



# **Gem County**

## **Personnel Policy**

Approved by the Board of County Commissioners

Date: April 12<sup>th</sup> 2011

## GEM COUNTY PERSONNEL POLICY

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### PURPOSE

The purpose of this Policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all County employees and to explain benefits provided to County employees. **THIS POLICY IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE COUNTY.** The COUNTY may, at its sole discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

### NATURE OF EMPLOYMENT

ALL EMPLOYEES OF THE COUNTY ARE EMPLOYED AT THE DISCRETION OF THE ELECTED OFFICIAL FOR WHOM THEY SERVE AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE ELECTED OFFICIAL AND THE BOARD OF COUNTY COMMISSIONERS. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies, the terms of this paragraph shall prevail. **Except as otherwise provided herein, or as required by law, employees of the County are AT-WILL employees. Only a written contract expressly authorized by the Board of County Commissioners can alter the at-will nature of employment by the County.**

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## **I. GENERAL POLICIES**

### **A. THE ORGANIZATION IN WHICH YOU WORK**

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

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

Only the Board of County Commissioners has authority to establish general policy for Gem County employees. Each employee should recognize that although he/she may serve as an employee in the office of an elected or appointed official, he/she remains an employee of Gem County, not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express written agreement of the Board of County Commissioners. That is particularly true for terms or conditions that would establish a financial obligation for Gem County, now or in the future. You may work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

### **B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

All selection of Gem County employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to application of Gem County's policy in this regard shall be brought to the attention of the office of the elected official or department head, or in the case of objection to actions undertaken by that person, to legal counsel for the County.

C. VETERAN'S PREFERENCE

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

D. NEPOTISM / HIRING OF RELATIVES

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

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

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

E. PREFERENCE FOR HIRING FROM WITHIN

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

F. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules contained in this Personnel Policy are subject to change, without prior notice, at any time in the sole discretion of the Board of County Commissioners.

## II. EMPLOYMENT START-UP

### A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee may begin work for Gem County:

1. Employment application form.
2. Drug screening
3. Background check
4. Immigration form (I-9).
5. Insurance information about dependents (if such coverage is available).
6. Any other benefit forms necessary for employee information.

### B. PAYROLL REPORTING SYSTEMS

Reports of hours worked and time on and off the job must be completed in a timely manner in accord with procedures established by the Clerk. Each report of employee time should be signed by both the supervisor and by the employee and should contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the Clerk as soon as any such concern becomes evident. If the response from the Clerk is unsatisfactory, the employee should address the issue to his/her immediate supervisor in order to resolve stated concerns. A written record of such issues shall be maintained in the employee's personnel file.

### C. DISTRIBUTION OF POLICY

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

### D. EMPLOYEE PERSONNEL FILES

1. Personnel Records

The official employee records for Gem County will be kept in the office of the County Clerk. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with Gem County. The employee's supervisor, employee's elected official or the employee him/herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for County purposes.

## 2. Access to Personnel Files

It is the policy of Gem County to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the employee's supervisors, the Board of County Commissioners when acting as a Board in the course of its official business, attorneys for the County, elected officials for the employee's department, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with the County attorney. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the County, pursuant to Court order, or pursuant to a proper subpoena. The County reserves the right to disclose the contents of personnel files to outside state or Federal agencies, to its insurance carrier or its agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.

## 3. Management of Information in Personnel Files

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the County, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

# III. RULES OF EMPLOYEE CONDUCT

## A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of Gem County is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon Gem County. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of Gem County as a public institution, each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon Gem County and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. **WORK COOPERATIVELY AND CONSTRUCTIVELY WITH FELLOW WORKERS AND MEMBERS OF THE PUBLIC TO PROVIDE PUBLIC SERVICE OF THE HIGHEST QUALITY AND QUANTITY.** This is the first priority for all employees.
2. Shall be prompt and regular in attendance at work or other required employer functions.
3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.
4. Shall dedicate primary efforts to Gem County employment with secondary employment subject to approval by the appointing official. Each employee must notify the appointing official of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for the County in any meaningful way. Individual department rules may spell out permissible examples of "moonlighting" wherein employees may hold additional positions.
5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in Gem County and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Shall not accept gifts or gratuities in any personal or professional capacity that could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in

a way that could create disadvantage for other members of the public or advantage for the employee.

8. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Shall not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with legal counsel for the County or without an order from a court or public agency of competent jurisdiction.
10. Shall not engage in conduct away from work that, although not criminal, may reflect adversely upon Gem County or its officials or otherwise impair the employee's ability to perform.
11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the Gem County work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do his or her job and the length of the time that the employee will be required to take the medication. The employee may be required to take sick leave while taking the medication.
12. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board of County Commissioners or the elected official or the department for whom he/she works.

## B. WORKPLACE CONDUCT

Each employee will be expected to conduct him/herself in the workplace in accordance with the following rules. Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is not all-inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Each employee of Gem County shall:

1. Give his/her best efforts to accomplish the work of Gem County for public benefit in accordance with policies and procedures adopted by the Board of County Commissioners and elected officials displaying an attitude of cooperation and constructive participation.

2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
5. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.
6. Abide by pertinent State and Federal statutes, and Gem County rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.
7. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
9. Reporting all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident or near-accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
10. Report any accidents observed to have happened on County property or involving County property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information should be reported

to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.

11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Maintain a current driver's license when necessary in the conduct of work for Gem County. Such employee must report any state-imposed driving restrictions to his/her immediate supervisor. Such employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired. See Appendix B for Vehicle Use Policy.
13. Perform such obligations as are necessary to carry out the work of Gem County in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

#### C. PROHIBITED CONDUCT

Employees of Gem County shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
2. Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.
3. Sleep or unauthorized absence from the employee's workstation when on duty. Employees shall be attentive to their work at all times.
4. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
5. Use work time for personal business, including the selling of goods or services to the general public. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.
6. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.

7. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.
8. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
9. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. §§ 18-3201 and 18-3202).
10. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
11. Smoke except in designated outdoor smoking areas if so provided.
12. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with Gem County policy.
13. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the Gem County policy for use of vacation, sick, bereavement, or other types of leave granted by this personnel policy.
14. Engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work in the office or department in which the employee serves.
15. Use of personal communication devices (PCDs) (mobile phones, PDAs and other such wireless two way communication devices and/or portable internet devices) or computers in the workplace in a manner that violates policy or which disrupts workplace activities. See Appendix C.
16. Participate in the viewing or exchange of pornography or obscene materials.
17. Engage in criminal conduct of any kind while on duty or off. Gem County employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
18. Violate any lawful rule established by the appointing official to maintain order and productivity in the workplace.

19. Unlawfully harass a fellow worker or member of the public at any time while in Gem County active service, as outlined in the County's Unlawful Harassment Policy.

#### D. RELATIONSHIP POLICY

1. No employee of Gem County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
2. No employee of Gem County shall supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.
3. No employee of Gem County shall hire a paid employee who is related ***within the second degree of affinity or consanguinity pursuant to state law (I.C. 18-1359 or its successor), to the supervisor or to a Gem County Commissioner.***  
**Revised 12/22/11 per Commissioners**
4. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.

#### IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by class or category in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The County will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his/her service is properly addressed.

With the exception of Elected Officials, any employee, regardless of designation, may utilize the opportunity to be heard with regard to allegations of unlawful discrimination and "name-clearing hearing" procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination or involves an allegation entitling him/her to a name-clearing hearing.

## A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

### 1. Employment Status

- a. Except as otherwise provided by this Policy, or as required by law, or pursuant to a written contract approved by the governing board, employees of the County are AT-WILL EMPLOYEES.
- b. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the County. Therefore, Gem County retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he/she may utilize the opportunity to be heard procedures set out in Section V of this policy.
- c. Senior Deputies (sometimes referred to as “chief deputies”) appointed pursuant to Idaho Code § 31-2006 serve in that role at the pleasure of the elected official for which they serve. The designation can be established or removed at the pleasure of that elected official. They are considered to be regular employees and shall receive all employee benefits provided by Gem County as such benefits now exist or may be subsequently changed.
- d. Temporary or Seasonal Employees. Employees who work on an irregular, seasonal or temporary basis are considered to be temporary or seasonal employees. Any temporary or seasonal employee who believes that he/she has been removed from his/her position or demoted with reduction in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the procedures set out in Section V of this policy.
- e. Veteran’s Rights Following Reinstatement. Any veteran, who has been restored to his/her position in accordance with Idaho Code § 65-512, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled the opportunity to be heard prior to termination. Such returning veteran shall, also, be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.
- f. Introductory period. Every new regular full-time or part-time employee or current employee promoted or transferred to new job responsibilities shall serve an introductory period of employment. The introductory

period will generally last for six months, but because of the diversity of the County's offices, individual offices may establish a longer or shorter introductory period. The introductory period is used to determine whether the employee is suited for the position, qualified and capable of performing the work and can meet the job standards. After completion of the introductory period, new employees will generally be given a performance evaluation as provided for in the performance appraisal policy. A new employee may be terminated at any time without prior notice or due process during the introductory period. The introductory period may be extended by the supervisor, with Elected Official approval, and with written notice to the employee.

## 2. Employee Classification for Benefit Purposes

The classification of the position you hold with Gem County may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

### a. Elected Officials

Elected officials are not considered regular employees. Elected officials receive the same employment benefits as full time regular employees as allowed by statute.

### b. Full-Time Regular Employees

Employees who are not temporary or seasonal and whose typical workweek consists of at least 40 hours are considered Full-time Regular Employees. Full-time regular employees shall receive all employee benefits provided by Gem County as such benefits now exist or may be subsequently changed by action of the Board of County Commissioners.

### c. Part-Time Regular Employees

Employees who are not temporary or seasonal and whose average workweek consists of at least 20 hours on a regular basis are considered Part-time Regular Employees. Part-time regular employees shall receive reduced employee benefits in accordance with specific policies adopted by the Board of County Commissioners. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

d. Part- time not regular

Employees whose work schedule calls for less than twenty (20) hours of scheduled work during each seven (7) calendar day payroll period. Employees in this category are not eligible for employee benefits.

e. Temporary or Seasonal Employees

Employees who work on an irregular, seasonal or temporary basis, even though they work more than 20 hours per week are classified as temporary or seasonal employees. Employment shall not exceed that defined by the Public Employees Retirement System of Idaho for such employment. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of County Commissioners.

g. Exempt Employee

For purposes of the Federal Fair Labor Standards Act, (which will be discussed in more detail later), an exempt employee is any employee employed in a bona fide executive, administrative, or professional capacity.

h. Independent Contractors

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

## B. COMPENSATION POLICIES

### 1. Establishment of Employee Compensation

Gem County compensates employees in accord with decisions by the Board of County Commissioners as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or *status quo* maintenance for any time period. The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of County Commissioners. The Board of County Commissioners reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in

order to manage cash flow or to deal with other circumstances which justify or require change in County expenditures.

2. Compliance with State and Federal Pay Acts

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

3. Additional Compensation Policies

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

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

Chief Deputies in the offices of the Assessor, Clerk, Coroner, Prosecuting Attorney, Sheriff, and Treasurer may in addition to the regular wage for their position be paid additional periodic compensation. The Chief Deputy designation shall be at the sole discretion of the designating elected official.

4. Right to Change Compensation and Benefits

Gem County reserves the right to change general compensation for any reason deemed appropriate by the Board of County Commissioners. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent county budget. Hours worked may be reduced or employees may be laid off by the Board of County Commissioners or by elected officials within their departments as necessary to meet budgetary constraints or work load changes.

5. Overtime Compensation - Compliance with Fair Labor Standards Act

In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as Exempt or Nonexempt for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law that governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they perform work that qualifies for the professional, executive or administrative exemption. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Please contact your department

supervisor or the office of the County Clerk (HR) for further clarification of your FLSA status.

Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. The workweek for all full time employees, with the exception of some law enforcement and emergency medical personnel, will begin at 12:00 a.m. on Sunday of each week and conclude at 11:59 P.M. on the succeeding Saturday. Employees who are required to work more than forty (40) hours in a work week shall be given compensatory time figured at the rate of one and one-half hour for each hour worked over forty (40) hours in a work week.

