ADA COUNTY

Uniting Talent With Opportunity

Employee/Manager Handbook & Procedural Guidelines

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Ada County Department of Administration • Human Resources • 200 W. Front Street • Boise, Idaho 83702

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CHAPTER 1: GENERAL INFORMATION

WELCOME AND INTRODUCTION

Thank you for being a part of Ada County.

We are proud of those who work for us, and employees can be proud of the positions of trust they hold within our community. Employees are our most valuable asset and are the means by which we carry out our service to the community.

As employees of Ada County, we must earn trust each and every day in everything we do. As such, we expect employees to maintain the highest degree of integrity and honesty as Ada County's reputation in the community will be determined by the work we do and by the employees who represent us.

In order to ensure we are able to carry out our responsibilities and commitment to the community, it is critically important that Ada County employees understand their roles, rights, and responsibilities as public employees.

PURPOSE AND STRUCTURE

The policies outlined in the Ada County Employee/Manager Handbook are intended to provide guidance to all Ada County employees. Nothing in these policies should be construed as an employment contract or as a guarantee of continued employment.

The purpose of the Ada County Employee/Manager Handbook & Procedural Guidelines is to provide employees, supervisors, managers, department heads, and elected officials with a clear and concise resource that details key policies and procedures presented in an understandable and logical manner. The policies and procedural guidelines included outline the rules and regulations set forth by Ada County.

The Handbook has been developed to familiarize employees with Ada County and provide information about working conditions, key policies, and benefits affecting employees at Ada County. It is also intended to be a resource for individuals with supervisory responsibilities.

The Handbook is broken down into the following chapters:

- Chapter 1: General Information
- Chapter 2: Guide for Employees and Managers
- Chapter 3: Compensation and Benefits

TERMINOLOGY

Throughout the Ada County Employee/Manager Handbook & Procedural Guidelines, the terms employee, supervisor, manager, department head, and elected official are used. For purposes of clarity within this document, the explanations of terminology are provided below. Departments and offices may have more specific terminology for the unique needs of their department/office policies and procedures.

The term "employee" is considered any person in the employ of a department or office who is paid a salary or wage, excluding officials elected by popular vote.

The terms "supervisor" and "manager" are considered as any employee who is officially provided supervisory duties over at least one person, and/or employees with the official capacity to influence the employment status of employees within their direct line of supervision.

The term "department head" is considered as any non-elected official in charge of any bureau, department, agency, or office of Ada County government.

The term "elected official" is considered as any official or officer in Ada County government elected by popular vote.

CHANGES TO THE HANDBOOK

The Ada County Employee/Manager Handbook & Procedural Guidelines are an overall guide to the County personnel system. All previous personnel ordinances have been repealed. The Handbook may be amended from time to time by the Board of County Commissioners for such reasons as they may determine. Once any changes are made, written notice will also be made to all elected officials and department heads by Ada County Human Resources. Written notice will also be made via an announcement on the Ada County Employee Site (ACES).

DISTRIBUTION OF THE HANDBOOK

The Ada County Employee/Manager Handbook & Procedural Guidelines are available on the Ada County website, as well as on ACES. Electronic use of the Handbook is recommended for ease of reference, allowing the use of search functions and links throughout the document. Electronic use also ensures that all employees have the most recent version with any and all changes as such changes are made. Elected officials and department heads are responsible for processing any requests for hard copies or other forms of access for their employees.

ADDITIONAL POLICIES AND PROCEDURES

In addition to using the Ada County Employee/Manager Handbook & Procedural Guidelines, elected officials may adopt further policies and procedures to meet the unique needs of the offices they administer, provided they are not in conflict with the policies and procedures described in the Ada County Employee/Manager Handbook & Procedural Guidelines Handbook and/or state and federal laws.

ACCOUNTING HANDBOOK POLICY/PROCEDURE

All policies and procedures regarding the use of Ada County monetary resources are outlined in the Accounting Handbook Policy/Procedure document. This accounting handbook is maintained by the Clerk/Auditor/Recorder and should be referenced on line on their ACES web page.

CHAPTER 2: GUIDE FOR EMPLOYEES AND MANAGERS

SECTION 2.1 EMPLOYMENT LEGAL COMPLIANCE

It is Ada County's policy to comply with all applicable federal, state, and local laws. This includes but is not limited to: the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), the Age Discrimination in Employment Act (ADEA), the Consolidated Omnibus Budget Reconciliation Act (COBRA), the Equal Pay Act (EPA), the Fair Credit Reporting Act (FCRA), the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), the Health Insurance Portability and Accountability Act (HIPAA), the Idaho Garnishment Law, the Idaho Wage Payment Law, the Idaho Public Records Law, the Immigration Reform and Control Act (IRCA), the Pregnancy Discrimination Act (PDA), Title VII of the Civil Rights Act, the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Idaho Workers' Compensation Law.

2.1.1 EQUAL EMPLOYMENT OPPORTUNITY/ TITLE VII OF CIVIL RIGHTS ACT

Ada County is an equal opportunity employer. It is the policy of Ada County to prohibit discrimination and to afford equal employment opportunities to employees and applicants, without regard to race, color, religion, sex, national origin, age, disability, citizenship (with valid work authorization), or veteran status (other than veterans' preference). The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between Ada County and its employees, including but not limited to:

- Recruitment and employment
- Promotions and transfers
- Training and working conditions
- Wages and salary administration
- Employee benefits and application of policies
- Discipline and termination

The policies and principles of equal employment opportunity also apply to the treatment of independent contractors, individuals working on Ada County premises who are employed by temporary agencies and any other persons doing business for or with Ada County.

HARASSMENT

Ada County is committed to providing a work environment where its employees and those served by the County are treated respectfully and are free from harassment. Employees are responsible for respecting the rights of coworkers and others to be free from harassment.

GENERAL HARASSMENT

General harassment is conduct that is insulting, degrading and shows hostility toward an individual such that it interferes with the individual's work environment and performance. General harassment is conduct that is so severe or occurs with such sufficient frequency to create a hostile or offensive work environment. General harassment does not include

management actions including duty assignments, disciplinary actions, and performance appraisals.

Prohibited general harassment includes the following types of behavior:

- Verbal or written communication that contains degrading comments or jokes.
- Intimidating or threatening conduct directed at an employee.

DISCRIMINATION BASED HARASSMENT

Harassment based on an employee's sex, age, color, race, national origin, religion, or disability, is a form of discrimination and is a violation of this policy. Sexual harassment is a form of discrimination and violates this policy.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

RETALIATION

All employees are responsible for assisting supervisors and managers in creating and sustaining a harassment-free environment by respecting the rights of others to be free from harassment and acts of retaliation. Retaliation against someone who reports harassment or discrimination, or who participates in an investigation, is strictly prohibited. Retaliatory acts may include but are not limited to: unsubstantiated negative appraisals, inappropriate changes in job assignments or duties, exclusion from meetings, or negative treatment by coworkers. Retaliation does not include disciplinary actions taken against an employee for filing a fabricated claim of harassment, nor does it include disciplinary actions taken against an employee for performance issues not related to the harassment complaint or investigation.

Employees should report acts of retaliation to a supervisor, manager, department head, elected official, or the Ada County Human Resource Manager. Reports of retaliation will be promptly investigated. Appropriate follow-up measures may be taken as necessary. Disciplinary action, up to and including termination, may be taken against anyone who violates this retaliation policy.

VIOLATIONS

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. Ada County will investigate every issue that is brought to its attention in this area and will take appropriate disciplinary action, up to and including termination of employment.

MANAGEMENT INFORMATION

Elected officials, department heads, managers and supervisors are responsible for implementing equal employment practices within each department or office. Ada County Human Resources is responsible for the County's overall compliance, and must maintain personnel records in compliance with applicable laws and regulations.

Ada County will support this policy by maintaining the following business practices:

- Displaying equal employment opportunity notices in highly visible areas.
- Forbidding retaliation against anyone who reports harassment, files a charge of discrimination, or who assists, testifies or participates in an equal employment proceeding.
- Requiring employees to report to a member of management or Ada County Human Resources any apparent discrimination or harassment. The report should be made within forty-eight hours of the incident.

All supervisors and managers are responsible for ensuring an atmosphere free of harassment, sexual and otherwise. Supervisors and managers of Ada County are required to take prompt, appropriate action upon observing or becoming aware of harassing behavior. The failure of a supervisor or manager to respond promptly to an observed or reported instance of harassment may result in disciplinary action against the supervisor or manager.

PROCEDURES

Reporting

If an employee feels he or she is the target of harassment or discrimination, the employee may confront the offending party either in person or in writing. However, this resolution will not constitute notice to the County of the alleged harassment or discrimination. If the employee feels uncomfortable confronting the offending party, or if after doing so the behavior has not stopped, he or she must report the conduct as soon as possible to a supervisor, manager, department head, elected official, or to Ada County Human Resources. If a complaint is made verbally, the employee will be asked to confirm the written notes of said report to ensure accuracy and completeness.

When discrimination or a report of such conduct comes to the attention of a supervisor, manager, department head, or an elected official, that individual must act promptly to ensure the situation is assessed, thoroughly investigated and that appropriate resolution measures are implemented. Departments or offices that observe suspected incidents of discrimination or receive a report of such conduct are responsible for contacting the Ada County Human Resource Manager within three (3) business days. Management is responsible for assisting and cooperating in any investigation that is conducted, and maintaining confidentiality on a need-to-know basis.

Investigations

Ada County Human Resources will promptly investigate any reports of harassment or discrimination. Ada County may choose to place employees on leave, either with or without pay, pending investigation.

Offices or departments that conduct formal internal investigations of misconduct may investigate claims of discrimination as prescribed by the regulations set forth by such department. In these cases, the office or department conducting the investigation should notify Ada County Human Resources of the complaint as soon as possible and that their office will be conducting the investigation. At the conclusion of the investigation, the investigating office should forward a copy of the investigation findings to Ada County Human Resources.

Confidentiality

Management is responsible for assisting and cooperating in any investigation that is conducted, and maintaining confidentiality on a need-to-know basis. Employees should refrain from discussing the situation with other employees who are not tasked with either investigating or resolving the situation.

Conclusion

At the conclusion of an investigation, Ada County Human Resources will retain the original investigative report and will provide a copy of the report to the Prosecuting Attorney's Office, Civil Division. Any employee disciplined for violating this harassment policy will have a copy of the disciplinary notice placed in his or her permanent personnel file.

2.1.2 AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

All employees are expected to comply with the Age Discrimination in Employment Act (ADEA) which prohibits discrimination against applicants and employees who are at least forty (40) years of age. The ADEA applies to all aspects of employment including: hiring, firing, compensation, benefits, work hours, job assignments, training opportunities, transfers, employee classifications, promotions, layoffs, retirement and leave. Employees who feel they may have been discriminated against due to their age should contact Ada County Human Resources immediately.

Practices prohibited by Ada County include:

- Making decisions based on stereotypes of older workers.
- Refusing to hire, train, or promote older workers because of their age.
- Making age-related slurs or teasing older workers about their age.
- Printing job advertisements with preferences for younger workers.
- Retaliating against an individual for making or participating in an ADEA claim.

2.1.3 AMERICANS WITH DISABILITIES ACT (ADA)

All employees are expected to comply with the Americans with Disabilities Act (ADA) which prohibits discrimination against qualified individuals with a disability. The ADA covers both applicants and employees who meet the qualification requirements for the position (education, experience, etc.), who can perform the essential functions of the position with or without a reasonable accommodation, and have a disability as defined by the ADA.

PROCEDURES

Employees may submit a request for an accommodation to their supervisor, the County's ADA Coordinator, or Ada County Human Resources. The request may be verbal or in writing but must contain enough information for Ada County to determine that an accommodation is needed due to an underlying long-term medical condition or impairment. Supervisors and managers should work with Ada County Human Resources and the ADA Coordinator to determine the essential functions of the position and discuss possible reasonable accommodations. Human Resources will work with the supervisor/manager and the applicant or employee to engage in the interactive process to see if the individual qualifies under the ADA, and if a reasonable accommodation is available to enable the individual to safely and successfully perform the essential functions of the position.

Ada County may request additional information from the employee and his/her health care provider to verify the disability and obtain possible recommendations of ways to accommodate the disability. The ADA requires an interactive process between the employee and the employer. If an employee fails to provide the necessary information for the request to be reviewed, the request for an accommodation may be delayed or denied pending more information.

Accommodation requests that would result in an undue hardship for Ada County will be denied. However, alternative accommodations may be suggested in lieu of the requested accommodation. Accommodations may implemented on a trial basis ranging from thirty (30) to ninety (90) days to determine if the accommodation is successful and does not disrupt the workplace. All accommodations should be periodically reviewed to ensure they are still necessary and still allow the employee to successfully perform the essential functions of the job.

All employees are required to comply with safety standards. Employees who pose a direct threat to the health or safety of themselves or others will be placed on leave without pay until the threat can be eliminated by reasonable accommodation or until a decision has been made in regard to the employee's continued employment.

2.1.4 GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

All employees are expected to comply with the Genetic Information Nondiscrimination Act (GINA) which prohibits discrimination on the basis of information derived from genetic tests. GINA prohibits employers from collecting and using employees' genetic information and from discriminating against employees in hiring, firing or any other terms and conditions of employment based on a worker's genetic information.

2.1.5 EQUAL PAY ACT (EPA)

Ada County will comply with all provisions of the Equal Pay Act (EPA) which prohibits employers from paying workers of one gender more than workers of the other gender to do equal work, except for valid business reasons. To be considered equal work, the jobs must require equal skill, effort, and responsibility and must be performed under similar working

conditions. All department heads and elected officials must ensure their compensation practices are in compliance with the EPA.

EMPLOYEE CONCERNS

Ada County complies with the Equal Pay Act and all applicable federal, state, and local laws regarding employee compensation. An employee who perceives an issue in regard to compliance with the EPA may report the problem to his or her supervisor, manager, department head, or elected official; or to Ada County Human Resources.

2.1.6 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

Ada County will comply with all provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) which allows employees, their spouses and children to continue health coverage under the County's health plan after their coverage ends due to a qualifying event such as termination of employment. COBRA allows qualified individuals to extend their health insurance coverage at the County's full premium rate, which includes the employers' portion paid for active employees.

Employees must notify Ada County Employee Benefits of qualifying events, such as termination of employment, divorce, or death. Once notified of a COBRA qualifying event, Ada County Employee Benefits will notify the third-party administrator. The administrator will send out the COBRA notice and current COBRA rates to the affected parties. Only employees and dependents that were actively enrolled in the County's health plan are eligible to continue coverage under COBRA.

2.1.7 FAIR CREDIT REPORTING ACT (FCRA)

Ada County will comply with the Fair Credit Reporting Act (FCRA) which restricts access of consumer credit information to those who have a legitimate need for the information and have the written consent of the individual whose records are being reviewed. Ada County may review consumer credit reports of applicants and employees in certain law enforcement and cash-handling positions. Prior to seeking the consumer credit report, Ada County will notify the individual of his or her rights under FCRA and obtain his or her written consent.

2.1.8 FAIR LABOR STANDARDS ACT (FLSA)

Ada County will comply with all provisions of the Fair Labor Standards Act (FLSA), which established the federal minimum wage, overtime pay, recordkeeping, and child labor. For additional information, please see the FLSA policy in the Compensation and Benefits chapter.

2.1.9 IMMIGRATION REFORM AND CONTROL ACT (IRCA)

All new employees must complete the employee section, Section 1, of an I-9 Form no later than close of business on the first day of work. The employee's signature holds him/her

responsible for the accuracy of the information provided. The new employee is expected to provide appropriate documentation from the list of acceptable verification documents within the first three (3) days of employment. Proper documentation establishes both that the employee is authorized to work in the U.S. and that the employee who presents the document is the person to whom it was issued. An employee who fails to provide the necessary documentation to complete the I-9 Form in the first three (3) days of employment may not continue working until the documents have been supplied.

MANAGEMENT INFORMATION

Ada County will comply with all provisions of the Immigration Reform and Control Act (IRCA) which prohibits employers from knowingly recruiting or hiring unauthorized aliens for employment in the United States, and prohibits discrimination based on citizenship status or national origin. Hiring supervisors or their designee is expected to complete the required federal I-9 form with any new employees. New employees must complete the employee section of the I-9 form on the first day of employment.

Hiring supervisors have until close of business on the employee's third day of employment to complete the employer section of the form. The supervisor must review documentation presented by the employee and record that information on the form. The supervisor should supply the employee the official list of acceptable documents for establishing identity and work eligibility, as found on the I-9 form. Requesting more or different documentation than the minimum necessary to meet this requirement may constitute a discriminatory employment practice and would violate this policy. If the documentation presented by an employee does not appear to be genuine or relate to the employee who presents them, the supervisor must refuse acceptance and ask for other documentation from the list of acceptable documents. Ada County cannot continue to employ an employee who cannot present documentation that meets the requirements.

2.1.10 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

The Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also provides rights under USERRA. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members. USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

BASIC REQUIREMENTS

Ada County will rehire service members returning from a period of service in the uniformed services if those members meet the following five criteria:

- The individual must have held a non-temporary job with Ada County prior to his or her entry into the uniformed service for active duty or training.
- The individual must have given notice to Ada County that he or she was leaving the job for service in the uniformed services.
- The cumulative period of service must not have exceeded five years.
- The individual must not have been released from service under dishonorable or other punitive conditions.
- The individual must have reported back to the job with Ada County in a timely manner or have submitted a timely application for reemployment.

TIME LIMITS

Under USERRA, restoration rights are based on the duration of military service. The time limits for returning to work are as follows:

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

BENEFITS

USERRA guarantees pension plan benefits that accrued during military service, and allows service members activated for duty to elect to extend their employer-sponsored health coverage for up to twenty-four (24) months. Ada County requires these individuals to pay up to 102% of total premiums for that elective coverage.

2.1.11 FAMILY MEDICAL LEAVE ACT (FMLA)

Please see the FMLA policy in the Compensation and Benefits chapter.

2.1.12 WORKERS' COMPENSATION

Workers' compensation coverage is provided for employees who suffer from a work related injury or illness. The program is administered by Ada County Risk Management. Benefits under workers' compensation are set by the State of Idaho, governed by the Idaho Industrial Commission and begin on the first day of employment.

MANAGEMENT INFORMATION

If an employee suffers a work related injury, the supervisor's attention to their well-being is of utmost importance. If necessary, refer them to Ada County approved workers' compensation medical care provider. Next, have the employee complete the Incident Report Form and provide to Risk Management within 24 hours. If the injured employee is

unable to complete the Incident Report Form for any reason, the supervisor is responsible to complete the paperwork for the employee and submit it to Risk Management within 24 hours.

If injured workers cannot return to their regular job responsibilities, light work or modified work should be identified to return them to the work force as soon as possible. Job modification can be accomplished through the efforts of rehabilitation consultants working with the employer and the physician. Upon request, Ada County may make reasonable accommodations to return the employee to work depending on physical restrictions and the essential functions of the job.

PROCEDURES

A Workers' Compensation Incident Report form must be filed when any of the following circumstances exist:

- A work-related injury results in the need for medical treatment by an attending physician
- A worker has missed more than one day of work as the result of a work-related injury or illness
- Whenever an injured worker requests to file a claim under Workers' Compensation regardless of the circumstances

Reporting

In order for Ada County to properly process Workers' Compensation Insurance Claims for work related injuries, the following procedures must be adhered to by employees and supervisors/managers:

Employee Responsibilities:

- Immediately notify the supervisor of the injury and obtain a Workers' Compensation Incident Report.
- Immediately seek medical attention if necessary.
- Complete the Ada County Incident Report Form and fax to Risk Management within 24 hours at 287-7129.
- Notify the supervisor of any time lost from work due to injury or illness.
- Notify the supervisor upon returning to work.

Supervisor/Manager Responsibilities:

- Immediately provide assessment of injured employees.
- Immediately refer the employee for medical attention if necessary.
- Ensure that the Workers' Compensation Incident Report form is completed and submitted to Risk Management within 24 hours.
- Contact Risk Management with any questions.
- Ensure that the employee has a proper medical release to return to work.

