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## *INTRODUCTION*

- 1.1. **Purpose.** These Personnel Rules and Policies express the intent of the County Board of Commissioners to establish a uniform, comprehensive and efficient personnel management system for the County. This system is designed to provide for standards of excellence in employment and for the fair treatment of applicants and employees in all aspects of personnel administration. This personnel management system is based on the following principles:
  - 1.1.1. Recruiting, selecting, advancing employees on the basis of their relative ability, knowledge and skills.
  - 1.1.2. Equitable and adequate compensation.
  - 1.1.3. Training employees as needed to assure high quality performance.
  - 1.1.4. Retaining employees on the basis of adequate performance, correction of inadequate performance, and separating employees whose continued unsatisfactory performance cannot be corrected.
  - 1.1.5. Assuring nondiscriminatory and fair treatment of applicants/employees in all aspects of personnel administration without regard to race, age, sex, marital status, political affiliation, color, creed, religion, ethnicity, national origin, disability, status in regard to public assistance, sexual orientation, and criminal record pursuant to Minnesota Law Chapter 364 and with proper regard for their privacy and constitutional rights as citizens.
  - 1.1.6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or nomination for office.
  - 1.1.7. That the citizens of Pine County can be assured that their best interests are being served by the employment of the highest possible caliber of personnel.
- 1.2. **Applicability of Policies.** All county employees, except elected officials, members of committees appointed by the Board of Commissioners, and volunteers are covered by these policies. These policies will only apply to employees who are members of collective bargaining units to the extent that the policies do not constitute terms and conditions of employment as defined by Minn. Stat. 179A.03, subd. 19 and where the negotiated agreement is silent on the issues. If any part of an issue (sick, vacation, paid leaves) is addressed in the negotiated contract, then the contract shall apply, not the Pine County policies and procedures.
- 1.3. **Management Rights.** The County Board, principally through the budget process, retains the full and unrestricted right to operate and manage all employees, facilities and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work

schedules and to perform any inherent managerial function not specifically limited by state and federal law, current collective bargaining agreements, these policies and procedures and County Board resolutions.

Employees covered by these policies and procedures shall perform services and duties prescribed by the County Board and shall be governed by the rules, policies and procedures, directives and orders issued by the County Board or Department Head, provided that such rules, policies and procedures, directives and orders are not inconsistent with the provisions of applicable state and federal statutes, laws, rules and policies and procedures having the force and effect of law.

- 1.4. **Pine County Mission Statement.** These policies and procedures shall serve the overall purpose of assisting the fulfillment of the Pine County Mission Statement adopted by the Pine County Board of Commissioners:

*To provide quality services to the citizens of Pine County  
in a cost-effective, courteous and efficient manner.*

- 1.5. **Nature of Employment. Disclaimer...** Nothing in these policies is intended to create a contract of employment between the County and any employee or any person offered employment. Employment with Pine County is “at will” and nothing in this document shall serve to sever that relationship. The "at will" relationship allows the employee or the County to disengage employment with or without cause at anytime during employment. Accepting employment with Pine County does not create a contractual relationship between the County and the Employee unless such a document is executed between the parties or the employee’s employment is otherwise covered by a collective bargaining agreement.

This employment guide is intended to provide employees with a general understanding of Pine County's personnel policies. However, this guide cannot anticipate every situation or answer every question about employment. In order to retain necessary flexibility in the administration of policies and procedures, Pine County reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this document. The only recognized deviations from the stated policies are those authorized by the Pine County Board of Commissioners or their designee.

The policy of Pine County is to be fair and honest with its personnel and to respect the individual rights of all employees. The County shall continue to strive to achieve mutual respect in working relationships and to insist that the supervisors do all in their power to carry out such a policy. To continue working together successfully, each employee and each supervisor must realize that harmonious relationships are not entirely a matter of rules, but are the outgrowth of daily decisions and cooperative attitudes.

Pine County is committed to the philosophy that it is a distinction to serve one's fellow citizens as a governmental official or employee. In fulfilling one's duties as an official or employee, it is mandatory that tact, patience, diplomacy, and understanding go hand-in-hand with an employee's demonstrated competency in his/her line of work. Employees are expected to provide wholehearted service during work hours and not engage in conduct, which is unethical or illegal. Employees are to be

respectful of authority and abide fully by the regulations, which attend their employment.

- 1.6. **Third Party Representation.** As some employees in the organization have chosen third party representation, we affirm our commitment to retaining positive relationships with all existing and future bargaining units.
- 1.7. **Reaffirmation of Appointment.** Reaffirmation of appointment will take place at the annual performance review for all appointed department heads.
- 1.8. **Department Rules.** Department heads shall not establish enhancements or amendments to a current established policy, rule, or procedure, which addresses a unique situation in the department or division without prior approval of the County Board.

Prior to implementing any changes to existing policies, rules, or procedures or proposing new ones, the department head shall first meet with the Coordinator or designee to determine if the proposed policy, rule, or procedure would apply Countywide. Further, review is to be done to ensure the proposed change does not duplicate or will not substantially impact any policy, rule, or procedure contained herein, any collective bargaining agreement, or state or federal law. Department policies do not have to go to the County Board. Department policies will become effective upon agreement with HR Manager, Department head, and County Board.

In no case shall any countywide proposed rule, policy, or procedure to be implemented without first being approved by the County Board. Further, no proposed rule, policy, or procedure will be official and binding unless the rule, policy, or procedure is on file in the Coordinator's Office. Reorganization of departments shall not take place without the approval of the County Board.

- 1.9. **Adoption.** These personnel rules, regulations, and policies shall take effect upon adoption by the Pine County Board of Commissioners unless designated otherwise. Upon adoption, all other rules, policies and procedures are held invalid unless specified by the County Board and incorporated into these rules, policies, and procedures.  
The rules, policies, and procedures contained herein may, from time to time, be added to, amended, or repealed by the County Board of Commissioners in accordance with the same procedure established for their original adoption.

## 2. DEFINITIONS

Unless otherwise indicated, the following words and terms used in this document shall have the meanings indicated below.