#### 6. Compensatory Time Policy

It is the policy of Gem County that nonexempt employees who work over the regular hours paid in each seven-day work period will accrue compensatory time. Compensatory time in excess of forty (40) hours per week, or in excess of the work period interval established pursuant to 29 U.S.C. §207(k), shall be computed at 1½ hours for each additional hour worked. The Board of County Commissioners has set a maximum accumulation of eighty (80) hours.

Employees of Gem County, by accepting employment with the County, are agreeing to receive overtime reimbursement in the form of time off rather than pay.

~~Sworn law enforcement officers and field emergency medical personnel are subject to special rules under Section 207(k) of the FLSA. For law enforcement personnel, overtime compensation, whether it be compensatory time or pay at one and one-half times the employee's regular rate of pay, will be provided for hours worked beyond 171 hours in any twenty-eight (28) day work period. For emergency medical personnel, compensation will be provided at the employees' regular rate of pay for the first eleven (11) hours in excess of forty (40) hours per week within the pay period. Overtime compensation will be provided for hours worked beyond the first eleven (11) hours in excess of forty (40) hours within the pay period.~~

**Revised Per CM 5/12/14**

Gem County allows the accumulation and use of compensatory time in amounts not to exceed eighty (80) hours. Compensatory time cannot be carried over from year to year. It is the employees' responsibility to use accumulated compensatory time. Compensatory time can be used as paid time off. Compensatory time will be automatically taken first for all employee requested time off. This will not affect the use of sick leave or substitute holidays scheduled to replace the leave missed when an

employee is required to work on a regular holiday. Substitute holidays must be scheduled within sixty (60) days.

#### 7. Reporting and Verifying Time Records

It is the responsibility of each nonexempt employee to properly record time that he or she has worked. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter signature by a supervisor indicating that the hours claimed were actually worked. These records shall be retained as required by the records retention policy of the County, consistent with state law. Exempt employees may be required to document time worked for accountability and benefit purposes.

#### 8. Work Periods

Employment with Gem County is subject to the Federal Fair Labor Standards Act as previously described. Each employee is responsible for monitoring the status of hours worked in each work period. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday. For regular employees, time actually worked in excess of forty hours in a workweek will be computed at one and one-half (1½) times the hours worked. This time will accrue as compensatory time on payroll records following the work period during which it was earned.

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

#### 9. Promotions and Compensation

Compensation for all employees and elected officials is established by action of the Board of County Commissioners. The annual budget of Gem County sets the funding available for compensation for positions in various departments. Officials in each of the operating departments may recommend promotions and changes in status, but final authority regarding compensation rests with the Board of County Commissioners.

## 10. Payroll Procedures and Paydays

Employees are paid every month throughout the year. The office of the Clerk issues paychecks on 7<sup>th</sup> day of each month. Paychecks compensate employees for work performed in the pay period preceding the month in which the check is issued.

It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. The paycheck is generated by a computer program that does not have the capacity to think or to understand individual circumstances. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Board of County Commissioners with the assistance of the Clerk, the policy shall prevail. Employees are obligated to call to the County's attention any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

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

Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to County operations or called to serve on jury duty.

## 12. Military Leave

Unpaid leave of absence will be granted to participate in ordered and authorized field training. The County's employment policy will comply with the provisions of Idaho Code § 46-224, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

## 13. Reduction in Force

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The Board of County Commissioners or each elected official within his/her department, reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests. Temporary, seasonal, casual or introductory employees will be laid off before regular part-time or full-time employees are affected. In determining who is to be laid off, consideration will be given to individual performance and the

qualifications required for the remaining jobs. Any employee who believes that he/she has been terminated or reassigned from his/her position as a result of unlawful discrimination may utilize the hearing procedures set out in Section VII of this policy.

#### 14. Payroll Deductions

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

#### 15. Travel Expense Reimbursement

An employee on approved County business shall be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested in accord with Idaho Code § 31-1501 or its successor.

Authorized travel by private vehicle will be reimbursed at the rate established by the Board of Commissioners. Employees required to travel on county business will be paid actual cost of expenses for meals and lodging. Travel will be accomplished by the most economical means.

When another organization directly reimburses an employee for travel, training, and other related training costs, and where such costs were borne by the County, the employee will be required to endorse that reimbursement check over to the County. The reimbursement check must be submitted to the Gem County Clerk's office within three (3) days of receipt.

#### 16. On-the-Job Injuries

All on-the-job injuries shall be reported to the employee's supervisor and the County Clerk as soon as possible to allow filing of a worker's compensation claim in the proper manner.

If an employee is disabled temporarily by an on-the-job accident, he/she should be eligible for worker's compensation benefits. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the appropriate elected official for review. If you have any questions regarding this policy, please contact your supervisor and/or the County Clerk. All on the job injury reports will be kept in a separate medical file in the County Clerk's office.

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

***Gem County has designated Black Canyon Family Medical Center as a Preferred Provider for Workman's Compensation cases. In the event of an on-the-job injury employees will seek medical attention at Black Canyon Family Medical Center. In the case the injury occurs after regular hours or on weekends employees will seek medical attention at the Walter Knox Memorial Hospital urgent care center. All emergencies will be handled at the Walter Knox Memorial Hospital emergency room. Exceptions to the Preferred Provider Program would include injuries occurring outside of Gem County in which case employees should seek medical attention from a medical provider in the area the injury occurred. Other exceptions may be obtained through the Clerk's office who will consult with the State Insurance Fund to determine exception approval. If the on-the-job injury was caused from a vehicle accident in which the employee was driving, employees will follow the Drug/Alcohol Testing Policy Post-Accident section of the Personnel Policy.***

**Revised 2/11/13 per Commissioners**

### C. EMPLOYEE BENEFITS

Gem County offers a number of employee benefits for regular full-time and part-time employees. These benefit offerings are subject to change or termination in the sole discretion of the Board of County Commissioners. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the Board of County Commissioners.

