance evaluation should be conducted by the Department Head/Elected Official/Supervisor within the 30-day window immediately prior to the employee's employment anniversary.

### **3.21 Access to Personnel Files**

Pennington County maintains personnel files on each of their employees. The

personnel file may include such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, disciplinary documents and other employment records.

Personnel files are the property of Pennington County, and access to the information they contain is restricted. Generally, only Department Heads, Elected Officials, Supervisors and the Human Resource Department of Pennington County who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resource Department. With reasonable advance written notice, within 7 days of receipt Pennington County will provide access for employees to review their own personnel files in the presence of their Department Head, Elected Official, Supervisor or Human Resource Representative. Individual departments could, at their discretion, permit employee access to their personnel files more frequently or in a different manner, as long as the process is consistently applied within their department.

### **3.22 Personnel Data Changes**

It is the responsibility of each employee to promptly notify Pennington County of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify your Department Head, Elected Official, Supervisor and the appropriate Human Resources Office.

### **3.23 Positive Discipline**

The purpose of this policy is to state Pennington County's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from each employee taking full responsibility for their actions.

The interests of Pennington County are best served by ensuring fair treatment of all employees and ensuring disciplinary actions are prompt, fair and consistent. The primary purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service

in the future. Although employment with Pennington County is based on mutual consent and both the employee and Pennington County have the right to terminate employment at will, with or without cause or advance notice; Pennington County may use positive discipline at its discretion.

Disciplinary action may call for any of these steps:

1. Oral reminder
2. Written reminder
3. Performance Improvement Plan
4. Probation
5. Suspension without pay
6. Demotion
7. Termination of employment

Your supervisor determines the appropriate step in the positive discipline process depending on the severity of the problem and the number of occurrences among other things. There may be circumstances when one or more steps are bypassed or repeated as deemed necessary. Appropriate documentation shall be retained to support the action(s) taken.

Pennington County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the full complement of progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policies include examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger positive discipline.

By using positive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and Pennington County.

### **3.24 Problem Resolution Process**

Pennington County is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open

and frank atmosphere in which any problem, complaint, suggestion or question receives a timely response from Pennington County Department Heads/Supervisors.

If employees disagree with established rules of conduct, policies or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with Pennington County in a reasonable, business-like manner or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps.

The employee may discontinue the procedure at any step.

Step 1. Employee presents problem to immediate supervisor within five calendar days after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to Department Head.

Step 2. If the matter is not settled in the first step, you may, within five days of the response from your supervisor, appeal the complaint to the Department Head. The Department Head or his/her designee shall meet with you and usually within five days of receipt of the appeal will submit an answer in writing.

Step 3. For employees who work for an elected office holder (State's Attorney, Sheriff, Auditor, Treasurer, Register of Deed, and Coroner):

- Your appeal is in accordance to South Dakota State Law to the State Department of Labor.

Step 4. For employees who work for Appointed Department Heads:

- If the complaint is not settled at the second step, you may initiate an appeal to the appropriate Human Resource Department. This appeal must be made within thirty (30) days of the receipt of the

Department Head's written answer to your appeal. The Human Resource Department will review the complaint and work to resolve it. If resolution cannot be achieved, Human Resources will bring the appeal to the full Board of Commissioners who has full authority to make any adjustment deemed appropriate to resolve the complaint.

Nothing contained herein shall be construed as limiting your right, if you have a complaint, to discuss the matter informally with the Department Head/Elected Official/Supervisor and have the complaint resolved.

If you voluntarily end your employment, your complaint would be immediately withdrawn, unless such a complaint concerns wages or benefits.

No one will be retaliated against for filing a good faith complaint under this procedure. If retaliation is suspected, it should be reported immediately to the appropriate Human Resource Department. Nothing in the section prevents an employee or former employee from seeking recourse under applicable Federal or State law.

### **3.25 Employment Termination**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee
- Discharge - involuntary employment termination initiated by the County
- Retirement - voluntary employment termination initiated by the employee meeting age length of service and any other criteria for retirement from the County

Pennington County requests at least two weeks written notice of resignation from all employees.

The Department Head, Supervisor or Human Resources may schedule an exit

interview at the time of employment termination to discuss the reasons for resignation and the effect of the resignation on benefits. The exit interview will afford an opportunity to discuss such issues as employee benefits, and conversion privileges. Suggestions, complaints and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner:

- All accrued, vested benefits that are due and payable at termination will be paid.
- Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing which benefits may be continued and of the terms, conditions, and limitations of such continuance.

Since employment with Pennington County is based on mutual consent, both the employee and Pennington County have the right to terminate employment at will, with or without cause, at any time.

### **3.26 Return of Property**

Employees are responsible for all Pennington County property, materials or written information issued to them or in their possession or control. Employees must return all Pennington County property immediately upon request or upon termination of employment.

### **3.27 Personnel Record Retention**

The County generates and maintains personnel records for all employees of the County. Some records are paper-based and others electronic in nature. Records are maintained separately as required by law in the following manner.

- Employee Records
  - Medical File
  - Confidential File
  - Personnel File
  - Applicant selection and hiring records
- Documents maintained in the Personnel file include:
  - Application of employment and supporting documentation



- (resume's, letters of recommendation, certificates, etc.
  - Proof of education, training and/or military service
  - Performance reviews
  - Disciplinary actions
  - Commendation letters, awards, etc.
  - Correspondence of promotions, transfers, demotions, and special projects or assignments
  - Secondary employment correspondence
  - Wage history
  - Signed statements of understanding and of policies
  - Resignation and/or termination notifications
  - Other miscellaneous employment-related documents
- Documents maintained in Medical records include:
  - Worker's Compensation reports and claim documentation
  - Family Medical Leave Act documentation
  - Request for Accommodation documentation
  - Fitness for Duty verification documentation, to include physical exams and releases
  - Restricted Duty assignment documentation
  - Immunization records
  - Return-to-work attendance releases from medical providers for illness-related absences
  - Return-to-work medical restriction forms
  - Any required drug-screen or alcohol-screen documentation
- Documents maintained in Confidential records include:
  - Wage garnishment paperwork
  - Internal investigation summaries
  - Pre-employment background investigation summaries and related reports, as required
  - Pre-employment psychological evaluations as required

All personnel and training records will be retained for seven (7) years following the exit of employee from County employment, at which time they will be destroyed; unless there is an employment-related dispute that continues past the 7 year requirement. In those cases the records will be maintained until the dispute has been resolved.