- 2.1. **Appointing Authority.** As used in these policies mean the County Board of Commissioners.
- 2.2. **Appointment date.** Is the date at which the County effectively hires the employee. The employee is considered a member of the department to which he/she has been appointed as of the effective date on the approved status change from the Board of Commissioners.
- 2.3. **Base Pay Rate.** Is the employee's hourly pay rate exclusive of longevity, overtime, or any other special allowance.
- 2.4. **Board.** Means the Pine County Board of Commissioners.
- 2.5. **Benefit-Eligible Employee.** Is a regular employee scheduled to work thirty (30) or more regular hours per week.
- 2.6. **Classification.** Means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
- 2.7. **Collective Bargaining Agreement.** A contractual agreement, which has been negotiated or arbitrated by official members of any recognized employee union and the County Board.
- 2.8. **County Board.** The Pine County Board of Commissioners.
- 2.9. **County Administrator.** This position is appointed by the board and manages the day-to-day operations of the county.
- 2.10. **Compensatory Time.** Means time off with pay in lieu of monetary payment for overtime worked.
- 2.11. **Continuous Operations.** Are those functions, which are required to operate on a twenty-four (24) hour per day, seven (7) day per week basis.
- 2.12. **Days.** Unless otherwise indicated, this means working days.
- 2.13. **Demotion.** A change by an employee from a position in one class to a position in another class with less responsible duties and a lower pay grade.

- 2.14. **Department Head.** Is an individual appointed to head a department and who is responsible for the supervision of a department. County appointed department heads are:
- County Engineer/Public Works Director
  - Health & Human Services Director
  - Auditor – Treasurer
  - Probation Director
- 2.15. **Division.** Means a branch of a department of the County service.
- 2.16. **Elected Official:** Those County Officials selected by vote of the constituency. Elected Officials shall be considered benefit eligible employees. The elected positions are:
- County Attorney
  - County Commissioner
  - County Sheriff
- 2.17. **Employee:** Includes any person holding a position subject to appointment, removal, promotion, or reduction by the County Board.
- 2.18. **Employer.** Is the County of Pine.
- 2.19. **Exempt Employee.** Those employees who are not covered by the Federal Fair Labor Standards Act (FLSA). These include executives, professionals, and administrative staff.
- 2.20. **Full-time Employee.** Is an employee scheduled to work at least 40 regular hours per week.
- 2.21. **Grade.** The value assigned to a position or class, by the Human Resources Office or consultant, and as adopted by the County Board.
- 2.22. **Grievance.** Any complaint filed with a supervisor, department head, or Human Resources by an employee of the County alleging a violation by the County or other employee of the rules, policies or procedures contained herein.
- 2.23. **Immediate Family.** Shall be defined as the employee’s spouse, children, parents, or any member of the employee’s household, related by blood or marriage.
- 2.24. **Intern.** An individual who is working in a temporary status as part of an educational program or experience, may be paid or unpaid.
- 2.25. **Just Cause.** Shall include but not limited to inefficiency, misconduct, incompetence, negligence, insubordination, disrespect, or other sufficient causes. For disciplinary purposes is cause, which relates to and affects the manner in which the employee performs his or her duties. The cause in question may occur on or off duty.
- 2.26. **Lay-off.** The separation of an employee or group of employees from the County payroll due to lack of work, lack of funds, the abolition of a position, or an organizational change.
- 2.27. **Non-Exempt Employee.** Those employees covered by the Federal Fair Labor Standards Act such as clerical, technical, etc.

- 2.28. **On-Call Employee.** Is an employee having no permanent status and who reports or gets called into work on an as needed basis. These employees are ineligible for County benefits.
- 2.29. **Overtime.** All approved hours worked over the normal workweek (40).
- 2.30. **Part-time employee.** Is an employee scheduled to work fewer than 30hrs/week in a twelve (12) month period. These employees are not eligible for county benefits.
- 2.31. **Permanent Part-time employee.** Is an employee scheduled to work at least 30hrs/week in a twelve (12) month period. These employees are eligible for prorated county health, sick, vacation, etc benefits. These benefits are prorated based on at least 30 hours worked per pay period.
- 2.32. **Performance Evaluation.** A process whereby the employee's performance in the position is reviewed and rated.
- 2.33. **Position.** Means any specific office, employment, or job calling for the performance of certain duties and for exercise of certain responsibilities by one individual.
- 2.34. **Position Description.** A general description of a position/classification of job duties, responsibilities, knowledge, skills, abilities, and minimum qualifications for appointment to the position.
- 2.35. **Probationary Period.** Means a working test period during which an employee is required to demonstrate his/her fitness for the position to which he/she is appointed by actual performance of its duties.
- 2.36. **Promotion.** A change of an employee from one position to another position of greater responsibility and higher pay grade.
- 2.37. **Reallocation/Reclassification.** Means a reassignment, or change in allocation of an individual position by raising it to a higher class, moving it to another class on the same level, or reducing it to a lower class on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position. Generally, **reallocation** is the term used to describe the action by which a position is granted a different salary, higher or lower, but the position title remains the same. **Reclassification** occurs when both the position title and the salary are changed.
- 2.38. **Regular employee.** Is an employee who is employed more than nine (9) months within a twelve month period and more than thirty (30) hours per week. This is a permanent position on the County work force. An employee who has successfully completed his or her specified probationary period.
- 2.39. **Resignation.** The voluntary separation from County service by an employee.
- 2.40. **Retirement.** Voluntary separation from employment by an employee who, at the time of separation, meets the qualification requirements under a County approved retirement program.
- 2.41. **Seniority.** Is the total length of continuous service from the first date of hire after gaining permanent employee status.

- 2.42. **Seasonal employee.** Any employee whose position is basically seasonal in character and (1) is not employed for more than 67 working days in any calendar year or (2) are not employed for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a non-profit or public educational institution prior to being hired by the employer, and have indicated, either in an application form of employment or by being enrolled at an educational institution for the next academic year of term, an intention to continue as students during or after their seasonal employment. This definition applies unless the position is covered in a collective bargaining agreement (Ref: MN Statute 179A.03). Seasonal employees are not eligible for County Health, Sick, Vacation, and Holiday benefits/pay. Department Heads shall not exceed 67 days on seasonal employee without County Board approval.
- 2.43. **Severance pay.** Final payment made to an employee who retires or resigns in good standing as specified by the rules, regulations and policies contained herein.
- 2.44. **Suspend.** To temporarily relieve an employee from duties of employment.
- 2.45. **Temporary employee.** Means an employee having no permanent status. For example, employees who have been appointed for a designated period of time to complete a limited project. The employment (1) is not to exceed 67 days or (2) not more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a non-profit or public educational institution prior to being hired by the employer, and have indicated, either in an application form of employment or by being enrolled at an educational institution for the next academic year of term, an intention to continue as students during or after their seasonal employment. Temporary employees are not eligible for County benefits. The definition also applies to those employees who are working not more than 14 hours/week average over a six (6) month period on an as needed basis. (Ref MN Statute 179A.03) Temporary employees are not eligible for County Health, Sick, Vacation, and Holiday benefits/pay. Department Heads shall not exceed 67 days on seasonal employee without County Board approval.
- 2.46. **Termination.** The involuntary separation from County employment.
- 2.47. **Veteran.** Any person defined as a Veteran by MN statutes, Section 197.447 as may be amended.
- 2.48. **Veteran preference.** Preference granted to a Veteran by MN Statutes, Section 197.455, and 197.46 as may be amended.