#### 1. Vacation Leave

Vacation leave is available to full-time and part-time regular employees who have completed the equivalent of 12 months of full-time employment. Vacation accrues from the start of uninterrupted employment in the following manner for full-time regular employees:

<u>Length of Service</u>	<u>Vacation Accrual</u>
1 year	40 hours / year
2 through 5 years	80 hours / year
6 through 12 years	120 hours / year
13 through 24 years	160 hours / year
25 + years	200 hours / year

Accrual of vacation leave for part-time regular employees will be prorated in accordance with assigned hours of work. Vacation leave can only accrue to a maximum value of 40 hours more than the employees' annual accrual. Any excess, over the maximum accrual will be forfeited, without right of compensation. Vacation leave is to be scheduled with consent of the responsible elected official or department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected departments. Upon separation from employment unused vacation will be compensated by lump-sum payment up to the annual accrual rate at the then-current hourly rate.

## 2. Sick Leave

Sick leave benefits are provided to regular full-time employees at the rate of eight (8) hours per every month of employment. Part-time regular employees accrue sick leave in proportion to their hours worked. Sick leave is a benefit to provide relief to the employee in the event of illness to the employee or his/her immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness presents no practical alternative for necessary care. Sick leave must be requested before one hour of the time when the scheduled work period is to begin or at the discretion of the Elected Official. Elected officials or department supervisors asked to approve use of sick leave may, at Gem County's expense, request an independent review of reported illness at any time by a competent medical authority. Sick leave will not accrue while an employee is on an approved leave without pay, such as leave under the FMLA.

Sick leave can accrue to a maximum of 1000 hours. Employees may sell, for deposit into a deferred compensation account, any or all accrued sick leave in excess of 320 hours at the rate of  $\frac{1}{4}$  of their current hourly rate of pay for each hour of sick leave benefits sold. Application to sell sick leave hours must be submitted to the Clerk in the month of **August** for distribution into a County authorized deferred compensation account in **September**.  
**Revised 8/20/12 per Commissioners**

All unused sick leave will be forfeited without compensation upon separation from employment. Upon retirement from Gem County, for employees meeting PERSI retirement qualifications, an amount equal to one-half ( $\frac{1}{2}$ ) of the monetary value of an employee's unused sick leave, up to the maximum of three hundred twenty (320) hours, calculated at the regular rate of pay at the time of retirement, will be paid the employee. To receive this benefit, the employee must provide not less than twelve months (12) written notice of intent to retire to his or her supervisor, for budgetary

considerations. Employee retains the right to change his or her mind at any time.

### 3. Holidays

Ten official holidays are provided for full-time regular employees. Employees who have regular full-time active status on the date of any holiday shall receive compensation for that day even though they do not work. Unless an employee's work schedule includes a Saturday or Sunday on which a holiday falls, holidays which fall on Saturday shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of County Commissioners.

Full-time Regular Employees who work on holidays shall be scheduled to receive a substitute holiday with pay within sixty days of the date of the holiday they worked. Unscheduled emergency work on holidays shall be compensated at a rate of one and a half (1½) times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day	Labor Day
Human Rights Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

### 4. Bereavement Leave

Up to 24 hours of paid leave of absence shall be provided for a death in the immediate family (***spouse, parents, grandparents, children, grandchildren, brothers, sisters, as well as the listed relationships with the prefix or suffix of "in-law", "step", or "half"***). Additional leave may be granted from accrued vacation leave or unpaid leave of absence. **Revised 12/22/11 per Commissioners** |

### 5. Leave of Absence

Up to two hundred forty (240) hours unpaid leave can be granted by the elected official for any justifiable purpose.

## 6. Family Medical Leave Act (FMLA)

### a. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. Must have worked for the employer for at least 12 months;
2. Must have worked at least 1,250 hours for the employer during the previous 12 months; and
3. Your employer must employ at least 50 employees.

The employee must meet all eligibility requirements before FMLA benefits will be extended him/her.

### b. Entitlements

The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition. It also requires that the employee's group health benefits be maintained during the leave. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave.

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

Total FMLA leave for employee spouses/parents who both work for Gem County is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

Examples where employees of Gem County are entitled to leave under FMLA include:

1. To care for a child following a birth or placement of a child with the employee for adoption or foster care.
2. To care for a sick child, spouse or parent who has a "serious health condition."
3. If the employee him/herself is unable to perform his or her own work responsibilities because of his/her own serious health condition.

c. Concurrent Use of Accrued Leave and Worker's Compensation Required

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

d. Employee Obligations

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

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

Contact the Clerk's office to discuss your rights and obligations for continuation of any current benefits you are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

To request FMLA leave please contact the Clerk's Office indicating the reason for requesting FMLA leave and the expected duration of leave. Note: You may be required to provide medical certification by your physician or medical practitioner indicating the diagnosis and probable duration of your medical condition or the medical condition of your family member.

e. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule to allow the employee to care for a sick family member, or for an employee's own serious health condition with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the elected official.

f. Employer's Rights and Obligations

Gem County has the right to determine whether the employee is or is not an "eligible employee" under the Act. Gem County has the right to place an employee on FMLA leave without the employee's consent should the County determine that the employee meets the eligibility requirements under the Act.

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

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

g. The National Defense Authorization Act

On January 28, 2008, the National Defense Authorization Act amended the FMLA. This amendment provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee

who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty which renders that person unfit to perform his or her duties in the Armed Forces. Gem County may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition.

The National Defense Authorization Act also provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. Gem County may require the request for this type of leave be supported by certification that the service member has actually been called to active duty. Gem County employees shall provide prior notice when the need for this type of leave is foreseeable.

If you have any questions about your rights under FMLA please contact the Clerks Office.

#### 7. Change in Benefits

Gem County, through its Board of County Commissioners, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

#### 8. Benefits for Part-Time or Temporary Employees

All employees shall receive benefits as required by law to include Workers Compensation insurance. All other benefits are to be determined by the governing board.

#### 9. Insurance Coverage Available to Employees

Health insurance is available to employees and family members in accordance with the terms and conditions of the County's contract for such services. The Clerks Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings including life insurance, disability insurance, dental insurance, vision insurance and supplemental income protection may be available at employee or County expense. Any such offerings are subject to change at any time.

#### 10. Retirement

The retirement plan of Gem County combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security

(FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and Gem County matches this with an additional larger contribution.

#### 11. Transfer of Benefits with Employee Transfer

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

### **V. EMPLOYEE PERFORMANCE AND DISCIPLINE**

#### **A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY**

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

#### **B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK**

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

#### **C. DISCIPLINARY ACTIONS AVAILABLE**

The following actions are among the disciplinary steps that may be taken by the supervisor in response to personnel policy violations:

- Oral warning
- Written warning or reprimand
- Suspension without pay
- Demotion
- Dismissal

#### D. DISCIPLINE PROCEDURE

Before an employee is disciplined for violating the Gem County Personnel Policy or for violating any departmental policy, the employee shall be provided with a written notice of intent to pursue disciplinary proceedings from his or her department head. The statement shall set out the violations the employee is accused of and notify the employee of his or her right to contest the allegations in writing or in a hearing. The notice shall also inform the employee of the right to have a representative assist in the proceedings and set a date by which the employee must respond to the allegations.

If the employee does not respond to the notice, the department head may proceed to decide what discipline, if any, shall be imposed based on the information that has already been submitted. If the employee responds in writing in a timely fashion, the department head shall consider that information in making the decision.

If the employee timely requests a hearing, the department head shall set a hearing no later than fourteen (14) days after the date the request is received. Any and all persons deemed necessary by the department head may provide information at the hearing. The employee may also have anyone deemed necessary provide information at the hearing to help the department head decide the issues.

A department head may suspend an employee with pay pending the outcome of the disciplinary proceedings. Such suspension shall not be considered discipline and shall not be entered into the employee's personnel file.

If, after notice, and hearing, if requested, the department head imposes a disciplinary sanction, such sanction and the reason therefore shall be entered into the employee's personnel file.

Any disciplinary sanction imposed by the department head may be appealed to the Board of Commissioners within seven (7) days after the employee receives notice of the department head's decision to impose disciplinary sanctions. Gem County also recognizes that a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of

dishonesty, immorality or criminal misconduct is entitled to a “Name-Clearing” hearing. *Cox v. Roskelley*, 359 F.3d 1105 (9<sup>th</sup> Cir. 2004).

#### E. OPPORTUNITY TO BE HEARD

All Gem County employees are at-will employees. However, Gem County recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. Gem County does not condone discrimination on the basis of the foregoing unlawful categories. **FAILURE TO PURSUE THIS OPPORTUNITY PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.** Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.

The elements of procedure to be followed and undertaken at the direction of the Board of County Commissioners or its designated official are as follows:

1. The employee may, within fourteen (14) days of his/her termination or demotion, submit to the Board a written allegation of unlawful discrimination or the basis for entitlement to a “name-clearing hearing,” stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.
2. An employee alleging unlawful discrimination or the entitlement to a “name-clearing hearing” will be entitled to meet with the designated person, and the meeting will last no longer than two hours unless otherwise approved.
3. There shall be a record maintained, including a tape recording of the meeting.
4. The employee’s supervisor, to the extent of his/her knowledge, may be required to provide a brief written statement in response to the particular allegation of discrimination or “name-clearing” request. The Board may request that the employee’s supervisor participate in the meeting.
5. The employee will not be prohibited from having an attorney assist him/her at the employee’s own expense.
6. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or “name-clearing” is based.

7. The Board may ask the employee's witnesses questions for clarification purposes should that be necessary during the discussion process.
8. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Board to consider.
9. The Idaho Rules of Evidence do not apply to this opportunity to be heard.

After the conclusion of the discussion, the Board of County Commissioners will consider the information submitted and such other information as might be in the County's records to arrive at a decision concerning the employee's allegations. Said decision shall set forth the reasons for the Board's determination in writing. If as a result of this opportunity to be heard, the Board finds fault with the basis for the County's action, remedial action may be prescribed, including restoration of employment and payment of back pay.

## **VI. GEM COUNTY DRUG/ALCOHOL TESTING POLICY**

In recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol can have on covered employees engaged in the transportation industry, Gem County has a responsibility to its covered employees, and the public at large, to see that its commercial vehicle operators and other employees who operate County equipment and work in safety sensitive positions are both drug and alcohol free while on duty.

Therefore, Gem County is implementing this Drug and Alcohol Free Workplace Policy that includes within its provisions those regulations contained within the Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382.

### **A. IMPLEMENTATION SCHEDULE**

This policy will apply to all prospective and current employees of this County who are specifically covered as stated below. Those employees that are covered by the terms of this policy are hereby referred to as "covered employees."

### **B. COVERED EMPLOYEES:**

Persons who drive any County vehicles in conjunction with their regular daily work.

### **C. RESPONSIBILITIES:**

Persons required to have a Commercial Drivers License in order to operate a commercial vehicle for the County;

D. PERSONS WHO OPERATE ANY COUNTY EQUIPMENT AS A PART OF THEIR DUTIES FOR GEM COUNTY:

1. All sworn officers of the Sheriff's Department
2. All Emergency Medical Technicians
3. Any other person who is determined to be employed in a safety sensitive position by the Gem County Commissioners.

E. QUESTIONS REGARDING THIS POLICY

The county hereby designates the Board of County Commissioners as the persons responsible for answering covered employees questions relating to the provisions of this policy.

F. COVERED EMPLOYEES' USE OF ILLEGAL DRUGS

This County has an absolute prohibition against covered employees' use of illegal drugs, or the illegal use or misuse of prescription medication.

1. This prohibition extends to such use both on and off the job. Evidence that a covered employee has tested positive for the presence of illegal drugs pursuant to a test given under the terms of this policy will be proof sufficient to establish the employee's violation of this provision.
2. All objections to application of County policy in this regard shall be brought to the attention of the office of the Board of County Commissioners, or in the case of objection to Board action, then the office of the Prosecuting Attorney.

G. PRE-EMPLOYMENT TESTING

All prospective employees will be tested for the presence of illegal drugs prior to operating equipment for this County. Furthermore, all prospective drivers must disclose to the County all previous employers for whom they have worked as a CDL driver within the past two (2) years. The County will then request from those employers information regarding any incidents where the prospective driver has tested positive for illegal drugs or alcohol, or refused to test within the last two (2) years. In the event the County receives information from a past employer that the prospective driver has tested positive for drugs or alcohol within the last year that prospective driver will not be offered employment, or their conditional employment will be terminated with the County. Drivers will be required to sign a consent form authorizing the County to conduct a check of each employer the driver has been employed with during the past two (2) years as a CDL driver to determine if the driver has tested positive for illegal drugs or alcohol.

Any driver that is found to have previously tested positive for illegal drugs or alcohol and who is hired by the County must show that they have been evaluated by a substance abuse professional and were found to be non-drug or alcohol dependent. It will be the County's responsibility to ensure that any required follow-up tests of such drivers are conducted as required by DOT regulations.

#### H. RANDOM TESTING

All covered employees will be subject to random drug and alcohol testing. Random testing selections shall be made by a scientifically valid method that will result in each covered employee having an equal chance of being tested each time selections are made. Random testing for alcohol will take place just prior to, during, or just after a covered employee's duty time.

#### I. POST-ACCIDENT

A covered employee operating equipment for the County that is involved in a reportable accident will be tested for both illegal drugs and alcohol as soon as practical. For terms of this policy a reportable accident means an accident that results in a fatality, or where someone involved requires medical treatment away from the scene, or if one of the vehicles is towed away, and there is a citation issued to the covered employee in connection with the accident. Alcohol testing must be administered within two (2) hours of the accident where possible, but in no case later than eight (8) hours. Drug testing must be administered within 32 hours of the accident.

Any covered employee required to be tested under this section must remain readily available for such testing and such a covered employee may not consume alcohol within eight (8) hours of the accident or until they have been tested for alcohol. A covered employee involved in an accident requiring a drug and alcohol test must notify the County contact of the accident as quickly as possible and comply with those instructions given them relative to their taking a drug and alcohol test.

#### J. SPECIMEN COLLECTION PROCEDURES AND TEST RESULT NOTIFICATION

##### 1. Adulteration or Submission of a Concealed Specimen

- a. If, during the collection procedure, the collection monitor detects an effort by a covered employee to adulterate or substitute a specimen, a second specimen will be immediately requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform the County contact of the covered employee's refusal to submit a true

specimen. Such conduct by the covered employee will be considered as a refusal to provide a true specimen for testing.

- b. In the event that a prospective or current covered employee submits a specimen that the laboratory later identifies as a diluted specimen, the County will advise the covered employee of that result and request that covered employee submit a second specimen. Such donors will be advised by the County not to drink any fluids prior to the test.

## 2. Drug/Alcohol Specimen Collection Procedures

All testing for illegal drugs will be done by the testing of a covered employee's urine specimen. All specimen collections will be conducted by personnel that have been instructed and trained in collection procedures set by the DOT. All testing for alcohol will be done by the use of DOT approved alcohol testing procedures conducted by trained and qualified alcohol testing technicians.

## 3. Notification of Test Results

Gem County has arranged that all test results, both drug and alcohol, will be forwarded to the Board through the contract provider, as the representative of the County. Any prospective or current covered employee that tests positive for illegal drugs shall be offered an opportunity to personally discuss the positive drug test with the Board or its representative. The Board will follow up on such information as is appropriate. Any covered employee who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the covered employee's test result will be reported as negative. If, after consideration of the matter, the Board finds no reason to doubt the validity of the positive test, the employee's test will be considered as positive.

The Board will consider the result positive without discussing the result with the covered employee if the covered employee expressly declines the opportunity to discuss the results of the test, or the covered employee is instructed by the county to contact the Board but fails to do so within five (5) working days.

## 4. Refusal

A covered employee may not refuse to take a drug or alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol. A covered employee will be considered as refusing to test if he/she expressly refuses to take a test when so requested, or otherwise fails to provide an adequate breath, saliva, or urine sample without a valid medical explanation.

Additionally, a covered employee will be considered as refusing to test if he/she engages in conduct that clearly obstructs the testing process.

#### 5. Effect of Testing Positive for Drugs or Alcohol

Any prospective covered employee that tests positive for the presence of illegal drugs or alcohol will not be hired. Any current covered employee that tests positive for the presence of illegal drugs or alcohol will immediately be terminated from employment with the County.

For purposes of this policy, a covered employee tests positive for alcohol when that covered employee's blood alcohol concentration (BAC) is .04 or above. If a covered employee tests between .02 and .039 BAC, that covered employee will not be allowed to operate a commercial vehicle or equipment or drive any County vehicle for this County for 24 hours from the time of the test. The employee shall be considered on leave without pay during the 24 hours. A covered employee that twice tests between .02 and .039 BAC in a year's time will be treated as the equivalent of testing positive for alcohol.

## VII. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

### A. PURPOSE

The purpose of this Harassment Policy is to clearly establish the County's commitment to work to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment.

Because of the importance of a workplace free from unlawful harassment, this policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee to prevent inappropriate behavior in the workplace. Inappropriate behavior that impacts the workplace, or has the potential to impact the workplace, will **not** be tolerated.

This Policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

## B. POLICY

Harassment of an applicant for employment, a member of the public, or an employee by any employee of the County on the basis of race, color, religion, national origin, sex, age (40 and over) and disability is in violation of State and/or Federal law and will not be tolerated by Gem County.

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

## C. RESPONSIBILITIES

1. The County. It is the responsibility of the County to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this Policy.
2. Supervisors: It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include proper notification and following the steps outlined in the Complaint Procedure” (letter E of this section)” .

If unlawful harassment is reported or alleged, it must be followed up. No complaining party should be allowed to retract an allegation of unlawful harassment without proving that it was made erroneously. If a supervisor receives information that discrimination, unlawful harassment or retaliation might be occurring, he/she shall follow the Complaint Procedure as set out in this policy below.

3. Employees. It is the responsibility of each and every employee to know this policy and to follow it. All County employees share the responsibility of understanding and preventing unlawful discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing their supervisor, Department Head, the Clerks Office or legal counsel for the County of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible. It is

imperative that every employee treats every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

#### D. DEFINITIONS

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

1. **Verbal Harassment** – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) and disability whether made in general, directed to an individual, or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually oriented comments including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” which is oriented towards a prohibited form of harassment.
2. **Physical Harassment** – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This applies to both posted material and material maintained in or on Gem County equipment or personal property in the workplace.
4. **Sexual Harassment** – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where submission to unlawful harassment is used as the basis for employment decisions.

Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

#### E. COMPLAINT PROCEDURE

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

1. A person who believes he/she has been unlawfully harassed, discriminated or retaliated against should report it to their supervisor, Department Head, Human Resource Officer, or legal counsel for the County. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in any County department as a result of an employee coming forward, the supervisor should immediately report it to a designated official pursuant to this policy. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complainant cannot withdraw the complaint without a determination that it was made erroneously.
2. Promptly upon receiving the complaint, the Designated Official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.
3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Board of County Commissioners shall review the complaint with the attorney for the County.

4. The Board of County Commissioners, in conjunction with legal counsel for the County, shall engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.
6. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the Board of County Commissioners, who then will route it as appropriate.
7. If it is determined that unlawful harassment or discrimination in violation of the County's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the County. The appropriate action will depend on the following factors:
  - a. The severity, frequency and pervasiveness of the conduct;
  - b. Prior complaints made by the complainant;
  - c. Prior complaints made against the respondent; and
  - d. The quality of the evidence (first hand knowledge, credible corroboration etc.).
8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this Policy, but some potentially problematic conduct is revealed, corrective action may be taken.
9. Promptly after the investigation is concluded, the supervisor(s) will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation.
10. The complainant and the respondent may submit statements to the supervisor(s) challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the supervisor(s) in which the findings of the investigation is discussed.
11. Promptly after the supervisor(s) has met with both parties and reviewed the documentation, he or she will decide, after consultation with legal counsel, what action, if any, should be taken.

#### F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the supervisor should take prompt and effective remedial action against the harasser. The action

should be commensurate with the severity of the offense, up to and including termination of employment.

#### G. RETALIATION

Retaliation in any manner against a person for filing an harassment charge or initiating an harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action **up to and including termination**. The supervisor, Department Head and Elected Official should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

#### H. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved.

#### I. FALSE COMPLAINTS

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

#### J. DISTRIBUTION

Access to this policy shall be provided to all employees, supervisors and Elected Officials of the County either by paper or electronic copy. Any questions, concerns or comments related to this policy should be directed to the Department Head, Human Resource Officer or Elected Official.

### VIII. SEPARATION FROM EMPLOYMENT

#### A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, Gem County reserves the right to reduce forces in such manner as it deems necessary to maintain the effective functioning of Gem County services. Decisions about

the functions or positions to be reduced are not subject to the hearing procedure established by Gem County.

Reorganization initiated to make more efficient use of resources or to accommodate budgetary needs shall not be subject to the hearing procedure established by Gem County.

#### B. RETIREMENT POLICY

The retirement policy of Gem County shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System of Idaho (PERSI).

#### C. COBRA BENEFITS

Employees of Gem County who currently receive medical benefits, who separate their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after separating from Gem County please contact the Clerks Office.

#### D. EXIT INTERVIEW

Each employee who terminates from employment with Gem County is encouraged to participate in an exit interview with the designated representative of the County. In such interview, the employer should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be invited to inform the interviewer about his/her impressions of employment in such interview. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

#### E. RESIGNATION POLICY

Voluntary resignations will generally be made in writing. If the employee wants their formal records to indicate "voluntary resignation", they must do so in writing to their supervisor or department head. Oral resignations will be documented by the supervisor after consultation with the elected official or department head in charge. Evidence of acceptance of a resignation should be provided to the ex-employee if possible. Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have abandoned their position and therefore resigned.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Board of \_\_\_\_\_ County Commissioners:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Board Member

Attest: \_\_\_\_\_  
Clerk

**APPENDIX "A"**

ACKNOWLEDGMENT OF RECEIPT OF GEM COUNTY PERSONNEL POLICY

I, \_\_\_\_\_ acknowledge receipt of the Gem County  
Personnel Policy, adopted on April 12th 2011

- I understand that it is my responsibility to read and review this Policy.
- I understand that this Policy is not a contract and cannot create a contract.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy Manual and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Employee)

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the **Gem County** Personnel Policy, as adopted by the Board of County Commissioners on April 12<sup>th</sup> 2011 to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name - Title - Department)

APPENDIX "B"



**Gem County**  
Vehicle Use Policy

Approved by the Board of County Commissioners

Date: January 4<sup>th</sup> 2011

## 1. PURPOSE

- A. This Policy outlines the use of vehicles for work used on behalf of Gem County.
- B. Operators of Gem County owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both Gem County owned property and public trust.
- C. Employees are expected to operate vehicles safely. It is the policy of Gem County to provide a safe working environment that protects our employees and our citizens from injury and property loss. The Gem County considers the use of vehicles part of the working environment. The Gem County is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.
- D. This policy applies to all employees and Gem County volunteers\* who operate vehicles on Gem County business. These drivers will be referred to as "employee drivers" and will be reviewed by managers and supervisors to ensure full implementation and compliance.

*\*Volunteers are those that volunteer on a regular basis, not one-time volunteers. All reference to employees in the Vehicle Use Policy also includes volunteers.*  
**Revised 2/28/2012 per Commissioners**

## 2. USE

- A. Vehicles owned or leased by Gem County are to be used for the functions of Gem County. Personal use or any other type of use must be authorized by the BOCC.
- B. The Board of County Commissioners is entrusted with the care and keeping of the vehicles and may assign that responsibility to an office, department or employee.
- C. Some employees may be assigned a vehicle that is driven home; such personal use, if allowed, shall be a taxable benefit unless specifically exempt by IRS regulation.

- D. Employees must be authorized by their supervisor to operate a Gem County vehicle.
- E. Driving any vehicles over 26,000 gross vehicle weight, Buses, and Vans over 15 passengers require a commercial driver's license (CDL) with appropriate endorsements and medical certificate in accordance with Federal Regulation.
- F. Personal Vehicles on Gem County Business: Employees who drive their personal vehicles on Gem County business are subject to the requirements of this policy including:
  - 1) Maintaining auto liability insurance with minimum state limits.
  - 2) Providing proof of liability insurance to the Clerk's Office on an annual basis.
  - 3) Maintain vehicle in a safe operating condition when driven on Gem County business.

### **3. ASSIGNED OR PERMISSIVE DRIVERS**

- A. Each employee assigned to a Gem County vehicle or employees who operate a Gem County fleet vehicle are required to have a valid driver's license. Should an employee's Driver's License expire, be revoked or suspended, the employee shall immediately notify his or her supervisor. At the time of the suspension, the employee's Gem County vehicle-use privileges will be suspended until the employee's Driver's License has been fully restored and validated.
- B. Each employee assigned or permitted to operate a Gem County vehicle shall be responsible for the following:
  - 1) Proper and safe operation of the vehicle.
  - 2) Check that vehicle is in good operational order (eg. no fluid puddles below, adequate tire pressures, fluid levels, etc).
  - 3) Service and maintain the vehicle in accordance with the manufacturer's recommendations.
  - 4) Maintain vehicle registration, license plates and inspections.
  - 5) Participate in vehicle safety and defensive driving training as required by Gem County.

### **4. DRIVER EVALUATION**

Driving ability may be considered depending upon the employees job requirements. To evaluate employees as drivers, management may:

- A. Review past driving performance and work experience through reference checks with previous employers.
- B. Review the employee's Drivers License Record (DLR).
- C. Ensure the employee has a valid driver's license.

D. Ensure the employee is qualified to operate the type of vehicle he/she will drive.

## **5. SEATBELT USE**

Except as authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety (Idaho Code 49-673(2)(b)).

## **6. MOBILE COMMUNICATION DEVICE, CELL PHONE AND COMPUTER USE**

The driver of a Gem County vehicle, or any other vehicle being used for Gem County business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion. Drivers must be safely parked before using phone or mobile computer equipment. A mobile communication device is defined as "a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication". This does not apply to Gem County work-related two-way radios. Exception: Sworn law enforcement officers may use mobile communication devices in specific tactical situations.

## **7. SMOKING PROHIBITED IN VEHICLES**

Smoking is expressly prohibited in all Gem County vehicles.

## **8. IMPAIRED DRIVING**

The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.

The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

## **9. PROOF OF INSURANCE**

Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.

## **10. ACCIDENT REPORTING**

A. In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seeks immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic.

- B. Drivers shall always have a police officer investigate any accident that involves a Gem County vehicle. This will help ensure that Gem County is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from ICRMP or an authorized representative of Gem County.
- C. Drivers shall notify their supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved. Refer to Personnel Policy regarding drug testing.
- D. Drivers shall cooperate fully with ICRMP Claims Department in the handling of the claim.

## **11. TRAFFIC VIOLATIONS**

All fines and other criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any Gem County vehicle. These costs are not reimbursable by Gem County and must be paid promptly by the driver.

ACKNOWLEDGMENT OF RECEIPT OF VEHICLE USE POLICY.

I, \_\_\_\_\_ acknowledge receipt of the Gem County Vehicle Use Policy, adopted on January 4th 2011

Please initial each statement below if it is true.

\_\_\_ I understand that it is my responsibility to read and understand the contents of this Policy.

\_\_\_ I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Policy and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the Policy.

\_\_\_ I understand that this Policy may be modified without prior notice to me.

\_\_\_ I understand that should this Policy be modified that I will be provided with a copy of the modification.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Employee)

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the Gem County Vehicle Use Policy, as adopted by the governing Board on January 4<sup>th</sup> 2011 to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name - Title - Department)

## APPENDIX "C"



**Gem County**  
Information Systems Use Policy

Approved by the Board of County Commissioners

Date: \_\_\_\_\_

## **Purpose**

This Policy outlines the use of information systems during work hours. Use includes both County owned and personal equipment.

## **Use**

- A. Gem County e-mail, computer, Internet and voice mail systems are Gem County property. Anything you create or load on the systems becomes Gem County property.
- B. These systems are in place to facilitate your ability to efficiently and productively do your job. To that end, these systems are solely for business purposes. Only "incidental personal use\*," (see below) that does not interfere with work or consume Gem County resources will be allowed.
- C. Gem County reserves the right to intercept, monitor, copy, review and download any communications or files you create or maintain on these systems, at any time, without prior notice to you.
- D. Gem County purchases and licenses the use of various computer software programs for business purposes. Gem County employees do not own the copyright to this software or its related documentation. Unless authorized by the software developer, Gem County employees do not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Illegal duplication of software and its related documentation for personal use is also prohibited.
- E. E-mail and Internet Access. E-mail and Internet access is provided by the county to enhance communications and provide access to work related information and technology. Consequently, employees should always ensure that the business information contained in Internet E-mail messages and other transmissions is legal, accurate, appropriate and ethical. The following are examples of prohibited uses of E-mail and Internet systems (it is recognized that certain personnel may be required to perform these functions in the course of their jobs).
  - Sending or posting discriminatory, harassing, or threatening messages or images.
  - Using county time and resources for personal gain.
  - Stealing, using or disclosing someone else's code or password without authorization.

- Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material.
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet or e-mail services and transmissions.
- Sending or posting messages or material that could damage Gem County's image or reputation.
- Participating in the viewing or exchange of pornography or obscene materials.
- Sending or posting messages that defame or slander other individuals.
- Attempting to break into the computer system of another organization or person.
- Refusing to cooperate with a security investigation.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.
- Using the Internet for political causes or activities, religious activities, or any sort of gambling.
- Jeopardizing the security of the organization's electronic communications systems.
- Installation of any program not authorized by the Board of County Commissioners.
- Passing off personal views as representing those of Gem County.
- Sending anonymous e-mail messages.
- Participation in or use of social chat rooms.
- Logging on or using another employee's computer without authorization.
- Engaging in any other illegal activities.

*Regular monitoring of Internet activity will occur.*

- F. Personal Use. As indicated in this policy, computers, Internet access and e-mail are provided primarily for work related activities. However, occasional personal use may be permitted on a limited basis within the guidelines established by this policy provided that such use does not result in a cost to Gem County or interfere with county business operations, availability of resources for business use or the employee's job performance.
- G. Your consent to and compliance with these information system policies is a term and condition of your employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files is grounds for discipline, up to and including termination.