## **4.0 EMPLOYEE BENEFITS**

Eligible employees at Pennington County are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following employee classifications are eligible for the following benefits:

- ❖ FULL-TIME BENEFITTED EMPLOYEES
- ❖ PART-TIME BENEFITTED EMPLOYEES

The following benefit programs are available to eligible employees:

- Health Insurance
- Dental Insurance
- Prescription Drug Insurance
- Life Insurance
- Employee Assistance Program
- Paid Holidays
- Paid Vacation
- Family Leave
- Medical Leave
- Military Leave
- Paid Sick Leave
- Jury Duty Leave
- Personal Emergency Leave
- Retirement Program
- Supplemental Life Insurance
- Supplemental Retirement Program
- Supplemental Medical Coverage
- Voting Time Off

### **4.1 Vacation Benefits**

Paid vacation time is available to benefitted employees to provide opportunities for rest, relaxation and personal pursuits.

Employees may not use vacation time that has not been earned.

Part-time non-benefitted employees and seasonal/temporary non-benefitted employees do not accrue vacation time.

For non-exempt employees, vacation accrual will be prorated based on the number of paid hours in a pay period. For exempt employees, vacation accrual will be earned based on pay periods. \*

*\*Exemptions – Employees required to participate in military active duty for annual training and monthly job skill training or have missed work due to a work related injury will continue to accrue vacation leave within the effected pay period(s) for both paid and approved unpaid hours.*

The maximum accrual rate will increase with an employee’s years of service. Maximum accrual rates are as follows:

Years of Service	Accrual Rate	Max Hours
0-1	<b>3.077</b>	80
1-2	<b>4.62</b>	160
2-3	4.62	160
3-4	4.62	160
4-5	<b>5.62</b>	240
5-6	5.62	240
6-7	5.62	240
7-8	5.62	240
8-9	5.62	240
9-10	5.62	240
10-11	<b>6.16</b>	240
11-12	6.16	240
12-13	6.16	240
13-14	6.16	240
14-15	6.16	240
15-16	<b>6.77</b>	320
16-17	6.77	320
17-18	6.77	320
18-19	6.77	320
19-20	6.77	320
20+	<b>7.69</b>	340

The new rate of accumulation becomes effective the pay period following the employee’s benefitted anniversary date. Additional vacation hours will cease to accrue at the point the employee has reached the maximum accrual limit.

Vacation normally will be granted at the time requested. However, if the nature of the work makes it necessary to limit the number of employees on vacation at any one time, the Department Head/Elected Official/Supervisor shall determine how vacation time is approved. Vacation pay consists of pay at the regular straight time rate.

You may not waive vacation and draw double pay by working the time allowed.

## **4.2 Holidays**

Full-time benefitted employees will be eligible for up to 88 hours of paid holiday leave per calendar year. Part-time benefitted employees will be eligible for up to 66 hours of paid holiday leave per calendar year. Holiday hours are not available for use until the holiday has occurred, unless the employee has enough vacation or comp time to cover it and approved by the Department Head. Department Head are responsible for ensuring vacation or comp time balances remain sufficient to cover holiday hours used prior to the holiday occurring.

Pennington County Administrative non-24-hour offices will be closed on the following holidays. The observed day will be dependent on the established work week for the department. In all cases where the holiday falls on a Friday or Saturday, offices will be closed the preceding Thursday or Friday. If the holiday falls on a Sunday, offices will be closed on the following Monday.

1. New Year's Day
2. Martin Luther King Day (3<sup>rd</sup> Monday of January)
3. President's Day (3<sup>rd</sup> Monday of February)
4. Memorial Day (last Monday of May)
5. Juneteenth National Independence Day
6. Independence Day
7. Labor Day (first Monday of September)
8. Native American Day (2<sup>nd</sup> Monday of October)
9. Veterans' Day
10. Thanksgiving Day (4<sup>th</sup> Thursday of November)
11. Christmas Day

In addition, non-24-hour County offices will be closed the Friday after

Thanksgiving and will close at 12:00 noon on December 24<sup>th</sup> when Christmas Eve falls during the Monday through Thursday or Friday per the established work week. Non-Exempt County employees are to use any and all accrued benefit time or leave without pay to cover any hours they would normally have been scheduled to work had County offices remained open. These employees may also work additional hours during the same workweek of these closures at the discretion of the Department Head. Exempt employees are not required to use accrued leave on any non-Holiday closure.

If required to work on one of the identified holidays, the non-exempt employee will be paid for their hours worked at 1.5 times their regular rate of pay. At the discretion of the Department Head, the employee may receive their holiday pay or use these holiday hours at a later date. The 1.5 rate applies to the actual holiday only, not the day the holiday was observed.

If you are a full-time employee starting after January 1st of any year, you will be eligible to receive eight hours for each holiday listed above that would occur on or after your employment date. As a part-time benefitted employee, you are eligible to receive a pro-rata number of paid Holiday hours. Non-benefitted employees do not receive any paid Holiday leave.

Holiday hours may not be carried over from one calendar year to another, unless approved by the Department Head.

**4.3a Sick Leave Policy**

Pennington County recognizes employees occasionally need temporary time off from work to recover from an illness, to address their medical needs, to attend required eye and dental care, in-house counseling or treatment, or to cover unpaid hours during facilities closures.

For this purpose, non-exempt employees accrue sick leave at a prorated rate based on the number of paid hours in a pay period.\*

Exempt employees accrue sick leave at a prorated rate based on the pay period.\*

Accrual Rate based on years of service:

Years of Service	Accrual Rate
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-1	3.077
1-2	3.077
2-3	3.077
3-4	3.077
4-5	3.077
5-6	3.39
6-7	3.39
7-8	3.39
8-9	3.39
9-10	3.39
10-11	3.69
11-12	3.69
12-13	3.69
13-14	3.69
14-15	3.69
15-16	3.69
16-17	3.69
17-18	3.69
18-19	3.69
19-20	3.69
20+	3.69

Seasonal/temporary non-benefitted and part-time non-benefitted employees do not qualify for paid sick leave.

*\*Exemptions – Employees required to participate in military active duty for annual training and monthly job skill training or have missed work due to a work related injury will continue to accrue vacation leave within the effected pay period(s) for both paid and approved unpaid hours.*

Sick leave benefits are calculated based on the employee’s base pay rate at the time of absence.

Non-accrued sick leave time may not be requested or paid.

Elected Officials/Department Heads reserve the right to require documentation form a health care professional to verify the need for sick leave and/or authorizing the employee to return to work.

The following criteria must be met before an employee requests use of paid sick leave: \*\*

- Complete a 90-calendar day waiting period from the date the employee becomes eligible for sick leave benefits.
- Report to their Elected Official/Department Head or approved Supervisor before scheduled start time, unless circumstances make reporting impossible. At the discretion of Elected Official/Department Head, notice time may be required due to the nature of the department's work.
- Provide a minimum 30-day advance notice for foreseeable sick leave.

The use of sick leave hours does not excuse time missed for attendance/performance purposes; it only ensures pay for the time missed. Unused sick leave balances will accrue without limit.

\*\*Exception – When a decision is made by the Board of Commissioners to close County facilities for a non-emergency event, non-exempt employees may use their benefit time (i.e. vacation and/or sick leave) to cover unpaid hours during facilities closure.

### **4.3b Emergency Personal Leave**

The Department Head or Elected Official has the discretion to grant Emergency Personal Leave up to a maximum of 80 hours per calendar year. All emergency leave hours taken by the employee are deducted from their own accumulated sick leave hours and can be used for 1) the illness of a close family member or 2) the death of a close family member.

In the event of a death of a close family member, up to 24 hours of paid bereavement leave will be granted. (See Bereavement Leave Policy for details). Any additional hours needed must be approved by the Department Head or Elected Official; up to a maximum of 80 hours. If the employee has exhausted their Sick Leave and Vacation balances, any additional hours granted under this section would be unpaid personal leave time (LWOP).

Any additional hours needed must be approved by the Department Head or Elected Official; up to a maximum of 80 hours. If the employee has exhausted their Sick Leave and Vacation balances, any additional hours granted under this section would be unpaid person leave time (LWOP).

*For purposes of Emergency Personal Leave, a close family member is defined as the employee's parent, spouse, spouse's parents, child, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, step-child, grandchild or significant other\*.*

*The Bereavement Leave Policy includes coverage in cases involving these members of the County Employee's immediate family: spouse; daughter or son, and stepdaughter or step-son; parents or step-parents; and siblings to include sister, brother, step-sister and step-brother.*

*\*For purposes of application of the Emergency Personal Leave provisions of this policy, Significant Other means a relationship exist between two (2) people, neither of whom is married, that is intended to remain indefinitely and where there is joint responsibility for each other's common welfare, there are significant shared financial obligations and there is a shared primary residence.*

#### **4.3c Sick Leave Transfer Program**

Employees who have suffered or face a catastrophic or crisis medical situation involving themselves or a qualifying family member as defined in this section, may qualify for the receipt of sick leave hours donated by other County employees through the Sick Leave Hours Transfer Program under the conditions set forth below:

The employee receiving donated sick leave hours must:

1. Have been a full-time benefitted or part-time benefitted employee of Pennington County for a period in excess of 12 consecutive months;
2. Have exhausted all of their available sick leave, vacation and holiday hours;
3. Have submitted a statement signed by their physician indicating the approximate amount of time that the employee will be required to be absent from work due to the catastrophic/crisis medical situation, as well as any other medical information requested by the County; and
4. Must qualify and apply for FMLA personal or family care leave to accept the donated sick leave hours. Under this section, donated sick leave hours would be available for use only under the following conditions:



- a. For conditions that meet the definition of a Catastrophic or Crisis illness or injury as shown here:
  - i. Catastrophic/Crisis illness or injury: An unusually prolonged or complex illness or injury, especially one that causes severe organ dysfunction or threatens life. Catastrophic illnesses or injuries may include trauma due to accident or illness; and may suddenly or unexpectedly worsen, and make exceptional demands on patients, caregivers, families, and health care resources. Catastrophic illnesses are usually life-threatening and may leave significant residual disabilities; such as AIDS, major burns, trauma with residual paralysis or coma, and cancer.
  - b. Donated hours may be used for the employee's own serious health condition that makes the employee unable to perform the essential functions of their job; or
  - c. For the employee to care for a spouse, son, daughter, step-son, step-daughter, parent or step-parent who has a serious health condition and requires the assistance of the employee.
5. Not receive more than 480 hours of donated sick leave in any rolling 12 month period. The 12-month period for eligibility purposes, is looking backward from the date of the current requested leave.

The Department Head or Elected Official of the employee in need of donated sick leave, in conjunction with the County Human Resource Department, will be responsible to evaluate and determine eligibility regarding the employee's situation as to:

1. The crisis or catastrophic nature of such;
2. Their qualification for donated sick leave under the above criteria; and
3. The likelihood of a prolonged absence from work.

If an employee is found to qualify for donated sick leave, a written request for such can be made by the employee to their Department Head or Elected Official, who will then partner with the County Human Resources Department to solicit the requested hours through donations from coworkers or other County employees.

If an employee desires to donate sick leave hours, the following conditions must

be met:

1. Have available a minimum of 100 hours of accrued sick leave before donation;
2. Make the donation on a strictly voluntary basis;
3. Sign and deliver to their Department Head or Elected Official a completed Sick Leave Transfer Form. The Department Head or Elected Official will submit the completed form to the Auditors Office prior to the deadline for the current month payroll.

The following are additional conditions for donating or accepting sick leave transfers:

1. Any employee's total donation of sick leave may not exceed 48 hours in any twelve month period.
2. Sick leave will be transferred based on the specific number of hours donated from one employee to the other.
3. Donated sick leave hours will be paid at receiving employee's rate of pay from receiving employee's departmental budget.
4. Donated sick leave may be used for a part-time return (qualifying intermittent FMLA leave) to work provided such return is under Doctor's orders.
5. Donated sick leave hours cannot be used for routine treatments, medical visits, maternity/paternity leave or pregnancy; the donated time is to only be used for catastrophic or crisis qualifying FMLA conditions as defined in this section.

#### **4.4 Bereavement Leave Policy**

Full-time Benefited and Part-time Benefited County employees who have completed their initial 90-day probationary period would be able to request and be paid for up to 3 scheduled work shifts, not to exceed 24 hours, for time missed due to the passing of an immediate family member.

- Immediate family member for the purposes of this policy would include these members of the County Employee's family: spouse; daughter or son, and step-daughter or step-son; parents or step-parents; and siblings, to include sister, brother, step-sister and step-brother.
  - Other County employee relationships would still be eligible for consideration under the County Emergency Personal Leave policy.
- Maximum hours to be paid for a single funeral under this policy would be 24 hours for a FTB County employee, and a prorated number of hours for

a PTB County employee.

- This benefit would be available for use one (1) time per calendar year.

Department Heads and Elected Officials would at their discretion, be able to grant additional emergency leave time off if needed, up to a total of 80 hours. Those additional hours would come from the Sick Leave account of the employee, or be granted in an unpaid leave status if all vacation and leave hours have been exhausted.

#### **4.5 Special Pay Plan**

Employees 55 and older who are eligible for sick/vacation/holiday payout upon termination of their employment with Pennington County will be required to have their payout processed through the Special Pay Plan administered by SDRS if the payout exceeds \$600.00 or more. This allows employees to defer the taxable income on their payout until the time of withdrawal from the Special Pay Plan. There is no calculation of retirement contributions or FICA tax on this income as well. The withdrawal time is selected by the employee in accordance with SDRS administration rules of the Special Pay Plan.

#### **4.6 Pennington County Healthcare Long-Term Employment Healthcare Benefit Plan**

The Pennington County Healthcare Plan shall permit long-term employees who have initiated an unreduced retirement benefit and their eligible spouse to remain on the County group insurance under certain conditions. Continuation of benefits may be purchased after retirement by plan participants who meet the following criteria:

- Must have been a benefited employee for a minimum of 20 years prior to leaving employment;
- An active member of the County Health Care Plan for a minimum of 10 years immediately prior to leaving; and
- Be eligible for an unreduced retirement under the provisions of SDRS.

Continuation of coverage must terminate when the participant becomes eligible for Medicare, to include all levels of Medicare (A, B, C, D or Disability). Continued coverage will be the same coverage the employee had

at the time of their retirement to include vision insurance. If the employee opts to cancel any benefit after becoming a “retiree” participant, they will be unable to re-enroll in the dropped coverage at a later date.

The employee has 30 days after the last of day of employment to elect to remain on the plan.

The spouse of a retiree may continue coverage with the retiree equal to the length of time the spouse was covered by the County Health Care Plan or is eligible for Medicare, (to include all levels of Medicare A, B, C, D or Disability) whichever comes first. A spouse that loses coverage under this coverage option due to the death of the former employee, divorce or former employee’s Medicare eligibility will have COBRA rights starting on the date of loss of coverage.

#### *When Both Spouses Work for the County*

When both spouses work for the County and one spouse meets the requirements to continue the benefit of the Plan under the retiree coverage option, the spouse eligible for retiree coverage may elect the retiree coverage option or participate under the working spouse’s coverage under the regular Plan. When the second employee/spouse terminates coverage, both employees are eligible to continue coverage under the Retiree benefit through either spouse that has met the Retiree eligibility stated above.

#### Duration

If the former employee or spouse is a participant under another group health care plan, this benefit will be secondary. If medical coverage is terminated, later application for enrollment shall not be permitted.

#### Costs

Premiums for Retiree Coverage will be set at a percentage of the established total premium set by the Health Care Trust Board depending on the level of coverage. Premium payments must be submitted to the County Auditor’s Office no later than the 20<sup>th</sup> of each month preceding the month of coverage. Multiple months’ premiums may be paid at one time.

Non-payment of premiums will result in loss of coverage. Coverage will end on the last day of the month premiums were received for.

COBRA participants shall pay recommended COBRA rates of the established premium set by the Health Care Trust Board.

### Life

While on this healthcare plan, the retiree will have the same basic life insurance benefits as an active employee.

## **4.7 Workers' Compensation Insurance**

Pennington County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness arising out of in the course of employment that requires medical, surgical or hospital treatment. County employees have a right to benefits if injured on the job. In return, the employee forfeits the right to sue Pennington County for job-related injuries.

- If an employee is injured on the job, work related medical costs will be paid as well as the compensation rate (Worker's compensation pays 2/3 of employee's salary) for salary loss (SDCL 62-4-3).
  - No temporary disability benefits may be paid for an injury which does not incapacitate the employee for a period of seven consecutive days. If the seven-day waiting period is met, benefits shall be calculated from the date of the injury. (SDCL 62-4-2).
  - In cases where worker's compensation reimbursement is paid to an employee, the employee may use sick leave or vacation time to supplement worker's compensation reimbursement.
    - If the employee's paycheck does not cover their premiums, the employee is required to submit to the Auditor's Office a check for any premiums they normally have taken out of their check automatically to avoid loss of coverage.

- Once the medical practitioner states an employee can return to work for part-time or modified work and Pennington County can accommodate the restrictions, state law requires the employee to accept the employment. Refusing to accept part-time or modified work means risking the lost of some or all worker's compensation benefits (SD DOL).
  - Once an employee begins the part-time or modified work and are earning less than what they were earning at the time of the injury, the employee may be entitled to temporary partial disability benefits through SD DOL. This benefit is calculated as half the difference between the average amount earned before the injury and the average amount earned or are able to earn after the injury (SD DOL).
- All vacation time, sick leave, and holiday leave earned while on injury leave shall accrue at the employee's regular rate.

If you are injured, no matter how slightly, or contract a disease as a result of your employment; you must immediately report the incident to your supervisor. Per South Dakota law, an injury must be reported immediately or as soon as practical. A written report must be submitted to the appropriate Human Resource Department within 24 hours.

The following steps should be taken if an employee is injured:

- Supervisor is notified. (If the injury is an emergency - please call 911 or get the employee to a hospital before continuing with these instructions)
- Supervisor and Employee contact SDML Workers Compensation fund at 877-899-9112
- Supervisor notifies the appropriate Human Resource Department
- Supervisor and Employee fill out First Report of Injury and Release of Information Form and send to the appropriate Human Resource Department

- On Duty Supervisor completes Supervisor Accident Report.

County volunteers will be covered only when: (1) Requested to perform County work by a duly authorized County Official, (2) Notification is given to the appropriate Human Resource Department and (3) Coverage has been approved in the official County Commission minutes.

Neither Pennington County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by Pennington County.

#### **4.8 Time Off to Vote**

If your work schedule on a state-wide election day does not allow you two consecutive hours in which to vote during the time the polls are open, you will be permitted to take such time away from work for that purpose with pay. Your supervisor will specify the time during which you may be absent.

#### **4.9 Jury Duty**

Pennington County encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Employee classifications that qualify for paid jury duty leave are:

- ❖ FULL-TIME BENEFITTED EMPLOYEES
- ❖ PART-TIME BENEFITTED EMPLOYEES

Employees must show the jury duty summons to their Department Head/Supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. You will be paid by the courts for jury attendance and mileage. You must furnish the County with a certified statement from the court setting forth the dates of jury service and the payment received. You should then turn in to your Department Head/Supervisor the amount of the check less the mileage, and then the County will pay you your regular pay for the hours of work or work shift missed due to jury duty service.

Pennington County will continue to provide health insurance benefits for the

full term of the jury duty absence. Vacation, sick leave and holiday benefits will continue to accrue during jury duty leave.

Seasonal/temporary NON-BENEFITTED EMPLOYEES or part-time NON-BENEFITTED EMPLOYEES are not eligible for jury duty pay. However, you are eligible for the time off to perform jury duty.

#### **4.10 Health Insurance**

Pennington County's healthcare plan provides employees and their dependents access to medical, dental and prescription benefits. Employees in the following employment classifications are eligible to participate in the healthcare plan:

- ❖ FULL-TIME BENEFITTED EMPLOYEES
- ❖ PART-TIME BENEFITTED EMPLOYEES

Eligible employees may participate in the healthcare plan subject to all terms and conditions of the agreement between Pennington County and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the healthcare plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

You are eligible to obtain coverage on the first of the month following one complete month of employment. Premiums are deducted from the first and second checks of every month, one month in advance. Depending on your date of hire and coverage eligibility date, you may be required to pay both premiums at one time. You may have both premiums deducted from your first check or pay the first half of your premiums out of pocket directly to the County.

Pennington County pays a portion of the employee and eligible dependent premiums. You are responsible for paying the balance of the healthcare premium amount.

Details of the healthcare plan are described in the Summary Plan Description (SPD). A SPD and information on cost of coverage will be provided in



advance of enrollment to eligible employees. Contact the Department Head or the appropriate Human Resource Department for more information about healthcare benefits.

#### **4.11 Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Pennington County health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Pennington County's group rates plus an administration fee. Pennington County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Pennington County's Health Insurance Plan. The notice contains important information about the employee's rights and obligations.

#### **4.12 Life Insurance**

Life insurance offers you and your family important financial protection. Pennington County provides a basic life insurance plan for eligible employees. Additional supplemental life insurance coverage may also be purchased.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- ❖ FULL-TIME BENEFITTED EMPLOYEES
- ❖ PART-TIME BENEFITTED EMPLOYEES

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Pennington County and the insurance carrier.

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Details of the basic life insurance plan including benefit amounts are described

in the Summary Plan Description provided to eligible employees. Contact the Department Head or the appropriate Human Resource Department for more information about life insurance benefits.

#### **4.13 Employee Assistance Program**

Pennington County cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), Pennington County provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is no initial cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The employee may incur some cost through an outside referral. Costs that are not covered are the responsibility of the employee. Based on eligibility requirements some services may be covered under the health insurance plan.

Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you

when you need it. Contact the Department Head or the appropriate Human Resource Department for more information about Employee Assistance Program benefits.

#### **4.14 Pension Plan**

If you are a regular full-time benefitted or a regular part-time benefitted employee, you are covered under the retirement plan known as the South Dakota Public Employees Retirement System. Your participation begins on the first day of your employment.

You and the County share the cost of your retirement benefits by contributing a percentage of your annual salary to the system. Each year the total contribution will equal a percentage of your gross annual wages – matched by the County. Retirement benefits are funded by employee contributions and matched by equal contributions from the County. Contributions are 6% of gross pay for Class A (non-law enforcement) and 8% of gross pay for Class B employees (law enforcement), unless changed by applicable state law. Your contributions are deducted from your paycheck each pay period.

A complete manual outlining the retirement system is provided to you upon employment. All decisions relating to the retirement system will be in full compliance with South Dakota Codified Law and the provisions of the South Dakota Retirement System. If you have any questions regarding your retirement contribution, contact the South Dakota Retirement System office in Pierre.

Your retirement is supplemented by any social security benefits and can be further enhanced through voluntary participation in various tax-sheltered compensation options available through the South Dakota Retirement System Supplemental Retirement Plan.

Seasonal/temporary non-benefitted and part-time non-benefitted employees do not qualify for participation in the retirement plan.

#### **4.15 Other Benefits**

Pennington County makes additional benefits available through payroll deduction such as County Employee Funds, YMCA dues, Peace Officer Association dues, United Way contributions and other approved programs.

Contact the Department Head/Elected Official or the appropriate Human Resource Department for more information about these programs.

#### **4.16 Employee Referral Program**

Pennington County values and encourages employees to refer quality candidates for position vacancies. If an employee successfully refers a candidate, they will be compensated at a set rate during the candidates' employment life cycle.

- Upon hire - \$100
- Upon completion of 6-months of continued employment - \$100
- Upon completion of 12-months of continued employment - \$300

Department Heads are ineligible to receive the incentive for candidates referred to their own departments, but are eligible for successful referrals to other departments.

Each department is responsible for tracking and submitting the incentive amounts during the appropriate pay periods.

#### **4.17 Separation Benefits**

An employee who leaves their employment with the County under voluntary/favorable terms may be eligible for separation benefits.

Voluntary/favorable terms are defined as:

- Voluntary separation;
- Retirement;
- Layoff for a continuous period of six months or more;
- Qualification under the retirement disability provision;
- Occupational or non-occupational illness or injury;
- Diagnosed terminal illness necessitating retirement; or
- Death

Benefits under this policy shall be calculated on the employee's rate of pay as of their last day of employment.

#### **Vacation**

Separating employees will be paid out any unused vacation time, up to the maximum accrual limits in the Vacation Benefits policy.

## Sick Leave

Employees are required to provide a minimum of two-weeks' notice to qualify for sick leave payout benefits. Sick leave payout will be a percentage based on the employee's benefitted anniversary date and the number of continuous benefitted years of service employed by the County.

Employees with anniversary dates before 1/1/2019: the percentage of sick leave payout will be based on the entire sick leave balance.

Employees with anniversary dates after 1/1/2019: the percentage of sick leave payout will be based on the first 960 hours.

Years of Employment	Percentage of Hours for Payout
Less than 10 Years	None
10 – 15 Years	30%
15 – 20 Years	40%
20 Years or more	50%

If the termination of employment is due to diagnosed illness necessitating retirement, or the death of the employee, and the employee has worked for the County at least 15 years, the employee (or their beneficiary) will be entitled to a 100% payout of sick leave hours accumulated to the date of separation.

## Holiday Hours

Paid holiday hours will be reconciled to the number of holiday hours that occurred up to the employee's last date of employment. This could result in extra compensation or a deduction to their final pay check depending on the situation.

Payment of separation benefits must follow SDRS Special Pay Plan regulations per the Special Pay Plan policy.

## 5.0 LEAVES OF ABSENCE

### 5.1 Family and Medical Leave Act

#### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Eligible employees may take a leave of absence for one or more of the above reasons for up to a total of 12 weeks in a 12-month period. The 12-month period is determined on a "rolling" basis, measured backward from the date an employee uses any FMLA leave.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter or parent on "covered active duty", as that term is defined in the Family and Medical Leave Act, may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, providing parental care for a military member's parent who is incapable of self-care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Qualifying exigencies may also include up to 15 days of leave for periods of rest and recuperation for the service member, leave of up to seven days as a result of short-notice deployment, or leave for other activities arising out of the service member's covered active duty and agreed upon by the County and the employee. This leave may be taken for up to 12 weeks in a 12-month period. The 12-month period is determined on a "rolling" basis, measured backward from the date an employee uses any FMLA leave.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness. Service member also includes veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness if the veteran was a member of the Armed Forces and was discharged or released under conditions other than

dishonorable at any time during the five years preceding the first date an employee takes FMLA leave to care for the covered veteran. Please keep in mind that the FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.” The single 12-month period is measured forward beginning from the date an employee’s first FMLA leave to care for the covered service member begins. While a total of 26 weeks of leave may be allowed, please keep in mind that leave to care for the ill or injured service member and leave for any of the other reasons discussed in this policy cannot exceed a total of 26 weeks in a single 12-month period.

### Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. The County may recover from an employee its portion of the premiums paid to maintain an employee’s health insurance coverage during leave if the employee fails to return to work after the employee’s leave entitlement has expired, unless such failure to return to work is due to (1) the continuation, recurrence or onset of a serious health condition or (2) other circumstances beyond the employee’s control. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. Seniority and benefits such as vacation will not accrue during the period of any unpaid FMLA leave.

### Eligibility Requirements

Employees are eligible if they have worked for the County for at least 12 months in the last seven years; and they have worked at least 1,250 hours during the 12 months immediately preceding the commencement of the leave.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three full consecutive calendar days combined with at least two visits within 30 days of the first day of incapacity to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. The first treatment visit must take place within seven days of the commencement of the incapacity. Other conditions may also meet the definition of continuing treatment.

#### Definition of Family members for the purposes of FMLA

*Spouse:* Means a husband or wife as defined or recognized in the state where the individual was married, and includes individuals in a same-sex marriage or common law marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state of the United States.

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

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

#### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work-hours leave schedule when medically necessary. However, leave for birth or placement of a child for adoption or foster care must be taken in one block of time (as opposed to intermittently or on a reduced work-hours leave schedule) and must be concluded within 12 months of the birth or placement.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt County operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### Leave Taken by Spouses



Spouses who are both employed by the County are limited during any 12-month period to a combined total of 12 weeks of: (1) family leave which is taken for the birth or placement of a child for adoption or foster care; or (2) leave taken to care for a sick parent who has a serious health condition.

#### Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave while taking FMLA leave. The paid time and FMLA leave run concurrently until which time the FMLA leave has ended or the paid time has been exhausted. At the point the employee's paid time has been exhausted, the FMLA leave can continue in an unpaid status up to the limits of FMLA leave eligibility.

#### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When a 30-day notice is not possible, the employee must provide notice as soon as practicable and must generally comply with the normal County call-in procedures. When taking leave on an intermittent basis or leave for an indefinite or unknown duration, employees must also comply with the normal County daily call-in requirements to report their absence.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform essential job functions, that a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will be required to provide a medical certification and periodic recertification supporting the need for leave.

Employees who fail to return a requested certification within 15 days, absent circumstances beyond their control, may jeopardize their rights and benefits under the Family and Medical Leave Act, and they may be subject to discipline, up to and including discharge, for being absent without being on approved leave.

The first time an employee requests leave for a qualifying exigency arising out of covered active duty, the employee must provide the County with a copy of the active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty and the dates of the covered military member's covered active duty. The County may require copies of new active duty orders or other documentation issued by the military if the need for leave because of a qualifying exigency arises out of a different covered active duty of the same or a different covered military member. Completion of a certification form provided by the County will also be required.

Employees returning from a leave due to their own serious health condition must provide a note from their doctor releasing them to work and addressing their ability to perform the essential functions of their job.

#### Employer Responsibilities

The County will inform employees requesting leave whether they are eligible under the FMLA. If they are eligible, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the County will provide a reason for the ineligibility.

The County will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County will notify the employee.

#### FMLA Leave and Work-Related Injuries or Illnesses

Employees who suffer a work-related injury or illness that constitutes a serious health condition under the FMLA will be granted FMLA leave, if otherwise eligible for FMLA leave. Workers' Compensation leave and FMLA leave will run concurrently.

#### Failure to Return to Work

Employees who are unable to return to work at the expiration of their FMLA leave must contact the Human Resources Department to determine if the County has other forms of leave that the employee can use. Employees who do not report for work at the conclusion of their FMLA leave and who have not contacted the County requesting an extension of leave will be deemed to

have resigned employment.

Employees who are unable to return to work after 12 weeks of leave may request additional leave under the Personal Leave of Absence policy. In that case, the provisions of the Personal Leave of Absence policy will apply, not the provisions of this Family and Medical Leave policy. Employees who wish to request leave time for medical reasons who are not eligible for leave under this policy are subject to the terms of the Personal Leave of Absence policy.

#### Other Employment While on FMLA Leave

Employees are prohibited from working for another employer while on FMLA leave. Employees doing so will be terminated.

#### Unlawful Acts by Employers and Enforcement

FMLA makes it unlawful for an employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The County fully complies with the FMLA and prohibits any employee from engaging in these unlawful acts. Employees, who believe any of the County's employees have engaged in these unlawful acts, should report the complaint to their supervisor or Department Head. Employees who are uncomfortable making a complaint to the Department Head should report their concerns to the Human Resource Department or the Office of the County Commissioners. Retaliation against an individual for bringing a complaint to the County's attention is strictly prohibited.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

## Questions

It is impossible to cover all aspects of family and medical leave in this policy. Therefore, when you determine that you will need to take leave under this policy, please contact the appropriate Human Resource Department for additional details.

## **5.2 Personal Leave of Absence**

Pennington County provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- ❖ FULL-TIME BENEFITTED EMPLOYEES
- ❖ PART-TIME BENEFITTED EMPLOYEES

Other employees may be eligible for such leave if needed for medical reasons. The County will review requests on case-by-case basis.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their Department Head/Elected Official/Supervisor. Leaves of absence for non-medical reasons are not encouraged and will be considered only in unusual or emergency situations. Personal leaves of absence are unpaid.

Personal leave may be granted for a period of up to six months. If the leave is due to a medical condition, an extension of the six-month period may be granted. With the Department Head's/Elected Official's/Supervisor's approval, an employee may take vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including reason for the leave, anticipated work load requirements, the employee's attendance and job performance record and staffing considerations during the proposed period of absence. Employees requesting a medical leave will need to provide documentation from their physician regarding the need for leave. Subject to the terms, conditions and limitations of the applicable

plans, Pennington County will continue to provide healthcare benefits for the full period of the approved personal leave; however, the employee will be responsible for the employee's share of the payment of premiums, and must make arrangements for premium payments. An eligible employee taking an authorized leave of absence with pay will continue to earn sick/vacation/holiday time during that time. If leave is without pay, such benefits do not accrue during the term of the leave.

An employee taking an authorized leave of absence may continue to receive credited service with the South Dakota Retirement System during such leave if both the employee and the employer contributions are made to the retirement system. In the event the employee is on authorized leave of absence without pay and wishes to maintain active status, the South Dakota Retirement System should be contacted.

When personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Pennington County cannot guarantee reinstatement.

Requests for leave and requests for extensions of leave will be considered on a case-by-case basis. All questions concerning leave should be directed to your Department Head/Elected Official/Supervisor or the appropriate Human Resource Department.

If an employee fails to report to work promptly at the expiration of the approved leave period, Pennington County will assume the employee has resigned.

### **5.3 Military Leave**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification

data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended during the unpaid leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time plus eight hours. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Department Head or the appropriate Human Resource Department for more information or questions about military leave.

## **6.0 MISCELLANEOUS**

### **6.1 Bulletin Boards**

Pennington County maintains several bulletin boards as an effective avenue for communicating with employees. The bulletin boards are used to communicate official government information on topics such as equal employment opportunity, health and safety information and other topics. The bulletin boards are also used to communicate information regarding Pennington County policy and business.

Employees are not allowed to post information on the Pennington County bulletin boards. All postings are made by designated supervisors who are responsible for keeping the bulletin boards up-to-date.

## **6.2 Solicitation**

In an effort to ensure a productive and harmonious work environment, persons not employed by Pennington County normally may not solicit or distribute literature in the workplace at any time for any purpose.

Pennington County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.) Employees who are not on working time (e.g., those on lunch hour, breaks or prior to or after their shift) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time.

In addition, the posting of written solicitations on County bulletin boards is prohibited. Bulletin boards are reserved for official County communications.

## **6.3 Break Time for Nursing Mothers**

Pennington County supports breastfeeding mothers by providing appropriate and reasonable arrangements for women wishing to express breast milk after they return to work. Pennington County will provide appropriate space and a reasonable break time for an employee to express breast milk for her nursing child for up to one year after the child's birth. Anytime outside the employee's normal break time will be unpaid. Employees who need assistance in identifying an appropriate space should speak with their supervisor in conjunction with the appropriate Human Resource Department who are available to assist in identifying accommodations when needed.

## **6.4 Burning of Open Flame Products**

Candles, incense, or any other product which produces an open flame is prohibited in any facility owned or operated by Pennington County. Candles and open flames not only create a serious fire hazard, but also create a serious personal injury hazard. It is for these reasons that this policy has been established.

## 6.5 Animals in the Workplace Policy

This policy is intended to protect the health and safety of the Pennington County customers, employees, vendors and visitors; to maintain a professional and clean environment in which to work, conduct business and visit; and to promote the welfare and safety of animals.

For reasons of liability, safety, health and sanitation, no animals of any type are allowed in any Pennington County owned or leased buildings, or in County owned or leased vehicles with the following exceptions:

- Service animals as defined by the Americans with Disabilities Act of 1990, for use by customers, employees, vendors and visitors. Pennington County recognizes the ability of persons with documented disabilities to utilize service animals as defined by the Americans with Disabilities Act 1990 (ADA). Customers, employees, vendors and visitors who require a service animal should consult with the Pennington County Commission Office or the Human Resources Departments.
- Emotional support animals where the owner has medical certification from a qualified medical or psychiatric practitioner, and that have been approved by the Human Resources Department(s) as a reasonable accommodation.
- Animals professionally trained for search and rescue activities or law enforcement or a certified therapeutic dog as defined by SDCL 23A-24-10-(1).
- Livestock, rodeo animals, and other animals for showing will be allowed as required for the fair and other approved events at the County Fairgrounds and in employee buildings. Animals professionally trained for theatrical purposes and directly supervised by show personnel within a controlled environment for training purposes.
- Aquariums, containing aquatic fish only, may be permitted in County buildings with approval of the Commission Office and the Department Head or Administrative Supervisor of the County employee requesting approval. Any damage caused by having aquariums will be repaired at the expense of the aquarium owner.

Animals on County grounds (not buildings) must be in the control of their owners. Under no circumstances should animals be allowed to run loose. Animals may not be tethered to buildings, handrails, trees, bicycle racks or other objects. Any animal found tethered to County property or wandering



loose on campus may be impounded at the owner's expense. Animals left in an unattended motor vehicle are subject to the same rules and regulations if they become a nuisance, or if the welfare of the animal is threatened. Any infractions or complaints should be directed to the Pennington County Sheriff or the City Animal Control Office.

Animals walked on County property must be kept on a leash; and all animal fecal matter should be removed to a proper disposal container by the animal's owner to protect the health and safety of others.

Feral and/or stray animals (such as dogs, cats, raccoons, possums) sometimes appear on campus. If such an animal is noticed, please alert the Sheriff's Office or the City Animal Control Office. Although it may be tempting to feed or offer care for such animals, it is in the best interest of the animals to allow an animal-related professional to find proper environments for them.

Individuals having permission as listed in the exceptions must assume the responsibility of their animal. Individuals should:

- Carefully consider the needs of their animals and the sensitivities of other members of the work areas or community.
- Remain with their animal at all times.
- Clean up after their animal.
- Be responsible for any costs or consequences of damage caused.

This policy will be enforced by the Department Head or Administrative Supervisor to ensure a safe and healthy work environment is maintained. Abuse of this policy will be reviewed for disciplinary action.

This policy is effective 24 hours per day including holidays and weekends.

Additional exception Requests: The Pennington County Commission Office, or appropriate HR Offices, must approve any additional exceptions to this policy.

If the exception request is denied, the employee may initiate an appeal to the denial by seeking and receiving written approval from their Department Head or Administrative Supervisor. The Department Head or Administrative Supervisor will then submit a written appeal to the Commission Office or HR

Office for secondary review. If the appeal is denied, the request will no longer be considered.

## **7 EMPLOYEE ACKNOWLEDGEMENT FORM**

### **EMPLOYEE ACKNOWLEDGEMENT FORM**

I have received a copy of the Pennington County Employee Handbook and have either read it or have had it read to me. I understand all of its rules, policies, terms and conditions and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination.

I understand that I should consult the Department Head or the appropriate Human Resource Department regarding any questions not answered in the handbook. I have entered into my employment relationship with Pennington County voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or Pennington County can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described in the handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to Pennington County's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of County Commissioners of Pennington County has the ability to adopt any revisions to the policies in this handbook.

I understand that the County will monitor my computer files, Internet activity, e-mail messages and voice mail messages for various reasons. The County will disclose such activity and messages to a third party without my consent when it deems such action necessary. I consent to the County's monitoring of my computer files, e-mail transmissions, voice mail messages and Internet activity.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document and that it supersedes all previous written and unwritten policies, including any previous handbooks.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_