### **3. RECRUITMENT AND SELECTION PROCESS**

- 3.1. **Purpose.** All recruitment and selection policies and procedures are designed and administered for the purpose of hiring candidates best able to perform the work required.
- 3.2. **Position Authorization.** Department Heads and/or supervisors shall notify the Human Resources office when a replacement vacancy exists in a department or when there is a desire to fill a newly created position and the position has been approved and budgeted for by the County Board of Commissioners. The Human Resources office shall review the request and shall forward a recommendation to the County Board. The County Board shall be the final authority in the filling of a replacement position. Regular budgeted positions shall remain and exist until eliminated by the County Board. The department head and/or supervisor shall work with the Human Resources office in the review and development, if applicable, of a position description. If necessary, the new/revised description shall be classified and graded in the manner prescribed in the Classification/Grading policy. This shall be completed prior to posting or recruiting for any position. Limited term positions shall exist until the funding for the position decreases beyond what was expected in the original authorization of the Board for the limited term position.
- 3.3. **Recruitment.** The Human Resources office shall prepare a notice of position vacancy for all openings. This notice shall include a brief description of the responsibilities and essential duties of the position, qualifications necessary to fill the position, and the salary range. The Human Resources office shall post all announcements in accordance with applicable union contracts for positions covered by Agreements. Advertisement shall be done in such a manner to provide open competition of qualified candidates. There shall be no preference given to relatives of current employees or elected officials. All positions, except department head level, shall be required to submit an official Pine County employment application. Resumes or other materials will not be accepted without a completed application.
- 3.4. **Declaration of Policy of Equal Employment Opportunity.** Pine County acknowledges that equal opportunity for all persons is a fundamental human value. Consequently, it is the policy of the County to provide equal opportunity in employment and personnel management for all persons to provide access to admission to full utilization and benefit of training and promotional opportunities without discrimination because of race, color, creed, religion, age, national origin, sex, marital status, public assistance status, disability, sexual orientation or membership or activity in local human rights commission and to otherwise promote full realization of human rights within Pine County to the extent permitted by law. To implement this policy, Pine County requires that every person making application for currently employed by or applying for future vacancies in the employ of the County of Pine will be considered on the basis on individual ability and merit without discrimination or favor. In furtherance of this policy, the County of Pine established an Equal Employment Opportunity Policy, providing for and assuring fair and equitable treatment in all phases of public employment, including selection, compensation, benefits, training opportunities, promotions, transfer, layoffs and other terms, conditions and privileges of employment. The concept of the Equal Employment Opportunity

Policy is consistent and fundamental to the maintenance of effective equal opportunity and shall be implemented as an integral part of the County of Pine's Personnel Policies and Procedures.

- 3.5. **Responsible Official.** The Pine County Board of Commissioners shall appoint an Equal Employment Opportunity Coordinator annually at the January meeting of the County Board of Commissioners.
- 3.6. **Equal Employment Opportunity Coordinator.** The Pine County Board shall provide adequate opportunity to the EEO Coordinator to attend necessary training through conferences, institutes, workshops, seminars and other activities conducted for the purpose of promoting positive implementation of the Equal Employment Opportunity Policy in Pine County. The Equal Employment Opportunity Coordinator shall be required to prepare or obtain and maintain written documentation on demotions and disciplinary actions taken with regard to employees of said County. Pine County shall charge the Equal Employment Opportunity Coordinator with the responsibility of conducting follow-up interviews with recently hired employees as well as interviews with terminated employees to assure compliance with the Equal Employment Opportunity Policy. Pine County shall charge the Equal Employment Opportunity Coordinator with the responsibility of following up complaints of discrimination for the purpose of problem identification.
- 3.7. **Public Notification of Equal Employment Opportunity Policy.** All contract leases and stationary shall indicate Pine County's adherence to its Equal Employment Opportunity policy. Pine County shall include the statement: "Equal Opportunity Employer" on all want ads placed by Pine County for employment. Pine County shall include a non-discrimination clause in all of its union contracts and agreements henceforth.
- 3.8. **Evaluation of Candidates.** The Human Resources Office will develop a testing and scoring system for openings. The selection process may consist of one or any combination of the following methods: ability tests, achievement tests, performance tests, rating(s) of experience and training, oral tests, evaluation of daily work performance, physical agility tests, work samples, and/or other acceptable selection techniques. Any method(s) chosen shall evaluate only those criteria necessary to perform adequately in the position. An eligibility register shall be developed of qualified applicants for the position opening.
- 3.9. **Veterans Preference.** An objective, job-related measure where points can be awarded for Veterans preference shall be utilized for applicant screening. The measure is any rating scale which can be converted to 100 points, based on an examination or rating of application forms applied to all candidates equally. After applying the measurable rating system, veterans, who so elect, must be awarded an additional five (5) points, and disabled veterans, who so elect, awarded an additional ten (10) points. Widows of deceased veterans and spouses of disabled veterans, who so elect, receive the same points that their spouses would receive if they were applying for the job.

- 3.10. **Interview.** Top candidates shall be called in for an oral interview and shall be considered position finalists. Only the Human Resources Office shall release this information. The interview panel shall consist of at least two (2) persons with one (1) representative from the Human Resources office. The full Board of Commissioners or subcommittee thereof, shall be involved in the interview process for department heads.
- 3.11. **Testing.** In addition to the interview process, testing of position candidates may be completed before or during the hiring process to ensure adequate applicant qualifications.
- 3.12. **Reference Checks.** All candidates who are finalists shall undergo a complete reference check prior to the offer of employment. No reference check shall be done on any candidate who does not complete an authorization for a reference check and a release of liability. Any reference check shall be consistent with state and federal laws.
- 3.13. **Criminal Background Checks:** All candidates offered employment for a position shall undergo a complete criminal background investigation. Employment for a position will be contingent based on the acceptable results in the criminal background investigation and approval of the investigation, consistent with state and federal laws.
- 3.14. **Pre-Employment Drug & Alcohol Screening.** Pre-employment drug & alcohol screening consistent with the County's Drug and Alcohol Testing Policy shall be required of all positions regulated by the Omnibus Transportation Employee Testing Act (Personnel Policy Section 20). Employment for these positions will be contingent based on a negative testing result from the medical lab in accordance with the County's Drug and Alcohol Testing Policy.
- 3.15. **Medical/Psychological Examination** A pre-employment medical or psychological examination will be required for only job related reasons, shall test only for essential job-related abilities, and shall not be required until after a conditional offer of employment has been made. The offer of employment may be contingent on acceptable results of a medical or psychological examination by a qualified medical professional designated by the Department Head. The Sheriff's Department, or other law enforcement agency, filling a peace officer position or part-time peace officer position may require or request an applicant to undergo psychological evaluation before a job offer is made provided that the psychological evaluation is for those job-related abilities set forth by the Board of Peace Officer Standards and Training for psychological evaluations and is otherwise lawful.
- 3.16. **Appointment and Notification.** The department head and/or supervisor will select the candidate most suited for the position with emphasis given to total overall score. It is the responsibility of the department head and/or supervisor to inform the Human Resources Manager of the selection and request acknowledgement from the County Board to hire the selected candidate. The full Board of Commissioners of subcommittee thereof shall be involved in the selection/interview process for department heads. At the discretion of the Board, Commissioners may also be involved in the selection process for other positions. Selected candidates may be offered the position

