

EMPLOYEE HANDBOOK

DAKOTA COUNTY

Revised: _____, 2021

JOINT RESOLUTION AND AGREEMENT

Resolution 21C-017

WHEREAS, County employees are directly responsible to an elected official or the County Board;

WHEREAS, elected officials, in working with their employees, may develop different employment practices and policies than used by other offices; and

WHEREAS, different practices and policies can result in disharmony among the body of County employees;

THEREFORE, the undersigned elected officials of Dakota County adopt a joint employee handbook (which is not a civil service system) that provides employment practices and policies common to all offices and departments of the undersigned.

Signed this _____ day of _____, 20_____.

COUNTY BOARD:

COUNTY ELECTED OFFICIALS:

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INTRODUCTION

Intent and Purpose

The Dakota County Board (“Board”) recognizes and declares the necessity of providing the most efficient and highest quality services for the citizens of Dakota County while, at the same time, providing a work environment that is both competitive within the community and equitable for its employees.

This handbook is designed to acquaint you with the County and provide you with information about working conditions, benefits, and some of the policies affecting your relationship with the County. It describes many of your responsibilities and outlines the programs developed by the County to benefit its employees. Employees should familiarize themselves with the contents of this handbook, as it will answer many common questions about your employment with the County.

It is also important to understand that the Dakota County Employee Handbook does not constitute a contract between the Board and the County employees. The Board retains the right to modify or abolish these policies, procedures, and benefits and reserves the right to adopt new policies, procedures, and benefits. The policies, procedures, practices, and benefits described in this employee handbook supersede all those written and unwritten at an earlier time. In other words, this handbook and its contents replace any earlier written and unwritten versions of our policies, including any prior handbooks.

Nothing contained in this handbook or in any other statement of County philosophy, including statements made in the course of performance evaluations and wage reviews, should be taken as constituting an express or implied promise of continuing employment. The County, like the employee, is free to terminate the employment relationship at any time for any lawful reason, as we are an “at-will” employer. Also please understand that no one has the authority to alter this employment-at-will status through an oral employment contract on behalf of the County, and only the County Board can enter into a written employment contract that changes the employment relationship from employment at will.

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.

PLEASE READ THE HANDBOOK CAREFULLY AND KEEP IT FOR FUTURE REFERENCE.

State Statutes, Collective Bargaining Agreements, and Individual Employee Contracts

If the provisions of this handbook are in conflict with applicable Nebraska statutes, collective bargaining agreements, and/or any individual employee contracts, the applicable statutes, collective bargaining agreements, and/or individual employee contracts shall take precedence over the provisions of this employee handbook.

Code of Ethics for County Employees

1. Employees shall not hold financial interests that conflict with the performance of their official duties.
2. Employees shall not engage in financial transactions using non-public governmental information nor allow the improper use of such information to further any private interest.
3. Employees shall not, except as may be otherwise provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employees' agency or department, or whose interests may be substantially affected by the performance or non-performance of the employees' duties.
4. Employees shall not use public office for private gain.
5. Employees shall act impartially and not give preferential treatment to any organization or individual.
6. Employees shall protect and preserve County property and shall not use it for unauthorized activities.
7. Employees are expected to disclose waste, fraud, and corruption to appropriate authorities.
8. Employees shall adhere to all laws and regulations including those that mandate equal opportunity and treatment, regardless of race, color, religion, sex/gender, national origin, age, disability, marital status, pregnancy, military status, gender identity, sexual orientation, or any other prohibited basis of discrimination under applicable local, state, or federal law.

EMPLOYMENT POLICIES

Equal Employment Opportunity

Dakota County continues its firm commitment to the principle of equal employment opportunity. We provide equal employment opportunity to all employees and applicants for employment without regard to race, color, age, sex/gender, national origin, religion, disability, genetic information (as defined in the Genetic Information Nondiscrimination Act), marital status, pregnancy, military status, gender identity, sexual orientation, or any other prohibited basis of discrimination under applicable local, state, and federal law. We make employment decisions consistent with this principle of equal opportunity. This policy applies to all terms and conditions of employment.

Dakota County supports and practices the principles of the Americans With Disabilities Act (ADA), which prohibits employers from unlawfully discriminating against employees or job applicants with disabilities when making employment decisions. Dakota County will also make reasonable accommodation of the disabilities and bona fide religious beliefs of applicants and employees to the extent required by law, unless undue hardship to the County would result. An applicant or employee who needs an accommodation must contact Department Head and request one.

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.

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 (e.g., department head or board member) 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.

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 (Department Head) 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 lay off 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.

No-Harassment Policy and Complaint Procedure

Dakota County is committed to maintaining as enjoyable a workplace as reasonably possible with a businesslike work environment free from any form of discrimination, including unlawful harassment. Employees and non-employees are prohibited from engaging in any form of unlawful harassment in the workplace as well as any behavior that would be inconsistent with the spirit and intent of this policy. Any supervisor who knowingly permits an employee to engage in such harassment shall also be subject to appropriate discipline.

Harassment is unlawful when it:

- (1) is based on age, race, color, sex/gender, religion, national origin, disability, pregnancy, genetic information, gender identity, sexual orientation, or any other characteristics protected by law;
- (2) is unwelcome;
- (3) is severe or pervasive in nature; and
- (4) is made a condition of employment, unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

In addition, this policy prohibits retaliation against any employee because he/she files a complaint under this policy, cooperates with any internal investigation, or otherwise pursues his/her legal rights.

It is not possible to define every action or word that could be interpreted as harassment. Harassment may encompass a wide range of verbal, physical, and/or visual behaviors and may be sexual or non-sexual in nature. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute harassment under this policy, it may still be inappropriate in our workplace and subject to disciplinary action.

Examples of behaviors that might constitute sexual harassment (depending on the circumstances) and are the types of behaviors in which an employee should not engage include sexual advances, propositions, pressure for sexual favors, physical contact of a sexual nature, and sexually explicit language, gestures, pictures, jokes, or objects.

Examples of behaviors that might constitute harassment of a non-sexual nature and are of the type of behaviors in which an employee should not engage include conduct that is offensive, derogatory, or shows hostility toward an employee because of his/her race, color, religion, sex/gender, sexual orientation, national origin, ancestry, disability, age, or other characteristic protected by law, including slurs, epithets, negative labeling or stereotyping, and jokes, whether oral or written.

If any employee feels in good faith that he/she has been subjected to harassment by a co-worker, supervisor, or any non-employee, the employee is to immediately report it to any one of the following:

- (1) the employee's immediate supervisor;
- (2) the employee's department head; or
- (3) if the complaint is about a department head, or the employee is not satisfied with the handling or outcome of the complaint or feels more comfortable bypassing the other steps, the employee should take it to the Chair of the County Board.

Such complaints will be promptly addressed (and investigated if necessary) and appropriate action taken if warranted. Confidentiality will be maintained to the extent possible under the circumstances. If the County believes that a violation of this policy may have occurred or that the behavior in question was inappropriate for any reason, then it will take appropriate action, which may include disciplinary action, up to and including discharge. If an investigation is necessary, it 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 or retaliation:

- (1) The employee shall file a written complaint immediately with his/her Department Head of the alleged harassment. If the employee believes he/she is being harassed by the Department Head, he/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/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/her appeal with the Chair of the County Board within ten (10) days of the date of the Department Head's decision.

Disability Accommodation

The County will make reasonable accommodation for the impairments of qualified individuals with disabilities to the extent required by law, unless undue hardship to the County would result. If any applicant or employee believes in good faith that he/she needs a reasonable accommodation because of a disability, he/she must contact the Department Head and request an accommodation. Requests for accommodations are not to be made to any supervisor. If any supervisor receives what he/she believes may be a request for an accommodation, he/she should contact or refer the employee to the Department Head.

The County is committed to participating in an interactive accommodation process with the employee. An individual who requests a reasonable accommodation will normally be required to meet with the Department Head to discuss the need for accommodation and to complete a written request for accommodation, to include information regarding the nature of the disability, how it affects the employee's ability to perform all essential job duties, information regarding medical treatment of the disability or impairment, information regarding the health care provider who has provided such treatment, the employee's suggestions for reasonable accommodation, and other relevant information. The County may also contact the individual's health care provider or other third parties (such as rehabilitation counselors) to verify the existence of the disability or impairment, obtain relevant medical information and/or records, and suggestions for accommodation.

Requests for accommodation will be processed as quickly as reasonably practicable under the circumstances. Any individual who requests an accommodation is required to fully cooperate in the process, including providing relevant information and providing any required HIPPA consent in order for the County to contact and obtain information from the employee's health care provider. If the individual fails or refuses to provide any needed HIPPA consent, the County will terminate its processing of the individual's request for accommodation. If the individual is an employee, he/she will be expected to fully perform all essential functions of his/her job without accommodation and may be subject to disciplinary or performance-related actions, up to and including discharge, if he/she is unable to perform all essential functions of the job. If the individual is an applicant, his or her application for employment will be withdrawn from consideration.

While a request for accommodation is being processed, an employee may be placed on paid or unpaid leave of absence, assigned to a different job, or provided with light or modified duty, as determined by the County. An employee's base rate of pay will not normally be changed while the employee's request for accommodation is being processed.

Although it is not possible to make a comprehensive list of all possible accommodations that might be reasonable, the following are among the accommodations that might be reasonable (depending on the circumstances): modifications to the job application process, modifications to the work environment, modifications to the methods by which a job is performed, providing special equipment or devices to perform a job, reassignment to an open job for which an employee is qualified and for which the employee can perform

the essential job duties, providing a part-time or modified work schedule, modifying training methods and/or materials, providing readers or interpreters, and/or placing an employee on short-term leave of absence.

Employees should understand that not all possible accommodations are reasonable in nature. For example, the County is not required to lower its performance or behavior standards, eliminate essential job duties, bump another employee from a job, maintain an employee's compensation rate, or permit unscheduled (or erratic, unpredictable, intermittent) or excessive absenteeism or tardiness as a reasonable accommodation. In addition, working from home, obtaining regular assistance from another employee to perform essential job duties, and eliminating certain duties in a job rotation are generally not reasonable accommodations except in extraordinary circumstances. The ability of an employee to perform essential duties with the use of mitigating measures or devices (such as medication or special equipment) may be taken into account in determining whether an accommodation is needed or reasonable. For example, if an employee can control an impairment with medication or assistive devices and thereby perform essential job duties, no reasonable accommodation would normally be needed or reasonable.

The County will determine if a reasonable accommodation is available. If more than one reasonable accommodation is available, the County may take into account the employee's preference of accommodation, but the County has the right to make the final selection of the accommodation to offer to the employee. An employee has the right to refuse any accommodation that is offered by the County under this policy. However, the employee will be expected to fully perform all essential functions of the job without accommodation and may be subject to disciplinary and/or performance-related actions, up to and including discharge, if the employee is not able to perform all essential functions in a manner acceptable to the County and as expected from other employees who hold the same job.

Grievance Procedure

The County strives to ensure that all employees are treated fairly. This policy seeks to support the achievement of this goal by providing a just and equitable method for resolving grievances without discrimination, coercion, or reprisal against employees who may submit or be involved in a grievance.

A grievance is defined as any dispute concerning corrective action (suspension or discharge only) or written policy/procedure interpretation or application between an employee and the County. The grievance procedure will not be used to change but rather to clarify expressed provisions of County and/or department policies and procedures. An appeal of a corrective action (suspension or discharge only) starts at Step 3 of this procedure. If the grievance is a complaint of unlawful harassment or retaliation for reporting or supporting a claim of harassment, the employee must follow the complaint procedure in the No-Harassment Policy and Complaint Procedure instead of this grievance procedure.

The County will use a Grievance Board consisting of five (5) people. The department head and employee involved in the grievance will each select two (2) people from a predesignated list. The four (4) people selected will then select the fifth member from the list. The Grievance Board will designate a Grievance Board Chair.

The County Board shall determine by random selection the predesignated list (15) of potential Grievance Board members annually by a Resolution of the County Board at the January reorganizational meeting.

Step 1

Employees who feel the County has violated a written policy(ies) or procedure(s) may request to meet with their immediate supervisor within five (5) business (Monday – Friday) days from the date the alleged violation took place. The immediate supervisor shall review the employee's concerns and advise the employee, in writing, of his/her decision regarding the grievance, normally within five (5) business days of receipt of the grievance.

Step 2

If the employee is not satisfied with the immediate supervisor's response, the employee may appeal the grievance to the department head within five (5) business days from the date of the immediate supervisor's response. In submitting the grievance to the department head, the grievance must be in writing and contain the following information:

- Name of person filing the grievance.
- Details of the alleged grievance.
- Names of persons violating County policy.
- Dates of alleged violation.
- Names of witnesses.
- Citation of the County policy(ies)/procedure(s) that have allegedly been violated.
- Requested remedy.

The department head may meet with the employee to discuss the grievance but must respond to the grievance, in writing, normally within ten (10) business days from the date of receipt of the grievance.

Step 3

If the employee is not satisfied with the department head's response, the employee may request a review of this decision by the Grievance Board. Employees shall submit a written request to the Grievance Board, indicating their desire to appeal the decision of the department head within five (5) business days of receipt of the department head's response. This written request must include all information as indicated in Step 2 and, in addition, the written response of the department head. The Grievance Board may conduct a hearing concerning the grievance within twenty-one (21) business days from receipt of the appeal. The hearing shall be conducted under the rules adopted by the Board. The Grievance Board's decision is final.

Introductory and Trial Periods

The introductory period is used by the department head to observe the employee's ability to satisfactorily perform assigned duties and responsibilities. During the introductory period, employees are expected to demonstrate the necessary skills and abilities to perform the duties for which they have been employed. The department head, when assessing each employee's performance and suitability for continued employment, will pay particular attention to punctuality, attendance, willingness to work with others, and positive response to supervision. Successful completion of an introductory period does not guarantee continued employment with the County. Employees and the County both retain the right to end the employment relationship for any lawful reason, as we are an at-will employer.

- A. New Hire Introductory Period (Including Rehire).** All new employees must 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). Former employees of the County are eligible for rehire at the discretion of the Elected Official or Board of Commissioners. All rehires will be considered new employees. An employee shall be removed from introductory status on the day following the end of the introductory period, unless notified of extension or termination by the department head. Transfers between county offices will not be considered rehires.
- B. Introductory Period for Promotions.** All employees who are promoted must serve an introductory period of three (3) months in the new job classification before being confirmed in the new position.
- C. Transfer During Introductory Period.** The introductory period of an employee who is transferred (promotion, demotion, lateral move, or move to a lower position) within a department while serving an introductory period may be extended, at the department head's discretion.
- D. Transfer Outside of Introductory Period.** In the case of personnel actions (lateral move or move to a lower position), employees may be required to serve an introductory period. The length of the introductory period is at the department head's discretion but will not normally exceed six (6) months, beginning on the date of the transfer. If an employee cannot or does not perform satisfactorily in the position to which he/she is transferred, the employee may be involuntarily transferred to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the duties of the employee may be reassigned, the employee may be reclassified to a lower salary grade, or the employee may be terminated.

Extension of Introductory Period. A department head may extend the introductory period of an employee for reasons of performance or transfer, for a period not to exceed a total of one (1) year from the date of hire or rehire or transfer. The employee will normally be notified, in writing, of the extension.

This notification of extension will include the specific period of extension. In cases of extension for performance reasons, the employee may be provided specific performance improvement requirements.

Completion of Introductory Period. Completion of the introductory period in no way implies a contract of continued employment with the County nor does it create a property interest in employment with the County. The employee and employer relationship is for the mutual benefit of both parties and either party may sever the relationship, at will, at any time.

Holiday Pay Eligibility. A new hire in his/her introductory period shall receive holiday pay for holidays observed after three (3) full months of employment. Personal days are not subject to this waiting period and are available for use during the introductory period.

Insurance Eligibility. Health insurance is available for new hires on the first (1st) day of the month following thirty (30) days of employment. Insurance terminates the last day of the month of the employee's last day worked.

Online Course Required. All newly hired employees are required to take a NIRMA Online University sexual harassment course available at no cost at <https://www.nirma.info/>

Promotions/Job Postings

The County believes in promoting employees from within when possible. As a result, we have a job-posting program designed to give all employees an opportunity to apply for positions in which they are interested and qualified. While most vacancies will be posted on the County's bulletin boards, there may be some cases where the County will determine it is in the County's best interests to seek outside candidates for a position, and outside candidates may be recruited simultaneously with an internal posting.

All applicants for a vacancy to be filled through the promotional process must complete a County Application for Employment to be eligible for promotion.

All applicants must be filed with the appropriate department head or their designated representative on or before the closing date specified in the job announcement.

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.

Separation From Employment

We hope that your association with the County will be a long and mutually beneficial one. However, sometimes personal affairs force a change in occupation or residence.

Employees deciding to resign should submit a written resignation to their department head, stating the reason for resigning and the termination date. The County encourages all employees to submit this written notice at least fourteen (14) calendar days in advance of the final work day in order to provide the County with adequate time to fill the position. All compensation and fringe benefits accrued up to the resignation date will be paid to the employee as outlined in this handbook.

Employees may be asked to participate in an exit interview so that we can obtain suggestions for making our County a better place to work.

Reemployment

Former County employees are eligible for re-hire at the discretion of the elected official or Board of Commissioners.

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.

Also, please understand that no one has the authority to alter this employment-at-will status through an oral employment contract on behalf of the County, and only the County Board can enter into a written employment contract that changes the employment relationship from employment at will.

COMPENSATION AND WORK HOURS

Classification of Employees

For purposes of salary administration, overtime, and benefits, Dakota County classifies its employees as follows:

Introductory Employee. A new employee who has not yet completed the County's six (6) month introductory period. Introductory employees are not eligible for any County benefits (except insurance and holidays as provided below).

Regular Full-Time Employee. An employee who has completed the introductory period and is regularly scheduled to work forty (40) hours or more per week. If an employee's averaged hours drop below thirty (30) hours for twelve (12) consecutive pay periods, he/she will be reclassified as a part-time employee. Regular full-time employees are eligible for County benefits, as further explained in the County's explanation of benefits found later in this handbook.

Regular Part-Time Employee. An employee who has completed the introductory period and is scheduled to work at least thirty (30) hours per week but less than forty (40) hours per week. If a part-time employee works at least forty (40) hours per week for four (4) consecutive pay periods, they will be reclassified as a full-time employee. 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.

Part-Time Employee. An employee who is scheduled to work less than thirty (30) hours per week. Except for retirement, part-time employees shall not be eligible for benefits contained in this handbook.

Temporary Employee. An employee hired to work full-time or part-time, with the understanding that he/she will be employed for only a short period of time or until a specific project is completed. Temporary employees may, however, be terminated prior to completion of the project or designated time when the County deems termination to be in its best interests. Temporary employees are not eligible for County benefits. Only benefits required by law will be offered to temporary employees.

Supervisor. 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.

Employer. The elected officials, the department heads, or his/her designated representative.

Rate Determination and Job Description. Job classifications have been evaluated according to the type of work performed and the amount of responsibility. Job descriptions are generally provided to all County employees in order to ensure an equitable pay rate based on comparisons with jobs of similar duties and ability requirements.

Exempt or Nonexempt. In addition to the above classifications, you will be classified as either nonexempt or exempt. Nonexempt employees are typically paid on an hourly basis and receive overtime pay. Exempt employees are paid on a salaried basis and are not eligible for overtime pay. Rather, they are paid a regular weekly salary, which is generally not affected by the number of hours worked. Deductions from salary for time off work will only be made when allowed by applicable state or federal law. For example, the County will not make any deduction for absences of less than one day (except as permitted by the FMLA, if applicable). In addition, and except as otherwise permitted by law, the County will make deductions for absences of one or more full days only where (1) the employee is absent for personal reasons not related to sickness or disability; (2) the employee is absent due to sickness or disability and has no available paid time off; (3) the absence is related to a disciplinary suspension; or (4) the employee works less than a full week in his/her first or last week of employment. Any exempt employee who believes that improper salary deductions have been made should immediately contact the County Clerk. If an error is brought to our attention, we will promptly investigate and, if appropriate, take corrective action.

If you have any questions about your work classification, please ask your department head.

Work Hours

Most County employees normally work Monday through Friday from 8 a.m. to 4:30 p.m., which are the regular Courthouse hours. Employees are normally given a half-hour unpaid lunch period. At the department head's discretion, employees may be given a one-half (1/2) hour unpaid lunch period and two (2) fifteen-minute paid break periods during each work day. Due to the nature of our organization and in order to meet the needs of our citizens, it may be necessary to work at times or on days other than those listed above. Breaks not used within the 8-hour working day, shall be forfeited.

Work Day, Work Week, Arrival and Dismissal Times. With the exception of employees whose hours vary and employees covered by collective bargaining agreements, 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 regular dismissal time shall be 4:30 p.m.

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" listed below.

Flex Time. Adjustments may be made to an employee's hours in an effort to maintain the hours worked by an employee at or below forty (40) hours in a week. Such adjustments must be made prior to the time that an employee works over forty (40) hours in a week. Once an employee has worked over forty (40) hours, payment for time in excess of forty (40) hours must be at time and one-half (1½) or given in compensatory time at time and one-half (1½). The department head and the employee shall agree to the method in which payment is to be made prior to working overtime hours.

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 County closes its doors in the case of an emergency situation. If the employer determines a late start or off early partial day due to inclement weather, an employee must work the hours the County is open to receive the partial day not worked as paid time emergency weather hours. 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 a day off without pay (employee may use accrued sick, vacation, personal, or earned compensation time to cover the day).

Paydays. Employees shall be paid every other Friday (one (1) week after the last day of the pay period. The County requires its employees to participate in direct deposit. The County is required by federal law to make certain deductions from your wages. Such deductions include Social Security taxes, as well as State Retirement for full-time employees working one-half or more of the regularly scheduled hours during each pay period., federal, state, and any local withholding taxes. Additionally, all voluntary deductions authorized in writing will be made as directed by the employee. Voluntary deductions may include the employee's share of the insurance premium.

If you have any questions about your paycheck or believe a mistake has been made on your paycheck (underpayment or overpayment), tell the County Clerk immediately. We want you to receive everything you have earned.

Maximum Hours. Except on Election Day and during "Emergencies" defined above, no employee shall be required to work more than fourteen (14) consecutive hours.

Limitation. This "Work Hours" section is intended to be construed as a basis for establishing work hours and shall not be construed as a guarantee of hours.

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

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

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 workday.

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

Exclusions. Except for the paragraph entitled "Paydays," this section "Work Hours" does not apply to Exempt Salary employees.

Recording Work Hours (Time Sheets)

To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable), all nonexempt hourly employees are required to record their time on timesheets. You must record your time before beginning work, at the beginning of your lunch period, upon returning from lunch, and after finishing work. All time worked must be included. No employee is permitted to work “off the clock,” that is, work without recording the hours worked. No supervisor is permitted to ask any employee to work off the clock.

Unless you are working approved overtime, you should not begin work more than five (5) minutes before your regular starting time or end work more than five (5) minutes after your regular quitting time.

If you make an error, please correct and initial it—*no “white out” allowed*. Falsifying a time record or recording time for another employee will lead to discipline, up to and including discharge. Discipline, up to and including discharge, may also result if employees make excessive errors in recording their time or repeatedly forget to record their time.

Recording Work Hours (Time Clocks)

To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable), all nonexempt hourly employees are required to record their time on the County's timeclocks. You must clock in before beginning work, at the beginning of your lunch period, upon returning from lunch, and after finishing work. All time worked must be included. No employee is permitted to work “off the clock,” that is, work without recording the hours worked. No supervisor is permitted to ask an employee to work off the clock.

The timeclock will round your time to the nearest 1/12th of an hour. Unless you are working overtime, you should not punch in more than 5 minutes before your regular starting time or punch out more than 5 minutes after your regular quitting time.

If you make an error in using the timeclock, please notify your department head, who will take the steps necessary to correct the error. Falsifying a time record or recording time for another employee at the timeclock without notifying your department head will lead to discipline, up to and including discharge. Discipline, up to and including discharge, may also result if employees make excessive errors in clocking in and/or out or repeatedly forget to use the timeclock.

Overtime

Definition. Work performed by all employees – except exempt 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.

Nonexempt. Employees who are deemed nonexempt under the Fair Labor Standards Act (FLSA) and who work in excess of forty (40) hours per week will receive overtime pay or compensatory time at a rate of time and one-half (1½) for all hours worked over forty (40) in a work week. Certain jobs, primarily law enforcement, may be subject to different overtime calculation rules. If so, they will be notified by their department head of any special overtime rules.

Work Week. For the purpose of computing overtime, the work week will commence at 12:01 a.m. Sunday and end at 12:00 midnight on Saturday. Days off (with or without pay), such as vacation, sick leave, and holidays/personal days, will not be included in the accumulation of hours worked for purposes of computing overtime.

Flex Time. Adjustments may be made to an employee's hours in an effort to maintain the hours worked by an employee at or below forty (40) hours in a week. Such adjustments must be made prior to the time that an employee works over forty (40) hours in a week. Once an employee has worked over forty (40) hours, payment for time in excess of forty (40) hours must be at time and one-half (1½) or given in compensatory time at time and one-half (1½). The department head and the employee shall agree to the method in which payment is to be made prior to working overtime hours.

Authorization of Overtime. Prior to working overtime hours, an employee must obtain authorization to work overtime from his/her immediate supervisor. Failure to obtain this authorization before working overtime may subject the employee to disciplinary action. Employees working more than forty (40) hours per week must be credited overtime during the week in which it was earned and paid for it during the same pay period, if possible, or no later than the subsequent pay period, except in cases where compensatory time has been previously agreed upon in lieu of overtime payment.

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.

Exclusions. This Article does not apply to salaried exempt employees.

Compensatory Time

Upon proper authorization, up to Forty (40) hours of compensatory time may be accumulated by employees. Time accumulated over the above noted amounts will be paid for at time and one-half rates. Payment of overtime shall be paid at the employee's current hourly rate. The County will allow the employee reasonable use of compensatory time. Any employee who has accrued forty (40) hours of compensatory time off shall be paid overtime compensation for additional overtime hours of work.

Counties can provide compensatory time in lieu of monetary overtime compensation if the following requirements are met:

- Must be given at the rate of 1.5 hours for every hour of overtime worked.
- All compensatory time shall be noted on the employee timesheet when earned and when used.
- When employees use compensatory time, it is paid at the employee's regular pay rate at the time of payment.
- Accrued but unused compensatory time must be paid at termination of employment at the greater of the employee's average regular rate received during the last 3 years of employment or the employee's final regular rate.
- Employees must be permitted to use compensatory time within a reasonable period of time after their request for use, provided it does not unduly disrupt the County's operations.
- If the employees have no representative, the agreement must be arrived at between individual employees and the County prior to performance of the work.
- The agreement on compensatory time need not be written, but a record of its existence should be kept.

Exclusions. Compensatory time does not apply to salary exempt employees.

Compensatory Time Agreement

In accordance with the Fair Labor Standards Act, Dakota County grants employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement, emergency management, seasonal, and other employees. I understand that the compensatory time will be granted at time and one-half (1½) for all hours worked in excess of 40 hours per week or other permissible work schedules. I further understand that the compensatory time may be limited, preserved, used, or cashed out consistent with applicable law and regulations of the U.S. Department of Labor.

I knowingly agree to the provisions of time off as compensation for overtime work as a condition of employment and consent to the use of compensatory time in accordance with the Fair Labor Standards Act and the U.S. Department of Labor regulations.

Employee Signature

Date

Wages

Coverage. The pay classification for certain employees covered by this Employee Handbook shall be as set forth in the “Pay Classification” section below. Exclusions include road employees, employees whose salaries are set by other boards (Health Board) and one-of-a-kind positions, such as County Road Superintendent, Part Time Noxious Weed Superintendent, Jail Supervisor/Matron, Emergency Manager, 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.

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>
1	Filing Clerks-Receptionists
2	General Office Clerks-Custodians
3	Administrative Clerks
4	Legal Secretaries
5	Office Deputies-Supervisors, Veterans Service Officer
6	
7	Sheriff Captain / Sheriff Investigator
8	Sheriff’s Chief Deputy
9	Deputy Public Defender
10	Deputy County Attorney
11	Chief Deputy Public Defender
12	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; the above pay classification shall have a maximum rate as established by the Board of Commissioners. See Wage Addendum #1. 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 of service within said class.

Longevity: additional 15 cents for every five years of service from base

	Step @ Yr 5	Step @ Yr 10	Step @ Yr 15	Step @ Yr 20	Step @ Yr 25
Class 1	0.15	+0.15	+0.15	+0.15	+0.15
Class 2	0.20	+0.15	+0.15	+0.15	+0.15
Class 3	0.25	+0.15	+0.15	+0.15	+0.15
Class 4	0.30	+0.15	+0.15	+0.15	+0.15

Work Breaks and Meal Periods

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.

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. The employer cannot require an employee to remain in buildings or on the premises where his/her labor is performed. An employee must be completely relieved from all duties during the meal break (29 C.F.R. § 785.19). Employers covered by a valid collective bargaining agreement or other written agreement with an employee are not subject to this requirement (§48-212).

Exclusions. This "Work Breaks and Meal Periods" section does not apply to Salary Exempt Employees.

BENEFITS

Dakota County is proud of the excellent benefit package it offers to you. The County adds substantially to your compensation by offering these 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, Flex 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, including an employer-paid Wellness Screening through Mercy Business Health. The County also pays one-half the cost of the adult membership fee at the Norm Waitt Sr. YMCA.

Health Insurance

All full-time employees are eligible for health insurance benefits under a group plan upon the 1st of the month following thirty (30) days' employment. Specific benefits and plans are outlined in the pamphlet given to employees at the time of employment. Additional copies are available at the County Clerk's office. The County pays 100% of the employee share of the premium cost. Coverage for family members is paid for by the employee. Regular part-time employees working 30+ hours may participate in the health insurance program plan. All benefit plans are subject to change from time to time. If your average hours worked per week falls below 30 hours, your health insurance benefits may be lost. You must maintain an average of 30 hours per week for 4 consecutive bi-weekly pay periods.

Retirement Benefits

Eligibility, contribution requirements, and retirement benefits available to County employees are described in a plan description handbook published by the Nebraska County Employees Retirement System. A copy of this handbook may be obtained from the County Clerk or online at www.npers.ne.gov.

Vacation

Vacation is provided to employees for the mutual benefit of the employee and the County. Extended time away from work on a periodic basis gives the employee a break, allowing them to return to work refreshed. Paid vacations shall be granted to employees after continuous service pursuant to the following schedules/rate:

- (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.

Deductions. 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.

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

Limitations. 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 prorated 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 prorated vacation pay nor shall any employee during his/her first year of service.
- (e) All vacation due an employee upon termination shall be paid on the employee's last paycheck (the paycheck listing the last day the employee actually worked).

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.

Holidays

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 <u>only</u>

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.

Observance of Holidays. The Employer shall designate the day on which the holiday is to be observed. A recognized paid holiday occurring on Saturday will normally be observed on the preceding Friday and a holiday occurring on a Sunday will normally be observed on the following Monday.

Eligibility for Holiday Pay. In order to be eligible to receive holiday pay, a nonexempt employee must have worked the entire last scheduled work day immediately before and the entire scheduled work day immediately after each holiday unless the employee is 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. An employee on leave of absence is not eligible for holiday pay.

Holiday Pay. 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. Exempt employees will not receive any additional compensation for holidays. Rather, they will receive the same salary for the week in which the holiday occurs that they would have received for the week had there been no holiday.

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.

Premium Pay. A nonexempt employee required to work on the day on which any holiday is observed by the County shall be paid time and one-half (1½) the employee's normal hourly rate of pay for the actual number of hours worked, plus holiday pay. This section does not apply to salary exempt employees.

Funeral Leave

Regular full-time employees will be granted pay for time lost from work in the event of the death of an immediate family member, in accordance with the following schedule:

A leave with pay of not more than four (4) consecutive workdays per occurrence shall be granted in the event of the death of an employee's spouse, child, step-child, mother, father, step-parent, sister, brother, mother-in-law, father-in-law or 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.

At the department head's discretion, employees may be granted additional days of funeral leave in excess of the days allowed or may be granted funeral leave for individuals not listed. Additional funeral leave under this paragraph shall be charged to sick leave, vacation leave, or shall be granted on an unpaid basis. Funeral leave must be approved by the department head or his/her designated representative and must include the date of the funeral. The department head must be notified in advance of the need for funeral leave. The department head reserves the right to request proof of death prior to approving funeral leave.

Sick Leave

Dakota County recognizes that economic hardship may occur due to illness or injury to you or your immediate family. We also recognize that employees may require time off for certain personal emergencies and to secure treatment for disabilities. For these reasons, the County provides paid sick days to regular full-time and part-time employees.

Permissible Uses. Sick leave will be considered for a nonwork-related bona fide illness or injury. Employees will be entitled to utilize earned sick leave for treatment of drug or alcohol addiction, injury, pregnancy, or sickness, which renders an employee incapable of performing his or her required job duties, for medical and dental care, or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's attendance on duty. Sick leave will not be granted if an employee is injured while gainfully employed by a different employer and/or self-employed. 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.

Allowance. Regular full-time 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 sick leave accrual, employees will accrue five (5) days every six (6) months from an employee's anniversary date in accordance with this section. 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.

Physician's Statement. Employees on sick leave for three (3) consecutive days must submit a physician's certificate in order to receive sick pay, unless waived by the department head. The cost, if any, of the certificate shall be paid by the employee. For a lesser period of absence, the department head may, at his or her discretion, require evidence of illness from a physician or other reason, as defined in this section.

Notice to Employer. When unable to report to work due to illness or injury, an employee shall notify the employer as soon as possible, but in any event, not less than 30 minutes prior to the starting time of the employee's workday (except in an obvious emergency), to be eligible for sick leave payment. During absence due to illness, employees must notify the employer of their progress and expected date of return.

Leaves for On-the-Job Injuries. Employees may be eligible for workers' compensation benefits if injured on the job or if they contract an employment-related disease. Employees are not eligible for workers' compensation benefits if they were willfully negligent at the time of injury, intoxicated, or otherwise ineligible under applicable law.

Employees must report all work-related injuries to their supervisor immediately upon notice of injury in order to obtain proper medical treatment and to complete the required forms. Eligibility for workers' compensation benefits can be jeopardized if the injury is not reported on a timely basis.

An eligible employee unable to work due to a work-related injury will receive workers' compensation benefits in an amount determined by the workers' compensation laws in effect at the time of injury or disability. Medical expenses incurred in the treatment of a work-related injury or illness will be paid upon receipt of documented medical statements supporting the claim.

Other benefits available under workers' compensation are rehabilitation, total and partial disability allowances, and death benefits.

Employees with further questions may contact the Nebraska Intergovernmental Risk Management Association (NIRMA) office at (800) 642-6671.

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.

FMLA leave will run concurrent with a work comp injury resulting in time lost over 3 days. If FMLA leave is exhausted and the employee has not returned to work, there can be a termination of benefits without a termination of employment if employee is not working the 30 hours per week required to be eligible for insurance benefits. The Insurance Carrier will be sent the Employer COBRA Notice of Qualifying Event marking "Reduction in hours of employment" for said employee who will then receive a COBRA Letter with the rates for payment due the first of the applicable month.

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.

An employee who is selected for jury duty shall receive a paid leave of absence for the time the employee spends on jury duty. The employee shall receive regular pay and shall turn over to the County any fees for jury service (not including mileage reimbursement). Regular part-time employees receive pay for the hours they normally would have been at work.

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.

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve will be provided a leave of absence to perform voluntary or involuntary military duties. However, the amount of paid leave depends on how many hours an employee normally works or is normally scheduled to work in three consecutive weeks, as summarized below.

Military members who work or are normally scheduled to work in three consecutive weeks:	Required Paid Military Leave
159 hours or more <u>and</u> includes working 24-hour shifts	168 hours each calendar year
120 hours or more but less than 159 hours	120 hours each calendar year
less than 120 hours	Equal to the number of hours the military member normally works or is normally scheduled to work, whichever is greater, in 3 consecutive weeks

For example, employees who normally work or are normally scheduled to work one hundred twenty (120) hours or more but less than one hundred fifty-nine (159) hours in three (3) consecutive weeks will receive pay for up to one hundred twenty (120) hours of leave each year. Employees who normally work or are normally scheduled to work less than one-hundred twenty (120) hours in three (3) consecutive weeks will be paid for the number of hours they normally work or would normally be scheduled to work in three (3) consecutive weeks, whichever is greater. Any remaining leave is unpaid.

In addition, employees who: (1) are either the spouse or the parent of an individual who is called to military service lasting 179 days or longer with the state or the United States pursuant to the orders of the Governor or the President; (2) have been employed by the County for at least 12 months; and (3) have worked at least 1250 hours in the preceding 12 months are eligible for Nebraska Family Military Leave Act leave. The County will provide eligible employees up to **30** days of unpaid military leave during the time state or federal deployment orders are in effect. Eligible employees must provide at least 14 days advance notice if they intend to take military leave for 5 or more consecutive work days. Otherwise, eligible employees must provide as much advance notice as practicable. In addition, the County may require documentation verifying an employee's eligibility for leave.

State-of-Emergency Leave

Employees called to active service by the state when the Governor declares a state of emergency will be granted state-of-emergency leave. Employees will receive their normal salary or compensation, less state active duty base pay received from the state.

Voting

Registered voters are encouraged to exercise their right to vote. If there is a two-hour block of time available for an employee to vote prior to or after scheduled work hours on election day, the employee must vote during that period. If there is not a two-hour block of time available, the County will permit such time off from work as may be necessary for the employee to have a two-hour block of time to vote, provided the employee requests such time off prior to the day of the election. For example, if the polls open at 7:00 a.m. and close at 7:00 p.m. and the employee's scheduled hours are 8:00 a.m. to 6:00 p.m. on the day of the election, the County will permit the employee to either be one hour late to work or leave one hour early on the day of election, to be determined by the County.

Extended Leaves of Absence

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.

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.

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.

ADA. Leave may be granted prior to completing a certain period of employment and extension of the leave period will be considered if they constitute a reasonable accommodation under the Americans With Disabilities Act.

Family and Medical Leave Policy

Employees who expect to be absent for more than three (3) days must submit a request for a leave of absence to their department head as far in advance of the anticipated leave date as practicable. (In most cases, a request should be submitted at least 15 days prior to commencing leave.) If the absence is due to an emergency, the employee or a member of the immediate family must inform the employee's department head as soon as possible, normally within one to two work days.

If the leave is due to medical reasons, the employee must submit medical documentation of the need for leave. The medical documentation should include the length of time the employee is expected to need leave. Any employee returning from leave taken for medical reasons must provide the County with a release to return to work signed by the employee's doctor. The County reserves the right to obtain an opinion from a doctor of its choice as well.

The County will attempt to hold the employee's position open during the leave of absence. However, the County retains the right to fill the position should it become necessary, unless otherwise prohibited by law. In that case, the employee on leave will normally be notified and offered the opportunity to return early. If the employee is unable to return, the County will attempt to secure a suitable position for the employee when he or she is available to return to work.

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.

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.

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.

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; earaches; upset stomach; and headaches 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.

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.

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.

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.

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.

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).

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.

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.

Travel Expense Policy

Meals. Overnight Travel: only actual amounts paid for meals may be claimed. No reimbursement may be made for alcoholic beverages or tips in excess of 20%. Requests for reimbursement must be made on a County Claim Form and must be accompanied by receipts itemized 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: \$60.00 per day per person for meal expense.

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

Travel Away from Home Community with Overnight Stay. If an employee travels out of town and an overnight stay is involved, travel time is compensable when it occurs during normal working hours, both on normal working days and on nonworking days, as long as the employee does not work while traveling, 29 C.R.R. §785.39. Conversely, if an employee (as a passenger) works while traveling (reading and responding to work emails, preparing work materials, etc.) all time spent working while traveling must be paid. As for drivers, any driving done at the direction of the employer must be paid time. Therefore, all driving must be paid time.

EMPLOYEE CONDUCT

Performance and Conduct Rules

The following examples illustrate what the County considers improper behavior. This is not a complete list and the County reserves the right to investigate, make judgments, and take appropriate disciplinary action in each individual incident. The level of severity of any infraction and the disciplinary action to be taken is solely at the County's discretion.

Examples of Infractions:

1. Working under the influence of alcohol or any illicit drug, which interferes with expected job performance.
2. Conviction of a felony or any other job-related crime.
3. Sexual or other unlawful harassment or unlawful discrimination of any kind.
4. Violation of a safety rule or engaging in unsafe behavior.
5. Theft, including either County property or another person's property.
6. Violation of the County's Drug-Free Workplace Policy
7. Falsification of time keeping records with intent to defraud.
8. Falsification of personnel or County records or providing false or misleading (including omitting) information to the County in connection with County business, job duties, benefits, etc.
9. Deliberate or willful misrepresentation of County policy.
10. Willful damage or destruction of County property.
11. Fighting, attempting, or threatening bodily injury to another person on County property or while on working time.
12. Insubordination or willful refusal to follow an order.
13. Loafing, loitering, or sleeping during work time.
14. Failure to report on-the-job injuries.
15. Abuse of the Sick Leave Policy.
16. Neglect of duty or incompetence.
17. Habitual or excessive tardiness.
18. Absenteeism determined to be excessive under the department's attendance guidelines.

19. Work performance that is below the standards of performance required by the department.
20. Violation of the County's Solicitation and Distribution Policy.
21. Dishonesty.
22. Violation of the County's Use of County Equipment and Services Policy.
23. Disrespectful behavior, belligerence, and/or use of excessive profanity.
24. Violation of the County's Code of Ethics.
25. Any other behavior the County considers to be inconsistent with reasonable rules of conduct or is inconsistent with the County's best interests.

Discipline and Discharge

At any time, an employee has the right to terminate employment with the County, for any reason or for no reason, and the County retains the same right to terminate an employee for any lawful reason, as we are an "at-will" employer.

However, it is Dakota County's policy to treat all employees fairly, with dignity, and respect. If the County feels it is appropriate given all the circumstances, progressive discipline will normally be used. This means that employees who are not performing their jobs up to expectations or who break rules or exhibit improper behavior may be subject to discipline. For minor problems, a verbal warning may be all that is needed to solve the problem. If there is no significant improvement or if the action is more serious, the employee could receive a written warning, suspension with pay, suspension without pay, or termination.

Verbal Warning

A verbal warning is the normal first step when your immediate supervisor or department head becomes aware of a problem. The warning may be documented in writing should the department head or the immediate supervisor deem it necessary. In the event the warning is documented, the employee shall receive a copy, upon the employee's request.

Written Warning

Unfortunately, a verbal warning is not always enough to prompt improvement. Also, there are times when a written warning without a prior verbal warning is necessary and appropriate. Documented written discipline will normally be issued by the department head in those cases. The warning will state the action that caused the warning to be issued and the corrective action that must be taken by the employee to ensure the violation does not reoccur. The employee will normally receive a copy of the written warning upon request. A copy of the written warning, signed by the employee, will be submitted to the employee's personnel file. A written warning is not grievable.

Suspension With Pay

A department head may suspend any employee with pay for a period of time pending the outcome of an investigation into a complaint or possible policy violation. The department head shall notify the employee, in writing, of the reasons for the action and the number of days of suspension. An employee who is suspended has the option to file a grievance once the suspension has ended and a decision has been made regarding the disposition of the complaint, following the procedure outlined in the policy entitled, "Grievance Procedure."

Suspension Without Pay

A department head may suspend any employee without pay for a period not exceeding sixty (60) calendar days in any twelve (12) month period; however, no single suspension will normally be for more than thirty (30) calendar days. The department head will notify the employee, in writing, of the reasons for the action and the number of days of suspension. An employee who is suspended has the option to file a grievance, following the procedure outlined in the policy entitled "Grievance Procedure."

Termination

Department heads may dismiss any employee under their supervision by delivering a written statement to the employee concerned. The written communication will usually indicate the reasons for the action, any relevant supporting evidence or a summary thereof, and the date the dismissal is effective. Prior to the termination taking effect, the employee will be provided with an opportunity to present facts and/or explain circumstances, which the employee feels will refute the charges. An employee who is dismissed has the option to file a grievance, following the procedure outlined in the policy entitled "Grievance Procedure."

Again, while we generally follow the above steps in applying progressive discipline, there are times when deviation from this policy is appropriate. In other words, circumstances may warrant skipping steps or even immediately terminating an employee. This is especially true in situations that reveal basic character flaws that will not improve. Theft or threats of violence are examples of conduct that may justify immediate termination. Also, it is important for you to realize that it does not take violation of the same rule to proceed to the next step of the discipline process. Violations of different rules or reasonable management expectations can result in moving to the next step.

Absenteeism and Tardiness

The County is committed to meeting and exceeding its citizens' expectations in both service and quality. You are important to the overall success of this commitment. When you are not at work, someone else must do your job and meeting our service and quality goals becomes more difficult.

The County believes it is entitled to regular attendance by all its employees and considers attendance to be an essential job function for all jobs. The County views your attendance and punctuality as a reflection of your commitment to the job. Your attendance will be

taken into consideration when opportunities for advancement arise, individual salary increases are considered, or awards are given. Therefore, you must maintain an acceptable record of attendance, including work any required overtime, weekends, holidays, and other non-scheduled hours when requested.

Regardless of the reason for your absence, you must notify your supervisor as soon as you know you will be absent but in no case less than thirty (30) minutes before your starting time. You must continue to notify your supervisor each day you are absent. Failure to do so may result in discipline, up to and including discharge. If you are unable to call your supervisor, you are responsible for having someone do so for you. When calling the County to report your absence, you must:

1. Give the specific reason for your absence.
2. Give the date when you expect to return.

If you become ill during work hours, you must report to your supervisor prior to leaving the work premises. If you know one or more days in advance that you will be absent from work, you must obtain your supervisor's prior approval. Excessive absenteeism and tardiness are not tolerated.

Rarely is tardiness excusable. If you must be late, make every effort to telephone the County to advise your supervisor. A "tardy" is any time you clock in later than five (5) minutes after your starting time. Excessive tardiness may result in disciplinary action, up to and including discharge.

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.

Cellular Phones and Similar Devices

Cellular phones, smart phones, and similar electronic devices 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 not to make or receive calls, texts, messages, access the Internet or otherwise 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.

Social Media Policy

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your social media use, we have established the following guidelines for appropriate social media use. This policy applies to all employees who work for the County.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of your fellow coworkers, or otherwise adversely affects the County's legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the County's Harassment Policy and Complaint Procedure and Workplace Violence Prevention policy and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including discharge.

Be respectful

Always be fair and courteous to fellow coworkers, customers, and people who work on behalf of the County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex/gender, disability, religion, age, gender identity, sexual orientation, or any other status protected by law.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Post only appropriate and respectful content

- ✓ Express only your personal opinions. Never represent yourself as a spokesperson for the County. If the County is a subject of the content you are creating, be clear and open about the fact that you are a County employee and make it clear that your views do not represent those of the County. If you do publish a blog or post online related to the work you do or subjects associated with the employment with the County, make it clear that you are not speaking on behalf of the County. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Dakota County.”
- ✓ Do not divulge confidential County information. Examples of confidential information may include information related to pending criminal investigations in the Sheriff’s Department and potential prosecution by the County Attorney’s Office.

Use of Social Networking Websites on County Equipment, or During Work Hours

Employees are prohibited from using or accessing social networking sites on County equipment. Employees are also prohibited from using their personal equipment for social networking during working hours. Working hours are defined as an employee’s scheduled shift, but exclude lunch and other break times. The County reserves the right to monitor employees’ website history on County equipment to determine whether employees are complying with this policy.

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. Each employee will be evaluated on safety activities, which will be recorded in their performance review. Failure to follow safety rules or using poor safety judgment can result in disciplinary action, up to and including termination of employment.

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.

COUNTY-OWNED VEHICLES

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.

Use of County Vehicles

The following rules and regulations govern the general operation of all County vehicles. Each department has specific guidelines for the use of vehicles assigned to that department. Employees shall comply with both the general rules and the departmental rules when operating any County-owned vehicles.

1. Employees must have the appropriate valid driver's license for the vehicle or equipment to be operated and must be in compliance with any restrictions listed on the license in order to operate any County vehicle or equipment.
2. Employees who drive County vehicles, even on an occasional basis, must notify their supervisor immediately if their driver's license is suspended or in any other way restricted.
3. County vehicles may not be operated at work or taken home by an employee without prior authorization of the employee's supervisor.
4. County vehicles shall be used for County business only and not for any personal use or gain.

5. A County vehicle shall not be operated by anyone other than the employee to whom it is assigned.
6. During the time the vehicle is under the employee's control, it shall be the employee's responsibility to operate the vehicle safely, comply with all traffic and parking rules and regulations, and to secure the vehicle when leaving it unattended.
7. Employees must call for a local law enforcement agency to come to the scene of any work-related vehicular accident immediately, even if there is no apparent damage. Every accident shall also be immediately reported to the employee's supervisor.
8. Employees may be held personally responsible for damage to a County vehicle if an investigation discloses negligence, carelessness, or misuse. The employee must wear seat belts while operating and/or riding in County vehicles. An employee may not use a cell phone or any other electronic communication device while driving a County vehicle (including hands-free devices).
9. Employees shall not transport non-work-related passengers in County vehicles at any time without prior approval from their supervisor.
10. Employees shall not attempt to make any mechanical repairs to the vehicle, unless properly authorized by the employee's supervisor or unless assigned to such duties.
11. Employees shall immediately report to their supervisor any hazardous or unsafe condition of the vehicle, which may result in injury to themselves or others.
12. Employees shall keep all County vehicles free of objects that might lodge under the brake pedal or interfere with safe operation of the vehicle.
13. It is the responsibility of the employee operating a County vehicle or equipment to ensure that all supplies, equipment, machines, and vehicles being hauled or transported are properly secured to the transporting vehicle or trailer.
14. Any vehicle or equipment that has been tagged unsafe to use shall not be used by any employee until such tag has been removed by order of the department head.
15. An employee who drives a County vehicle must be fully-insurable under the County's motor vehicle and other insurance policies.
16. The County may obtain a driving record for an employee who drives a County vehicle, and the employee must provide written consent to obtain the record if necessary.

GENERAL PERSONNEL POLICIES

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 or vaping 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, carrying a lighted tobacco product (including e-cigarettes), or vaping 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

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.

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 abides 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.

- * 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.

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.

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.

Conflicts of Interest

Employees having any interest, financial or otherwise, direct or indirect, or engaging in any business transaction or professional activity or incurring any obligation of any nature, are prohibited from the following if it is in conflict with the proper discharge of their duties:

1. Using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
2. Giving the impression that any person can improperly influence them in the performance of their official duties or that they are improperly affected by the kinship, rank, position, or influence of any party or person.
3. Accepting gifts of value or loans from persons doing business with the County, which are intended or appear to influence the official relationship between the donor and recipient.

One Final Word

This handbook has been prepared and distributed to employees of Dakota County to help them understand the County and its policies. We expect to follow and enforce these policies as closely as possible, knowing, in some instances, that interpretations will be required, which will be made by the County in its sole discretion.

We also recognize changes will be required in this handbook from time to time. The County reserves the right to make changes as it considers appropriate. Thank you for taking the time to read this handbook.

PLEASE DETACH, SIGN, AND RETURN THIS FORM TO THE OFFICE OF COUNTY CLERK, OR MAIL TO P.O. BOX 39, DAKOTA CITY, NE 68731.

Receipt

I have received a copy of the Dakota County Employee Handbook and have either read it or have had it read to me carefully. 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 also understand that this handbook supersedes all previous written and unwritten policies, including any previous handbooks. I understand and agree that my employment is terminable at will so that both the County and I remain free to choose to end our work relationship for any lawful reason or no reason. Similarly, no County official has the authority to enter into an oral employment contract, modifying this employment-at-will relationship, and only the County Board can enter into a written employment contract changing the employment-at-will relationship.

I understand that all County property may be monitored by the County including my computer files, Internet activity, email 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, email transmissions, voice mail messages, and Internet activity.

I understand nothing in this handbook in any way creates an express or implied contract of employment between the County and me but rather is intended to foster a better working atmosphere while the employee/employer's relationship exists.

Employee's Signature

Date

Employee's Name (Printed)

Date

Supervisor's Signature

Date

Wage Addendum #1

WAGE CAPS	Dakota County, NE Courthouse		2018-19	2019-20	2020-21	2021-22
			35¢ / hr and/or 2%	2%	35¢ / hr and/or 2%	
Class 1	Clerk I/Receptionist	hourly	13.41	13.68	14.03	
Class 2	Clerk II	hourly	15.13	15.43	15.78	
Class 3	Clerk III - Lead Clerk	hourly	16.01	16.33	16.68	
Class 4	Legal Secretary	hourly	16.66	16.66	17.34	
Class 5	Office Deputies, Veterans Service Officer	hourly	18.53	18.90	19.25	
Class 6						
Class 7	Sheriff Investigator	salary	57,963.36	59,122.70	60,304.92	
Class 7	Sheriff Captain	salary	57,964.66	59,124.00	60,306.48	
Class 8	Sheriff Chief Deputy	salary	59,662.46	60,855.60	62,072.66	
Class 9	Deputy Public Defender	salary				
Class 10	Deputy County Attorney	salary	44,228 - 54,000	50,000 – 59,000	51,000 – 60,180	
Class 11	Chief Deputy - PD	salary	48,204	47,940	48,960	
Class 12	Chief Deputy - CA	salary	81,328	83,866.85	85,680	