Disability benefits will begin on the sixth (6) day following disability from work (time loss) unless the injured worker is hospitalized overnight or time loss exceeds 14 days. The first five (5) days is a waiting period and no income benefits are allowed or paid. If an

employee has questions regarding a Workers Compensation claim, he/she should contact the Risk Management Office at 287-7133. For additional information regarding benefits, speak with Risk Management.

Workers' Compensation and the FMLA

An employee who is off work on workers' compensation leave who also meets the eligibility requirements of the FMLA will have that time designated as FMLA leave. This time will count towards the 12-week FMLA entitlement.

2.1.13 WHISTLEBLOWER

A whistleblower is an employee who reports waste or a violation of a law, rule or regulation to his/her department head, elected official or Ada County Human Resources. The employee is not responsible for investigating the activity or for determining fault or corrective measures. As much as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation and to comply with the law.

Ada County may not take adverse action against an employee because he/she communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation. The employee must communicate the information in a timely manner which gives Ada County reasonable opportunity to correct the waste or violation.

An employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous. An employee who intentionally files a false or frivolous report of wrongdoing will be subject to discipline up to and including termination.

Ada County may not take adverse action against an employee because an employee participates in an investigation, hearing, court proceeding, legislative or other inquiry. Any employee who believes he/she has been subjected to adverse action in violation of this policy must contact Ada County Human Resources immediately. The protection against adverse action does not include immunity for any personal violations of policy or law. For more information about the protection of public employees who report waste and violations of law, please see Idaho Code § 6-2101 through § 6-2109.

SECTION 2.2 GENERAL CONDUCT

2.2.1 EMPLOYEE CONDUCT

CODE OF ETHICS

Ada County conducts business fairly, impartially, in an ethical manner, and in compliance with all laws and regulations. The highest standards of ethical conduct are required of Ada County employees in performance of their responsibilities. Employees must not engage in

conduct or activity that may raise questions as to the County's honesty or impartiality or otherwise cause embarrassment to the County or its offices.

Employees must avoid any action which might result in or reasonably be expected to create an appearance of:

- Using public office, public position, or public property for private gain.
- Giving preferential treatment to any person or entity.
- Losing impartiality.
- Adversely affecting the confidence of the public in the integrity of the County.
- Interference with or compromise of their position as a County employee.
- Receiving non-County payment for services customarily performed as part of their County employment.

Every employee has the responsibility to ask questions, seek guidance, express concerns regarding compliance, and report suspected violations of this policy. Employees should report suspected violations to their immediate supervisor or any member of management as soon as possible. Retaliation against employees who use these reporting mechanisms to raise genuine concerns will be grounds for discipline.

CONFLICTS OF INTEREST

Employees must avoid any situation which involves or may involve a conflict between their personal interest and the interest of the County. County employees must not take any official action or make any decision which could create a conflict of interest. Each employee must make prompt and full written disclosure to his/her supervisor of any potential situation which may involve a conflict of interest. Volunteer activities that could create a conflict of interest, interfere with performance of an employee's duties, or overlap with duties performed for Ada County should be disclosed in writing to the supervisor to ensure no conflict of interest exists. Violations of this policy have legal implications as well for potential violations of the Ethics in Government Act and/or the Bribery and Corrupt Influence Act. For more information, please see Idaho Code, Title 59, Chapter 7 and Idaho Code 18-1309 through 18-1360.

Such conflicts may include, but are not limited to:

- Ownership by an employee or by an employee's family member of a significant interest in any outside enterprise which does or seeks to do business with the County.
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise which does or is seeking to do business with the County. Exceptions not in violation of state and federal law may be approved by the Board of County Commissioners.
- Any other circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of the County.

ANTI-FRAUD

Ada County is committed to maintaining financial statements free from any significant misstatement, whether caused by error or fraud. Many of Ada County's policies and procedures are intended to prevent significant errors and fraud. Fraud is an intentional deception designed to obtain a benefit or advantage; or to cause some benefit that is due to be denied.

Fraud is not restricted to monetary or material benefits. It includes intangibles such as status and information. Fraudulent activity includes, but is not limited to:

- Manipulation, falsification, or alteration of accounting records or supporting documents.
- Misrepresentation or intentional omission of events, transactions, or significant information.
- Stealing assets, or causing Ada County to pay for goods or services not yet received.
- Management override of controls that otherwise may appear to be operating effectively.
- Forging signatures or falsifying electronic approvals on disbursement authorizations.
- Collusion among management, employees, or third parties.

Every employee has the responsibility to ask questions, seek guidance, express concerns regarding compliance, and report suspected violations of this policy. Employees should report suspected violations to their immediate supervisor or any member of management as soon as possible. Retaliation against employees who use these reporting mechanisms to raise genuine concerns will be grounds for discipline.

Violations

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. Ada County will investigate every issue that is brought to its attention in this area and will take appropriate disciplinary action, up to and including termination of employment.

When such conduct comes to the attention of a supervisor, manager, department head, or an elected official, that individual must act promptly to ensure the situation is assessed, thoroughly investigated and that appropriate resolution measures are implemented.

Management Information

According to auditing standards, department heads have a responsibility to set the proper ethical "tone at the top;" to design and implement programs and controls to prevent, deter, and detect fraud; and to create and maintain a culture of honesty and high ethical standards so the opportunities to commit fraud are significantly reduced.

All department heads must annually submit an anti-fraud certification. Requiring periodic confirmation from department heads reinforces Ada County's code of ethics and reminds individuals of disallowed activity. All supervisors and managers are responsible for taking an active role in ensuring that this responsibility is met.

The Board of County Commissioners will deliver an Ada County Anti-Fraud Certification annually to all department heads. The certification is to be signed and returned to the Board of County Commissioners.

The signed certifications will be retained by the Board of County Commissioners, or their designee, for a period of not less than five years.

OTHER EMPLOYMENT

While Ada County does not prohibit employees from having a second job, secondary employment must not affect the employee's work hours, interfere or conflict with the employee's regular duties, raise any ethical concerns, or necessitate long hours that may impact the employee's working effectiveness.

Self-employment is considered other employment under this policy.

POLITICAL ACTIVITY

Ada County employees may participate in public affairs, except as prohibited by law, in a manner which maintains the neutrality, efficiency, and integrity of the employee's performance of County functions. Therefore, employees may engage in political activities as individuals, but not as representatives of the County or under the color of office or position. Examples of such political activities may include:

- Registering and voting in elections.
- Expressing personal opinions as a private individual on political subjects and candidates, provided that any expression is not under color of office or position.
- Displaying political pictures, badges or buttons as long as said display is out of the view of members of the public using County services as not to give the impression that the political view is being expressed under the color of office.
- Being a member of a political party or other political organization and participating in political rallies, fund-raising functions, or other political gatherings.
- Signing a political petition as an individual.
- Taking an active part in support of a candidate in an election.
- Serving as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law.

County Employees May Not:

- Use their authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof.
- Directly or indirectly coerce, attempt to coerce, or direct any employee to lend or contribute money or anything of value to a party, committee, organization, or person for political purposes.
- Infringe upon the rights of other employees or members of the public to participate in political activities and support the candidate(s) of their choice.
- Express support for a candidate for political office on behalf of Ada County or under color of office or position.

- Use County equipment, materials or work time to engage in political activities.

Employees should direct questions regarding this policy to their department head, elected official, or Ada County Human Resources.

CONFIDENTIAL INFORMATION

The revelation or use of any confidential or non-public information without prior authorization is prohibited. The misuse, unauthorized access to, or mishandling of confidential information, is strictly prohibited and will subject an employee to disciplinary action up to and including dismissal. All employees are expected to comply with the established procedures for their department or office in responding to public records requests. If the policy is not clear in a certain instance, employees should seek guidance from their supervisor. Files or records that may contain confidential information, such as personnel records or attorney-client communication, must be reviewed by the Public Records Custodian for the office or the Civil Division of the Prosecuting Attorney's Office prior to being released to the public.

PROPRIETARY INFORMATION

Integral to Ada County's success is the protection to the extent authorized by law of nonpublic information entrusted to us by vendors and other business partners. Confidential and proprietary information may include such things as pricing and financial data, and customer names/addresses. Employees should not disclose nonpublic information without a valid business purpose and proper authorization. Information pertinent to competitive bidding by the County will be handled in compliance with Ada County Bid Policy/Procedures, as found in the Accounting Handbook Policy/Procedures and the Ada County Bid Manual. For further guidance, please consult the appropriate department head or elected official who may contact the Prosecuting Attorney.

MEDIA INQUIRIES

From time to time, employees may be approached by reporters and other members of the media regarding County business. In this case, employees should direct all media inquiries to the appropriate department head, elected official or the Ada County Department of Administration Communications Specialist, unless otherwise authorized by the appropriate elected official.

DRESS CODE

The professional appearance and proper hygiene of employees presents a positive public image. As such, employees should practice good hygiene and report for work in appropriate apparel, in keeping with the work environment. In addition, Ada County wishes to provide a work environment that is free of safety hazards and harassment of any kind. Therefore, the following items are NOT ACCEPTABLE: bare feet; halter tops; pants, shorts, or skirts worn below the waistline exposing skin; clothing with profanity, offensive pictures, or sexually suggestive slogans or drawings; or the observable lack of undergarments and exposed undergarments. Employees should remember that they represent Ada County and dress accordingly.

Supervisors, managers, department heads, and elected officials reserve the right to send any employee home to change clothes who violates any part of dress code policy. The time spent away from work for this reason will not count toward hours worked.

Individual departments and offices may set more specific and detailed dress codes in keeping with the type of work performed.

GIFTS

No employee should accept any gifts, services or other privileges offered or given by any person or organization which are prohibited pursuant to federal and Idaho state law. Employees may accept unsolicited gifts of nominal value, such as calendars, pens, mugs, caps and t-shirts or other promotional items.

Employees may not accept compensation, payment or money of any amount from the public or entities with whom Ada County does or may do business. Tangible gifts (including tickets to an event) that have a market value of $50 or greater may not be accepted. Gifts such as a fruit basket or flowers, valued less than $50, should be shared with other employees to avoid the perception of favoritism or impropriety.

SOLICITATION

Ada County does not allow solicitation by non-employees. Ada County employees may not engage in solicitation during work hours or in work areas.

DISTRIBUTION OF MATERIALS

If a County employee wishes to provide materials for review by other employees, they may request said materials be posted on the bulletin board in the employee break room(s). Requests to post materials at the Ada County Courthouse should be forwarded to Ada County Human Resources. Requests to post materials at other County offices or locations should be forwarded to the department head or elected official for that department/office. No materials containing offensive language or graphics are allowed.

VISITORS

Ada County values family and work/life balance. County policies and benefits are indicative of these beliefs. Ada County believes in an environment that is conducive to work; therefore, the workplace should not be used in lieu of child care. It is inappropriate for children and other relatives of employees to be in the workplace, except for short visits as detailed below.

This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce potential liability, and help maintain the professional work environment. If an employee performs work (other than on-call responsibilities) outside the office setting, relatives should not be present during those work hours as they present a distraction to the employee. This policy is not intended to prohibit family members from being in the workplace during special County-sponsored events. Exceptions to this policy are permitted under extenuating circumstances and with written approval from the appropriate department head or elected official.

Occasionally an employee's family members or friends may want to visit them at work. Visitors may be allowed for a short visit, on an infrequent basis, depending on the work setting and needs of the office. Each department head or elected official may set standards for their department/office with regards to visitors.

COURTHOUSE EMPLOYEE ENTRANCE

Courthouse employee entrances are for courthouse employee use only and each employee must display their photo ID badge upon entrance. If accompanied by friends, family, or any other non-employee, the main courthouse entrance must be used. Employee photo ID badges are not to be shared, loaned, or used to obtain privileges not otherwise available to the employee. Doing so is a violation of this policy and will be a cause for discipline. All employees are responsible for ensuring non-employees do not follow them through restricted access doors and that all doors are closed and locked behind them. No items restricted by courthouse security may be brought into the courthouse through the courthouse employee entrances, except for those items authorized for law enforcement officials.

PROFESSIONAL CONDUCT

During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained. Employees are strictly prohibited from engaging in physical or sexual contact that would be deemed offensive by a reasonable person while anywhere on County premises, whether during working hours or not.

NEPOTISM

The Ada County Nepotism policy adopts the requirements of state law, and particular attention is directed to Idaho Code § 18-1359 (Using public position for personal gain) particularly. (Idaho Statutes Title 18, Chapter 13)

> (1) No public servant shall:
>
> (e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

Idaho Code § 18-1359(1)(e).

and, Idaho Code § 18-1359(4):

> No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

and Idaho Code § 59-70 Ethics in Government Act:

> A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section.
>
> "Conflict of interest" means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated . . .

This policy requires that each elected official and department head ensure that each employment situation is in compliance with state law. An elected official may adopt a more restrictive policy, when such policy reflects the business needs of his or her office or department.

Therefore, no employee may directly supervise any person related to him/her within the second degree; which means his or her spouse, child, parent, sibling, grandparent or grandchild, aunt or uncle, niece or nephew or the same relation by marriage.

Questions related to any situation where nepotism is implicated must be referred to Ada County Human Resources, and where necessary, reviewed for compliance by the Prosecuting Attorney.

EMPLOYEE DATING

Ada County believes that an environment where employees maintain clear boundaries between personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish boundaries for relationships that affect the working environment. Further, this policy prohibits romantic relationships between supervisors and subordinates because individuals in supervisory roles are subject to more stringent requirements due to their status, their access to sensitive information, and their ability to influence others. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace.

Management Information

Supervisors, managers, department heads, and elected officials must recognize their responsibility to understand the Employee Dating Policy in this Handbook.

Supervisors, managers, department heads, elected officials, or anyone else in a position having influence over the employment status of others must disclose the existence of any relationship with a subordinate in their line of supervision or indirect supervision that has progressed beyond a friendship. Disclosure may be made to the department head or supervising elected official. This disclosure will enable management to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

Where problems or potential risks are identified, management will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the involved parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

2.2.2 ATTENDANCE

Punctual and regular attendance is an essential responsibility of each employee at Ada County, whether hourly or salaried. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, others must perform his or her work. No matter how skilled an employee, if he/she does not have a good attendance record, his/her contributions to the smooth functioning of Ada County are diminished.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. If an employee is scheduled to work overtime and fails to report, it is considered an absence. Late arrival, early departure, or other absences from scheduled hours are disruptive. Employees who are unable to be at work on time or are unable to work as regularly scheduled must notify their supervisors as soon as possible via telephone in advance of the tardiness or absence. Tardiness, unscheduled absences, and/or poor attendance may lead to disciplinary action up to and including termination of employment.

DISCIPLINE

Employees with attendance problems, unscheduled absences, or a pattern of tardiness may be subject to disciplinary action, up to and including termination. Employees with a pattern of absences, such as routinely calling in sick on Mondays and/or Fridays, may also be subject to disciplinary action, up to and including termination.

NO CALL/NO SHOW

Not reporting to work and not calling to report the absence is a no call/no show and is a serious matter, and may subject the employee to disciplinary action, up to and including termination. Management may consider extenuating circumstances when determining

discipline for a no call/no show (i.e., if the employee was in an accident and is hospitalized) and has the right to exercise discretion in such cases.

EXCUSED ABSENCES

Leave granted for an employee to serve on a jury or appear as a witness for a government entity will not be counted against the employee's attendance record. Leave granted under the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), Workers' Compensation, or the Uniformed Services Employment and Reemployment Rights Act (USERRA) will not be counted against an employee's attendance record if the employee has met the requirements of taking such leave. For additional information, please see the policies on employee leave contained in the Compensation & Benefits Chapter.

JOB ABANDONMENT

Any employee who fails to report to work without notification to his or her supervisor for a period of three (3) days or more will be considered to have abandoned his or her job and voluntarily terminated the employment relationship.

2.2.3 RISK MANAGEMENT

Ada County is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. Any employee who notices a safety hazard should report it to Ada County Risk Management immediately. Additional policies on safety are available through Risk Management and should be referenced on line on their ACES web page.

GENERAL SAFETY

Ada County expects employees and volunteers to comply with its occupational health and safety policies, procedures and guidelines, and to conduct themselves in a safe manner, not placing themselves or others at undue risk. Supervisors, managers, department heads, and elected officials are responsible for maintaining a safe workplace. Contractors working on County premises are also required to conduct their activities in a manner that ensures the safety, health, and welfare of others.

DRIVER'S LICENSE & INSURANCE REQUIREMENTS

Individuals authorized to drive an Ada County vehicle must have a valid driver's license issued in their state of residence for the class of the vehicle being operated. Obtaining a driver's license is a personal expense. Risk Management should be notified of any license status changes.

Individuals authorized to drive personal vehicles in the course of their employment must have minimum insurance as required by Idaho Statute 49-117. Primary insurance will be the employee's personal insurance and Ada County's will be secondary per Idaho Statute 6-903.

DRIVER'S LICENSE RECORD REVIEWS

Individuals with job duties that include driving any vehicle, personal or County-owned, may be subject to a driver's license record review. Any job offer made to an employee-candidate for a position with driving duties may be contingent upon a driver's license record review in compliance with the required standards. Individual departments and offices may make driver's license record review requests if relevant to and used consistently for the position(s).

Risk Management will run a driver's license record review upon request of the supervising department head or elected official. All policies and procedures regarding driver's license record reviews are maintained by Risk Management and should be referenced on line on their ACES web page.

VEHICLE USE

The safety and wellbeing of employees is of critical importance. Employees have a responsibility to not only protect themselves when on the road, but also to do their best to protect those around them. Employees driving a vehicle on County business are expected to follow all vehicle safety regulations.

MANAGEMENT INFORMATION

Ada County is committed to providing a safe and healthy workplace and to eliminating conditions that could result in personal injury or illness. Ada County recognizes that maintaining a safe workplace is a core management function and best practice entails its full integration into the management of all other activities.

Effective management of occupational safety and health risks depends on the commitment and cooperation of elected officials, directors, and employees. Supervisors, managers, department heads, and elected officials are responsible for maintaining a safe workplace.

Elected officials and directors are responsible for maintaining a safe workplace. Supervisors, managers, department heads, and elected officials of Ada County are required to take prompt, appropriate action upon observing or becoming aware of conditions that could result in personal injury or illness. The failure of managers or supervisors to respond promptly to an observed or reported safety issue, safety policy violation, or occupational health issue may result in disciplinary action against the manager or supervisor.

Risk Management is committed to helping all county departments and offices improve the safety and health of Ada County employees through incident and injury prevention strategies customized department/office needs.

2.2.4 WORKPLACE VIOLENCE

Ada County is committed to preventing workplace violence and to maintaining a safe work environment. Ada County has adopted the following guidelines to deal with intimidation, harassment, threats, and acts of violence that may occur during business hours or on its premises.

All employees should be treated with courtesy and respect at all times. Ada County encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or Ada County Human Resources before the situation escalates into potential violence. Ada County is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

PROHIBITED CONDUCT

Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Ada County facilities without proper authorization. Conduct that threatens, intimidates, or coerces an employee, a vendor or a member of the public will not be tolerated. This prohibition includes all acts of harassment, as defined by the Ada County Harassment Policy.

REPORTING

Any acts of violence or threats of violence should be reported as soon as possible to the immediate supervisor, any member of management, or Ada County Human Resources. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees should not place themselves in peril. If an employee sees a disturbance near his or her workstation, the employee should not try to intercede but rather report the incident immediately.

SECTION 2.3 DRUG- & ALCOHOL-FREE WORKPLACE

2.3.1 DRUG- & ALCOHOL-FREE WORKPLACE

PURPOSE

The purpose of the Ada County Drug-Free Workplace Policy is to allow Ada County to achieve and maintain a drug-free workplace. By implementing this policy, the County will be promoting a safe and secure work environment for County employees, and the County will fulfill its obligation to provide the citizens of Ada County with safe and efficient public services.

PROHIBITED ACTS

Employees will work alcohol and drug free in order to perform their jobs in a safe and efficient manner. This policy is designed to prevent alcohol and prohibited drug use, and to encourage employees who need to seek help.

The following acts are prohibited and considered misconduct under Ada County policy:

- Employees will not manufacture, distribute, possess, consume, or use alcohol or a prohibited drug while on County property, operating County vehicles or equipment, conducting County business, or in the scope and course of County employment.

- Employees will not be permitted to work with a detectable level of prohibited drugs or alcohol in their system, unless those drugs are specifically prescribed by a licensed physician (or other appropriate healthcare professional) for specific treatment purposes of the employee at the time.
- Employees will not receive a verified positive test result for alcohol or a prohibited drug while on County property, operating County vehicles or equipment, conducting County business, or in the scope and course of County employment.
- Employees will not perform any job functions where the use of doctor-prescribed medication may negatively affect their safety and/or the safety of others, or their job performance. Engaging in any of these prohibited acts may lead to disciplinary action up to and including termination.
- Engaging in any of these prohibited acts may lead to disciplinary action up to and including termination.

APPLICABILITY

This policy applies to all Ada County employees except Ada County Sheriff's Office, Ada County Deputy Marshals, and Ada County EMS employees*, whether they are applicants with a conditional offer of employment, temporary, part time, or full time. The policy will not apply to independent contractors and their employees or employees furnished through and paid by temporary staffing service businesses such as, but not limited to, A.E.S., Inc.

*Sheriff's Office, Marshal's Office and EMS adopted office/department Drug-Free Workplace policies and procedures to meet the unique needs of their offices.

2.3.2 DRUG & ALCOHOL TESTING

SUBSTANCES TESTED

The County will test for the following substances: Alcohol; Marijuana; Cocaine; Amphetamines; Methamphetamines; Opiates; Phencyclidine (PCP); Barbiturates; Benzodiazepines; Propoxyphene; Methadone; Ecstasy; Codeine 300; Morphine 300; Hydrocodone including but not limited to Vicodin, Hydromorphone, and Oxycodone (including, but not limited to Oxycontin). For the purposes of this policy, the term "drug" will mean both prohibited drugs and/or alcohol.

The County reserves the right to add additional substances to this list to be tested as it deems necessary. Notice of the additional substances to be tested for will be given as set forth in the Employee Notification section of this policy.

RESERVATIONS

This policy is not intended to replace or supersede testing, reporting, and procedures mandated by federal law or regulations (i.e. Department of Transportation regulations)

All situations involving alcohol and/or prohibited drug use by an Ada County employee will be handled in accordance with this policy and in consultation with representatives of Risk Management. Situations not specified by this policy will be referred to and reviewed

by Risk Management in consultation with the employee's elected official, department head or designee.

EMPLOYEE NOTIFICATION

General Notice

All employees will receive a general notice announcing the County's intent to begin a testing program (program) for drugs no less than sixty (60) days prior to implementation. The notification will inform employees about the major components of the program, explain the rights and responsibilities of the employees under the program, and encourage employees who have a problem to seek help.

Notice for Positions Designated for Random Testing

Employees whose positions have been designated for random testing will be given notice no less than thirty (30) days prior to random testing implementation. The notification will identify the employee's position as "safety sensitive", indicate the date random testing will begin, explain the rights and responsibilities of the employee under the program, and encourage employees who have a problem to seek help. Any employees, however, who have been subject to random testing under a random testing program within the employee's department prior to the adoption of this policy will continue to be subject to random testing and will not receive the additional notice with regard to random testing under this policy.

TYPES OF TESTING

Applicant Testing

Applicants given a conditional offer of employment will be subject to a drug and alcohol, test. Please see the Drug and Alcohol Free Hiring Policy in the Guide for Managers chapter.

Post-Accident Testing

As a condition of employment, all employees will be required to consent to testing of his or her blood, urine, or breath for drugs and/or alcohol following an accident and the release of relevant medical records, which may include whether there were drugs and/or alcohol in the employee's system at the time of the accident.

The department head, elected official or designee should initiate testing when the circumstances of an accident/unsafe act involve any of the following:

- Death or personal injury of any parties involved in the accident/unsafe act, requiring medical treatment at a hospital or medical treatment facility;
- Damage to government or private property estimated in excess of $2,500.00;
- Disabling damage to a motor vehicle, requiring vehicle to be transported from the scene of the accident by a tow truck or other motor vehicle.

Prior to testing, the employee should not consume any alcohol or drugs, either legal or illegal. The employee will not resume any job duties until the test results are known. The testing will take place within eight (8) hours of the accident/unsafe act.

Random Testing of Safety-Sensitive Employees

Random testing for alcohol and/or prohibited drugs will be conducted on employees whose positions are designated as "safety sensitive." The testing will take place within 8 hours of notification. For purposes of this policy, a safety sensitive position will be defined as a position in which the duties that are performed as a regular part of the job could reasonably be expected to affect the health, safety, and security of others.

Safety-Sensitive positions include, but are not limited to, those that require employees to:

- Carry firearms;
- Perform fire suppression activities;
- Be responsible for direct health care, including but not limited to: direct patient contact, performance of diagnostic testing or therapy, or preparation and dissemination of drugs and medicines;
- Supervise employees during performance of critical incident functions which require employees to qualify to carry firearms, perform emergency medical, lifesaving, and/or fire suppression activities;
- Are assigned to regularly drive any County vehicle as part of their job duties, operate, maintain, or inspect emergency vehicles, heavy equipment, or vehicles having a gross combination weight rating of 26,001 or more pounds, or vehicles designed to transport sixteen (16) or more passengers including the driver, or vehicles of any size that are used to transport hazardous materials for the purposes of the Hazardous Materials Transportation Act and the vehicles are required to be placarded under the hazardous materials regulations (49 CFR, part 172, subpart F), and/or life-saving equipment used for emergency services;
- Handle hazardous materials or chemicals and/or operate large equipment and tools, that if mishandled, place the general public at risk of serious injury;
- Come into contact with incarcerated individuals;
- Serve as drug rehabilitation counselors.

Reasonable Suspicion Testing

Any employee may be required to report for immediate drug/alcohol testing for the presence of alcohol or prohibited drugs if there is a reasonable suspicion that such employee, while on duty, is under the influence of alcohol or a prohibited drug. Such a request to report for drug/alcohol testing may be made by the employee's elected official, department head or designee. Such reasonable suspicion may be based upon statements made by the employee or any other credible source that would lead a reasonable person to believe that alcohol or prohibited drugs may be present in the employee's body, supported by independent observations made by a supervising employee, including but not limited to, the odor of alcoholic intoxicants, and observations of speech and physical movement consistent with the influence of a prohibited drug or alcohol. The employee to be tested should be immediately relieved of duty and transported to the testing site by another

employee or any other person so designated by the requesting supervisor unless an on-site collection service is used. Supervisors will receive training for signs/symptoms of drug use and identifying factors.

Any person who orders that a drug/alcohol test be performed should immediately prepare an Observed Behavior Record-Reasonable Suspicion form that includes all the relevant statements and details surrounding and giving rise to the testing order, including all information and details which supported the finding of a reasonable suspicion. Such report should be delivered to the elected official, department head or designee within twenty-four (24) hours of the testing order.

Return to Duty and Follow-up Testing:

After a verified positive drug test result, an employee must receive a negative test result before returning to work. All employees referred through administrative channels who undergo a counseling or rehabilitation program for alcohol or prohibited drug use through the EAP shall be subject to unannounced testing following completion of such a program for a period of one year. Such employees shall be tested at the frequency recommended by the EAP. Such testing is distinct from testing which may be imposed as a component of a rehabilitation program.

Confirmation of or continuing participation in an alcohol or drug rehabilitation program, as recommended by EAP, is required of an employee returning to duty. The EAP will notify Ada County Human Resources when an employee has completed a rehabilitation program. After an employee returns to work, a single positive test result or failure to successfully complete the recommended rehabilitation program will be grounds for disciplinary action up to and including termination.

TESTING PROTOCOL

Drug-Free Idaho, Inc. is the County's third party administrator for drug testing, Drug-Free Workplace education and reporting.

All educational/training elements, the chain of custody form, sample collection, reporting, testing (at a SAMHSA certified lab), cut-off levels, record keeping, validity, confidentiality, and security for drug and alcohol tests shall be in accordance with Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA), and Idaho Code Section 72-1704 and/or other applicable law.

The County's third party administrator will designate a Medical Review Officer (MRO), or designee, to interpret, evaluate and monitor the drug testing program and results. The MRO will be a licensed physician with knowledge of drugs, testing methods and drug abuse disorders in accordance with the applicable requirements.

All individuals who are required to be tested (including random, pre-employment, post-accident, reasonable suspicion, return to duty, or follow up testing) under the conditions of this policy will report to Ada County's designated collection site at the requested time with proper identification.

If the test or retest is negative, the MRO or designee reviews the chain of custody form for completeness and accuracy, and then the results are reported to Ada County, or the county's Designated Employer Respresentative. The Designated Employer Representative (DER) can monitor and track all random selections, testing and testing results, as well as the employee pool via a web-based reporting system. Results are posted to this site and access is password protected and accessible only to the DER and the county's designees.

Alcohol Testing

An initial test for the presence of alcohol will be conducted using methods approved by the National Highway Traffic Safety Administration (NHTSA). If the result of the first screening is an alcohol concentration of .02 or greater, a confirmatory test will be conducted.

Drug Testing

The third-party administrator will determine the least intrusive drug testing technique. Any individual subject to testing for prohibited drugs under this plan will be permitted to provide urine specimens in private and in a rest room stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual has or may alter or substitute the specimen when:

- The individual
  - Has previously been found by the County to be a prohibited drug user; or
  - Has previously tampered with a sample; or
- Facts and circumstances suggest that the individual
  - Is a prohibited drug user; or
  - Is under the influence of prohibited drugs at the time or the test; or
  - Has equipment or implements capable of tampering with or altering urine samples; or
  - If the temperature of the specimen is outside the range of 32-38° Celsius / 90-100° Fahrenheit or shows signs of contaminants.

Positive Test Result

Individuals will be afforded the opportunity to submit medical documentation of lawful use of an otherwise prohibited drug. Evidence to justify a positive result may include, but is not limited to:

- A valid prescription; or
- Verification from the individual's physician verifying a valid prescription.

All specimens identified as positive on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) and/or breath alcohol confirmation techniques to ensure reliability and accuracy in accordance with applicable requirements.

Once notified of a verified positive test result for prohibited drugs, employees or applicants may, within seventy-two (72) hours of written notification and at their own expense, request in writing that the confirmation specimen be retested. If the result of the second drug test is certified as negative, an employee or applicant will be reimbursed for the cost incurred including any lost compensation.

Test Refusal

Employees will be considered to have refused testing if they:

- Refuse to test (refusal to test is considered misconduct);
- Fail to report for a required test at the scheduled time;
- Engage in conduct that clearly obstructs the testing process;
- Tamper or attempt to tamper with the test; or
- Alter, substitute, or attempt to substitute the specimen.

Employees who refuse to be tested when so required will be subject to the full range of disciplinary actions up to and including termination.

Deferral of Testing

An employee selected for random drug testing may defer testing if the employee's elected official, department head or designee deems necessary a deferral be allowed on the grounds that the employee is:

- In a leave status (sick, vacation, compensatory, administrative, or FMLA leave; or leave without pay); or
- In official travel status away from the test site or about to embark on official travel scheduled prior to testing notification.

An employee whose random drug test is deferred will be subject to an unannounced test within thirty (30) days from the date of the employee's return to work or return from travel.

GROUNDS FOR DISCIPLINE

An employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:

- Direct observation of alcohol or prohibited drug use;
- A verified breath alcohol test result of .04 or greater alcohol concentration;
- Evidence obtained from an arrest or criminal conviction that is related to the workplace, or affects the employee's ability to perform job duties;
- A verified positive test result; or
- An employee's voluntary admission, unless the employee is meeting the requirements as outlined under the Safe Harbor Referral of the policy.

When an employee has received a verified positive test result, mandatory disciplinary action will result, such as referral to EAP and disciplinary action up to and including termination.

Any employee receiving a verified positive test result, will immediately be removed from the work site pending an EAP recommendation and must have a negative test result before returning to work. Based on the EAP recommendation, the employee may return to duty at the discretion of the appropriate department head, elected official or his or her designee. Failure to seek and receive treatment may also result in disciplinary action up to and including termination.

Any rehabilitation recommended will be a condition of continued employment and the cost of rehabilitation or additional out of pocket expenses will be the responsibility of the employee. The employee remains responsible for successful completion of a treatment program, and assertions regarding the effectiveness of a program will not constitute either an excuse for continuing to use prohibited drugs and/or alcohol or a defense to disciplinary action if the employee does not complete treatment.

The County may initiate action to dismiss an employee for:

- Refusing to obtain counseling or rehabilitation through an EAP or a state licensed facility; and/or
- Not refraining from misuse of alcohol or prohibited drug use after a first finding of such use.

Once a determination has been made that an employee is in violation of this policy or has had a verified positive test:

- The department head, elected official, or designee will provide notice to the employee, either verbally or in writing, of the test result, and the employee will be given an opportunity to respond prior to any administrative action being taken.
- Employment may be terminated based on violation of this policy.
- Employees who are removed from job duties resulting from verified positive test result will only be entitled to pay for hours worked. Use of sick, vacation or other leaves may be authorized upon approval of the elected official, department head or designee.
- An employee may, at elected official/department head discretion, be asked to sign a Return to Duty Agreement. Failure to sign a Return to Duty Agreement may subject employee to disciplinary action up to and including termination.

SAFE HARBOR REFERRAL

The County will not initiate additional disciplinary action against any employee who meets all three of the following conditions:

- Voluntarily identifies him/herself as a user of alcohol and/or prohibited drugs, as they apply to this policy, prior to being identified through other means;
- Obtains evaluation, counseling, or rehabilitation through an EAP; and
- Thereafter refrains from using prohibited drugs or misusing alcohol.

This provision is not available to an employee who requests protection under this provision after:

- Being identified through other means; or

- Being asked to provide a urine sample for testing or take a breath test; or
- Having had a verified positive test result for alcohol and/or prohibited drugs pursuant to this policy.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Function

The EAP may perform the following functions:

- Provide counseling and assistance to employees who self-refer for treatment or whose drug tests have been verified positive and monitor the employees' progress through treatment and rehabilitation;
- Provide needed education and training to all levels of the County on: types and effects of drugs; symptoms of drug use; drug impact on performance and conduct; the relationship of the EAP to drug testing; and related treatment, rehabilitation, and confidentiality issues.

Referral and Availability

Any employee found to be using drugs must be referred to the EAP. The EAP will function separately from the testing program, and will be available to all employees without regard to a finding of drug use. The EAP is available not only to County employees, but, when feasible, to the families of employees with drug problems, as well as employees with family members who have drug problems.

In the event the employee is not satisfied with the program of treatment or rehabilitation, such employee may seek review of the EAP counselor's referral by notifying the EAP Administrator prior to completion of the program. The decision of the EAP administrator will be final and will not be subject to further administrative review. Regardless of the treatment program chosen, the employee remains responsible for successful completion of the treatment.

Leave Allowance for Assessment/Rehabilitation/Treatment

Ada County requires the use of paid leave (sick leave, compensatory time, and vacation leave, in that order) before unpaid leave may be considered for absences during duty hours for assessment/rehabilitation or treatment.

Records and Confidentiality

All EAP operations will be confidential in accordance with the Records and Reports section of this policy relating to records and confidentiality.

RECORDS AND REPORTS

All testing information specifically relating to individuals and any intervention steps, including referral for treatment, counseling, or rehabilitation programs is confidential and will be treated as such by everyone authorized to review or compile program records.

The results of a test for alcohol or prohibited drugs of a County employee will not be disclosed without the prior written consent of such employee, unless the disclosure would be:

- To the Medical Review Officer;
- To the EAP in which the employee is receiving counseling or treatment or is otherwise participating;
- To any supervisory or management official within the County having authority to process or take adverse personnel action against such employee;
- Pursuant to an order of a court of competent jurisdiction; or
- To defend against any challenges of adverse personnel action.

Test results with all employees' identifying information removed may be used for data collection and other activities necessary to comply with testing requirements under any federal or state laws. Employees who are the subject of a test for alcohol or prohibited drugs will have the right to access the results of their alcohol or drug tests.

The testing laboratory will maintain the following records in a secure location with controlled access:

- Five year record retention: Records of any employee alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required alcohol or controlled substance tests;
- Two year record retention: Records related to the collection process and supervisory training.
- One year record retention: Records of any negative and canceled controlled substance test results and alcohol test results with a concentration of less than 0.02.

PRIVACY

Except as required by law, no information about specific alcohol and controlled substance testing will be released by Ada County to outside parties. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to the employee's alcohol or controlled substances tests.

2.3.3 PROCEDURES

Random Testing Of Safety Sensitive Positions

The department head, elected official or designee will be notified by Risk Management of which positions will be subject to random testing.

Supervisor Responsibilities

- Supervisor is given a list of names randomly generated & emailed by Risk Management.
- Upon receiving the list, the supervisor will immediately notify the employee (s) who is selected for random testing.

- If a selected employee is absent from the worksite, go to the next name.
- Absent employees will be tested within 30 days of the missed random testing, supervisors will save the form for the when the employee returns.
- The supervisor will give the employee (s) a Drug-Free Workplace Testing Request form and have them report to the testing facility within (8) hours.
- Risk Management will only contact the Supervisor/Manager in the case of a positive test result.
- If a verified positive result is received, contact Human Resources for further guidance.
- If a verified negative test result is received, contact Human Resources for further guidance.

Employee Responsibilities:

- Employee will report to the testing facility within (8) eight hours.
- Testing will be conducted at a designated occupational medicine clinic.
- Employee will be notified of results by the Medical Review Officer (MRO).
- If a verified positive test result for prohibited drugs, employees or applicants may, within seven working days of written notification and at their own expense, request in writing that the confirmation specimen be retested.
- If the result of the second drug test is certified as negative, employee will be reimbursed for the cost incurred including any lost compensation.

Post-Accident Testing

The department head, elected official or designee should initiate testing when the circumstances of an accident/unsafe act involve any of the following:

- Death or personal injury of any parties involved in the accident/unsafe act, requiring medical treatment at a hospital or medical treatment facility;
- Damage to government or private property estimated in excess of $2,500.00;
- Disabling damage to a motor vehicle, requiring vehicle to be transported from the scene of the accident by a tow truck or other motor vehicle.

Employee Responsibilities:

- Immediately notify the supervisor of the accident and seek medical treatment if necessary.
- If any of the above criteria are met, the employee will report to the testing facility within eight (8) hours of the accident or unsafe act.
- Testing will be conducted at t a designated occupational medicine clinic or other testing facility as deemed necessary.
- Post-accident testing request forms are already at a designated occupational medicine clinic.
- The employee will not resume any job duties until the test results are known.
- Employee will be notified of results by the Medical Review Officer (MRO).
- If a verified positive test result for prohibited drugs, employees or applicants may, within seven working days of written notification and at their own expense, request in writing that the confirmation specimen be retested.

- If the result of the second drug test is certified as negative, employee will be reimbursed for the cost incurred including any lost compensation.

Supervisor/Manager Responsibilities:

- Immediately refer the employee for medical attention if necessary.
- Notify Risk Management and send employee to the testing site. The Testing Request Form will be at the clinic.
- Risk Management will contact the Supervisor/Manager with the test results.
- The employee will not resume any job duties until the test results are known.
- If a verified positive result is received, contact Human Resources for further guidance.
- If a negative test result is received, contact Human Resources for guidance on returning the employee to work.

Reasonable Suspicion Testing

Supervisor/Manager Responsibilities:

- Notify Human Resources or Risk Management if a supervisor or other observing individual determines testing is required under the reasonable suspicion or post-accident provisions of policy.
- Complete Observed Behavior Record - Reasonable Suspicion Form.
- Employee will report to the testing site immediately with a Testing Request Form.
- After testing employee is placed on leave with pay until results are determined.
- Risk Management will contact the Supervisor/Manager with the test results.
- If a verified positive result is received, contact Human Resources for further guidance.
- If a verified negative test result is received, contact Human Resources for further guidance on reinstatement of the employee.

Employee Responsibilities:

- Employee will report or be escorted to the testing facility immediately.
- Testing will be conducted at a designated occupational medicine clinic.
- The employee will not resume any job duties until the test results are known.
- Employee will be notified of results by the Medical Review Officer (MRO).
- If a verified positive test result for prohibited drugs, employees or applicants may, within seven working days of written notification and at their own expense, request in writing that the confirmation specimen be retested.
- If the result of the second drug test is certified as negative, employee will be reimbursed for the cost incurred including any lost compensation.

Return-To-Duty Testing

Supervisor/Manager Responsibilities:

- All Return to Duty testing must be coordinated through Ada County Human Resources and Risk Management.

SECTION 2.4 COUNTY RESOURCES

2.4.1 USE OF COUNTY RESOURCES

Ada County resources, including time, material, equipment and information, are provided for County business use. Employees and those who represent Ada County are trusted to behave responsibly and use good judgment to conserve County resources. Department heads and elected officials are responsible for the resources assigned to their departments/offices and are empowered to resolve issues concerning their proper use. Questions about the proper use of County resources should be directed to the appropriate department head or elected official.

Ada County has adopted the following guidelines for the use of computers, telephones, email, internet, and instant messaging. All policies regarding hardware and software purchasing, software license, internet usage, email usage, and security are outlined in the Ada County Technology Policy Statement on line on the IT department's ACES web page.

COMPUTER & TELEPHONE USE

The County's communications systems, including but not limited to computers and telephones, are for the furthering of County business.

E-MAIL & INTERNET

Use of e-mail and internet on Ada County computers is to promote business-related communications and/or facilitation of County work. The computers belong to the County and are provided to employees for the purpose of the work of the County and its agencies. Employees have no right to privacy with regard to their use of the County computer system and computers, including the use of e-mail and internet.

Employees should refrain from using e-mail and internet for non-work related purposes. Prohibited e-mail usage includes, but is not limited to, distribution of chain letters, inappropriate humor, unprofessional comments, vulgar language, offensive graphics and images or language that may offend someone on the basis of age, race, sex, religion, national origin or disability. Prohibited Internet sites include, but are not limited to those containing offensive graphics, images, and language. Downloading of copyrighted, protected materials or software is strictly prohibited.

INSTANT MESSAGING

Employees should refrain from using instant messaging (IM) over the Internet for personal use on Ada County computers. Use of the internet on County computers is provided to employees for the purpose of facilitating work for the County.

PERSONAL TELEPHONE CALLS

Ada County recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases, personal calls should be minimal, whether the

calls are placed or received using County phones or personal cell phones. Receiving and placing excessive personal calls is disruptive to others. If at all possible, calls should be limited to allotted breaks. Excessive work time spent on personal calls is considered a misuse of employee's work time and taxpayer funds; therefore, abuse is subject to disciplinary action. All personal cell phones and other communication devices are required to be kept in silent mode or turned off while employees are on duty, unless used for County business.

2.4.2 ADA COUNTY RECORDS RETENTION & DESTRUCTION POLICY

RETENTION AND DESTRUCTION

Ada County records must be retained according to applicable law, contractual requirements, and this policy. All Ada County employees are prohibited from destroying Ada County records in violation of applicable law, contractual requirements, and this policy. Ada County records may only be destroyed by resolution of the Board of Ada County Commissioners and upon the advice of the Ada County Prosecuting Attorney's Office.

All questions regarding the retention of records should be directed to a supervisor, manager, department head, or elected official. If the department head or elected official determines that the records should be disposed of, a records destruction request must be sent to the Ada County Prosecuting Attorney's Office for review. The request should include a detailed list of the records to be destroyed. The Ada County Prosecuting Attorney's Office will review the request and provide its advice on the length of time that those records need to be retained.

If the records can be disposed of the Ada County Prosecuting Attorney's Office will prepare a resolution authorizing the destruction of the records. The records may only be disposed of if the Board of Ada County Commissioners passes the resolution. The destruction of those records must be done under the direction and supervision of the Ada County Clerk's Office.

RECORDS ONLY ON COUNTY OWNED OR LEASED PROPERTY, HARDWARE AND SOFTWARE

Records relating to Ada County business must be stored, kept, or saved on property that is owned or leased by Ada County.

All electronic records relating to Ada County business may only be saved and stored on Ada County hardware and software. For example, all e-mail relating to Ada County business must be done on the Ada County e-mail system and employees must not use personal e-mail accounts for Ada County business. If electronic records, including Word or Excel documents, are created on hardware or software not owned by Ada County, such as an employee's home computer, then that employee must ensure that a final version of such electronic record is saved on the Ada County network.

All electronic records relating to Ada County business should be stored on the Ada County network and not on the desktop of any computer, thus allowing proper retention and destruction of such records.

DESTRUCTION OF ELECTRONIC RECORDS

Electronic records are all information in digital form. This includes, but is not limited to, information stored on computers, software systems, tapes, disks, and optical disks.

Electronic records will be destroyed by the Ada County Information Technology Department in accordance with the schedule below. If there are legal, business or other requirements for keeping electronic records for a longer period of time, it is the responsibility of the appropriate employee, supervisor, manager, department head or elected official to ensure that those records are kept in conformity with such requirements.

Electronic mail inboxes must not be used for the archival storage of important electronic records; such records must be moved from electronic mail messages to word processing documents, databases, or hard copy. All electronic mail messages that are no longer needed for business purposes should be purged by employees from their personal inbox.

Electronic records must be destroyed in accordance with the following schedule unless other legal requirements require that these electronic records be maintained for a longer period of time:

- Emails: ....Destroy after 2 years
- Records and Files Saved on Ada County Network: ..Destroy after 2 years
- Disk drives, diskettes, tape reels and cartridges: .....Destroy after 2 years
- Computer Hard Drives or Images of Hard Drives:....Destroy after 2 years
- Treasurer's Tax Data (Records on i5 system): .....Remove from system after 5 years
- Auditor's Financial Data (Records on i5 system):.....Remove from system after 6 years

INAPPROPRIATE DESTRUCTION OF RECORDS

The destruction of any County record that is related to ongoing, potential, threatened or reasonably anticipated litigation is strictly prohibited. In addition, the destruction of any County record that must be retained for any legal or contractual reasons is strictly prohibited. If any employee knows of ongoing, potential, threatened or reasonably anticipated litigation that may be related to any County record, including any electronic record, that is set to be destroyed or disposed of, that employee must inform the person scheduling the records for destruction, supervisor, manager, or the supervising department head or elected official.

If an employee knows that a County record may be destroyed or disposed of in violation of this policy, such employee must take all appropriate steps necessary to prevent such record from being destroyed or disposed of.

Violations

All employees are expected to comply with this policy and the established procedures for their department or office in responding to public records requests. If the policy is not clear

in a certain instance, employees must seek guidance from their supervisor. Violations of this policy are strictly prohibited and will subject an employee to disciplinary action.

SECTION 2.5 PERFORMANCE MANAGEMENT, DISCIPLINE & CONFLICT RESOLUTION

2.5.1 PERFORMANCE APPRAISALS

The performance appraisal provides a means for discussing, planning and reviewing the performance of each employee. Performance appraisals influence salaries, promotions and transfers, so it is critical that supervisors be objective in conducting performance appraisals and in assigning overall performance ratings.

Regular performance appraisals:

- Help employees understand their responsibilities and duties.
- Provide criteria by which performance will be evaluated and suggest ways in which employees can improve performance.
- Help managers distribute and achieve departmental goals.
- Provide a fair basis for awarding compensation based on merit.

Employee performance appraisals should address the following performance categories: attendance, customer service, job knowledge, quality, quantity, teamwork, and safety. Individual offices may include additional performance categories, if relevant to the position and used consistently in evaluating all employees in that job classification.

Performance appraisals are to be conducted on an annual basis. Each manager is responsible for the timely and equitable assessment of the performance and contribution of his/her employees. The performance appraisal will be discussed and signed by the employee and the direct supervisor to ensure that strengths, areas for improvement and job goals for the next review period are clearly communicated. Template performance appraisal forms are available through Ada County Human Resources.

PROCEDURES

Each employee should receive a performance appraisal by their immediate supervisor at least once per year. Upon completing the appraisal, the supervisor should meet with the employee and discuss the appraisal. During this meeting, there should be an opportunity for employees to ask questions and receive answers about their appraisal. The employee will be permitted to make written comments on the performance appraisal form. The appraisals are then to be forwarded through line of supervision and forwarded to Ada County Human Resources for placement in the employee's personnel file.

Supervisors should provide employees a copy of their performance appraisal. If the employee disagrees with an appraisal and believes the rating or comment is inaccurate or unjustified, and resolution cannot be achieved during this meeting, the employee may utilize the conflict resolution policy within the specified timeframes.

2.5.2 DISCIPLINE

Employees are expected to conduct themselves professionally and to stay compliant with all policies contained in this Handbook. Any violation may be subject to discipline, up to and including termination. Employees of Ada County are at-will and nothing in this policy should be construed to imply otherwise. The County retains the right to terminate employees at any time, with or without cause. The County is committed to ensuring all such decisions are in compliance and consideration of applicable employment laws. Additionally, because retaining employees in order to provide opportunities for improvement in behavior and performance is often in the County's and the employee's best interest, lesser disciplinary actions may be used when appropriate.

Disciplinary actions will be documented in writing. A copy of the disciplinary notice will be sent to Ada County Human Resources for placement in the employee's personnel file. An employee who is dissatisfied with a disciplinary action may file a complaint in keeping with the conflict resolution policy. Utilizing the conflict resolution policy does not stay the disciplinary action.

GROUNDS FOR DISCIPLINE

Specific examples of potential violations are listed below and include but do not limit the items that are deemed cause for disciplinary action. This is a list for general reference and should not be considered all-inclusive:

- Failure to perform the position duties; failure to meet work standards or interfering with another employee's efforts to meet work standards.
- Failure to adhere to federal or state statutes, Ada County Code, or the policies of his or her department or office.
- Unauthorized access, possession and/or willful destruction of County property, or of the property of a fellow employee.
- Threatening or attempting bodily injury to another on County premises or any violation of the workplace violence prevention policy.
- Falsifying official records or documents, including timesheets, or failing to properly complete required reporting.
- Loitering, loafing, or sleeping during scheduled working hours, or leaving the work area without permission of one's supervisor.
- Disobedience, insubordination, or refusal to accept a reasonable and proper assignment from an authorized supervisor.
- Absenteeism or tardiness; abuse of leave policies; or working unauthorized overtime.
- Conduct unbecoming a county employee or conduct detrimental to good order and discipline in the employee's department or office.
- Using county money for personal use (i.e. borrowing, making change, cashing checks, etc.).

- Misstatement or deception in application for employment or promotion, or failure to obtain or maintain a current license or certificate required as a condition of performance of duties.
- Conviction of misconduct in office or conviction of a felony.
- Being under the influence of any form of drug, alcohol or controlled substance while on duty, or any violation of the County's drug-free workplace policy.
- Unauthorized disclosure of confidential or non-public information.
- Impeding, interfering with, or failing to cooperate in an official internal or external investigation conducted by or at the request of the County.
- Acceptance of gifts or money in exchange for influence or favors given in an official capacity.

Procedures

Retaining employees and providing opportunities for improvement in behavior and performance is often in the County's, as well as the employee's, best interest. For this reason, progressive discipline should be utilized whenever possible. Corrective disciplinary actions may range from a verbal counseling to dismissal. When a determination is made that disciplinary action is necessary, the supervisor may issue a verbal warning, written reprimand, or take some other disciplinary action. When a determination is made that serious disciplinary action is necessary, the department head or elected official may impose disciplinary action including suspension without pay, demotion, salary reduction, or termination of employment.

The policies outlined in Ada County Employee/Manager Handbook & Procedural Guidelines are intended to provide guidance to all Ada County employees. Nothing in these policies should be construed as an employment contract or as a guarantee of continued employment.

Prior to implementing a disciplinary action, the supervisor should evaluate:

- The facts surrounding the episode or incident. An incident or infraction should be thoroughly investigated regardless of how the situation appears initially.
- The training the employee received regarding the work rules and consequences of failing to follow those rules.
- The performance history of the employee with the County.
- The effect of the employee's behavior/performance on day-to-day operations.
- The corrective actions taken for other employees in the past in similar situations.

Once the supervisor determines disciplinary action is necessary, he/she should:

- Determine the appropriate time and place for a disciplinary meeting: not in front of others or where the meeting could be overheard by other employees. However, another member of management or a representative from Ada County Human Resources should be present in the disciplinary meeting with the employee.
- Allow the employee a chance to respond and explain the infraction. Listen critically and take notes.

- Document the disciplinary action in writing with a copy provided to the employee and to Ada County Human Resources. The documentation should include:
    - Who, what, when, where, and how.
    - The effect of the conduct as it relates to performance, job related behavior or interference with office/department operations.
    - What action(s) will be taken because of the incident?
    - What action(s) will be taken in the future if another infraction occurs?
- Conclude the discussion and determine what will happen from that point.
- Refer the employee to the Employee Assistance Program, if appropriate.
- Monitor the employee's performance and progress.

Supervisors contemplating serious disciplinary actions, such as demotion or dismissal, should discuss the issue with their department head or elected official prior to implementing disciplinary action. For departments reporting to the Board of County Commissioners, a member of Ada County Human Resources must be present in any disciplinary meeting resulting in an employee's dismissal.

2.5.3 CONFLICT RESOLUTION

It is Ada County's intent to be responsive to employees and their concerns. Conflicts or misunderstandings can arise in any organization and should be resolved before serious problems develop. Employees, supervisors, and managers are strongly encouraged to attempt to address any concerns they may have as soon as possible and with each other directly, either in person or in writing.

The conflict resolution policy and procedures are the method by which this may be accomplished if all other efforts to resolve the situation have been exhausted, or if the employee is uncomfortable with handling the situation directly.

ELIGIBILITY

An employee must have completed six (6) months of employment with Ada County to file a Request for Conflict Resolution under the conflict resolution policy.

HARASSMENT/DISCRIMINATION

If the complaint or conflict is related to a disability as defined by the Americans with Disabilities Act (ADA), or is related to a claim of discrimination based on race, color, religion, sex, national origin, age, citizenship or veteran status, the employee should file a harassment complaint under the Ada County Harassment Policy regardless of the employee's length of employment.

ADDITIONAL GUIDANCE

Because problems are best resolved on an individual basis, the conflict resolution procedure may only be initiated by individual employees. Ada County reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. No one will be retaliated against for filing a good faith complaint under this procedure.

PROCEDURES

Timeframe

The employee must submit the conflict resolution request within one (1) calendar week of becoming aware of the issue or of reaching an impasse in resolving the issue informally. The timeframe for submitting a request for resolution may be extended for an additional week if the employee was absent on pre-approved leave during the initial timeframe.

Submitting a Request

The conflict resolution policy involves working up the line of supervision, starting with the immediate supervisor. The employee should submit the request for conflict resolution to their immediate supervisor. If the immediate supervisor is out of the office, the employee should submit the request to the next level of management. The request should be submitted on the Employee Request for Conflict Resolution form available at ACES, or by contacting HR. The form requires details regarding the conflict or complaint, parties involved in the conflict, and possible solutions to the conflict.

Steps

The conflict resolution policy involves working up the line of supervision, starting with the immediate supervisor. The immediate supervisor must respond in writing to the conflict resolution request within one calendar week of receipt of the complaint. Involved members of management may request a meeting to clarify and/or discuss the conflict resolution request if deemed necessary to prepare a response to the request. Ada County Human Resources may gather information from involved parties and may call a meeting with the parties to help facilitate a resolution.

If the employee is dissatisfied with the immediate supervisor's response or if the immediate supervisor does not issue a written response to the complaint, the employee may then proceed up the line of supervision. The employee's request to proceed may be submitted to the next level manager within one calendar week of receipt of response or lack of response from the immediate supervisor. The manager should meet with the employee to discuss the request within one calendar week from receiving the request and should provide a written response to the request for resolution within one calendar week of said meeting.

Conflicts not resolved may proceed up the line of supervision until resolved, or if not resolved through the line of supervision process, until the supervising elected official makes a final decision.

The employee should send a copy of the request for resolution and request(s) to proceed to Ada County Human Resources at each step.

Decision

The decision of the elected official in charge of said office or department will be final in each case. Final decisions must be provided in writing by the supervisor/manager/elected

official, as the case may be, and a copy must be given to the employee and a copy of the final resolution must be provided to Ada County Human Resources for placement in the confidential human resource file.

SECTION 2.6 SEPARATIONS & REEMPLOYMENT

2.6.1 EMPLOYEE TERMINATION

Employees may be given warning that they are in jeopardy of losing their jobs. Ada County reserves the right under employment-at-will to terminate an employee when it considers the termination to be in the best interests of the County. The County is committed to ensuring all such decisions are made in compliance and consideration of applicable employment laws. It is County policy to ensure that employee terminations are handled in a professional manner with minimal disruption to ongoing work functions.

VOLUNTARY TERMINATION

Voluntary termination of employment occurs when an employee informs his or her supervisor of employee's resignation, or termination is deemed to have occurred when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

Resignation

As a courtesy, employees are asked to provide the County at least two (2) weeks' notice of their intention to separate in order to allow a reasonable amount of time to transfer ongoing workloads. Employees are asked to provide a letter of resignation to their supervisor and to provide a copy of the resignation letter to Ada County Human Resources.

Retirement

Employees who wish to retire are asked to notify their supervisor/manager and the Employee Benefits Division in writing at least one (1) month before planned retirement date.

INVOLUNTARY TERMINATION

Employees of Ada County are employed on an at-will basis, and the County retains the right to terminate employees at any time. Involuntary terminations may occur for any reason, including, but not limited to lack of work, organizational restructuring, or for unacceptable performance, personal conduct, and reasons specifically listed under the Grounds for Discipline Policy. In some cases progressive disciplinary steps may be used, prior to termination, to correct a performance problem. However, certain types of employee misconduct are so serious that one incident of misconduct will result in immediate dismissal without prior disciplinary steps.

Layoff

Employees may be laid off for any reason including, but not limited to changes in duties, organizational changes, lack of funds, or lack of work.

Employees will be selected for layoff based on objective criteria, which will be established with Ada County Human Resources prior to implementing layoffs. If meeting the objective criteria, employees on leave, whether with or without pay, will be included in the layoff. Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.

Automatic Termination

If an employee has not returned to full-duty status from an authorized leave of absence(s) at the end of one (1) year, employment will be automatically terminated. This period will be extended for up to two (2) years for those who were injured, hospitalized or convalescing following a period of service in the uniformed services governed by the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). An employee will be considered unable to return to work if he or she cannot perform the essential functions of the job in full capacity, with or without reasonable accommodation. Under no circumstances may an employee be absent from the workplace for more than one (1) consecutive year, unless on approved Military Leave or with approval of the Board of County Commissioners.

Deceased Employees

A termination due to the death of an employee will be effective as of the date of death. Upon learning of the death of an employee, the supervisor should submit a Personnel Action Form to process the employee separation.

FINAL PAY

All employees leaving Ada County employment will be paid through the last day of work, plus any accrued vacation and comp leave. Any remaining sick leave will be forfeited at the time of separation.

HEALTH INSURANCE

For information regarding the termination of health benefits upon separation from the County, please contact Employee Benefits.

EXIT INTERVIEW

Separating employees will be contacted by Ada County Human Resources for an exit interview in order to obtain information about his/her work environment and reasons for leaving. The exit interview provides employees the opportunity to freely express views about working at the County. Human Resources will hold the shared information in strict confidence, except when the information may indicate a violation of law or a threat to safety. Human Resources will compile data from exit interviews to determine trends and opportunities for feedback and training.

PROCEDURES

Safety & Security

In order to maintain high levels of safety and security and to protect County assets, it is the responsibility of each office and department to complete important steps for each separated employee. The separation steps should address these important requirements:

- Return of County property and equipment: exiting employees are required to turn in all Ada County property and equipment such as keys, ID badges, key access cards, laptop, cell phone, books, files, tools, uniforms, and any other County-owned items. A sample staff separation checklist is located here.
- Separation PAF: create a personnel action with separation documentation attached. This will automatically prompt the creation of an SRV to notify the Information Technology department to deactivate employee access to email, voicemail, VPN, etc., and will also notify the Marshal's office to disable key card access (Courthouse only).

Individual departments and offices may have more specific and detailed steps.

Unemployment Compensation

Ada County is able to control the cost of unemployment compensation by being responsive to claims. Failure to respond in a timely manner may result in unemployment compensation awards to former and/or current employees who otherwise would not qualify. Supervisors should forward any unemployment insurance claims to Ada County Human Resources as soon as possible. Human Resources will research each claim as necessary and advise the supervisor on documentation needed and, if applicable, unemployment hearing attendance requirements.

2.6.2 REEMPLOYMENT

Former employees who left Ada County in good standing may be considered for reemployment. An application must be submitted and the applicant must meet all minimum qualifications and requirements of the position, including any qualifying exams. Former employees may be considered for either rehire or reinstatements, as described below.

REHIRE

Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals or any other benefits, except as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA). However, previous tenure may affect other non-Ada County benefits, such as those provided by the Public Employee Retirement System of Idaho (PERSI).

REINSTATEMENT

Former employees who return to Ada County within one (1) year of the termination of employment may be reinstated at the discretion of the department head or elected official. Reinstated employees will have their previous accrued sick leave balances restored up to a maximum of forty-eight (48) hours. Additionally, reinstated employees will retain their previous years of service with the County and start accruing vacation leave at the same accrual rate as when they left employment with the County.

SECTION 2.7 GUIDE FOR MANAGERS

2.7.1 EMPLOYEE RECORDS POLICY

PERSONNEL FILES

All personnel files are the property of Ada County. Official personnel files are maintained by Ada County Human Resources and are considered confidential, but some information contained therein may be subject to disclosure. Records kept in personnel files may include applications, resumes, offer letters, performance appraisals, disciplinary actions, letters of commendation, job descriptions, and resignation/termination letters. Supervisors, managers, department heads, and elected officials may view the personnel files of employees in their line of supervision. As Ada County is considered one employer, a member of management considering the hire of a former employee or transfer of a current employee may be granted access to the employee's personnel file.

Current employees may review their own personnel files during normal business hours. Request to access personnel files from former employees may be permitted upon written request to Ada County Human Resources. Personnel files are to be reviewed in Human Resources and may not be removed from the office. Requests to view personnel files of Sheriff's Office employees should be directed to the Sheriff's Human Resource staff.

EXTERNAL DISCLOSURE OF EMPLOYEE INFORMATION

All requests for information on current or former employees must be referred to Ada County Human Resources. Information given by telephone will be limited to public information which includes dates of employment, position title, and salary.

Prospective employers, financial institutions, and residential property managers routinely contact employers requesting information on a former or current employee's work history and salary. All requests of this type must be referred to Ada County Human Resources.

Representatives of government or law enforcement agencies may be allowed access to file information in response to a legal subpoena or court order. Such cases will be handled on an individual basis in consultation with Ada County Human Resources and/or the Ada County Prosecutor's Office, Civil Division.

2.7.2 HIRING

Ada County Human Resources will post announcements for applications for vacant or soon to be vacant positions.

To post a position, Human Resources will need the following information:

- Job Title;
- Hiring Salary Range;
- Length of Posting/Closing Date;
- Ads needed, including date(s) of placement and name of recruitment source;

- Reason for Posting (vacancy, new position);
- Special Instructions; and
- Department/Office Contact Person.

All positions and hiring salary ranges must be approved before they are posted.

Vacancies may be filled at the discretion of the appropriate department head or elected official by qualified applicants from within their own department or office or from other County departments without posting the available position to the general public.

Selection

Recruiting efforts should be planned and carried out in a manner that offers open competition. Selection procedures should include an evaluation of the position's job-related minimum requirements. Selections are to be based on the relative experience, knowledge, skills, and abilities of the applicants. For any assistance needed in your selection processes, please contact Ada County Human Resources.

Veterans Preference

When filling a vacant position, the elected official or department head must be in accordance with Idaho Code section 65-502, give preference to war veterans, as defined in Idaho Code section 65-509, who served on active duty in the armed forces of the United States for a period of more than one hundred eighty (180) days, or whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty, and who were discharged under honorable conditions. Applicants must be residents of the state of Idaho when the application for work or employment is made in order to claim such preference. This preference applies to initial appointment only.

Disabled war veterans, as defined in Idaho Code section 65-507, must be given preference in employment, provided that such disability does not prevent satisfactory performance of the duties of the position.

Employment Reference Checks

To ensure that individuals who join Ada County are well qualified and have a strong potential to be productive and successful, the hiring department should check employment references for applicants selected for employment.

The department may use the Telephone Reference Check form included in the Forms Appendix or a similar form. Questions asked must be relevant to the job to be filled, focus on the applicant's work history and ability to perform the job, and comply with federal and state laws.

The hiring department should:

- Check a minimum of three (3) work references of the selected applicant prior to extending the job offer.
    - If three (3) work references cannot be obtained, academic or volunteer work references may be substituted;

    - If three (3) references cannot be obtained, the hiring manager should contact Ada County Human Resources.
- All completed reference checks should be forwarded to Human Resources.

Drug and Alcohol Free Hiring

No applicant will be hired unless the County receives a negative drug and alcohol test result. An applicant with a confirmed positive drug and/or alcohol test result will not be considered for employment for a two year period following the date of the test unless applicant provides documentation of completion of a drug- and/or alcohol-abuse treatment or rehabilitation program and passes a pre-employment drug and/or alcohol test.

APPLICABILITY

This policy applies to all Ada County applicants, with the exception of Ada County Sheriff's Office applicants. The Ada County Sheriff's Office adopted Drug/Alcohol/Smoke-Free Workplace policies and procedures to meet the office's unique needs.

The policy applies whether the applicant has a conditional offer of employment, is a temporary, part time, or full time applicant. The policy will not apply to independent contractors and their employees, or to employees furnished through, and paid by, temporary staffing service businesses such as A.E.S., Inc.

APPLICANT/PRE-EMPLOYMENT PROCEDURES

Hiring Manager Responsibilities (prior to testing):

Drug and alcohol testing cannot be administered until after the applicant has returned a signed conditional offer letter and Pre-Employment Drug and Alcohol Test Consent form. You can obtain conditional offer templates and the consent form in the Forms Appendix or by contacting HR.

- Notify applicant that he/she will be required to submit to pre-employment drug and alcohol testing.
- Extend a conditional offer to the applicant and obtain a conditional offer letter and Pre-Employment Drug and Alcohol Test Consent form signed by the applicant.
- Complete a Pre-Employment Drug and Alcohol Screening Request.

Risk Management Responsibilities:

- Risk Management will enter the name into the Drug-Free Idaho system to generate the Test Request form. Risk Management will e-mail the Test Request form to the Hiring Manager or faxed directly to the testing facility upon request.
- Upon receipt of such email, the Hiring Manager will inform the applicant to report to the testing site within twenty-four (24) hours.
- Risk Management will contact the Hiring Manager with all test results.

Hiring Manager Responsibilities (after testing results are obtained):

- If a verified positive result is received, contact Human Resources for further guidance.
- If a verified negative test result is received, proceed with hiring process.

Applicant Responsibilities:

- Applicant must comply with all conditions of the Ada County Drug and Alcohol Test Consent Agreement. In the event of a verified positive test result for prohibited substance(s), applicants may request that the confirmation specimen be retested. Ada County must receive the request for retest in writing, and within seventy two (72) hours of the written notification of positive test. Any retesting will be at the applicant's expense. If the result of the second test is certified as negative, the employee or applicant will be reimbursed for the cost incurred.

Personnel Action Form

All departments/offices are to complete a Personnel Action Form for each employee hired.

New Employee Orientation

All employees are to attend a new employee orientation. Human Resources will send notification of the employees' scheduled date to attend a new employee orientation.

2.7.3 PERSONNEL ACTION FORM (PAF) SYSTEM

A form must be submitted in the personnel action form system for any personnel changes or actions, including but not limited to hiring, transfers, promotions, salary changes, status or address changes, disciplinary actions, and termination of employment. Each PAF submitted may be routed for review and/or approval through Ada County Employee Benefits, Human Resources, and the Board of County Commissioners depending on the type of action submitted. All approved PAFs are routed to Ada County Payroll as the final step in order to be processed.

Salary changes, transfers, promotions, and demotions must be made effective at the beginning of a pay period. Other actions may be made effective at any time during the pay period, as long as they are submitted prior to the effective date to ensure time to route and process the action. All actions listed in the PAF system must be completed by the effective date of the action. Submitting retroactive PAFs should be avoided.

PAFs designating leave under the Family Medical Leave Act (FMLA) or returning an employee from said leave should be submitted as soon as possible to protect the employee's benefits. If an employee takes non-FMLA qualifying leave without pay for three (3) consecutive regular working days or more, a Leave without Pay PAF should be processed. Additional information regarding the PAF system is available through Ada County Human Resources.

2.7.4 EMPLOYEE CLASSIFICATIONS

TEMPORARY EMPLOYEES

Periodically, it becomes necessary for Ada County to hire individuals to perform a job or to work on a project that has a limited duration. Typically, this happens in the event of a special project, special time of year, abnormal workload, or emergency. Individuals hired for such work are temporary employees. They are not eligible to participate in any County benefit programs, nor can they earn or accrue any leave, such as vacation leave or sick leave. Temporary employees will be provided any and all benefits mandated by law.

Temporary employment length may not exceed eight (8) months, consecutive or non-consecutive, during any twelve (12) month period. Temporary employees cannot change from temporary status by such informal means as remaining in County employ for an extended period of time or through oral promises made to them by coworkers or members of management. The only way a temporary employee's status can change is through a Personnel Action Form, subject to approval by the Board of County Commissioners.

Like all employees who work for Ada County, temporary employees work on an at-will basis. This means that both they and Ada County are free to terminate their employment at any time, with or without cause, even if they have not completed the temporary project for which they have been hired.

PERSI Contributions

As a PERSI employer, contributions are required by the employee and employer for all employees, including temporary positions, who normally work 20 or more hours per week for five (5) consecutive months or more.* Any reemployment with a break in service of less than 30 days is considered continuous employment.

If an employee is not expected to work 20 hours or more per week for five (5) consecutive months or more and no PERSI contributions are made, but the employee actually does work 20 hours or more for five (5) consecutive months or more, the contributions by both the employee and Ada County will be due retroactive to the beginning of the 20+-hour-per-week assignment. Conversely, if an employee is expected to work 20 hours or more per week for five (5) consecutive months or more and PERSI contributions are made, but the employee actually does not work 20 hours or more for five (5) consecutive months or more, the contributions made by both the employee and Ada County will be refunded retroactive to the beginning of the 20+-hour-per-week assignment.

Retired PERSI Members

Retired PERSI members may work for a PERSI employer and continue to receive retirement payments with the following restrictions:

1. A retiree working 20 hours or more per week can only work less than five (5) consecutive months. Upon reaching five (5) consecutive months or more, the retiree temporary employee must sever employment for at least 30 days.
2. A retiree temporary employee working 19 or less hours per week is not limited to working a specific number of months.

Temporary Staffing Agencies

Ada County contracts with a temporary staffing agency. All temporary staffing needs utilizing an external agency must abide by the current contract. For information regarding the temporary staffing agency contract, contact Human Resources.

*Certified seasonal employees whose employment depends on weather and growing seasons are allowed up to 8 months of 20 or more hours per week before being subject to PERSI retirement contributions.

PART-TIME AND FULL-TIME EMPLOYEES

Depending on the number of hours per week employees are regularly scheduled to work, they will be either part-time or full-time employees. It is necessary that an employee understands which of these classifications he or she fits into, because it will be important in determining whether they are entitled to benefits and leave. See the Compensation and Benefits Chapter of this Handbook for information about eligibility for benefits and leave.

Part-time employees: Employees who are regularly scheduled to work fewer than 40 hours per week are part-time employees.
Full-time employees: Employees who are regularly scheduled to work at least 40 hours per week are full-time employees.

2.7.5 JOB DESCRIPTIONS

Each employee should have an up to date and accurate job description on file.

Procedures

A department/office seeking adjustments to a job description, or needing assistance in creating a new job description, must provide the necessary information to Ada County Human Resources, including primary and secondary duties, scope, reporting structure, supervisory responsibilities, minimum qualifications, and other requirements.

Ada County Human Resources will review the information and revise the job description to ensure standard language, County-wide consistency, appropriate placement in the pay band, and compliance with the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA) and other employment related laws. No job description can be utilized for job postings, salary reviews, or any other employment purpose until reviewed by Ada County Human Resources and approved by the Board of County Commissioners.

2.7.6 ADA COUNTY EMPLOYEE SITE (ACES)

Ada County is committed to providing effective and efficient internal communications. The Ada County Employee Site (ACES) is a tool by which this objective is accomplished.

Ada County resources, including, ACES, are provided for County business use. ACES Employee Announcements are limited to Ada County employment related communications, communications that promote County-wide sponsored programs/initiatives, and announcements that impact or enhance employee productivity and workflow. In addition to using ACES homepage content and global employee communications, elected officials may

adopt such further policies and procedures to meet the unique communications needs of the offices they administer, provided they are not in conflict with the policies and procedures described in the Ada County Employee/Manager Handbook and/or state and federal laws.

The Department of Administration Director and the Board of County Commissioners maintain authority for approval of ACES announcements.

POSTING DEADLINES

Non-urgent announcement requests should be submitted using the "Request Announcement" link provided on the ACES site. Announcement requests should be submitted at least two days prior to the requested posting. Announcement requests are submitted to the Department of Administration for final review after the appropriate department/office approver has reviewed and approved the request. Allowing at least two days for this process gives department/office approvers, and the Public Information Department, enough time to adequately review and schedule the posting of announcements. Approved announcements that are urgent in nature will be posted to ACES as quickly as possible.

POSTING OF INITIAL ANNOUNCEMENT

For communications announcing a specific County-sponsored event or initiative, the Department of Administration will publish an approved employee announcement no more than two weeks prior to the scheduled event. Ideally, initial event announcements will be posted one week prior to the event.

Many special event announcements are also appropriate for posting to the ACES Calendar. Employees requesting event announcements should also submit their event by using the "Request Calendar Item" link found on the ACES Calendar module.

POSTING OF REMINDER ANNOUNCEMENT

Only one event reminder announcement should be posted to ACES. Reminder announcements should be posted to ACES two days prior to the scheduled event. Reminder announcements need to be submitted through the normal announcement submission process.

POSTING OF SPECIAL OFFERS & PROMOTIONS

In the case of special employee offers or promotions (i.e. discounted sporting event tickets, health club memberships, etc.) one announcement will be posted unless circumstances warrant a reminder post. Special employee offers may be interpreted as gifts and therefore, cannot exceed the allowed $50 limit established by Idaho law.

CHAPTER 3: COMPENSATION & BENEFITS

SECTION 3.1 COMPENSATION, TIME MANAGEMENT, AND PAYROLL POLICIES

3.1.1 FAIR LABOR STANDARDS ACT (FLSA)

Ada County complies with the Fair Labor Standards Act and all applicable federal, state, and local laws regarding employee compensation. Ada County's pay and time reporting policies are written in such a manner to ensure compliance with such applicable laws.

In keeping with the Fair Labor Standards Act (FLSA), Ada County will compensate non-exempt employees one and one-half (1.5) times their regular rates of pay for all hours worked in excess of forty (40) in a workweek. Paid leave time such as vacation and holiday pay does not count towards the forty (40) work hour threshold for overtime. For employees in some law enforcement and detention positions, overtime is calculated based on one hundred seventy-one (171) hours in a twenty-eight (28) day cycle split into two (2) bi-weekly pay periods.

All job descriptions are reviewed by Ada County Human Resources to determine if they are covered by the Fair Labor Standards Act (FLSA) or if they are exempt from the Act. Exemptions are based on federal law and are determined by Ada County Human Resources. These determinations are based on job duties and responsibilities, not by job titles. Positions determined to be exempt from FLSA must be paid on a salary basis and are ineligible for overtime and comp time.

Employee Concerns

An employee, whether hourly or salaried, who perceives an issue in regard to hours of work or overtime compensation for their own time, or that of other employees, is encouraged to report the problem to his or her supervisor, manager, department head, or elected official as soon as possible. If an employee feels he or she has been improperly designated as either covered by the FLSA or exempt from the FLSA, he/she should contact Ada County Human Resources.

3.1.2 TIME REPORTING

The workweek covers seven consecutive days beginning on Sunday and ending on Saturday. Employees will submit their biweekly timesheet through Ada County's Time Management computer program.* Employees without computer access should provide a hand-written, completed, and signed timecard to their supervisor and/or manager.

*This applies to all Ada County employees except for Ada County EMS employees who utilize the software solution Telestaff that satisfies this policy requirement.

Non-Exempt (Hourly) Employees

Non-Exempt employees are required to accurately report all of their work hours and leave taken on the appropriate timesheet. Time may be recorded in increments of one-tenth (0.10) of an hour.

Employees are not allowed to work off the clock or "volunteer" time. Employees must receive approval from their supervisor, manager, department head, or elected official prior to working any overtime beyond their regular schedule. Employees who fail to timely report all of their work hours (including any overtime) on their timesheet, who falsify a timesheet, or who work unauthorized overtime may be subject to disciplinary action, up to and including termination.

Procedures

Each FLSA non-exempt (hourly) employee is to:

- Maintain an accurate daily record of his/her hours worked and ensure all regular and overtime hours are recorded on the timesheet, rounded to the nearest tenth (0.1) of an hour.
- Record all absences from work schedules on the timesheet and ensure leave taken is coded with the appropriate leave codes. Leave taken should be rounded to the nearest tenth (0.1) of an hour.
- Obtain prior approval for any overtime worked in the workweek.
- Submit the completed time record in Ada County's Time Management computer program;* employees without computer access should provide a hand-written, completed, and signed timecard to supervisor and/or manager.
- Submit the completed time record in in the time period required for approval.

*This applies to all Ada County employees except for Ada County EMS employees who utilize a software solution Telestaff that satisfies this policy requirement.

Exempt (Salaried) Employees

Employees who work in positions exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis and are ineligible for both overtime pay and comp time. Salaried employees are expected to manage their work schedule to accomplish the duties of the position, and may be required to work over forty (40) hours in a week, including nights and weekends. Salaried employees who frequently work fewer than forty (40) hours a week or who frequently leave work early may need additional work, which is best handled as a performance issue.

Salaried employees are not managed on an hourly basis; therefore, they do not record individual work hours but rather should document leave taken on their timesheet. Salaried employees who work at least a half-day do not have to record leave taken on their timesheet for that day. For example, Jane Doe is a salaried employee. Jane works three (3) hours in a normal eight (8) hour work day. She will record five (5) hours of sick or vacation time as appropriate for the needed leave. As another example, Jane Doe works six (6) hours in an eight (8) hour work day. She is not required to report time taken.

FMLA Exception

Leave taken under the FMLA should be recorded in increments of one-tenth (0.10) of an hour. Salaried employees with questions about how to code a leave on their timesheet may contact Ada County Human Resources.

Procedures

Each FLSA exempt (salaried) employee is to:

- Maintain an accurate record of his/her absences from work and ensure leave taken is recorded on the timesheet and coded with the appropriate leave codes. Salaried employees who work at least a half-day do not have to record leave taken on their timesheet for that day.
- Submit the appropriate leave time record in Ada County's Time Management computer program;* employees without computer access should provide a hand-written, completed, and signed leave time record to supervisor and/or manager.
- Submit the completed time record in the time period required for approval.
- Leave taken under the FMLA should be recorded in increments of one-tenth (0.10) of an hour.

*This applies to all Ada County employees except for Ada County EMS employees who utilize a software solution Telestaff that satisfies this policy requirement.

Supervisors/Managers

Each supervisor and/or manager is responsible for:

- Ensuring that employees reporting to him/her have the correct regular and overtime hours recorded and the correct leave hours and codes (VAC, SIC, etc.) reflected for any leave taken.
- Ensuring that all employees maintain accurate time records and hourly employees do not "volunteer" or fail to record hours worked.
- Ensuring that timesheets are submitted in accordance with Ada County policies and procedures and are approved in a timely manner for processing by Payroll.
- Ensuring that hourly employees are paid for all hours worked, whether or not the employee had prior authorization to work the hours in question. Members of management may not dock an employee's pay or fail to record hours, nor allow an employee to fail to record hours worked. An employee may be disciplined for working without prior authorization but said discipline may not include refusal or failure to pay for time worked.
- Ensuring that employees who violate the timesheet reporting policies or procedures are counseled regarding the time reporting requirements and are advised of the consequences of further infractions.

PRE-ENTRY OF TIME

Employees should not pre-enter more than one week of work hours at a given time. Time may be entered in advance under certain conditions, such as FMLA, Workers' Compensation, and/or Military Leave.

TIMESHEET RECORDS RETENTION

If timesheets are not submitted via Ada County's Time Management computer program and instead are submitted as hard copy, they must be retained for four (4) years, per Ada County's record retention schedule.

TIME MANAGEMENT SYSTEM SEGREGATION OF DUTIES

Ada County employees must not have approval authorization for their own time recording in Ada County's Time Management computer program.* Such employee's time must be approved by their direct supervisor/manager.

*This applies to all Ada County employees except for Ada County EMS employees who utilize a software solution Telestaff that satisfies this policy requirement.

3.1.3 WORK HOURS

The standard workweek is forty (40) hours. The standard workday is eight hours for hourly workers, but some employees are scheduled for ten (10), twelve (12) or twenty-four (24) hours shifts depending on the needs of the position. Workday lengths for salaried (exempt) employees are determined primarily by their current workloads. As starting and ending times vary within departments and office locations, each department/office will determine the schedule for the appropriate department/office. All employees are expected to be at their workstation and ready to start work at their scheduled time. Unless an employee makes other arrangements with his/her supervisor, the employee is expected to work until the end of his/her scheduled shift.

MEAL AND REST BREAKS

While no state or federal law requires rest breaks, Ada County does so as a courtesy. The appropriate use of short breaks may increase employee efficiency and result in better customer service. Therefore, a supervisor may grant employees one break during each four-hour work period. The supervisor may determine the appropriate duration of a break for the office, up to a maximum of fifteen (15) minutes. These breaks will be considered paid work time. Supervisors may discontinue breaks as needed to ensure proper staffing to meet customer demand. Unauthorized extensions of authorized work breaks will not be considered work time. Breaks may not be combined or foregone in order to leave earlier in the day.

In addition, all employees who work at least six (6) hours in a day should take a meal break. Meal breaks are generally one (1) hour in length and may not be shortened to less than thirty (30) minutes. Meal breaks are generally unpaid; however employees who are required to work during the meal break will be paid for that time. Employees who are not required to work during lunch should take at least a thirty (30) minute lunch break.

WORKSITE LACTATION

The provisions of this Worksite Lactation Policy meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.

Lactation Rooms

Ada County will provide a location, other than a bathroom, that is private and sanitary to express breast milk. Please contact Human Resources to find an area in your location. If employees prefer, they may utilize their own private offices, or in other comfortable locations agreed upon with the employee's supervisor.

Reasonable Break Times

For up to one (1) year after a child's birth, employees will be granted flexible and reasonable breaks, using their normal break periods and meal times to accommodate lactation needs. For time that may be needed beyond the usual break periods, employees may make up the time or may use accrued vacation time as arranged with their supervisor.

Employees who utilize this policy should keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the department.

Violations

Employees who feel they have been harassed, discriminated against, or denied appropriate accommodations are encouraged to contact Human Resources.

TRAVEL TIME

The time an employee spends commuting to and from work is considered "home-to-work travel" and is not considered work time. However, the time an employee spends traveling from one work-site to another for work purposes is considered work time. Time spent in travel away from home outside of an employee's regular work hours as a passenger on an airplane, train, automobile or public transportation is generally not considered work time under the Fair Labor Standards Act (FLSA), but will be compensated as work time when in the best interest of the department/office. Employees will be expected to do other productive work while traveling as a passenger to justify the designation as work time. Work assignments that require an employee to stay out overnight will qualify for expenses, but no time will be compensated beyond appropriate travel time and actual hours worked in accordance with FLSA rules and County procedures.

TRAINING TIME

An employee's attendance at training sessions is considered work time <u>unless</u> the following four criteria are met:

- Attendance at the training session is outside of the employee's regular work hours,
- Attendance at the training session is voluntary,
- The training session is not directly related to the employee's current job, and
- The employee performs no productive work during the training session.

ON-CALL TIME

On-call employees are allowed to use that time for their own personal reasons, and are not limited to one geographical location, but must respond to a page or a telephone call within a reasonable amount of time. Employees who are required to take on-call shifts will only be compensated for the actual time worked during that shift, not for the entire shift. Time

spent on the telephone or in person resolving a work issue during an on-call shift is considered work time, and if performed by an hourly employee should be reported on the employee's timesheet.

OVERTIME

On occasion, a supervisor, manager, department head or elected official may ask employees to work beyond their regularly scheduled hours. Supervisors will try to give employees advance notice when overtime work is necessary; however, it will not always be possible to notify workers in advance.

Salaried (FLSA exempt) employees will not be paid for working beyond their regularly scheduled hours. Hourly (FLSA covered) employees are entitled to payment for overtime, according to the rules set forth below. All overtime work must be approved in advance, by the employee's supervisor, manager, department head, or elected official. Working overtime without permission violates Ada County policy and may result in disciplinary action.

For purposes of calculating how many hours an employee has worked in a day or week, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. The County workday begins at 12:01 a.m. and ends at midnight each day.

Hourly employees will be paid 1½ times their regular rate of pay for every hour worked in excess of forty (40) per week. For employees in some law enforcement and detention positions known as "7-K," overtime is calculated based on one hundred seventy-one (171) hours in a twenty-eight (28) day cycle consisting of two (2) pay periods. Vacation time, sick days, holidays, or any other paid time during which an employee did not work will not count as hours worked for calculating overtime. Generally for overtime purposes, the County is considered one employer. If an employee regularly works in more than one department or office, Ada County may need to determine the total hours worked in all County jobs to determine if overtime compensation is due.

FLEX TIME

As overtime incurs an additional expense, the supervisor may alter the employee's work schedule within the workweek to avoid or minimize overtime. For example, if an hourly employee works two (2) extra hours on a day(s) during the workweek, the supervisor may reduce their schedule within the current workweek by two hours to result in the employee not working more than forty (40) hours within the current workweek. **This schedule adjustment <u>must</u> occur during the current workweek and the time cannot be "flexed" off in any subsequent workweeks.**

OVERTIME RISK MANAGEMENT

Supervisors and managers should be cognizant of the amount of overtime an employee is working to lower the risk of inadequate performance and ensure the safety of the employee and others in regards to sleep/rest breaks.

COMPENSATORY (COMP) TIME

As a public sector employer, Ada County may grant hourly employees compensatory or "comp" time off in lieu of overtime pay, upon reaching an agreement in advance with the employee. Comp time will accrue at the rate of one and a half (1.5) hours for every one (1) hour of overtime worked. Comp time may be taken in lieu of vacation time and is subject to supervisor approval.

An employee must use accrued comp leave prior to using accrued vacation leave unless the employee is within forty (40) hours of his or her maximum vacation balance or with prior approval from the department head or elected official.

Compensatory time off for hourly (FLSA covered) employees may accrue to a maximum of eighty (80) hours, with the exception of the Sheriff's Office, the detention division of Juvenile Court Services, the Emergency Medical Services (EMS) Department, and the Expo Idaho/Western Idaho Fair Department, whose maximum balance for accrued compensatory time will be one hundred (100) hours. Any overtime hours worked after these specified maximums are reached will be paid out as overtime pay.

Individual departments/offices may internally limit comp time max if due to appropriate financial management reasons and if equally applied to all employees in relevant department/office.

At the end of the fiscal year, hourly employees may carry up to forty (40) hours of accrued comp time into the new fiscal year, with the exception of the Sheriff's Office, the detention division of Juvenile Court Services, EMS, and the Expo Idaho/Western Idaho Fair Department, whose employees may carry up to sixty (60) hours of accrued comp time into the new fiscal year. Any additional comp time hours above those limits will be paid out at the end of the fiscal year. Employees may request to have some accrued comp time paid out in keeping with the comp time payout procedures. Employees with accrued comp time will have their comp time balance paid out upon transfer to a salaried (FLSA exempt) position, transfer to another department or office, or upon separation from County employment.

COMP TIME PAYOUT

Employees who are unable to take accrued comp time within a reasonable time frame may submit a written request to have up to forty (40) hours of comp time paid out. Said request may be submitted two (2) times per calendar year. The written request should be submitted to the department head or elected official with a copy forwarded to Ada County Human Resources Such requests may be made between January 21st and the last working day in January; and between July 21st and the last working day in July. The request must include the employee's name, department or office, current comp time balance, the number of comp time hours requested to be paid out, and the employee's signature and date.

The comp time will be paid out at the employee's current hourly rate of pay, and will be subject to the standard required deductions, such as tax withholding and PERSI. Any

remaining comp time balance will be available for the employee's use, subject to supervisor approval. Remaining comp time balances will be paid out at the time of transfer or termination of employment.

3.1.4 FLEXIBLE SCHEDULING

Ada County understands that many employees have to balance the demands of their job with the needs of their families and other outside commitments. Therefore, it offers its employees the opportunity to work a flexible schedule when it is in the best interest of the County and will not negatively affect the performance of employees' duties.

If an employee would like to change his/her work schedule—for example, to come in and leave a couple of hours earlier or to work a compressed schedule— the employee should submit a request to his/her supervisor. Ada County will try to accommodate employee requests, to the extent practical. Because not all jobs are suitable to flexible scheduling, and because Ada County must ensure that staffing needs are met, it cannot guarantee that a request will be granted. Flexible schedules may be discontinued at any time, without prior notice.

Employees who have not maintained a good attendance record or who have received a disciplinary action in the last six (6) months may not be eligible for a flexible schedule. Exceptions may be made by the department head or elected official when appropriate.

3.1.5 PAYDAY

Employees are paid bi-weekly. Paychecks are issued on Friday. If a payday falls on a holiday, paychecks will be issued on the last workday immediately before that payday.

3.1.6 ADVANCES

Ada County does not allow employees to receive pay advances.

3.1.7 PAYROLL DEDUCTIONS

Employee paychecks reflect employee total earnings for the pay period, as well as any mandatory or voluntary deductions from the paycheck. Mandatory deductions are deductions that Ada County is legally required to take. Such deductions include federal income tax, social security tax (FICA), any applicable state taxes, and PERSI. Voluntary deductions are deductions that employee has authorized. Such deductions might include health insurance, deferred compensation, and supplemental life insurance.

For further information or questions, please contact Ada County Payroll.

3.1.8 DIRECT DEPOSIT

The policy of Ada County is that all employees paid by Ada County use direct deposit to receive payroll related payments.

All employees who are paid by Ada County and are receiving pay by paper warrant (check) should identify an eligible financial institution that will serve as a personal payroll depository for the employee.

All employees who are newly hired or appointed to a position by Ada County should also identify an eligible financial institution that will serve as a personal payroll depository for the employee.

All employees not participating in direct deposit will continue to receive a paper warrant (check). Such paper warrants (checks) shall be mailed on the employee's designated payday. No paper warrant (check) shall be mailed prior to the designated payday. To avoid delays in the delivery of these paper warrants (checks), any employee receiving wage payments in this manner shall be required to provide and maintain a valid mailing address with Ada County Payroll. Paper warrants (checks) will not be available for direct distribution to employees through Ada County Payroll.

3.1.9 WAGE OVERPAYMENT

In the event an employee of Ada County is overpaid through the Payroll System, the employee and/or supervisor is responsible for notifying the Payroll Department immediately so repayment arrangements can be made.

SECTION 3.2 COMPENSATION PHILOSOPHY

Ada County adheres to a compensation plan that is designed to pay salaries that motivate employees for excellence in job performance, is equitable across County departments and offices, and demonstrates responsible use of public funds. Individual pay is established by determining the value of the position in the labor market, the value of the individual including relevant education, experience and special skills, and the value to the organization. Pay decisions must include consideration of job performance. County offices/departments may utilize specialized pay plans approved by the Board of County Commissioners.

3.2.1 COMPENSATION PLANNING

Merit increases are not guaranteed and are based upon performance and budget. Overall merit budget allocations and individual merit increases are planned for and allocated prior to the start of each fiscal year. The compensation program is designed to assist management in planning and allocating salary increases that:

- Reward individual performance.
- Are both market competitive and internally equitable.
- Are compatible with the operating budget.

The employee's overall performance and salary level relative to his/her position responsibilities must be evaluated to determine if a salary increase is warranted.

Salary increase requests must be supported by a recent performance appraisal or other written justification. Ada County Human Resources will review all salary increase/adjustment requests to ensure compliance with policy and that they fall within the provided guidelines. Merit, market adjustment, and promotional pay changes must be submitted through the Personnel Action Form (PAF) system prior to the effective date of the requested change.

3.2.2 SALARY REVIEWS

A department head or elected official may request an analysis and adjustment of an employee's salary at the time frames established by the Board of County Commissioners. This request should be made to Ada County Human Resources who will review the employee's salary in comparison to other employees in comparable positions and available market data. An up-to-date job description is required in order to provide an accurate analysis. Requested salary increases due to market or equity disparities should be budgeted as part of the annual budget cycle.

Salary increases requested outside of the normal budget process are generally limited to new hires who have successfully completed six (6) months of employment. Such salary increases are limited to a maximum of five (5) percent of the employee's salary. Other mid-year salary increase requests require a Position Action Request submitted to Ada County Human Resources and may be limited in keeping with the time frames and parameters established by the Board of County Commissioners.

3.2.3 MARKET PRICING

Ada County's compensation philosophy is to match the labor market, which allows us to be externally competitive in recruiting and retaining talented employees. Labor markets used for salary comparison are based on the normal recruiting market for specific job classifications. All market comparisons will include both public and private sector employers for the recruiting area, unless the position is not found in the private sector. By maintaining a competitive total compensation package to recruit and retain the best employees, the County improves employee productivity and reduces costly turnover.

3.2.4 PAY BANDS

The compensation plan for Ada County establishes pay bands for each class of job descriptions. A pay band is the pay range allocated to a job class stating a minimum and maximum rate of pay allowed an employee performing a job in that particular class.

SECTION 3.3 EMPLOYEE BENEFITS

Ada County offers a competitive and comprehensive benefit package designed to provide regular full-time and part-time employees and their families with a wide range of benefit options.

3.3.1 ELIGIBILITY

Benefit eligible employees are regular full time employees or part-time employees who regularly work twenty (20) or more hours per week.

3.3.2 WAITING PERIOD

The benefits effective date for new employees is the first day of the month following thirty (30) days of continuous employment. This waiting period applies to group medical, dental, vision, life, accidental death and dismemberment, short term disability insurance, the Employee Assistance Program (EAP), supplemental long term disability insurance, supplemental life insurance, flexible spending accounts, NCPERS Group Term Life insurance, AFLAC & Colonial supplemental insurance, and the Ada County Deferred Compensation 457(b) Plan.

The waiting period does not apply to the PERSI Base Plan and PERSI Choice Plan 401(k). Please see vacation, sick, and holiday leave policies for respective waiting periods.

3.3.3 GROUP HEALTH INSURANCE

Please see the respective Benefit Plan Document which describes in detail the covered benefits and the rights and obligations of both enrollee and the carrier.

Medical, dental, and vision insurance coverage is provided to eligible employees and their immediate family members. For purposes of group health insurance, immediate family members will include the enrollee's spouse under a legally recognized marriage in the State of Idaho and eligible children. Ada County makes a significant contribution towards premium costs for these plans. Most employee premium costs are fully paid by the County.

- Medical – A Preferred Provider Organization (PPO) Plan, including prescription drug coverage, through Blue Cross of Idaho.
- Dental – Blue Cross Preferred Blue Dental PPO Plan.
- Vision – Vision care benefits provided by Vision Service Plan.
- Group Life and Accidental Death and Dismemberment Insurance – Ada County provides basic life and accidental death and dismemberment insurance to employees at no cost. Additional voluntary life insurance for the employee and eligible dependents is also available to purchase through payroll deduction.

3.3.4 SHORT TERM DISABILITY INSURANCE

The County-provided plan pays 60% of an employee's gross weekly earnings for up to a maximum of $1,000 per week if totally or partially disabled due to an off-the-job injury or illness. Benefits may continue for up to 26 weeks. Employees must exhaust all accrued sick leave, compensatory time and vacation leave prior to receiving any paid disability benefits.

3.3.5 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employees and their family members are eligible to receive free confidential access to professional counseling designed to address a wide range of personal problems and issues. The program allows for up to five (5) sessions or visits per occurrence or incident.

3.3.6 PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

Base Plan – a defined benefit plan that pays a lifetime allowance upon retirement. Participation is automatic for employees who normally work twenty (20) or more hours per week for more than five (5) months. Ada County and the employee contribute to the base plan. The base plan also offers disability and death benefits.

PERSI Choice Plan 401(k) – a voluntary plan that allows eligible employees to save and invest pre-tax dollars through payroll deduction for additional retirement income.

3.3.7 DEFERRED COMPENSATION 457(B) PLAN

A voluntary, long term supplemental retirement savings program using pre-tax payroll deductions directed into investment options. Ada County will match benefits-eligible employee contributions up to 3% of gross pay.

3.3.8 SOCIAL SECURITY/MEDICARE

Ada County contributes to withholding taxes under FICA (Federal Insurance Contribution Act) on behalf of County employees: 6.2% Social Security tax; 1.45% Medicare tax.

3.3.9 FLEXIBLE SPENDING ACCOUNTS (FSA)

An IRS approved plan that allows employees to contribute pre-tax dollars to reimbursement accounts for qualifying health care expenses and /or qualifying dependent care expenses.

3.3.10 POST EMPLOYMENT HEALTH PLAN (PEHP)

Eligible employees can receive post-employment funds available to reimburse qualified health care expenses from tax-exempt contributions to a Universal Reimbursement Account (employer funded) and/or an Insurance Premium Reimbursement Account (funded in accordance with the Sick Leave Sweep policy).

3.3.11 VOLUNTARY BENEFIT OPTIONS

A variety of voluntary supplemental benefit options are available through several providers. For additional information, please contact Ada County Employee Benefits.

SECTION 3.4 SICK AND VACATION LEAVE

3.4.1 SICK LEAVE

Ada County offers benefit-eligible employees the opportunity to use accrued sick leave to allow paid leave during absences related to illness or injury. However, abuse of sick leave is not allowed and may lead to disciplinary action up to and including termination.

ELIGIBILITY/ACCRUAL

Eligibility for paid sick leave begins as the leave is accrued from the first day of employment. All benefit-eligible employees who regularly work twenty (20) or more hours per week will accrue sick leave at the rate of 0.0462 times the total paid hours, up to a maximum of 3.7 hours per pay period. EMS field employees accrue sick leave at the rate of 0.0554 times the total paid hours, up to a maximum of 4.43 hours per pay period. **Total paid hours include regular work hours and paid leave.** Sick leave will be allowed to accumulate to a maximum of three hundred thirty six (336) hours. See sick leave sweep policy for hours accrued above two hundred and forty (240) hours.

Sick leave will accrue while an employee is on approved leave with pay, approved vacation leave, approved military leave with pay, and approved sick leave. Sick leave will **not** accrue to any employee on leave without pay, suspension without pay, layoff, or when working overtime.

USE OF SICK LEAVE

Sick leave may not be taken in advance of being earned. Scheduled days off and officially designated holidays falling within a period of sick leave will not be counted against sick leave. Sick leave may be taken in increments of one tenth (0.1) of an hour for hourly employees. Salaried employees who work at least a half-day do not have to record leave taken on their timesheet for that day, except for leave taken under the FMLA. Leave taken under the FMLA will be recorded in increments of one-tenth (0.10) of an hour. Please see FMLA policy for further details regarding sick leave usage under the FMLA.

TRANSFER/SEPARATION

Sick leave will be transferable from department/office to department/office only to the extent that it is accrued. Employees who leave a benefit-eligible position for another position with the County without benefits will forfeit their accrued sick time at that time. All accrued sick leave will be forfeited at the time of separation from County service and no employee or official will be reimbursed for sick leave at the time of separation.

DOCUMENTATION

If an employee calls in sick for three (3) or more consecutive working days, the supervisor may require a physician's or other licensed practitioner's verification of the illness or injury. The physician’s statement should provide (a) verification of the illness or injury; (b) if and when the employee will be able to return to work; and (c) whether the employee is capable of performing his or her regularly scheduled duties. The employee is responsible for providing the proof of physician’s care. Without documentation, the use of paid sick leave may be denied and the employee may be subject to disciplinary action.

Additionally, absence for three (3) or more calendar days might qualify as a "Serious Health Condition" under the Family and Medical Leave Act (FMLA) when combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition. Please see FMLA policy for further details regarding vacation leave usage under the FMLA.

CARE OF ILL FAMILY MEMBERS

Benefit-eligible employees may use sick leave when, under compelling and necessary circumstances, they must administer aid to an immediate member of the family or when an immediate member of the family is quarantined. For purposes of sick leave usage, immediate members of the family will include a spouse, child, parent, sibling, grandparent, grandchild, or the same relation by marriage, or a household member living with the employee on a permanent basis or a temporary household member over whom the employee has charge and who is living with the employee on a temporary basis. In cases where sick leave usage equals three (3) or more consecutive working days, the supervisor may require a physician's or other licensed practitioner's verification of the illness or injury and a statement that it is necessary that the employee administer aid and comfort to the family member including the expected length of time such aid and comfort is necessary.

BEREAVEMENT LEAVE

In case of death in the employee's immediate family, the employee will be allowed to use up to five (5) days of sick leave for bereavement purposes relating to the death of an employee's immediate family member. Such allowances of sick leave usage are allowed for the death of a spouse, child, parent, sibling, grandparent, grandchild, or the same relation by marriage. Employees who wish to take leave from work for the death of other relatives or friends may take accrued vacation leave, comp time, or leave without pay, at the discretion of the department head or elected official.

WORKERS' COMPENSATION

Employees may use their accrued sick leave for only the first five (5) days of workers' compensation leave. These days may include the five (5) day waiting/elimination period after making application for workers' compensation benefits as may be provided by the County.

SICK LEAVE SWEEP

Ada County created Post Employment Health Plans (PEHP) for individual employees. At the end of every fiscal year, any employee with an accrued sick leave balance over two hundred forty (240) hours will have those hours in excess of 240 credited as a dollar amount, at forty (40) percent value, into the employee's Insurance Premium Reimbursement PEHP Account . Reimbursements from this account may only be used for qualified medical insurance premium expenses. Additional information on PEHP accounts is available through Ada County Employee Benefits.

3.4.2 VACATION LEAVE

Employees do not accrue vacation leave during the first six (6) months of employment with Ada County. Upon completion of the first (6) months, employees will accrue vacation leave at the rate established below, retroactive to the date of hire. Vacation time will not accrue to any employee on leave without pay, suspension without pay, layoff, or when working overtime. Vacation leave will not be earned, accrued or accumulated during any pay period in which the maximum accruals have been met.

ACCRUAL RATES

Benefit-eligible employees, who regularly work twenty (20) or more hours per week, will accrue vacation leave, at the rates listed below multiplied by the total paid hours up to the maximum, also listed below. Total paid hours include regular work hours and paid leave.

The rate at which employees accrue vacation leave will be in the following manner:

Years of Continuous Service	Rate	Maximum Accrual
0 to 5 years	0.0462 (Approx. 96 hrs/year for a full-time employee)	3.7 hours per 80 hour bi-weekly pay period or 192 hours total accrual
5 to 10 years	0.0577 (Approx. 120 hrs/year for a full-time employee)	4.62 hours per 80 hour bi-weekly pay period or 240 hours total accrual
10 to 15 years	0.0692 (Approx. 144 hrs/year for a full-time employee)	5.54 hours per 80 hour bi-weekly pay period or 288 hours total accrual
15 to 20 years	0.0807 (Approx. 168 hrs/year for a full-time employee)	6.47 hours per 80 hour bi-weekly pay period or 336 hours total accrual
More than 20 years	0.0923 (Approx. 192 hrs/year for a full-time employee)	7.39 hours per 80 hour bi-weekly pay period or 384 hours total accrual

The rate at which EMS field personnel accrue vacation leave will be in the following manner:

Years of Continuous Service	Rate	Max Accrual

0 to 5 years	.0846 (Approx. 176 hrs/year)	6.77 hours per bi-weekly pay period or 272 hours total accrual
5 to 10 years	.0962 (Approx. 200 hrs/year)	7.70 hours per bi-weekly pay period or 320 hours total accrual
10 to 15 years	.1077 (Approx. 224 hrs/year)	8.62 hours per bi-weekly pay period or 368 hours total accrual
15 to 20 years	.1192 (Approx. 248 hrs/year)	9.54 hours per bi-weekly pay period or 416 hours total accrual
More than 20 years	.1308 (Approx. 272 hrs/year)	10.47 hours per bi-weekly pay period or 464 hours total accrual

EMS field personnel must work or be on approved leave with pay for at least forty-eight hours per bi-weekly pay period to accrue the vacation leave for that pay period.

YEARS OF CONTINUOUS SERVICE RULE

For all benefit eligible employees, years of service credit for purposes of vacation leave accrual are not allowed for any period(s) of prior service with the County which ended with an employee's termination of employment with the County, for whatever reason(s). Provided, however, that years of service credit for purposes of vacation leave accrual are allowed for periods of prior service if an employee was reinstated as detailed in the reinstatement policy.

Part-time employees who later become full-time employees shall, for purposes of vacation leave accrual only, be entitled to credit, as full-time years of service, all part-time service during which the employee worked twenty (20) or more hours per week. No such credit will be permitted for any period of part-time service during which the employee worked less than twenty (20) hours per week.

TRANSFER/SEPARATION

Vacation leave is transferable from department/office to department/office only to the extent that it is accrued; provided, however, the hiring department/office may restrict the vacation leave transfer to a maximum of 80 hours. If additional vacation hours are accrued, the employee will be compensated and cashed-out by the department/office at the time of transfer for their accrued but unused vacation leave which exceeds the transfer amount. EMS field personnel being transferred to another department/office will be cashed-out by the Emergency Medical Services Department at the time of transfer for their accrued but unused vacation leave which exceeds the maximum accrual limits established for non-EMS employees.

Employees who leave a benefit-eligible position for another position with the County without benefits will have their accrued vacation paid out at that time. Vacation leave not taken will be compensated for at the time of separation only to the maximum accruals and accumulations listed above.

USE OF VACATION

Vacation leave may not be taken in advance of being earned. Vacation leave may be taken only when approved by the employee's supervisor, manager, department head, or elected official. Employees should provide as much advance notice as possible by submitting a leave request to their direct supervisor. Officially designated holidays falling within a period of vacation leave will not be counted against vacation leave with the exception of EMS field personnel for whom such holidays will be counted against vacation leave. Vacation leave may be taken in increments of one tenth (0.1) of an hour for hourly employees. Salaried employees who work at least a half-day do not have to record leave taken on their timesheet for that day, except for leave taken under the FMLA. Leave taken under the FMLA should be recorded in increments of one-tenth (0.10) of an hour. Please see FMLA policy for further details regarding vacation leave usage under the FMLA.

3.4.3 DONATION OF LEAVE

County employees who suffer from a medical emergency involving life threatening or critical illness or injury, may be eligible to receive donated vacation leave, up to a maximum of one hundred sixty (160) hours per fiscal year.

An employee must have competed six (6) months of continuous employment with Ada County to be eligible to receive donated leave. The donation and receipt of leave is subject to the approval of the appropriate department head or elected official and the Board of County Commissioners. Evaluation may include prior satisfactory attendance, with no history of leave abuse.

The donated vacation hours will be converted to sick leave for the receiving employees and paid based upon the receiving employees' pay rate. An employee may receive up to one hundred sixty (160) hours of donated leave per fiscal year, and a transfer of leave will not occur until the receiving employee has exhausted all of his or her accrued sick and vacation leave. An employee may not donate vacation leave unless his or her balance exceeds eighty (80) hours. Once transferred, donated vacation hours are forfeited and will not be returned to the donor. Names of donors and recipients must be kept confidential.

PROCEDURES

Recipient Responsibilities

An employee who wishes to receive donated leave should submit a Request for Donated Leave form to his/her supervisor for approval. The supervisor will forward the request through their line of supervision to the department head or elected official for approval. Employees who have already received one hundred sixty (160) hours during the fiscal year are not eligible. Employees receiving workers' compensation benefits through the County are not eligible to receive donated leave.

Donor Responsibilities

An employee who wishes to donate leave to another employee should submit a completed Donation of Vacation Leave agreement to his/her supervisor for approval. Donating employees must have a minimum vacation balance of eighty (80) hours at the time of donation in order to donate leave. Donors may donate up to a maximum of forty (40) hours leave total in a fiscal year. Donations to another employee must be in whole hour increments of not less than four (4) hours and not more than forty (40) hours.

Administration

The department head or elected official will review the appropriate forms and make a recommendation for approval/denial. In addition to the above, the department head or elected official for the receiving employee must consider whether the reason for the requests meets the donation of leave policy criteria. County employees who suffer from a medical emergency involving life threatening or critical illness or injury, may be eligible to receive donated vacation leave. Such policy parameters are required to remain in compliance with IRS regulations regarding such transactions.

Once both the Donated Leave Request form and the Donation of Vacation Leave agreement have been approved by the department head or elected official, the approval and all completed forms are to be sent to Ada County Human Resources. They will then be forwarded for consideration of the Board of County Commissions for final approval.

Any denials of requests or donations are to be returned to the employee and may be appealed through the conflict resolution procedures.

Ada County Human Resources will coordinate approved transfer with the department/office and Payroll.

SECTION 3.5 OTHER LEAVE

3.5.1 HOLIDAYS

Ada County recognizes these paid holidays each year, as follows:

- New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any day so designated by the Board of County Commissioners.
- Time off without pay may be granted to employees who desire to observe a religious holiday which is not recognized by Ada County, provided it does not create an undue hardship.
- Employees in the Sheriff's Office and employees of the Detention Division of the Juvenile Court Services Department will not receive Columbus Day as a County holiday, but rather will be granted one floating holiday; said floating holiday will accrue on Columbus Day of each year and must be used within one year of accrual.

- Should a holiday fall on a Saturday, the preceding Friday will be a holiday, and if the holiday falls on a Sunday, the following Monday will be a holiday. However, for those employees in the Sheriff's Office, the Emergency Medical Services Department and Juvenile Court Services who work shifts and weekends in a twenty-four (24) hours-a-day, seven (7) days-a-week operation, the County-declared holiday will be the actual holiday; and, for such employees the County recognized holiday will not be the preceding Friday or the following Monday.

The following conditions apply to Ada County's holiday pay policy:

- EMS field employees are not eligible for holiday pay on days not worked, and instead accrue vacation at a higher rate.
- EMS field employees required to work on a holiday will be compensated at the rate of one and one-half (1.5) hours for each hour worked.
- Employees must be benefit-eligible to receive holiday pay.
- Employees must be on paid time the last scheduled work day before and the first scheduled work day after a holiday to be eligible for holiday pay. Paid time includes compensatory, vacation, and sick leave; or any other paid leave during which an employee did not work.
- Holiday pay is not considered time worked for the purpose of overtime calculations.
- Holiday pay is computed at the individual employee's base rate of pay.
- If an hourly (FLSA covered) employee is required to work on a holiday, he or she will be compensated for regular pay plus holiday pay at one and one-half (1.5) times the regular rate of pay for each hour worked. Said compensation may be a combination of cash and/or compensatory time off, at the discretion of the department or office.
- If an employee is not required to work on a holiday he/she will be compensated for the number of hours he/she would have otherwise worked had the holiday been a regular workday, as detailed below.

Full-time employees who qualify under the conditions listed above and who work 2,080 hours or more annually, are eligible for holiday pay of eight (8) hours for each holiday. Full-time employees who are required to work a compressed schedule with shifts longer than eight (8) hours as a condition of their employment may receive holiday pay equivalent to their regular shift length. Employees who work a compressed schedule at their own request will not be eligible to receive holiday pay in excess of eight (8) hours and may adjust their work schedule for the holiday week, or make up the difference with accrued vacation or comp leave.

Benefit-eligible part-time employees who work less than 2,080 hours annually will be eligible for prorated holiday pay calculated according to the number of hours they work in proportion to full-time. For example, an employee who works thirty (30) hours each week, for a total of 1,560 hours annually, will receive six (6) hours of holiday pay for each holiday.

In cases of suspected sick leave abuse, a supervisor may request a doctor's note for the absence when an employee calls in sick the last scheduled work day before or the first

scheduled work day after a holiday. Failure to provide documentation for the unscheduled absence may result in denial of holiday pay for that holiday.

3.5.2 JURY/COURT LEAVE

Employees called for jury duty or as a witness for a governmental entity, are entitled to take time off, as necessary, to fulfill such jury/court obligations. This leave will be leave with pay. Employees called to attend court hearings in connection with their official duties will consider those hours as work time. No employee will face discipline or retaliation for such jury/court service, except for any violations of the jury/court leave policy set forth below.

Employees must immediately inform their supervisor when they receive a jury duty summons. Employees chosen to sit on a jury must inform their supervisor how long the trial is expected to last. Employees must also check in with their supervisor periodically during jury service, so the County knows when to expect the employee back at work.

On any day when jury service ends before the end of that employee's usual work day, the employee must check in with their supervisor to find out whether they need to return to work for that day.

Any other reason for court attendance other than as provided above will be considered leave without pay. However, employees may substitute accrued compensatory time or vacation time off instead of taking leave without pay.

LEAVE WITH PAY/PER DIEM

All Ada County employees called for jury duty in Ada County during their regular work hours will receive leave with pay in lieu of per diem payment provided by Idaho Code § 2-215. Ada County employees performing jury duty during non-work hours will be paid at the established statutory per diem rate.

3.5.3 MILITARY LEAVE

Ada County is committed to protecting the job rights of employees absent due to military leave. Under federal and state laws, an employee who leaves a position to perform duty, voluntarily or involuntarily, in the uniformed services is entitled to an unpaid protected leave of absence. "Uniformed services" includes the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, the commissioned corps of the Public Health Service, the reserve components of each of these services, or any other category of persons designated by the United States in the time of war or emergency. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members.

When an employee is called to military duty, the employee must provide (unless military necessity makes it impossible) the following to his/her supervisor, manager, department head, or elected official:

- Notification of pending military service (copy of official orders).
- Notification of type of military leave (defined below).
- Notification of whether health insurance benefits will be waived or continued during the leave.

- Verification and/or update of mailing address.
- Notification if military status changes.

A Personnel Action Form (PAF) must be submitted by the department/office placing the employee on the appropriate type of military leave. The general remarks section will be used to provide any relevant information necessary for processing paperwork. If military leave status changes, subsequent PAFs must be submitted with appropriate action and information.

Although not required by law, if the gross amount earned by the employee during military leave is less than his/her County gross salary for that period, the County will pay the difference for a period not to exceed one year after which time the employee will be on unpaid leave. If the employee's pay during the leave is greater than his/her County gross salary for that period, it will be considered leave without pay.

Upon request, the employee has the option of using any accrued comp and/or vacation leave to continue pay once the military leave begins.

TYPES OF MILITARY LEAVE

Active Military Leave With Pay (Differential Pay) – The County supplements the difference between the employee's County pay and military pay. Differential pay is provided up to one (1) year.

Active Military Leave Without Pay – The employee receives full military pay only and no differential pay from the County.

Field Training Military Leave With Pay (Differential Pay) – The County supplements the difference between the employee's County pay and military pay.

Field Training Military Leave Without Pay – The employee receives full military pay only and no differential pay from the County.

EMPLOYEE BENEFITS DURING MILITARY LEAVE

PERSI Base Plan

Contact Employee Benefits for additional information.

Ada County Deferred Compensation Plan

If an employee is on a military leave of absence (short or long) that is covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the employee returns within the requisite period after the leave, certain rights are entitled under the deferred compensation plan. These rights generally include (with exceptions) the right to make contributions missed while on leave and to receive any matching contributions that would have been received during the leave (based on the compensation that would have been earned if not on leave). This right to contribute applies for five (5) years following the

return to County employment or, if sooner, for a period equal to three (3) times the period of the military leave. Contact Employee Benefits to receive additional information.

Health Insurance Benefits (Medical, Dental, and Vision)

If an employee is placed on either Field Training Military Leave With Pay or Field Training Military Leave Without Pay**,** the employee's medical, dental, and vision insurance continues to be paid by Ada County. The employee will continue to be responsible for any dependent portion of coverage.

If an employee is placed on Active Military Leave With Pay or Active Military Leave Without Pay an employee has two options. Ada County health insurance benefits during military leave can be waived or continued.

If an employee chooses to waive health insurance benefits, the employee must notify Employee Benefits in writing of the specific benefits to be waived. Upon returning from active military leave, health insurance benefits will be reinstated.

If an employee chooses to continue health insurance benefits, the employee must notify Employee Benefits in writing. Continuation of health insurance (medical, dental, and vision) during active military leave is provided under USERRA, which allows up to twenty-four (24) months of coverage after the military leave begins. If USERRA is elected, the appropriate third party administrators will notify and provide the employee with information on billing procedures. Contact Employee Benefits for current USERRA premiums.

Supplemental Benefits

If an employee chooses to continue supplemental benefits while on military leave, such as voluntary policies through Colonial or AFLAC, the insurance providers need to be contacted directly regarding these policies for continuation while on military leave.

3.5.4 CLOSED FACILITY

On occasion, inclement weather or some other unforeseen occurrence will necessitate the closing of a County facility during a workday. Should a significant closure or evacuation be ordered by the Board of County Commissioners, information regarding such event will be available by calling the Ada County Employee Information Line at 577-4111. Employees will be paid their regular work hours for that day without having to use accrued vacation time.

If, however, an employee cannot make it to work due to inclement weather, poor roads, or other conditions, and the facility has NOT been closed, the employee must make up the work hours, take leave without pay, or use accrued vacation time at the discretion of the department head or elected official.

If the closure occurs during work hours, those employees at work and sent off site will be paid their regularly scheduled work hours for that day. Employees who are gone during the

closure on vacation or sick leave, must use the appropriate vacation or sick leave, and will not be eligible for closed facility regular pay.

3.5.5 LEAVE WITH PAY

A department head or an elected official may grant, with the concurrence of the Board of County Commissioners, an employee leave of absence with pay and benefits for a period of time not to exceed six (6) months when such leave is in the best interest of or will benefit the County or when an employee is approved for worker's compensation supplemental pay and benefits.

During an approved leave of absence with pay, an employee will continue to accrue vacation leave and sick leave, to receive years of service credit for purposes of vacation leave accrual, and to receive appropriate salary increases.

The salary or wage to be paid to an employee on an approved leave of absence with pay will be negotiated by the employee and the appropriate department head or elected official, and approved by the Board of County Commissioners; provided, however, the salary or wage to be paid to an employee approved for workers' compensation supplemental pay and benefits will be as provided in accordance with workers' compensation policy. If the employee is compensated by another entity for working during the leave of absence with pay, the County will not pay more than the difference between the employee's County gross biweekly salary, excluding fringe benefits, and the employee's gross biweekly salary or wages paid by the other entity.

An employee placed on an approved leave of absence with pay for the purpose of attending courses of advanced professional study must sign a document certifying that he or she will return to employment with the County for twice such period of time as on leave with pay. The employee will reimburse the County for salary and other benefits paid during the period he or she is on leave of absence with pay if he or she does not comply with the document noted above.

3.5.6 LEAVE WITHOUT PAY

A department head or an elected official may grant an employee leave of absence without pay for a period of time not to exceed six (6) months, upon written approval from the elected official responsible for said department by way of a Personnel Action Form (PAF). Leave of absence without pay will be granted by the County if such leave is requested by eligible County employees for purposes relating to family and medical leave and the leave is consistent with the County's family and medical leave policy as outlined in this Handbook. For any leave without pay that is three (3) consecutive regular working days or more, a Personnel Action Form (PAF) should be completed. A Personnel Action Form (PAF) should be completed upon return from leave without pay.

Upon return from leave without pay, the department head or elected official may restore the employee to his/her former position and status or one of equivalent pay and status. The department head or elected official will restore an eligible employee who is on family and

medical leave to the same position he or she held at the time of taking such leave or to an equivalent position in accordance with the County's family and medical leave policy as outlined in this Handbook.

Upon return from leave without pay, the employee will be restored to the same leave accrual rates. In general, time on leave without pay status will not apply toward vacation or sick leave accruals, PERSI service, or salary increases. If an employee elects to retain health insurance coverage during a leave of absence without pay, the employee must continue to pay the respective premium contributions for such coverage, including the County cost. Contact Employee Benefits for additional information.

3.5.7 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The purpose of this policy is to provide Ada County employees with a general description of their Family and Medical Leave Act (FMLA) rights. In the event that specific details are not contained in this policy, the federal law will be used to provide additional guidance. This policy covers the Basic and Military Family Leave entitlements and includes information on eligibility, employee responsibility, continuation of benefits, and other useful topics.

BASIC LEAVE ENTITLEMENT

The FMLA attempts to balance an employee's need for time off for family and medical reasons and the employer's need for a stable work force. The FMLA provides an eligible employee up to twelve (12) workweeks of unpaid, job protected leave during a twelve (12) month period for qualifying reasons. The twelve (12) month period is measured backward from the date an employee uses FMLA. Each time an employee takes FMLA leave, the remaining leave available is the balance of the twelve (12) weeks remaining during the preceding twelve (12) months.

REASONS FOR TAKING LEAVE

Leave will be granted/designated as FMLA leave when taken for any of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a child for adoption or foster care;
- to care for the employee's spouse, child, or parent with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the function of their job, or prevents the qualified family member from participating in school or other daily activities. The continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined

with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or a chronic condition.

DEFINITIONS OF SPOUSE, CHILD, AND PARENT FOR BASIC FMLA

- Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides.
- Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
- Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee. This term does not include parents "in-law."

WORKERS' COMPENSATION

The FMLA states that a serious health condition may result from injury to an employee on or off the job. As such, an employee who is off work on workers' compensation leave will have that time designated as FMLA leave, which will count towards the 12-week FMLA entitlement.

MILITARY FAMILY LEAVE ENTITLEMENTS

The FMLA attempts to balance an employee's need for time off for certain situations related to a covered family member's service in the Armed Forces and the employer's need for a stable work force.

MILITARY EXIGENCY LEAVE

An eligible employee whose spouse, child, or parent is a covered active duty member (including a member of the National Guard or Reserves) may take FMLA leave due to a qualifying exigency resulting from the covered family member's active military duty or call to active duty status. A qualifying exigency includes any one or more of the following non-medical, non-routine activities and no others:

- Short-notice deployment activities;
- Military events and related activities;
- Childcare and school activities;
- Financial and legal arrangements;
- Counseling activities;
- Rest and recuperation activities;
- Post-deployment activities, and/or
- Additional activities as mutually agreed upon by Ada County and the employee.

Amount of Military Exigency Leave

An eligible employee is limited to a total of twelve (12) workweeks of all FMLA-qualifying leave, including Military Exigency Leave, in a rolling 12-month period measured backward from the starting date of the requested leave. Durations of leave periods for Military

Exigency Leave vary by situation and qualifying exigency. The leave may commence as soon as the covered active duty member receives the call-up notice.

MILITARY CAREGIVER LEAVE

An eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember may take up to twenty-six (26) workweeks of leave in a 12-month period to care for the servicemember recovering from an illness or injury sustained while on covered active duty.

Amount of Military Caregiver Leave

The 26-week entitlement is determined by measuring forward from the date the employee first takes caregiver leave. During that single 12-month period, caregiver leave is combined with other FMLA leave and the total cannot exceed twenty-six (26) weeks.

DEFINITIONS UNDER MILITARY FAMILY LEAVE

- Covered active duty means:
  - In the case of a member of the of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Section 101(a)(13)B) of Title 10, United States Code.
- Child on covered active duty or called to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or called to covered active duty status and who is of any age.
- Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.
- Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in-law."
- Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent or child in the following order of priority: blood relatives who have been granted legal custody of the servicemember, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
- Under Military Caregiver Leave a covered servicemember means:
  - A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
  - A veteran who is undergoing medical treatment, recuperation , or therapy, for a serious injury or illness and who was a member of the Armed Forces

(including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- Under Military Caregiver Leave, serious injury or illness means:
  - In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
  - In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, a qualifying injury or illness is one that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

FMLA ELIGIBILITY, EMPLOYEE RESPONSIBILITY AND OTHER INFORMATION

While the previous information was specific to the type of FMLA leave, the following information is applicable to all FMLA leave.

Eligibility

To be eligible for FMLA leave, an employee must have worked for the County for at least twelve (12) months (consecutive or nonconsecutive) and worked at least 1,250 hours during the twelve (12) months prior to the start of the leave. Employment periods preceding a break in service of seven (7) years or more must not be counted in determining whether the employee has been employed by Ada County for at least twelve (12) months.

Employee Responsibilities

Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. Failure to provide advance notice of the need for FMLA leave could result in the delay of FMLA coverage.

Certification

Ada County requires that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition, be supported by a certification issued by the health care provider of the employee

or the employee's family member. Failure to provide complete and sufficient certification may result in the denial of the FMLA leave.

An employee requesting Military Exigency Leave must provide proof of the qualifying family member's call-up or active military service and proof of the exigency. Failure to provide complete and sufficient certification may result in the denial of the leave.

An employee requesting Military Caregiver Leave must provide certification to support the need for caregiver leave. Failure to provide complete and sufficient certification may result in the denial of the leave.

Use Of Paid Time

Ada County requires the use of paid leave (sick leave, compensatory [comp] time, and vacation leave, in that order) before unpaid leave is taken under the FMLA. Employees may elect to keep a balance of sixteen (16) hours of accrued sick leave for future use or to exhaust all sick leave.

Employees need to apply for FMLA leave even if there are accumulated sick/vacation/comp days to cover the absence.

Intermittent Leaves and Reduced Schedule Leaves

When medically necessary, employees will be allowed to use FMLA leave intermittently or use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks or twenty (26) workweeks to care for an injured or ill servicemember over a 12-month period.

If FMLA leave is being taken because of the birth of a child or placement of a child for adoption or foster care, allowance of intermittent or reduced schedule leave is at the discretion of the County.

Employees must make reasonable efforts to schedule intermittent or reduced schedule leave so as not to unduly disrupt the County's operations.

JOB BENEFITS AND PROTECTION

Benefits

For the duration of FMLA leave, the County will maintain the employee's medical, dental, and vision coverage as provided to active employees. If an employee elects to retain dependent health insurance coverage during FMLA leave, the employee must continue to pay the respective premium contributions for such coverage. If an employee elects not to retain dependent health insurance coverage during family and medical leave, the employee will be entitled to reenroll in dependent coverage without any qualification requirements imposed by the plan, including any new preexisting condition waiting period, waiting for open enrollment, or passing a medical examination.

If an employee fails to return to work for reasons other than a continued serious health condition of their own or the employee's family member or a circumstance beyond their

control, the employee may be required to reimburse the County for all health insurance premiums the County paid during any unpaid family and medical leave period. An employee must return to work for at least thirty (30) calendar days to be considered as having "returned" to work.

Life insurance and short-term disability insurance will not be maintained at County expense for an employee on FMLA leave. If the employee elects to continue such insurance coverage, the respective premiums must be paid by the employee.

Job Protection

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when the leave started, or to an equivalent position with equivalent pay, benefits and working conditions, and substantially similar duties, responsibilities, and authority. The use of FMLA leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

In the case of leave related to an employee's own serious health condition, notice from the health care provider certifying the employee's ability to return to work will be required.

SPOUSE EMPLOYEES

Eligible County employees who are also husband and wife may take only a combined total of twelve (12) workweeks of leave during a 12-month period if the leave is taken:

- To care for the employee's parent with a serious health condition;
- For the birth of the employee's son or daughter or to care for the child after the birth; or
- For the placement of a child with the employee for adoption or foster care, or to care for the child after placement.

Where the husband and wife both use a portion of the total 12-week FMLA leave entitlement for one of the reasons listed above, the husband and wife would each be entitled to the difference between the amount taken individually and 12 weeks for FMLA leave for other purposes, such as the employee's own serious health condition, to care for a child with a serious health condition, or to care for a spouse with a serious health condition.

Eligible County employees who are also husband and wife may be limited to a combined total of twenty-six (26) workweeks of leave during the designated single 12-month period if the leave is taken to care for a covered servicemember with a serious injury or illness in addition to the reasons listed above.

UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for the County to:

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

County employees, supervisors, managers, department heads and elected officials may not use an employee's inquiry or request about the use of family and medical leave or the utilization of family and medical leave as a negative factor in any employment decisions or actions.

PROCEDURES

The following procedures are listed in the order to be completed. All procedures and forms are maintained by Ada County Human Resources and should be referenced online on their ACES web page. Ada County Human Resources is also available upon request to help facilitate FMLA policy and procedures on behalf of the department or office.

Request

To request leave under the FMLA, the employee should complete and submit an Employee Request (Form FMLA REQ).

- Employees must provide at least thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable (e.g. childbirth or adoption, planned surgery).
- When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. It should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.
- Failure to provide advance notice of the need for FMLA leave could result in the delay of FMLA coverage.
- In some circumstances, the supervisor may identify an employee's leave as being eligible for FMLA leave when the employee has not requested it.

Eligibility/Rights & Responsibilities

Within five (5) business days after an employee has requested leave, or the supervisor has identified a leave as potentially qualifying under the FMLA, the employer must complete and provide the employee with the Notice of Eligibility and Rights & Responsibilities (Form FMLA ERR).

To determine FMLA eligibility, consider the following question:

- Is the employee eligible for FMLA leave?
  To be eligible, an employee must meet the following criteria:
    - Has been employed by Ada County for at least twelve (12) months (continuous or non-continuous) within the last seven (7) years, AND
    - Has worked at least 1,250 hours (actual hours worked) during the 12-month period immediately preceding the start of FMLA leave.

Complete Form FMLA ERR in accordance with the above analysis and attach the appropriate certification to Form FMLA ERR and provide to the employee.

Certification

Attach the applicable certification to Form FMLA ERR. Certifications include:

- Certification of Health Care Provider—Employee's Serious Health Condition (Form FMLA MCEE)
- Certification of Health Care Provider—Family Member's Serious Health Condition (Form FMLA MCFM)
- Certification of Qualifying Exigency for Military Family Leave (Form FMLA QE)
- Certification for Serious Injury or Illness of a Covered Servicemember for Military Family Leave (Form FMLA SM)

If the FMLA leave is for paternity leave, adoption, or foster care, the employee must provide proof of the birth, adoption or foster care placement. Ada County must give the employee at least fifteen (15) calendar days to return the applicable certification.

Designation

Within five (5) business days after the appropriate completed certification form has been received, Ada County must complete and provide the employee with the Designation Notice (FMLA DES).

To determine FMLA qualification, consider the following question:

- Does the reason for the leave qualify under the FMLA?
  An eligible employee will be granted FMLA leave for the following reasons:
    - The birth of the employee's child, or the placement of a child with the employee for adoption or foster care.
    - The employee's own serious health condition that makes the employee unable to perform the functions of their job.
    - The employee is needed to care for their spouse, child, or parent who has a serious health condition.
    - A qualifying exigency arising out of the fact that the employee's spouse, child or parent is on active duty or has been called to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
    - The employee is needed to care for their spouse, child, parent or next of kin who is a covered servicemember and has a serious injury or illness sustained while on active duty.

Complete Form FMLA DES in accordance with the above analysis and provide to the employee.

Changes In Leave

Within five (5) business days of a change in leave circumstances (e.g. switching from FMLA With Pay to FMLA Without Pay), Ada County must complete and provide the employee with an updated Notice of Eligibility and Rights & Responsibilities (Form FMLA ERR).

Recertification

Medical certification for a particular condition is in effect for the duration of leave as specified on the certification. Ada County may request recertification no more often than

every thirty (30) days, and only in connection with an absence. If the medical certification indicates that the minimum duration of the condition is more than thirty (30) days, recertification cannot be requested until the minimum duration expires. Recertification is allowed every six (6) months in all cases in connection with an absence, including "indefinite" or "lifetime" cases. Ada County must give the employee at least fifteen (15) calendar days to return the applicable recertification.

Return-To-Work

If an employee's FMLA leave is due to their own serious health condition, the employee must provide a release from the medical provider prior to returning to work. Failure to provide a release to return to work may delay the employee's return date. Employees will not be permitted to return without proper return-to-work certification.

FORMS APPENDIX

ADA COUNTY
TELEPHONE REFERENCE CHECK FORM

Name of Applicant:_____ Social Security #:_____

Position Applying for:_____ Department:_____

REFERENCE:

Employer: _____ Contact Name/Title:_____

Dates of Employment: FROM _____ TO _____ Job Title: _____

Type of Duties Performed:

_____

Overall, how would you evaluate his/her performance?

_____

Specific professional strengths? _____

Specific professional weakness? _____

Accomplishments on the job/results achieved:

_____

How did he/she interact with other people/staff/public?

_____

Did he/she have any interpersonal difficulties that interfered with his/her work?

_____

Would you provide comments on the following:

* Attendance_____
* Dependability _____
* Ability to accept responsibility_____
* Ability to follow instructions_____
* Degree of supervision needed _____
* Work attitude_____
* Quality/quantity of work _____
* Ability to handle stressful situations_____

Why did he/she leave the position? _____

Eligible for rehire? YES ____ NO ____ Why not? _____

OTHER COMMENTS:

_____

Interviewer: _____ Title: _____

Date/Time Reference Check Obtained: _____

ADA COUNTY
REQUEST FOR DONATED LEAVE

Completed form to be forwarded to Ada County Human Resources

Employee Name:	**Employee ID#:**	**# Of Hours Received Fiscal YTD:**
Job Title:	**Department/Office:**	
# Of Hours Requested:	**Date Paid Leave Will Be Exhausted:**	
Reason For Leave:		

Employee Signature **Date**

I, the undersigned, have verified and certify that the above named employee meets all of the following criteria necessary to make him/her eligible to receive unused vacation hours from another employee to be used as sick leave.

1. Employee is eligible to receive the above hours because he/she suffers from a medical emergency involving life threatening or critical illness or injury.

2. Employee will not exceed 160 hours received from other employees, including this transfer, in the current Fiscal year.

3. As of pay period, _____ all of his/her sick and vacation balance will be exhausted, making the employee eligible to receive the hours.

Supervisor Signature **Date**

Department Head / Elected Official Signature **Date**

APPROVAL:	**DEPARTMENT OF ADMINISTRATION USE:**
Commissioner **Date**	**Human Resources Manager** **Date**
Commissioner **Date**	**Department of Administration Director** **Date**
Commissioner **Date**	

ADA COUNTY DONATION OF VACATION LEAVE AGREEMENT

Completed form to be forwarded to Ada County Human Resources

Employee Name:	**Employee ID#:**
Job Title:	**Department/Office:**
Vacation Balance:	**# Of Hours Being Donated:** (Must be whole # between 4 and 40)
Receiving Employee Name:	**Department/Office:**

Employee Signature **Date**

I, the undersigned, have verified that the above named employee meets all of the following criteria necessary to make him/her eligible to transfer unused vacation hours to another County employees' sick leave balance in keeping with Ada County's Donated Leave Policy.

1. Employee has more than 80 hours of vacation balance.

2. Employee will not exceed 40 hours of transferred vacation leave, including this transfer, in the current Fiscal Year.

3. The employee's signature is present on this form.

Supervisor Signature **Date**

Department Head / Elected Official Signature **Date**

DEPARTMENT OF ADMINISTRATION USE:

Human Resources Manager Approval **Date**

Department of Administration Director Approval **Date**

ADA COUNTY

EMPLOYEE REQUEST FOR CONFLICT RESOLUTION

(For a complete description of the Ada County Conflict Resolution Procedure, See Ada County Employee/Manager Handbook & Procedural Guidelines.)

Employee Name:	Date of the occurrence:	Today's Date:
Job Title:	Department:	

Provide **details** relating to the difficulty, reasons you believe it exists, and solutions you propose to address:

Employee Signature _____ *Date*_____

ADA COUNTY

ANTI-FRAUD CERTIFICATION

Idaho Code Title 18 Chapter 57 makes misuse of public money by public officers and public employees a crime punishable by fines and prison. The undersigned Department Head of Ada County hereby certifies as follows:

I have not and/or will not engage in any fraudulent activity to gain advantage for myself, another person or persons, or any resident through willful deceit, trickery or dishonesty. I hereby certify that I will not and/or have not engaged in any of the following activities:

- Theft
- Embezzlement
- Bribery or Kickbacks
- Personal gain through unauthorized charges
- Forgery of any document
- Unauthorized alteration, destruction or concealment of documents
- Bid rigging
- Making false financial claims or statements
- Personal gain through insider information or conflicts of interest
- Unauthorized personal use of Ada County's equipment (maintenance equipment, machinery, vehicles or tools)
- Temporarily misappropriating funds for personal use (i.e. borrowing and repaying petty cash or other cash received)
- Any activity designed to defraud Ada County.

I hereby agree that I will immediately report any instances of fraud or other criminal activity by Ada County employees against Ada County to the Board of Ada County Commissioners.

_____ _____

Department Head's Signature Date

_____

Name (Printed)

ADA COUNTY
STAFF SEPARATION CHECKLIST

In order to maintain high levels of safety and security and to protect County assets, it is the responsibility of each office and department to complete important steps for each separated employee. This checklist is a tool to assist supervisors and managers in completing these final steps of an employee's separation of employment with Ada County. The checklist should be completed by the supervisor and signed by the employee.

Employee's Name: _____ Supervisor: _____

☐ Return of county property and equipment

Items to return	Yes	No	N/A
Keys			
ID Badge			
Key access cards			
Laptop			
Cell phone			
Blackberries			
Books			
Files			
Tools			
Uniforms			
Other County owned items			

☐ Parking – Advised employee to contact Republic Parking or Operations regarding parking arrangements. (Courthouse Only)

EMPLOYEE SIGNATURE: _____DATE:_____

☐ PAF – Separation: Create a personnel action with separation documentation attached. This will automatically prompt the creation of an SRV to notify the Information Technology department to deactivate employee access to email, voicemail, VPN, etc., and will also notify the Marshal's office to disable key card access (Courthouse only).

SUPERVISOR SIGNATURE: _____DATE:_____