prior to County Board action; however, it shall be conditional upon that action. The candidate selected for the position shall be notified of employment including, but not limited to the: starting date starting time, hourly or monthly rate of pay, place of report to duty, and the position for which the person has been hired. This notification shall be sent out by the Human Resources office unless otherwise indicated.

3.17. **Temporary Employment.** When the need arises for the services of temporary help, the Department Head shall notify the Human Resources office no less than two (2) weeks prior to the needed assistance. This notification shall be in writing and detail, at a minimum: the specific need, the type of work to be done, the length of time the assistance is needed, the circumstances requiring the temporary assistance and what the department has done to minimize this need. The Human Resources Manager shall review the request and make a determination on the request. Temporary help of less than two (2) weeks in length will not require Board action, however expense of temporary help must be included in department budget. The Human Resources Manager shall, upon approval of placement of temporary help, make arrangements to fill the position.

3.18. **Nepotism Policy.**

3.18.1. **Purpose.** To establish policy on personal relationships between County employees which give rise to an actual or perceived potential conflict of interest with professional responsibilities and/or which create the potential for an adverse impact on County operations, safety, efficiency and morale.

As an organization heavily dependent upon its human resources, Pine County has a vital interest in the maintenance of harmonious, efficient, and productive working relationships between its employees. Personal relationships that cause unrest, lend themselves to the perception of favoritism, adversely affect morale, or otherwise disrupt the good working order of County operations are undesirable. For instance, such personal relationships may affect impartial job performance appraisals, the making of impartial job assignments, the impartial allocation of job opportunities, the impartial administration of discipline, impartial judgment, and impartial hiring practices.

3.18.2. **Policy.** It is the policy of Pine County that the most qualified candidates will be selected for employment, for promotions and for assignment to specialized positions. Employees who are related to or who are engaged in a significant relationship with candidates for hiring selection, promotion or assignment to specialized positions must ensure that all reasonable precautions are taken to avert any undue influence in the selection process or even the appearance of impropriety in the process. Pine County recognizes the rights of employees to become involved in personal relationships with their co-workers. However, it is the policy of Pine County to ensure employees carry out their duties with impartiality and fairness so that public and organizational confidence in the actions of our employees is maintained. Public trust, workplace safety, county operations and employee morale require avoiding the appearance of or actual conflict

of interest between professional responsibilities and any involvement in a significant relationship with other employees. In order to promote efficient county operation and avoid misunderstandings, complaints of favoritism, sexual harassment and/or gender based discrimination, and other problems of supervision, safety, agency operations, and employee morale, all employees are instructed to avoid situations that give rise to an actual or perceived conflict.

3.18.3. **Definitions.**

3.18.3.1. **Closely related by blood or marriage** includes, but is not limited to spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.

3.18.3.2. **Significant relationship.** For purpose of this policy, significant relationship is a relationship involving employees who are dating, engaged in a romantic relationship or cohabitating, or who are business associates.

3.18.3.3. **Business Associates.** Parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise. Supervisor: An employee who has authority, direct or indirect, over another employee by virtue of their rank or job classification.

3.18.3.4. **Subordinate.** An employee who is answerable to another employee based on their rank or job classification.

3.18.4. **Procedure.**

3.18.4.1. **Hiring, promotion and assignment to specialized positions:**

3.18.4.1.1. Employees who are closely related by blood or marriage to or involved in a significant relationship with a candidate for hiring selection, promotion or assignment to specialized positions shall not be involved in the selection process.

3.18.4.1.2. Should an employee closely related by blood or marriage to or involved in a significant relationship be required to participate in any of these selection processes due to an absence of available alternatives, the final selection

decision is subject to approval of the Human Resources Director.

3.18.4.2. **Supervisory procedures.** An employee generally shall not directly supervise an employee closely related by blood or marriage or another employee where a significant relationship exists.

3.18.4.3. **Duty to notify.** If a supervisor and a subordinate marry or cohabitate, both the supervisor and the subordinate are responsible for notification of a higher supervisor, the County Administrator and the Human Resources Director who will review the working relationship of the two employees and determine if it creates a potential conflict of interest or an adverse impact on supervision, safety, operations or morale. The County will make reasonable efforts to transfer, reassign, or otherwise resolve the situation so that one of the employees is placed in a position where the conflict potential no longer exists. Prior to any reassignment, the Agency will receive input from the involved employees.

3.18.4.4. **Exceptions.** The prohibitions above shall not apply to those circumstances which:

3.18.4.5. A marital or other significant relationship develops subsequent to both the public official's and/or employee's employment with the department (in this instance, the department should make reasonable attempts to avoid a supervisory conflict). The public official or employee is employed by the department prior to the appointment of a person closely related by blood, marriage or significant relationship to the position of Department head (e.g., a husband is employed the Agency and his wife is offered the appointment of Department head. Neither the husband nor the wife must leave the Agency. Although the department should make reasonable attempts to assure that the wife does not directly supervise her husband).

A person closely related by blood, marriage or significant relationship obtains employment with the same department as a result of bumping, displacement, recall or some other non-discretionary personnel action.

The public official or employee served in a capacity other than director, assistant director, deputy director or personnel employee at the time the person closely related by blood, marriage or significant relationship was hired by the department (e.g., a sister and brother are both employed by a

department and the sister achieves a promotion to the personnel area of the department. A conflict does not exist provided the sister does not process any personnel actions for her brother).

- 3.18.4.6. **Discipline.** A failure to disclose relationships pursuant to the terms of this policy may subject an employee to disciplinary actions as outlined in the Pine County Policies and Procedures Handbook.

#### **4. PROBATIONARY STATUS**

##### **Probation issues apply only to non-union, non-exempt employees.**

Full-time non-union, non-exempt employees will serve an initial twelve (12) month probationary period. All part-time employees shall serve a probationary period of 2,080 compensated hours. An employee may be terminated at the sole discretion of the employer. Honorably discharged veterans as defined by Minnesota Statute 197.447 shall be removed only in accordance with the provisions of MS 197.46.

- 4.1. **Promoted Employees.** All promoted employees will serve a six (6) month probationary period.
- 4.2. **Demotion or Reassignment.** At any time during the probationary period, a promoted or reassigned employee may be demoted or reassigned to the employee's original position at the sole discretion of the employer.
- 4.3. **Transfer.** A transferred non-union employee shall be required to serve a thirty (30) day trial period beginning on the date of transfer. A candidate for transfer who is rejected during a trial period shall return to his/her former position.
- 4.4. **Demotion (except in lieu of layoff).** A demoted employee shall serve a six-month probationary period.
- 4.5. **Interruption of Services.** Any interruption of services during the probationary period shall not be counted as part of the probationary period. Interruptions of service shall include but not limited to sick leave, military leave, parental leave, or any other approved leaves with or without pay. Except for military leave, no other interruptions of service may continue for more than six months or the probationary period may start over.
- 4.6. **Performance Evaluations.**
- 4.6.1. **Probationary Reports.** Department heads shall submit to the Human Resources Office a monthly probationary report on every probationary or promoted employee appointed to service. Prior to its submission, the report shall be reviewed with the employee and signed by him/her as evidence that he/she is aware of its contents, and a copy of the report shall be given to the employee.

- 4.6.2. **Permanent Employee Evaluations.** Every permanent non-union, non-exempt and exempt employee of the County will have a performance review at least on an annual basis. Employees will be reviewed by their immediate supervisor, or in some cases a team evaluation may be appropriate. Performance reviews shall be signed by the employee, immediate supervisor, and department head and will be placed in the employee's permanent personnel record. Evaluations should highlight employee's strengths and address specific areas for development for weaknesses within the scope of the current job description. Signatures are required on the appraisal forms; once the form has been signed, none of the information may be altered.
- 4.6.3. All department heads shall be reviewed by the Personnel Committee annually at the beginning of each year or another time designated by the County Board.
- 4.7. **Benefits During Probation.** During the probationary period of new employees, benefits will apply as follows:
- 4.7.1. **Health, Dental and Life Insurance:** coverage will apply effective the first day of the month commencing after employment, or if the start date is the first day of the month then health insurance coverage shall commence that day.
- 4.7.2. **PTO:** PTO benefits shall accrue effective the date of employment. Accrued PTO may be used during the probationary period.
- 4.7.3. **Holidays:** probationary employees shall receive the same paid holidays as regular employees.
- 4.7.4. **Wages and Compensation:** probationary employees shall be entitled to across- the-board raises approved during the probationary period. (Ex. COLA)

## 5. *HOURS OF WORK*

- 5.1. **Work Day and Work Week .**
- 5.1.1. The normal workweek for employees shall be forty (40) hours. Regular business hours for the County shall be 8:00 a.m. to 4:30 p.m. Monday through Friday. Nothing shall prevent the Board from changing the duration or scheduling of office hours or length of work day/week for any employee.
- 5.1.2. Respective Department Heads shall set the scheduling of hours worked by individual department employees. Department Heads or their designee may, on occasion, approve a variation of the hours worked within an individual's normal workday, providing the offices are adequately staffed. While employees may request a variation of the hours worked within a



normal workday, the Department Head, or their designee is under no obligation to grant such requests.

5.2. **Rest and Lunch Periods.**

5.2.1. All full-time, non-exempt employees are allowed reasonable rest periods during the day if the business of the office permits. These rest periods are fifteen (15) minutes in duration and are paid. The breaks shall be taken as close to the middle of each four (4) hour period as possible. Rest breaks not taken are lost. These breaks are not cumulative and cannot be banked or used to extend a lunch period.

5.2.2. Lunch breaks shall be 1/2 hour. Lunch breaks are unpaid and cannot be used in the calculation of overtime, unless the employee is required to remain at his or her workstation throughout the lunch break.

5.3. **Attendance.** Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. Each department shall keep daily attendance records of its employees, and such records shall be subject to review by the Human Resources Office.

5.4. **Overtime: Exempt.** **Exempt employees are not entitled to overtime compensation.** Nothing in this section shall prevent an exempt employee and his or her department head from mutually agreeing to a work schedule for that employee that approximates a normal workweek over an extended period of time. It is also understood and recognized that department heads must devote a great deal of time outside the normal office hours to accomplish the business of the County. To that end, department heads are allowed to take informal time off as may be appropriate and as operations permit.

5.4.1. **Exempt employees assigned to special projects (duties outside of normal scope of job description) as determined by the Pine County Board of Commissioners shall be compensated for hours spent on assignment at a rate set by the County Board.**

5.5. **Overtime: Non-exempt.** All hours worked by non-exempt employees in excess of forty (40) hours in the work week, shall be considered overtime. The Department Head or designee must approve overtime hours worked. Hours worked shall include only those hours where the employee is actually working and shall not include vacation time, Paid Time Off, sick time, holidays or any other idle time.

Overtime shall be compensated at one and one half times the normal hourly pay. Department Heads may allow the accrual of compensatory time in lieu of overtime pay under the same requirements as overtime. Compensatory time may only accrue to a maximum of 40 hours.

5.6. **Exempt Status.** The list below indicates the status of each job classification under the Fair Labor Standards Act. This is subject to change at any time. The Human Resources Manager, in consultation with the appropriate Department Head, will identify the FLSA exempt status for each classification. If the Department Head

disagrees with the determination of the Human Resources Manager, a review of the exempt status will be conducted by the County Administrator whose decision will determine the exempt designation.

<b><u>DEPARTMENT</u></b>	<b><u>POSITION TITLE</u></b>	<b><u>STATUS</u></b>
Land Services	Land Services Director	Exempt
Land Services	Deputy Assessor	Exempt
Land Services	Property Appraiser	Non-Exempt
Land Services	Clerk III	Non-Exempt
Land Services	Planning, Zoning, & SW Secretary	Non-Exempt
Land Services	Environmental Technician	Non-Exempt
Land Services	County Forester	Non-Exempt
Administrator	County Administrator	Exempt
Administrator	HR and Payroll Specialist	Exempt
Administrator	Administrative Assistant	Non-Exempt
Administrator	Payroll Clerk	Non-Exempt
Administrator	Building Maintenance Supervisor	Exempt
Administrator	Building Maintenance Worker	Non-Exempt
County Attorney	County Attorney	Exempt
County Attorney	Lead Prosecuting Attorney	Exempt
County Attorney	Assistant County Attorney	Exempt
County Attorney	Office Manager – Legal Sec	Exempt
County Attorney	Legal Secretary	Non-Exempt
County Auditor/Treasurer	County Auditor/Treasurer	Exempt
County Auditor/Treasurer	Chief Deputy Auditor/Treasurer	Exempt
County Auditor/Treasurer	Clerk III	Non-Exempt
County Auditor/Treasurer	Collections Specialist	Non-Exempt
County Recorder	County Recorder	Exempt
County Recorder	Records Technician II	Non-Exempt
County Recorder	Records Technician III	Non-Exempt
Extension	4-H Summer Assistant	Non-Exempt
Extension	Administrative Assistant-Extension	Non-Exempt
Health & Human Services	HHS Director	Exempt
Health & Human Services	Administrative Assistant-HHS	Non-Exempt
Health & Human Services	Financial Assistance Supervisor	Exempt
Health & Human Services	Fiscal Supervisor	Exempt
Health & Human Services	Social Services Supervisor	Exempt
Health & Human Services	Nursing Supervisor	Exempt
Health & Human Services	Family Services Aide	Non-Exempt
Health & Human Services	Office Support Specialist	Non-Exempt
Health & Human Services	Administrative Assistant	Non-Exempt

Health & Human Services	WIC Case Aide	Non-Exempt
Health & Human Services	Account Technician	Non-Exempt
Health & Human Services	Case Aide	Non-Exempt
Health & Human Services	Support Enforcement Aide	Non-Exempt
Health & Human Services	Financial Worker	Non-Exempt
Health & Human Services	Fiscal Officer	Non-Exempt
Health & Human Services	Support & Collections Specialist	Non-Exempt
Health & Human Services	LPN Staff Nurse	Non-Exempt
Health & Human Services	Financial Assistant Specialist	Non-Exempt
Health & Human Services	Child Support Officer	Non-Exempt
Health & Human Services	Fraud Specialist	Non-Exempt
Health & Human Services	Lead Support & Collections Specialist	Non-Exempt
Health & Human Services	Social Worker	Non-Exempt
Health & Human Services	Public Health Nurse	Non-Exempt
Health & Human Services	RN Staff Nurse	Non-Exempt
Health & Human Services	Nurse Mental Worker	Non-Exempt
Health & Human Services	Nurse Manager-RN	Non-Exempt
Information Technology	IT Supervisor	Exempt
Information Technology	Systems Support Specialist	Non-Exempt
Probation	Probation Director	Exempt
Probation	Corrections Agent	Non-Exempt
Probation	Senior Corrections Agent	Non-Exempt
Probation	Career Corrections Agent	Non-Exempt
Probation	Clerk III	Non-Exempt
Probation	Administrative Assistant	Non-Exempt
Probation	Electronic Monitoring	Non-Exempt
Public Works	County Engineer	Exempt
Public Works	Hwy Maintenance Superintendent	Exempt
Public Works	County Surveyor	Exempt
Public Works	Tech Supervisor/CADD Specialist	Non-Exempt
Public Works	Fleet Supervisor	Non-Exempt
Public Works	Highway Maintenance Supervisor	Non-Exempt
Public Works	Right-of-Way Manager	Non-Exempt
Public Works	Engineering Tech III	Non-Exempt
Public Works	Engineering Tech II	Non-Exempt
Public Works	Engineering Tech I	Non-Exempt
Public Works	Sign & Traffic Tech	Non-Exempt
Public Works	Survey Crew Chief	Non-Exempt
Public Works	Heavy Equipment Operator	Non-Exempt
Public Works	Mechanic	Non-Exempt
Public Works	Administrative Assistant-HWY	Non-Exempt
Sheriff	Sheriff	Exempt
Sheriff	Chief Deputy	Exempt
Sheriff	Office Manager	Exempt
Sheriff	Secretary-Civil	Non-Exempt

Sheriff	Secretary-Criminal	Non-Exempt
Sheriff	STS Crew Leader	Non-Exempt
Sheriff	Civilian Bailiff	Non-Exempt
Sheriff	Jail Matron Officer	Non-Exempt
Sheriff	Civil Process Server	Non-Exempt
Sheriff	911 Coordinator	Non-Exempt
Sheriff	Administrative Assistant – Civil	Non-Exempt
Sheriff	Administrative Assistant – Criminal	Non-Exempt
Sheriff	Assistant Jail Administrator	Exempt
Sheriff	Jail Administrator	Exempt
Sheriff	Dispatch Supervisor	Non-Exempt
Sheriff	Deputy	Non-Exempt
Sheriff	K-9 Deputy	Non-Exempt
Sheriff	Investigator	Non-Exempt
Sheriff	Sergeant	Non-Exempt
Sheriff	School Resource Officer/Investigator	Non-Exempt
Sheriff	Correctional Officer	Non-Exempt
Sheriff	Dispatcher	Non-Exempt
Sheriff	Jail Sergeant	Non-Exempt
Sheriff	Jail Program Coordinator	Non-Exempt
Sheriff	Jail Secretary	Non-Exempt
Sheriff	Administrative Assistant – Jail	Non-Exempt
Veteran Service	Veterans Service Officer	Exempt

5.7. **Emergency Closings.** This policy may be implemented for emergency conditions within Pine County. Employees will not be required to report to work nor to stay and are to use their own judgment regarding reporting to work or leaving early. Employees must notify their Department Head or designee if not reporting to work or when leaving early for safety reasons. Non-exempt employees who leave early or do not report to work due to adverse weather conditions must use Vacation, Compensatory, or PTO (Paid Time Off) to avoid unpaid time, which may result in prorated benefit contributions.

5.7.1. **Responsibility for Declaring an Emergency Condition.** Declaring an emergency condition shall be the responsibility of the Chair or Vice-Chair of the County Board in the absence of the Chair, or their designees. Determination of the emergency condition will be made in consultation with the Commissioner(s) representing the district(s) in which the emergency condition exists, if this is practical.

5.7.2. **Notification of Emergency Condition.** Upon determination that an emergency condition exists, the County Administrator or his/her designee shall convey notice of the condition to County employees as follows:

5.7.2.1. If a determination is made to declare an emergency condition prior to the commencement of the normal business day, notification shall be made by 6:30 am or as soon thereafter as possible, to the local media for public announcements. Notification shall also be made to the

department heads or supervisors impacted by the decision. During times of severe weather, it shall be incumbent upon employees to be aware of the emergency condition prior to the start of a workday by reference to local radio stations and by an established County emergency phone line. With regard to other emergency conditions, department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

5.7.2.2. If a determination is made to declare an emergency condition after the commencement, but prior to the end, of a normal business day, notice shall be conveyed to the media, emergency phone line and to the department heads or supervisors impacted by the decision. Department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

5.8. **Acting County Administrator.**

- 5.8.1. **Purpose:** To ensure the essential duties of the county administrator are fulfilled when the county administrator is unavailable due to illness, injury, vacation, or other similar absence.
- 5.8.2. **Appointment:** The county board chair may appoint an acting county administrator for a period of 21 days or less. For periods of time exceeding 21 days, the approval of the full county board is required within 21 days of the initial appointment.
- 5.8.3. **Qualifications:** The acting county administrator appointment shall be made from the currently serving department heads.
- 5.8.4. **Authority:** The acting county administrator shall have all the authority of the county administrator but shall carry out the functions of the temporary assignment under the direction of the county administrator.
- 5.8.5. **Compensation:** No additional compensation will be provided for the acting county administrator.

## 6. HOLIDAYS

- 6.1. The following days shall be paid holidays for all benefit-eligible non-union employees (a day is determined by a pro-rated amount for benefit-eligible employees less than 40 hours).

New Years Day	January 1st
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

*When Christmas Eve falls on a Saturday and when Christmas Day falls on a Sunday, then the preceding Friday will be observed as the Christmas Eve holiday and the Monday as the Christmas Day holiday. When Christmas Eve falls on a Sunday and Christmas Day on a Monday, then the preceding Friday will be observed as the Christmas Eve holiday. When Christmas Day falls on a Saturday, the preceding Friday will be observed as Christmas Day and the preceding Thursday will be observed as the Christmas Eve holiday.*

When a recognized holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday shall be declared the regular holiday for employees whose normal schedule is Monday through Friday.

- 6.2. **Eligibility:** Employees will be eligible for a paid holiday provided that the employee was in paid status on the last business day of the County prior to the holiday and the first business day of the County following the holiday. Paid status would include the use of any accrued PTO (Paid Time Off).

Regular/Permanent part-time employees shall be paid at a pro-rated rate.

- 6.3. **Work on Holidays:** If a non-union, non-exempt employee works on any of the holidays listed above, he/she shall be paid at a rate of time and one-half for all hours worked in addition to his/her regular holiday pay.

## 7. PAID TIME OFF (P.T.O.)

7.1. Paid Time Off (PTO) shall be granted to all benefit eligible employees. Accrual schedules show amounts for full-time (40-hour per week) employees and will be pro-rated for benefit-eligible employees less than 40 hours per week.

### 7.1.1. PTO Accrual For FLSA Exempt Employees

Date of hire through Year 4	240 hours per year
Start of Year 5 through Year 9	264 hours per year
Start of Year 10 through Year 14	288 hours per year
Start of 15 through Year 19	312 hours per year
Start of Year 20 and beyond	336 hours per year

### 7.1.2. PTO Accrual For FLSA Non-Exempt Employees

Date of hire through Year 4	192 hours per year
Start of Year 5 through Year 9	216 hours per year
Start of Year 10 through Year 14	240 hours per year
Start of 15 through Year 19	264 hours per year
Start of Year 20 and beyond	288 hours per year

7.2. **Anniversary Date.** Increases in PTO are based on the employee's anniversary date of original employment during a period of continuous employment.

7.3. **Availability of Paid Time Off.** Hours accrued per year shall be divided equally among the regular pay periods in the year. PTO is available for use as it is earned.

7.4. **Maximum Accrual.** Maximum accrual per employee is 640 hours. Hours earned in excess of 640 hours shall automatically be forfeited.

### 7.5. Existing Sick Leave Balances.

7.5.1. Existing Sick leave may be used for personal illness, legal quarantine, injury, or death/illness in the immediate family. Immediate family shall be defined as the employee's/employee's spouse's children, parents, grandparents, siblings, or any member of the employee's household.

7.5.2. Upon termination with the County, employees shall not be paid for hours in their sick leave accounts.

7.6. **Personal Days.** All Full-time non-union employees will receive 5 Personal Days on January 1<sup>st</sup> of each year. Personal Days must be used by December 1<sup>st</sup> or unused days will be deposited into a Health Care Savings Plan (HCSP) administered by the Minnesota State Retirement System to be used following separation of County service.

Part-time employees will not be entitled to Personal Days.

- 7.7. **Requesting/Scheduling Paid Time Off.** Department heads shall establish department work rules for requesting and scheduling PTO.
- 7.8. **Payment for Unused PTO.** The County will pay up to six hundred forty (640) hours of unused PTO to all non-union employees at the employee's then current level of compensation upon death of an employee to the employee's estate or designated beneficiary. Up to six hundred forty (640) hrs of PTO at time of resignation or retirement shall be paid 50% as cash and 50% deposited into a HCSP administered by the Minnesota State Retirement System as a severance to be used following separation of County service. PTO may not be used to extend an employee's termination date nor may it be used on an employee's final day of County employment.
- 7.9. **PTO Cashout.** FLSA exempt staff with a minimum accrued PTO of 320 hours may cash out eighty (80) hours of PTO in conjunction with using eighty (80) hours of PTO within the current year. PTO must be used in 40 hour consecutive increments or 80 consecutive hours for a total of 80 PTO hours to qualify for the cash-out. Holiday pay cannot be used towards the PTO total. An employee may not cash out more than 80 hours in a calendar year. In lieu of this 80 hour cash out, FLSA exempt employees may opt to cash out under the following provision.

All employees will be allowed to cash out or move into their HCSP up to 40 hours (1 week) one (1) time per year. If the Cadillac Tax triggered by placing the value of the cash out into HCSP, then the proceeds shall be paid as income to the employee.

Cash-out forms can be obtained from payroll. The form must be submitted no later than seven (7) working days prior to the end of the 80 hour PTO usage. The PTO cash out will be paid the first pay date following the end of the 80 hours of PTO usage.



## **PTO CASH OUT REQUEST FORM**

FLSA exempt staff graded C41 and above, have the ability to cash out available PTO hours. The above mentioned staff, with a minimum accrued PTO of three hundred twenty (320) hours may cash out eighty (80) hours of PTO in conjunction with using eighty (80) hours of PTO within the current year. PTO must be used in 40 hour consecutive increments or 80 consecutive hours for a total of 80 PTO hours to qualify for the cash-out. Holiday pay cannot be used towards the PTO total.

Please use this form for cash-outs. The form must be submitted no later than **seven** (7) working days prior to the end of the 80 hour PTO usage. The PTO cash out will be paid the first pay date following the end of the 80 hours of PTO usage.

<p><b><u>Employee:</u></b></p> <p><b>EMPLOYEE NAME:</b> _____ (Please PRINT)</p> <p><b>EMPLOYEE #:</b> _____ <b>Department name:</b> _____</p> <p>I request cash out of 80 hours of available PTO hours.</p> <p>PTO was/will be used from _____ to _____, I have in excess of three hundred twenty (320) hours of available PTO.</p> <p><b>Employee Signature:</b> _____ <b>Date:</b> _____</p>
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<p><b><u>Payroll use only:</u></b></p> <p>Balance of available PTO prior to cash out . . . . . _____ hours.</p> <p>Paid cash out of 80 PTO hours on _____ (pay date - regular payroll)</p> <p>Payroll Initials _____</p>
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<p><b><u>Reference:</u></b></p> <p><b>Personnel Policy</b></p>
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8.1. **Insurance Benefits .**

- 8.1.1. Insurance benefits are provided to benefit eligible employees and employees working thirty (30) hours per week or more that are employed by the County. Employees working thirty (30) hours per week will receive the benefit. Amounts shown are for full-time employees and require an adjustment to a pro-rated amount for benefit eligible employees less than 40 hours per week.
- 8.1.2. If an employee and spouse both work for Pine County and you have children. In this case one of you will take family coverage and list your spouse and children as dependents. (Effective April 1, 2000 married couples: The amount the county contributes towards the CMM single and family premiums will be subtracted from the total BCBS – DG family premium for those individuals that both work for the county and are married. The difference will be the responsibility of the married couple. If the married couple elects a plan other than DG and the total amount of county contribution for CMM family and single is more than a family premium, the married couple shall not receive the difference. The spouse listed as a dependent will not be eligible to take single health insurance coverage.)
- 8.1.3. Pine County employee Health, Dental, and Life insurance benefits shall start the first of the month following employment or if the start date is the first day of the month then insurance coverage shall commence that day; effective 1-1-2007.

8.2. **Life and Dental Plans.**

- 8.2.1. Life insurance is provided through a term policy on the employee only. The amount of coverage is established by the county board. Employees also have the option of purchasing a supplemental term policy on themselves, their spouse, or their children solely at the expense of the employee.
- 8.2.2. Solely at the expense of the employee, dental insurance is available for employees to purchase.

8.3. **Insurance Contributions.**

- 8.3.1. **County Contribution:** The County shall contribute a set dollar amount towards the total premium of each plan. Amount contributed towards health care premiums shall be reviewed by the Personnel committee every year and proposed to the County Board of Commissioners by the Administrator/Human Resources Department. Family coverage for purposes of insurance includes the employee and any dependents to which coverage is extended under the County's insurance policy. The County may, at its discretion, select alternative carriers that provide at least equivalent coverage.
- 8.3.2. **Employee Contribution:** Employees shall be responsible for all costs of insurance in excess of the County's contribution. That amount shall be directly deducted from an employee's compensation. The County may implement a premium conversion program that will allow employees to elect to pay their portion of the insurance contribution on a pre-tax basis.

8.4. **PERA Retirees.**

- 8.4.1. Non-union employees who retire early (at an age less than 65) shall be eligible for the same group hospital/medical insurance coverage as is provided for active employees. Employees wishing to exercise this option shall notify Human Resources within the time period allowed under COBRA laws (60 days from the date of the qualifying event).
- 8.4.2. Failure to make insurance payments to the County will terminate a retired employee's right to continue in the group plan. To qualify for this benefit, an employee must be eligible to receive a PERA annuity at the date of that employee's retirement. However, it will be the former employee's obligation to inform the County that he/she wishes to exercise this option. The County will not pay any retroactive premiums. All retirees who receive an annuity under a retirement program may elect to purchase at their expense individual and dependent hospital, medical, and dental coverage equivalent to that of active employees, however, Pine County shall follow MN Statute 471.61 Subd. 2b, which states "A former employee may receive dependent coverage only if the employee received dependent coverage immediately before leaving employment"

8.5. **Post Employment Health Care Savings Plan.**

- 8.5.1. All PERA elected officials, Deputies, Investigators and Sergeants will participate in the Health Care Savings Plan administered by the Minnesota State Retirement System as follows:
  - 8.5.1.1. Upon termination, any severance payment due will automatically be paid into the plan (unless otherwise state in labor contract)
  - 8.5.1.2. Each pay period, two percent (2%) of gross wages will be deducted and deposited into the plan (Elected officials, Deputies, Investigators and Sergeants only).
- 8.5.2. These funds shall be withheld pre-tax and invested at the direction of the individual employee, and may be used to pay eligible health care expenses as described by IRS Publication 502.

(Effective 6-1-2006)

8.6. **Deferred Compensation Plans.** As of October 1, 2006 Pine County administers four (4) Deferred Compensation Plans as listed below: Nationwide, MNDCP (Minnesota Deferred Compensation Plan), FTJ, and Ameritas.

The Pine County Board of Commissioners reserves the right to terminate any existing vendor if participation falls below 25 enrollees. Future vendors will not be admitted for pine county employee participation.

## 9. CLASSIFICATION AND GRADING

9.1 Purpose: The County seeks to ensure the appropriate relationship among positions within the county. Position classifications are established and maintained by using a job evaluation system in compliance with the Local Government Pay Equity Act, Minnesota Statutes Sections 471.991 – 471.999 and Minnesota Rules Chapter 3920. The County Board shall adopt a job classification system.

9.2 Policy: No regular position shall be filled unless an updated job description is completed and on file in Human Resources and the job is assigned to an appropriate Job Classification and Pay Grade. All positions that are substantially similar with respect to job requirements including formal preparation and experience, level of work, independence of action, interactions and communication, working environment and other employment characteristics shall be assigned to the same pay grade.

### 9.3 Procedure for Position Review

- A. The workplace is a continually evolving environment. Job duties, responsibilities, and operational practices change over time. The job evaluation system grades are broadly defined to accommodate the evolving work environment without the need for frequent classification changes. However, there are times when consideration of regrading a position is warranted.
- B. A department head may request a review of one or more positions if the department head believes the job conditions have changed significantly enough to warrant a review. To initiate the review, the department head should submit an updated Position Description Questionnaire (PDQ) to Human Resources along with supporting information as to how the duties have changed.
- C. Employees may request a position review. To initiate the request, the employee should submit an updated PDQ to their immediate supervisor along with supporting information as to how the duties have changed. The supervisor and department head will review the position and may meet with the employee and/or request additional information. The department head will forward the request to Human Resources and may provide such additional information as the department head thinks helpful including reasons the change in grade is or is not warranted.
- D. In each case, Human Resources will review the request for reclassification against the classification and grading system to determine if a change in grade is warranted. The Human Resources Manager may engage outside experts to assist with the review.
- E. Any change in grade requires review by the Personnel Committee and action by the county board.

### 9.4 No Grievance

The classification system and the grading of positions are inherent managerial rights. