

EMPLOYEE HANDBOOK
DAKOTA COUNTY

JUNE 5, 2017

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INTRODUCTION

DISCLAIMER

In writing this Employee Handbook, we have tried to avoid legal words and phrases as much as possible. This Employee Handbook was written for our employees as a matter of information only, and is not to be construed as a contract between the County and its employees. New situations develop constantly, and it is to be understood that the County reserves the right to change, suspend, or cancel all or part of this Handbook as circumstances may require.

All employees should understand that nothing contained in this Handbook is intended, nor should it be construed by the employee to constitute, a contract for employment of a specified term or duration. Either the County or the employee may terminate their employment, with or without cause, or with or without notice, at any time.

This Handbook is intended for use by all County employees; however, where there is a conflict between the provisions of the Handbook and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail.

Employees should understand that the language contained in this Employee Handbook is written with the scheduled Monday through Friday, 8:00 a.m. to 4:30 p.m. employee in mind. On occasions, situations may arise making judgments necessary to accommodate employees whose hours vary.

If after reading your Handbook you have any questions, please feel free to talk these questions over with your supervisor.

This Employee Handbook dated April 25, 2016, supersedes all prior handbooks and policies.

EMPLOYMENT POLICIES

ARTICLE I

Equal Employment Opportunity

Dakota County continues its firm commitment to the philosophy of equal opportunity and treatment. We provide equal employment opportunity to all employees and applicants for employment without regard to race, color, age, religion, sex, sexual gender, pregnancy, marital status, national origin, disability, military status, or any other prohibited basis of discrimination under applicable local, state, and federal law. This policy shall apply to all terms and conditions of employment, including hiring decisions, compensation, privileges of employment, and termination of employment. Dakota County is firmly committed to the principle of equal employment opportunity.

Dakota County supports and practices the principles articulated in the Americans With Disabilities Act (ADA). We make employment decisions consistent with the ACT and do not discriminate against employees or applicants with disabilities. This policy shall apply to all terms and conditions of employment, including the application process, hiring decisions, compensation, privileges of employment, and termination of employment. Dakota County shall provide reasonable accommodation to otherwise qualified disabled employees or applicants. Reasonable accommodation does not mean any and all accommodation. Each accommodation must be considered on a case by case basis to determine whether it would cause undue hardship to Dakota County.

Examples of Common Accommodations include, but are not limited to, the following:

- Making facilities accessible;
- Job restructuring;
- Modified work schedule;
- Obtaining or modifying equipment;
- Providing readers and sign language interpreters;
- Modifying examinations;
- Modifying policies;
- Use of either paid or unpaid leave;
- Providing reserved parking;
- Lastly, reassignment to a vacant position.

The County may choose the less expensive or easier to provide accommodation as long as it is effective. Reassignment should be considered when there is no accommodation that will enable the employee to perform the current job.

Dakota County endorses the Age Discrimination in Employment Act (ADEA), which protects individuals who are 40 years of age or older from employment discrimination based on age. This policy applies to all terms and conditions of employment, including the application process, hiring decisions, compensation, privileges of employment, and termination of employment.

Dakota County values differences and will provide accommodation for the religious beliefs and practices of its employees whenever possible. Religious belief includes any moral or ethical belief sincerely held by an individual. Social, political, and/or economic philosophies are not considered religious beliefs and are not subject to accommodation by the County. It is the employee's responsibility to notify the County of any request for a religious accommodation. The notification must be in writing and submitted to the employee's immediate supervisor. Upon receipt of a religious accommodation request, the County will offer a reasonable accommodation unless undue hardship can be shown. Each accommodation must be considered on a case by case basis to determine whether it would cause undue hardship to Dakota County. The County may provide an accommodation different from that requested as long as the accommodation provided eliminates any religious conflict.

Examples of Common Accommodation include, but are not limited to, the following:

- Flexible scheduling;
- Voluntary substitutes and swaps of shifts or assignments;
- Lateral transfer or change of job assignment;
- Modifying policies, procedures, and practices.

We want our commitment to equal employment opportunity to be a success. If you feel we are failing in our duty and promise of equal opportunity to all applicants or employees, please report your concerns at once to your supervisor or other management personnel with whom you feel comfortable discussing the matter. We will take every reasonable measure to correct any unfairness and promise that you will not be subjected to retaliation for bringing such matters to our attention in good faith. We will treat all such concerns with the utmost confidence to the extent reasonably possible and consistent with a fair resolution of the problem.

ARTICLE II

Management Rights

In addition to all powers, duties, and rights of the Employer established by constitutional provisions, statute, ordinance, charter, or special act, the Employer expressly reserves unto itself the following powers, duties, and rights, which belong solely, exclusively, and without limitation, to the Employer, to wit:

- (a) The right to manage the Employer's operations and to direct the working force;
- (b) The right to hire employees;
- (c) The right to maintain order and efficiency;
- (d) The right to extend, maintain, curtail, or terminate operations of the Employer;
- (e) The right to determine the size and location of the Employer's operations and to determine the type and amount of equipment to be used;

- (f) The right to assign work, the right to determine methods and material to be used, including the right to introduce new and improved methods or facilities and to change existing methods and facilities;
- (g) The right at any time to determine, create, modify, and terminate jobs, job vacancies, departments, job classifications, and job duties;
- (h) The right to transfer, promote, and demote employees;
- (i) The right to discipline, suspend, and discharge employees;
- (j) The right to layoff employees at any time;
- (k) The right to enforce and require employees to observe rules and regulations set forth by the Employer;
- (l) The right to determine when and whether a position or job classification is vacant and when it will be filled;
- (m) The right to determine how many employees shall be in each classification and whether any employees shall be in any classification; and
- (n) The right to determine the individual and relative qualifications ability, ability to perform, and physical fitness of all employees.

ARTICLE III

Anti-Harassment Policy

Dakota County's purpose of this policy is to provide a businesslike work environment free from any form of discrimination, including unlawful harassment. We prohibit unlawful harassment based on race, color, age, sex, national origin, religion, disability, and any other protected characteristic under applicable local, state, or federal law. All forms of harassment are prohibited and subject to disciplinary action, up to and including termination. This policy applies to supervisors, co-workers, and non-employees. Any supervisor who knowingly permits an employee to engage in such harassment shall also be subject to appropriate discipline.

Harassment based on race, color, age, sex, national origin, religion, and disability means unwelcome behavior of a severe or pervasive nature when the behavior:

- (a) unreasonably interferes with a person's work performance; or
- (b) creates an intimidating, hostile, abusive, or offensive work environment, or is made a condition of employment.

Harassing behavior can be verbal or physical in nature. Examples of harassment include, but are not limited to, the following:

- Derogatory and offensive labeling, jokes, or stereotyping, including comments made on social media;

- Ethnic or racial slurs and epithets and/or other comments based on a protected characteristic;
- Ridiculing or making fun of an employee's disability or perceived disability;
- Ridiculing or making fun of an employee's age;
- Putdowns or offensive comments about an employee's religion;
- Jokes, cartoons, and offensive comments about any protected characteristic or group.

Sexual Harassment is the deliberate or repeated behavior of a sexual nature by one individual to another that is unwelcome, unasked for, or rebuked by the other employee. Sexual harassment of a severe or pervasive nature exists when:

- (a) Supervisors or managers make submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion, or retention);
- (b) Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment-related decisions, such as promotion, performance evaluation, pay adjustment, discipline, work assignments, etc.;
- (c) The behavior unreasonably interferes with an employee's work performance or creates an intimidating, hostile, abusive, or offensive work environment.

Sexual harassment does not have to involve conduct of a sexual nature in order to constitute unlawful behavior. Abusive, offensive, or demeaning behavior directed to members of one gender only (whether male or female) may be deemed sexual harassment, even though the conduct was not motivated by sexual desire or gratification. In addition, same gender harassment of a male by another male, or a female by another female, may also constitute an unlawful form of sex discrimination.

Examples of sexual harassment include, but are not limited to, the following:

- Sexual comments of a provocative or suggestive nature;
- Excessive flirtation;
- Jokes or innuendoes of a sexual nature;
- Suggestive or demeaning looks or leering;
- Physical contact of a sexual nature such as patting, grabbing, petting, rubbing, pinching, hugging, kissing, or brushing up against another body;
- Materials, photographs, or objects of a sexual nature in the workplace;
- Requests for sexual favors or contact.

ARTICLE IV

Retaliation Policy

Dakota County encourages its employees to report any acts of discrimination and/or harassment. It is our policy that an individual may not be discharged, demoted, harassed, or otherwise "retaliated" against for filing a charge of discrimination, participating in a

discrimination proceeding (as a witness, etc.), or otherwise opposing discrimination. Retaliation occurs when an employer takes adverse action against a covered individual because he/she engaged in a protected activity.

Examples of adverse actions include, but are not limited to, the following:

- Termination, refusal to hire, or denial of promotion;
- Threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
- Other terms and conditions that impact one's job.

Covered individuals are individuals who have opposed unlawful practices or participated in proceedings based on race, color, sex, religion, national origin, age, or disability. Individuals with a close association with the person who has engaged in such protected activity may also be covered individuals (e.g., spouse). Individuals who report or refuse to participate in what they believe is unlawful behavior are also protected under Nebraska State law.

Protected activities include, but are not limited to, the following:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Refusing to obey an order reasonably believed to be discriminatory;
- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices;
- Serving as a witness in an EEO investigation or litigation;
- Requesting a reasonable accommodation based on religion or disability.

ARTICLE V

Complaint Procedure for Unlawful Harassment or Retaliation

Any employee who believes he/she is being harassed is encouraged to:

- (1) Point out the offensive behavior to the person responsible for the behavior, and
- (2) Request that the offensive behavior stop.

Any employee who is not comfortable approaching the person responsible for the offensive behavior or whose request to stop was unsuccessful should notify the employee's department head.

Employees who believe they are being harassed by the Department Head should take the matter to the Chair of the County Board.

All complaints shall be thoroughly investigated and treated with the utmost confidence. The investigation will be conducted quickly, thoroughly, and confidentially, and every effort shall be made to protect the rights of the accuser, as well as the accused. All parties and witnesses involved in the investigation will be informed that the fact of the complaint and the issues under investigation are confidential and not to be discussed with anyone without first informing the individuals conducting the investigation of the claimed need for third party involvement. Failure

of any employee involved as a party or witness in the investigation to follow this directive shall constitute a separate violation of this policy and shall result in disciplinary action. The County reserves the right to provide information about a harassment complaint to the necessary legal authorities if, in the County's sole discretion, it believes illegal conduct has occurred.

The following procedures will be followed in the investigation of a complaint of harassment:

- (1) The employee shall file a written complaint with his or her Department Head within thirty (30) days of the alleged harassment. If the employee believes he or she is being harassed by the Department Head, he or she shall file the written complaint with the Chair of the County Board within thirty (30) days of the alleged harassment.
- (2) If at all possible, the investigation shall begin the day the conduct is reported.
- (3) The complainant will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the complainant at the end of the interview.
- (4) The alleged harasser will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the alleged harasser at the end of the interview.
- (5) Any witnesses will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the witness at the end of the interview.
- (6) Upon completion of a thorough investigation, the investigators will determine whether the complaint is substantiated or unsubstantiated.
 - a. Substantiated Complaint: Disciplinary action will be taken. The disciplinary action taken will depend on the severity of the harassment. However, the disciplinary procedure outlined in this manual will be followed in all cases. A record of disciplinary action taken will become part of the harasser's personnel file. Once disciplinary action is taken, the complainant is encouraged to communicate the actions effectiveness and supervisory personnel will ensure its effectiveness by continuing to monitor the situation.
 - b. Unsubstantiated or Inconclusive Complaint: No disciplinary action will be taken. The complainant will be encouraged to come forward again if he or she perceives harassment and the County's policy against harassment will continue to be enforced.
- (7) Whether substantiated or unsubstantiated, the investigators will meet with both the complainant and alleged harasser to notify them of the results of the investigation and any disciplinary measures that will be taken.
- (8) An investigation report will be prepared summarizing interviews, conclusions, and discipline taken, if any. The report, along with notes, written complaints, statements, and copies of relative documents will be maintained in a separate, confidential file by the department head.
- (9) Retaliation against an individual for bringing harassment allegations to our attention is strictly prohibited in accordance with the County's retaliation policy. In addition,

individuals who participate in this complaint process as potential witnesses are assured of non-retaliation.

- (10) If the Department Head finds the complaint to be unsubstantiated and the employee is unsatisfied with this result, the employee shall file his or her appeal with the Chair of the County Board within ten (10) days of the date of the Department Head's decision.

ARTICLE VI

Introductory and Trial Periods

Section 1. New Hire Introductory Period

All newly-hired employees normally serve an introductory period of six (6) months. Any new hire serving an introductory period shall not be entitled to benefits (except insurance and holidays as provided below).

Section 2. Holiday Pay Eligibility

A new hire still in his/her introductory period shall receive holiday pay for holidays which are observed after three (3) full months of employment. Personal days are not subject to this waiting period.

Section 3. Insurance Eligibility

Health insurance is available for new hires on the first (1st) day of the month that follows the thirty (30) days of employment.

Section 4. Length of Introductory Period

The introductory period may be extended for an additional period of up to six (6) months following an unsatisfactory six (6) month evaluation and written notice.

Section 5. Online Course Required

All newly-hired employees are required to take a NIRMA Online University sexual harassment course.

ARTICLE VII

Performance Evaluation

Your work performance will usually be evaluated after completion of your introductory period. Additional evaluations usually occur on your first anniversary date and annually thereafter.

In addition to the regular performance evaluations described above, special performance evaluations may be conducted by your supervisor at any time to advise you of the existence of performance or disciplinary problems.

Wage adjustments are not automatic and will be based on the County's evaluation of your performance, as well as economic and market conditions.

ARTICLE VIII

Reemployment Policy

Former employees of the County are eligible for re-hire at the discretion of the Elected Official or Board of Commissioners. All re-hires will be considered new employees. Transfers between county offices will not be considered as being rehired.

ARTICLE IX

Employment-at-Will

You are an "at-will" employee. That phrase has a special meaning in the law; it means that either you or the County can terminate our relationship for any reason that is not contrary to law or for no reason at all. If you have any questions about this, we urge you to see your lawyer. You may be terminated for violating any policies explained in this Employee Handbook (as revised from time to time), performance deficiencies, for other reasons, or for no reason at all.

COMPENSATION AND HOURS OF WORK

ARTICLE X

Definitions

Section 1. Introductory Employee

The term “introductory employee,” as used in this Employee Handbook, shall mean a new hire employee within six (6) months of hire.

Section 2. Regular Full-Time Employee

The term “full-time employee,” as used in this Employee Handbook, shall mean an employee who is scheduled to work forty (40) hours or more per week year round. A schedule of hours is not to be construed as a guarantee of hours, expressed or implied.

Section 3. Law Enforcement Employees

The term “Law Enforcement Employees,” as used in this Employee Handbook, shall mean an employee who is under the jurisdiction of the County Sheriff, whether the employee be full time or part time, or whether his/her hours vary or regular schedule.

Section 4. Regular Part-Time Employee

The term “regular part-time employee,” as used in this Employee Handbook, shall mean an employee who is scheduled to work at least thirty (30) hours per week year round but less than forty (40) hours per week year round. Except for retirement and insurance, regular part-time employees shall receive benefits in a ratio proportionate to their part-time service. Insurance will be provided the same as for full time employees.

Section 5. Part-Time Employee

The term “part-time employee,” as used in this Employee Handbook, shall mean an employee who is scheduled to work less than thirty (30) hours per week year round. Part-time employees shall not be eligible for benefits contained within this Employee Handbook, except retirement.

Section 6. Temporary Employee

The term “temporary employee,” as used in this Employee Handbook, shall mean an employee who is scheduled to work twenty-four (24) weeks or less. Temporary employees shall not be eligible for benefits contained in this Employee Handbook.

Section 7. Supervisor

The term “supervisor,” as used in this Employee Handbook, shall mean any individual having authority in the interest of the Employer to hire, transfer, suspend, layoff, recall, promote,

discharge, assign, reward, or discipline other employees, or responsibly direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing. The exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Section 8. Employer

The term “Employer,” as used in this Employee Handbook, shall mean the elected officials, the department head, or his/her designated representative.

ARTICLE XI **Hours of Work**

Section 1. Work Day, Work Week, Arrival, and Dismissal Times with the exception of those employees whose hours will vary and employees covered under other contracts.

The regular work day shall consist of eight (8) hours, excluding the meal period.

The regular work week shall consist of forty (40) hours, excluding meal periods, Monday through Friday.

The regular arrival time for all employees shall be 8:00 a.m. and the regular dismissal time for all employees shall be 4:30 p.m.

Section 2. Change in Hours

The Employer may change daily and weekly work schedules to meet the Employer’s requirements. Employees shall be given one (1) week notice, both verbally and in writing, of any change in work schedules, except in cases of an emergency. Employees shall be required to work the hours scheduled by the Employer, including all hours scheduled during any emergency or emergency situation, subject to the restriction on maximum hours as contained within this Article.

Section 3. Emergencies

The existence of emergencies and emergency situations shall be determined exclusively by the Employer. For purposes of this section, employees shall be compensated with a maximum of sixteen (16) hours pay per calendar year if the courthouse closes its door in the case of an emergency situation. If the emergency situation/s exceed/s sixteen (16) hours in a calendar year, and the Employer notifies employees through local media prior to 7:00 a.m. not to report for work, the day shall be considered as a day off without pay or the employee may use a sick day, vacation, personal day, or earned compensation time.

Section 4. Paydays

Employees shall be paid every Friday one (1) week following the last day of the pay period. Dakota County requires its employees to participate in direct deposit.

Section 5. Maximum Hours

No employee shall be required to work more than fourteen (14) consecutive hours except on Election Day and during Emergencies.

Section 6. Limitation

This Article is intended to be construed as a basis for establishing hours of work and shall not be construed as a guarantee of hours.

Section 7. Clean-Up Time

Where established by practice, job-related non-personal clean-up time shall be considered work time.

Section 8. Work Requirement

Unless an employee has been granted a paid leave as provided in this Employee Handbook, they will be required to work in order to be paid.

Section 9. Show-Up Time

If an employee reports to work, he/she will be provided with two (2) hours work/pay. An employee may elect to forfeit this benefit to terminate his/her work day.

Section 10. Call-In Time

Employees who are called to duty during their off-duty time shall be paid a minimum of two (2) hours.

Section 11. Exclusions

Except for Section 4, this Article does not apply to Chief Deputies.

ARTICLE XII

Overtime Compensation

Section 1. Definition

Work performed by all employees, except salaried employees and Law Enforcement Employees, in excess of forty (40) hours in any week shall be compensated at the rate of one and one-half (1½) times the regular hourly rate of pay for the number of overtime hours worked. Salaried employees who are not exempt from the Federal Fair Labor Standards Act shall be compensated by using a manner consistent with the Federal Fair Labor Standards Act.

Section 2. Holidays

Holidays and Personal Days shall be counted as days worked in computing overtime. All other days on which an employee does not work shall not be counted as days worked in computing overtime.

Section 3. Approval of Overtime

Employees must obtain approval from their Supervisor prior to working overtime. Where overtime is allowed, it shall be distributed equitably among employees in the same job classification with the understanding that nothing herein shall prohibit the Employer from assigning overtime on a given job to any employee already assigned to that job.

Overtime assignments shall be reviewed on a quarterly basis to determine whether their distribution has been equitable. If the distribution of overtime has not been equitable, overtime assignments in the succeeding quarter(s) shall be allocated in such a manner as to equalize the distribution of overtime within a job classification.

Section 4. Exclusions

This Article does not apply to Chief Deputies.

ARTICLE XIII

Wages

Section 1. Coverage

The pay classification for certain employees covered by this Employee Handbook shall be as set forth in Section 2 of this Article. Exclusions include road employees, employees whose salaries are set by other boards, Extension and Health Boards, and one-of-a-kind positions, such as County Road Superintendent, Noxious Weed Superintendent, Jail Supervisor/Matron, and the Building & Grounds Superintendent.

All Employees (including the employees excluded in paragraph one of this Section) shall be paid only for hours actually worked unless otherwise provided herein.

Section 2. Pay Classification

All employees shall be placed in and paid in accordance with one of the following job classes:

<u>CLASS</u>	<u>POSITIONS</u>
I	Filing Clerks-Receptionists-Cooks
II	General Office Clerks-Custodians-Cook II
III	Jailers and Administrative Clerks
IV	Legal Secretaries-Abstractors
V	Chief Deputies-Supervisors-Veterans Service Officer-Administrative Assistant to the Board (except Chief Deputy Sheriff)
VI	Sheriff's Road Deputies
VII	Sheriff's Chief Deputy
VIIIa	Deputy Public Defender
VIIIb	Deputy County Attorney
IXa	Chief Deputy Public Defender
IXb	Chief Deputy County Attorney

The salary of each employee, except Chief Deputies, shall be fixed by the elected official; the salary of each Chief Deputy shall be fixed by the County Board of Commissioners; and the above pay classification shall have a maximum rate as established by the Board of Commissioners. No employee shall receive maximum pay until he/she has at least three (3) years of continuous employment with the County since his/her most recent date of hire. This provision does not obligate an elected official, or the County Board, to pay an employee the maximum after three (3) years of continuous employment. In the event an employee is promoted from one class to another class, he/she shall not be entitled to receive the maximum rate for said class until he/she has one (1) year service within said class.

ARTICLE XIV

Work Breaks and Meal Periods

Section 1. Work Breaks

Employees shall be granted a fifteen (15) minute rest period with pay at the approximate middle of each one-half ($\frac{1}{2}$) shift at a time designated by the employee's supervisor.

Employees shall be granted a fifteen (15) minute rest period ten and one-half ($10\frac{1}{2}$) hours (including the one-half ($\frac{1}{2}$) hour meal period) after they have reported for duty. Said break shall be with pay and shall be taken at a time designated by the employee's supervisor.

Section 2. Meal Period

Employees shall be granted a one-half ($\frac{1}{2}$) hour meal period without pay scheduled at the approximate middle of the shift.

Section 3. Exclusions

This Article does not apply to Chief Deputies.

BENEFITS

Each employee receives information about the County's benefits from the Office of County Clerk in their new-hire packet. The packet contains information on the County's Health, Dental, and Life Policies, Retirement Policy, Long Term Disability, and optional benefits available such as a Flex Plan, Dependent Care, Vision Plan, additional health and life/disability, and a 457 Deferred Compensation Program. The County also makes available an Employee Assistance Program and Core Wellness program through Mercy Business Health. The County pays one-half the cost of the adult membership fee at the Norm Waitt Sr. YMCA.

ARTICLE XV

Sick Leave

Section 1. Purpose

The purpose of sick leave is to provide a benefit to those eligible County employees who are unable to attend work due to illness or injury.

Section 2. Allowance

Employees shall be allowed ten (10) days of sick leave annually. Sick leave shall not be used in increments of less than one (1) hour. For purposes of determining accrual for this section, employees will accrue five (5) days every six (6) months from an employee's anniversary date subject to qualifications as mentioned in paragraph 3, Section 2 of this Article. Regular part-time employees shall receive sick leave benefits in a ratio proportionate to their regular part-time service.

Employees shall have the right to accumulate unused sick leave up to a maximum of sixty (60) working days.

Sick leave shall not accumulate during periods when an employee is absent due to an extended leave of absence of thirty (30) calendar days or more. **NOTE for Payroll: Leave employee's anniversary date, but prorate the earned sick leave by days unpaid for the next date sick leave is earned.**

Section 3. Permissible Uses

Sick leave shall be used for personal illnesses and injury, including on-the-job injury or disability, subject to the provisions set out hereinafter. Sick leave will not be allowed if an employee is injured while gainfully employed by a different Employer, or while engaged in any form of self-employment.

An employee may use a maximum of one-half (½) of one (1) day of sick leave for attending routine doctor or dentist appointments.

Three (3) sick days per year may be used for care of the employee's children, spouse, or parents.

Sick leave shall not be used as vacation leave; however, upon written request, vacation pay may be used to continue compensation during illness when all sick leave has been exhausted.

Section 4. Physician's Statement

The Employer reserves the right to require a physician's statement for any absence due to sickness. If the Employer suspects that sick leave is being abused, the Employer may in its discretion, require the employee suspected to provide a physician's statement for all subsequent sick leave days regardless of number provided the Employer first notifies the employee that he/she is suspected of abusing sick leave.

Section 5. Notice to Employer

To be eligible for sick leave payment, an employee shall notify the Employer as soon as possible, but in any event, one (1) hour prior to the starting time of the employee's workday.

Section 6. Leaves for On-the-Job Injuries

The Employer will grant an employee a leave of absence for absence required as a result of on-the-job injury covered by Worker's Compensation Insurance. During such leave, the employee's sick time can be used for days that the employee is unable to work due to a work-related injury. However, when the length of days that the employee is unable to work results in Worker's Compensation pay, no prorated sick pay can be used.

ARTICLE XVI

Vacation Leave

Section 1. Vacation Benefits

Subject to and in accordance with the provisions of this Article, paid vacations shall be granted to employees after continuous service pursuant to the following schedules:

- (a) An employee in the continuous active service of the Employer for one (1) year or more as of the anniversary of his/her most recent date of hire shall be given five (5) days (40 hours) vacation with pay at his/her regular hourly rate.
- (b) An employee in the continuous active service of the Employer for two (2) years or more as of the anniversary of his/her most recent date of hire shall be given ten (10) days (80 hours) vacation with pay at his/her regular hourly rate.
- (c) An employee in the continuous active service of the Employer for six (6) years or more as of the anniversary of his/her most recent date of hire shall be given eleven (11) days (88 hours) vacation with pay at his/her regular hourly rate.

- (d) An employee in the continuous active service of the Employer for seven (7) years or more as of the anniversary of his/her most recent date of hire shall be given twelve (12) days (96 hours) vacation with pay at his/her regular hourly rate.
- (e) An employee in the continuous active service of the Employer for eight (8) years or more as of the anniversary of his/her most recent date of hire shall be given thirteen (13) days (104 hours) vacation with pay at his/her regular hourly rate.
- (f) An employee in the continuous active service of the Employer for nine (9) years or more as of the anniversary of his/her most recent date of hire shall be given fourteen (14) days (112 hours) vacation with pay at his/her regular hourly rate.
- (g) An employee in the continuous active service of the Employer for ten (10) years or more as of the anniversary of his/her most recent date of hire shall be given fifteen (15) days (120 hours) vacation with pay at his/her regular hourly rate.
- (h) An employee in the continuous active service of the Employer for eleven (11) years or more as of the anniversary of his/her most recent date of hire shall be given sixteen (16) days (128 hours) vacation with pay at his/her regular hourly rate.
- (i) An employee in the continuous active service of the Employer for twelve (12) years or more as of the anniversary of his/her most recent date of hire shall be given seventeen (17) days (136 hours) vacation with pay at his/her regular hourly rate.
- (j) An employee in the continuous active service of the Employer for thirteen (13) years or more as of the anniversary of his/her most recent date of hire shall be given eighteen (18) days (144 hours) vacation with pay at his/her regular hourly rate.
- (k) An employee in the continuous active service of the Employer for fourteen (14) years or more as of the anniversary of his/her most recent date of hire shall be given nineteen (19) days (152 hours) vacation with pay at his/her regular hourly rate.
- (l) An employee in continuous active service of the Employer for fifteen (15) years or more as of the anniversary of his/her most recent date of hire shall be given twenty (20) days (160 hours) vacation with pay at his/her regular hourly rate.

For purposes of determining years of continuous service, the following absences that are in excess of six (6) months shall be deducted: layoff or an extended leave of absence.

Regular part-time employees shall receive vacation leave in a ratio proportionate to their part-time service.

Section 2. Limitations

The purpose of a vacation is to enable the employee to enjoy periodic rest from his/her regular job so that he/she may return to his/her work refreshed. The vacation year will be the individual employee's anniversary date to anniversary date. Accordingly:

- (a) All vacations earned should be taken by the employee prior to the employee's next anniversary date except an employee may carry over one (1) week (five (5) working days) into the following year.
- (b) If an employee reaches their anniversary date with more than five (5) days of accrued vacation leave, the employee shall be paid for the day(s) over the five (5) days mentioned in part (a) at his/her regular rate of pay.
- (c) No vacation shall be earned prior to an employee's anniversary date.
- (d) All employees whose services are terminated, either on their own or by the Employer, shall receive any vacation earned and not previously taken. At the Employer's discretion, an employee may be paid vacation pay on a pro rated basis from his/her last anniversary date to his/her separation date from the Employer. No employee who was terminated for cause shall receive this pro rated vacation pay nor shall any employee during his/her first year of service.

Section 3. Selection

No later than March 1 of each year, each department head shall post a vacation schedule of open periods for vacations along with a notice concerning the maximum number of fifteen (15) calendar days within which to designate their choice.

In the case of a conflict between designated choices within a department, the employee with the earlier date of hire shall have preference. At the end of said fifteen (15) day period, each department head shall designate on the posted schedule those vacation period selections which have been approved.

All remaining employees entitled to a vacation shall be granted their vacation at the time that they select as long as such selection does not (1) conflict with another employee's previously designated vacation period, (2) exceed the maximum number of employees who may be on vacation at any given time, or (3) conflict with the Employer's operation.

During the first year of their employment, employees shall earn but shall not be permitted to take vacation, subject, however, to the following: any employee serving a probationary period by virtue of a promotion shall be entitled to take a vacation in accordance with the provisions of this Section.

ARTICLE XVII

Funeral Leave

Section 1. Leave

A leave with pay of not more than four (4) consecutive workdays per occurrence shall be granted in the event of a death in an employee's immediate family. For purposes of this section, "immediate family" means only the following: spouse, child, step-child, mother, father, step-parent, sister, brother, mother-in-law, father-in-law, and grandchild.

A leave with pay of not more than two (2) consecutive workdays per occurrence shall be granted in the event of the death of an employee's grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Employees shall be granted one (1) work day with pay for bereavement which is not covered by paragraph 1 and 2 of this section, and these days shall be charged to their personal sick leave.

At the elected official's discretion, employees may be granted additional days of bereavement leave in excess of the days granted in paragraphs 1, 2, and 3 of this section or may be granted bereavement leave for individuals not listed in paragraphs 1 and/or 2 of this section. Additional bereavement leave under this paragraph shall be charged to sick leave, vacation leave, or shall be granted on an unpaid basis.

Section 2. Approval

Funeral leave must be approved by the department head or his/her designated representative and must include the date of the funeral.

ARTICLE XVIII

Jury Duty and Court Appearance

Any employee who is subpoenaed for jury duty during working hours by any person or party, or who is subpoenaed by any person or party to appear in any Court or Administrative proceedings to which he/she is not a party, shall be provided leave with pay for such duty or appearance. However, employees who are subpoenaed to appear in their capacity as employees of the County shall be provided leave with pay for such appearance, regardless of whether or not they are named as parties.

If the employee chooses to be paid for time served on jury duty or court appearances, any jury or other pay received shall be forfeited to the County.

ARTICLE XIX

Military Leave

The County will comply with all applicable state and federal laws regarding Military Leave. Employees with further questions may contact the Nebraska Intergovernmental Risk Management Association (NIRMA) office at (800) 642-6671.

ARTICLE XX

Extended Leaves of Absence

Section 1. Duration

In the Employer's discretion, an employee may be granted an extended leave of absence without pay not to exceed the normal introductory period set out herein in Article VI.

Section 2. Application

Application for such a leave of absence must be made in writing to the Employer not less than thirty (30) days, whenever possible, before the beginning date of the leave, setting forth in writing the length of leave desired and the reasons therefore.

Application for leave may also be made under the Family Medical Leave Policy set out in Article XXI.

Section 3. Benefits During Leave

No vacation time, sick leave, seniority, or other benefits contained in this Employee Handbook shall accrue during the time an employee is on a leave of absence without pay.

ARTICLE XXI

Family and Medical Leave Policy

Section 1. Purpose

The purpose of this policy is to define Dakota County's policy and procedure with regard to family and medical leave in accordance with the provisions of the Federal Family and Medical Leave Act (FMLA) of 1993, and as amended thereafter, and the federal regulations pertaining thereto.

Section 2. Eligibility

Employees who have been employed for at least one (1) year, *and* for at least 1,250 hours during the preceding 12-month period, *and* who work in an office or work site which employs 50 or more employees, or there are 50 or more employees within 75 miles of the office or worksite, are eligible for family and medical leave.

Section 3. General Leave Provisions

Family or medical leave will be unpaid leave. (See 29 C.F.R. 825.207). If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below in Section 4, an employee must use all of his accrued paid vacation or

personal leave. The remainder of the leave period will then consist of unpaid leave. Any employee who incurs a work-related illness or injury, provided it meets the definition of “serious health condition” as described in section 4, and is absent from work as a result will have this time counted against their FMLA leave entitlement.

In those cases in which a husband and wife are both employed by Dakota County in the same department and both are eligible for family and medical leave, they will be permitted to take only a combined total of 12 weeks of leave during any 12-month period if the leave is taken: (1) for the birth of a son or daughter or the care for the child after birth; (2) for the placement of a son or daughter with the employees for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent “in law”--See 29 C.F.R 825.202) with a serious health condition. If one spouse is ineligible for family and medical leave, the other spouse would be entitled to a full 12 weeks of family and medical leave. If the husband and wife both use a portion of the total 12-week family and medical leave entitlement for one of the purposes enumerated above, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for family and medical leave for a purpose other than those enumerated above. For example, if each spouse took 6 weeks of leave for the birth of a child, each could later use an additional 6 weeks due to a personal illness or to care for a sick child. (See 29 C.F.R. 825.202).

Amount of Leave

All employees who meet the applicable time of service and other requirements set forth in sections 2 and 3 are entitled to a maximum of 12 weeks of unpaid FMLA leave and applicable paid sick, vacation, and personal leave combined during a 12-month period measured forward from the date of your first FMLA leave usage. If the leave is to care for a covered service member, an eligible employee is entitled to a maximum of 26 weeks of unpaid leave for such purpose during a single 12-month period. During that single 12-month period, FMLA leave taken for other reasons is also counted, and an employee may not exceed the 26-week maximum for all FMLA leave taken regardless of the reason.

Use of Leave

An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Section 4. Reasons for Leave

The 12 weeks of family and medical leave may be granted for the following reasons:

1. For incapacity due to the employee’s pregnancy, prenatal medical care, or childbirth;
2. To care for the employee’s child after birth, or placement for adoption or foster care;
3. To care for the employee’s spouse, child, or parent, who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform the employee’s job;
5. For military exigency leave to address certain qualifying exigencies related to a military member (if the employee is the spouse, parent, son or daughter of

said military member) who is on covered active duty or called to covered active duty status in a foreign country (and if the family member is in the National Guard, Reserves or Regular Armed Forces;

6. For military caregiver leave to care for a covered service member (if the employee is the spouse, parent, son, daughter or next of kin of said service member). A covered service member is: (a) 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; or (b) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

NOTE: Spouse does not include unmarried domestic partners. Child may include step-children, foster children, or certain other children having more than a short-term residence in the employee's home such as legal wards of the employee. Care for mother-in-law or father-in-law is not included. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.

NOTE: "Serious health conditions" are defined as illness, injury, impairment, or physical or mental conditions that involve; (1) inpatient care, (2) absence for work, school or other regular daily activities for more than three consecutive calendar days and continuing treatment by a health care provider, or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, or prenatal care. Examples of serious health conditions include but are not limited to the following: heart attack, heart by-pass or valve operations and other condition requiring surgery; most cancers; back conditions requiring extensive therapy or surgery; strokes; severe nervous disorders; severe respiratory conditions; spinal conditions; appendicitis; pneumonia; emphysema; Alzheimer's; severe arthritis; need for prenatal care; severe morning sickness; childbirth; and recovery from childbirth, physical, eye, or dental examinations; and injuries caused by serious accidents. This does not include voluntary or cosmetic treatments; short-term illnesses; flu; the common cold; ear aches; upset stomach; and head aches other than migraine; and other such illnesses.

"Qualifying Exigency" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Section 5. Notice of Leave

If the need for leave is foreseeable, an employee must provide 30 days advance notice if practicable. If not practicable to give at least 30 days advance notice of the need for foreseeable leave, then the employee must give as much notice as reasonably possible. This normally means providing notice on the same day as or next business day after the employee learns of the need

for leave. Notice of the need for foreseeable leave is to be given to the Administrative Assistant to the County Board of Commissioners.

If need for leave is unforeseeable, an employee must provide as much notice as practicable. This means the employee must comply with the County's call-in procedures. In addition, the employee must notify the Board Administrative Assistant.

Section 6. Application for Leave

All employees requesting leave under this policy must complete the "Request for Leave of Absence" available from the County and return it to his/her supervisor. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

County Notices and Other Responsibilities

If an employee requests FMLA leave, the County will notify the employee whether he/she is eligible for such leave the first time during the County's FMLA leave year that the employee requests leave for that particular reason or that specific medical condition. If the employee is eligible, the notice will specify any additional information required (such as a certification of a health care provider) as well as the employee's rights and responsibilities. If the employee is not eligible, the notice will provide a reason for the ineligibility.

Once the County has received a complete and sufficient certification (if one is required), the employee will receive a designation notice. The notice will either designate the leave as FMLA-protected leave and the amount of leave counted against the employee's FMLA leave entitlement (if it can be calculated), or will advise the employee that the leave is not FMLA-protected.

Section 7. Medical Certification of Leave

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Certification of Health Care Provider for Employee's or Family Member's Serious Health Condition" as provided by the County to be completed by the applicable health care provider. The certification must state the date on which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.

If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed to provide such care. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

The County may require a second opinion at a health care provider selected and paid for by the County. If the second opinion differs from the original certification, the County may require a third opinion from a medical provider selected jointly by the County and the employee, again at the County's expense. The results of the third opinion are final.

Section 8. Benefits Coverage During Leave

During a period of family or medical leave, an employee will be retained on Dakota County's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave as arranged. Failure of the employee to timely pay his or her share of the health insurance premium may result in a loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Dakota County for payment of health insurance premiums made by the County during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or due to circumstances beyond the employee's control. (See 29 C.F.R. 825.208.).

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of the leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began. (See 29 C.F.R. 825.215). However, an employee's seniority will be lost relative to other employees as their seniority accrues.

Section 9. Restoration to Employment

An employee eligible for family and medical leave, except for an employee designated as a "highly compensated employee," will be restored to his or her old position or to a position with equivalent pay, benefits and other terms and conditions of employment. Employees who may be exempted will be informed of this status when they request leave. Dakota County cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by Dakota County. (See 29 C.F.R. 825.214 and 825.215).

Section 10. Return from Leave

If an employee was on leave for his/her own serious health condition, he/she must provide a fitness-for-duty certification upon return to work. Upon return from FMLA leave, an employee will normally be restored to his/her original or an equivalent position with equivalent pay, benefits and other employment terms.

If the circumstances of your leave change, and you are able to return to work earlier than the expiration of a family or medical leave of absence, you will be required to notify your supervisor at least two (2) workdays prior to the date you intend to report for work.

Section 11. Failure to Return from Leave

The failure of an employee to return to work upon the expiration of a family or medical leave of absences will be considered a resignation unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the

employee’s immediate supervisor setting forth the reason(s) for the extension, along with a current “Certification from Health Care Provider” prepared pursuant to section 7. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. Under no circumstance will an extension beyond the 12-week period be authorized pursuant to the Family and Medical Leave Act and Dakota County’s policy as outlined herein be granted.

ARTICLE XXII

Holidays

Section 1. Holidays Recognized

The following days may be recognized as paid holidays and observed on the dates established by the Employer:

New Year’s Day	Labor Day
Martin Luther King Day	Veteran’s Day
Presidents’ Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Three (3) Personal Days	1 Personal Day during your birthday month

Employees shall be dismissed with pay at 12:00 p.m. (noon) on December 24 when said day falls on Monday through Thursday.

Holidays observed are established by the County Board each year. The holidays listed above are subject to change each year at the re-organizational meeting and are listed only as a guideline.

Section 2. Observance of Holidays

The Employer shall designate the day on which the holiday is to be observed, except that if an aforementioned holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If an aforementioned holiday falls on a Sunday, the following Monday will be observed as the holiday. Law Enforcement Employees whose hours vary shall observe the holiday on the day on which it actually occurs (for example, Christmas will be observed on December 25).

Section 3. Eligibility for Holiday Pay

In order to be eligible for receiving holiday pay, an employee must work on the last scheduled work day before the holiday and on the first scheduled work day after the holiday unless you are using a pre-approved vacation or personal day. No employee who has been laid off, who was discharged, or who is under suspension will be eligible for holiday pay.

Section 4. Pay for Holidays

Regular full-time employees eligible for holiday pay shall receive as holiday pay their normal rate of pay at straight time for their regularly scheduled shift for any one (1) holiday. Regular part-time employees eligible for holiday pay shall receive as holiday pay their normal rate of pay at straight time prorated based upon their average daily hours of work.

Section 5. Holidays During Vacations

If an observed holiday falls during an employee's vacation period, such observed holiday shall not be charged against the employee's vacation leave.

Section 6. Premium Pay

Employees required to work on the day on which any holiday listed in Section 1 is observed, as provided in Section 2, shall receive compensation at the rate of one and one-half (1½) times their normal hourly rate of pay for the actual number of hours worked and shall receive holiday pay as set out in Section 4 hereof in addition to such premium pay. This section does not apply to Chief Deputies, except Chief Deputy Sheriff when working as a road deputy due to an emergency.

ARTICLE XXIII

Travel Expense Policy

Section 1. Meals

A. **Overnight Travel** – only actual amounts paid for meals may be claimed. No reimbursement may be made for alcoholic beverages or tips. Requests for reimbursement must be made on a County Claim Form and must be accompanied by receipts for each meal.

1. **Breakfast** – when an employee leaves for overnight travel at or before 6:30 a.m., breakfast may be reimbursed.
2. **Lunch** – when an employee leaves for overnight travel at or before 11:00 a.m., or returns from overnight travel at or after 2:00 p.m., the noon meal may be reimbursed.
3. **Dinner** – when an employee returns from overnight travel at or after 7:00 p.m., the evening meal may be reimbursed.

NOTE: The time limitations set forth in this policy do not include the time taken for the meal.

LIMITS: The following limit is to be imposed: \$49.00 per day per person for meal expense.

NOTE: Inmate transportation meals are a taxable wage fringe benefit.

Travel time: all compensable travel time is included in hours worked for purposes of determining any overtime pay due. If traveling in a passenger car (car pool), an employee will only get paid for a normal work day.

EMPLOYEE CONDUCT

ARTICLE XXV

Use of County Equipment and Services

The County provides email, voicemail, Internet access, telephone service, and computer equipment for use in conducting County business. All such equipment and systems are County property and should be used primarily for business purposes. They may be used for appropriate personal reasons on an occasional basis only during non-working time, unless otherwise permitted under this policy. Because such property and systems are County property, the County has the right to and will monitor the use of such property from time to time. Therefore, no employee should have any expectation of privacy in his/her use of such property or any files, data, or information transmitted with, placed or stored on, or otherwise communicated using such equipment and systems.

The following will clarify the types of equipment and services contemplated by this policy.

Computers: All data entered on the County's computers is considered the County's property. No employee should knowingly enter false or misleading information in the County's computer system or destroy any data that the County needs to conduct its business. Please realize that, for various reasons, the County will access your equipment. As a result, your computer should not be used for personal business, even during non-working time, if you do not want the County to have access to personal information. Also, unauthorized access to a computer or computer system, or knowingly destroying a computer, computer system, computer software, or computer program, is specifically prohibited. Violators will be prosecuted to the fullest extent allowed by civil or criminal law.

Electronic Mail and Voicemail: Electronic mail and voicemail are to be used primarily for business purposes only. It can be used for appropriate personal reasons only during non-working time. Like your computer, the County will access your email and voicemail when it deems such access necessary. Also, in use of email or voicemail for business purposes, you should be aware that such messages are not entirely confidential. They can be forwarded to others without the original sender's knowledge. Email can be viewed by others who may improperly use a password to breach the security of the system. In addition, disclosure of email messages may be required in lawsuits against the County. As a rule of thumb, nothing should be sent by email if you would not put the information in a formal memo or would not like the information to become public knowledge. Do not use derogatory, offensive, or insulting language in any email or voicemail message. Finally, employees are not to access or view email that is not addressed to them or access or listen to voicemail other than their own. Employees violating this policy will be subject to immediate termination.

Use of the Internet: Use of the Internet is to be limited to business use, except employees may access the Internet for appropriate personal reasons during non-working time. However, pornographic or other offensive sites cannot be viewed at any time. In addition, the County prohibits the downloading or installation of any application software from the Internet onto

County computers at any time. This software could contain embedded viruses or be incompatible with our computer operations. Please realize that the County will monitor Internet use.

Telephones: Employees may use the County telephones for appropriate personal reasons during non-working time, or so long as it is not excessive, on an “as needed” basis during work time.

ARTICLE XXVI

Cellular Phones

Cellular phones have become a common convenience to many employees. However, such convenience should not interrupt your work for the County. Therefore, except in emergency situations, employees are encouraged not to use their cell phones during working time. You, of course, may use your cell phone during breaks and lunch periods.

In addition, use of a cell phone while driving is dangerous and specifically prohibited while on working time. You are also prohibited from using a cell phone at any time while driving a County vehicle. If you must use a cell phone for an emergency purpose while driving, you should normally pull to the side of the road and stop before using the cell phone.

ARTICLE XXVII

Safety Policy

Safety is important to the County and to all employees. It is the County’s intent to provide a safe workplace for an employee’s protection. All employees are expected to participate in safety programs and meetings, promote safety awareness, submit safety suggestions, wear protective equipment as provided, and follow safety rules. Safe work practices protect employees, their families, fellow employees, and the County.

ARTICLE XXVIII

Workplace Violence Prevention

The County takes the safety of its employees very seriously. As a result, the County will not tolerate any form of violence in the workplace. The County considers violence to include such things as physically harming, shoving, pushing, harassing, intimidating, or coercing another person. In addition, threatening, talking, or joking about violence is considered violence as well.

In an effort to provide a safe workplace and prevent violence, the County specifically prohibits employees who are not in law enforcement from possessing or carrying any weapons, including weapons transported in employee vehicles, while on the County’s property or while performing work as a County employee. For purposes of this policy, weapons include guns, knives, explosives, and other potential weapons.

In addition, access to all County property and work sites is limited to only those persons with a legitimate business interest.

As you can see, the County will do what it can to prevent violence in the workplace. However, you, as an employee, have a role in preventing violence as well. If you believe a co-worker may become violent or you see a violation of this policy, you must immediately report this to your supervisor or other management official with whom you feel comfortable.

ARTICLE XXIX

COUNTY-OWNED VEHICLES

Section 1. Motor Pool Vehicles

County motor pool vehicles shall not be used for personal transportation or use.

Section 2. Fringe Benefit

Each personal commute with a county-owned vehicle will be valued at \$1.50 each way (\$3.00 per round trip) and is taxable to the employee as wages.

GENERAL PERSONNEL POLICIES

ARTICLE XXX

Smoking Policy

Section 1. Smoking Policy

PURPOSE: To establish policy and procedures for compliance with the Nebraska Clean Air Act.

1. Effective May 1, 1995, all County buildings are designated as “Smoke Free Facilities.”
 - (a) On the exterior doors of such buildings will be a sign indicating that smoking or carrying a lighted tobacco product inside the building is prohibited.
2. Effective September 1, 2009, the smoke-free area was amended to include all courthouse grounds.
 - (a) Signs will be posted.

Specific areas in which smoking or carrying a lighted tobacco product (including e-cigarettes) is prohibited include, but are not limited to:

- Highway Department Office and Repair Shops
- Vaults of County Offices
- Storerooms or Utility Rooms
- Courthouse Interior Stairwells and Hallways
- Any Attic in County Owned or Leased Property
- Sheriff Offices and Related Indoor Areas
- Jail Cells and All Related Indoor Areas
- Open and Enclosed Courthouse Offices
- Restrooms
- Boiler Rooms
- Courtrooms and Related Areas
- All County Grounds
- All County-Owned Vehicles and Equipment

Section 2. Violation of Smoking Policy

- First-time offenders shall be given a verbal warning.
- Second-time offenders shall be given a written warning to be placed in his/her personnel file.
- Third-time offenders shall be handled in accordance with the Nebraska Clean Air Act per Neb. Rev. Stat. Sec. 71-5733.

ARTICLE XXXI

Drug Policy

Drug-Free Workplace

Dakota County intends to provide a drug-free environment for all its employees. Alcohol and drug addiction are illnesses, which, under many circumstances, can be successfully treated. The County encourages any employees with an alcohol or drug dependence problem to voluntarily enter a rehabilitation program.

It is not the County's intent to intrude into the private lives of employees. However, the effect of drug and alcohol abuse on safety, work quality, increased medical expenses, and lost productivity require a drug-free workplace policy.

Employees who unlawfully use, attempt to possess or use, manufacture, distribute, dispense, or participate in the transfer, sale, offering, or possession of unauthorized alcohol, illegal drugs, prescription drugs, or other controlled substances¹ while on the job or on County premises (including County parking lots), will be subject to severe disciplinary action, which may include discharge.

Employees who report for work or are at work under the influence of alcohol, illegal drugs, or any controlled substance will be subject to severe disciplinary action up to and including termination.

Employees who are under a physician's care and taking medication that may affect their ability to work safely are responsible for informing the supervisor of their condition before beginning work.

Employees who are off duty and have been drinking or under the influence of drugs are obligated to refuse any emergency calls.

When there is reasonable cause to suspect possession, influence, or use of alcohol or drugs on the job, employees may be required to submit to an alcohol or drug test. Refusal to submit to a search or test will be considered to be insubordination subject to discipline up to and including termination.

As required by federal law, it is a condition of continued employment that:

- Any employee who is convicted of any criminal drug statute violation for conduct in the workplace is required to notify the County Attorney of this fact no later than five (5) calendar days after such conviction. (A "conviction" means a finding of guilt, including a plea of "nolo contendere" – of the imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state drug statutes.) The employee will be subject to severe disciplinary action, which may include discharge.
- Each employee abide by the terms of this statement.

Federal law requires that Dakota County notify the federal government of any convictions in violation of the County's policy.

¹ The term "controlled substances," as used in this policy, means a drug or other substance, as defined in applicable federal law on drug abuse prevention.

ARTICLE XXXII

Political Activity

Employees are prohibited from using their official authority or influence to further the cause of any political party or candidate for nomination or election to public office. In addition, employees are prohibited from using their job to distribute or receive political favors.

Employees wishing to take part in political activities (other than voting) during normal scheduled work hours must use vacation or leave without pay to cover this period of absence.

All employees have the right of protection from political coercion of any type from any person. Employees may not be interrupted by political activities while working. In addition, no employee is allowed to engage in any political activity while wearing a County uniform.

All employees have the right to vote as they choose and to express their opinions in an appropriately respectful and non-disruptive manner on political subjects and candidates.

ARTICLE XXXIII

Nepotism

Nepotism is not allowed in Dakota County. Hiring of immediate family shall include spouse, child, step-child, mother, father, stepparent, sister, brother, mother-in-law, father-in-law, grandchild, grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

VERIFICATION PROVISION

I have received the County Employee Handbook. I understand that the Handbook does not constitute a contract between the County and me, but is a means of providing general information for my benefit. I understand that the County may, in its discretion, change, suspend, or cancel all or any part of this Handbook at any time.

Employee's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

***** PLEASE DETACH, SIGN, AND RETURN THIS FORM TO THE OFFICE OF JOAN SPENCER, ADMINISTRATIVE ASSISTANT TO THE BOARD, LOCATED IN THE LOWER LEVEL OF THE COURTHOUSE OR MAIL TO P.O. BOX 338, DAKOTA CITY, NE 68731.**

Employee Handbook revised April 25, 2016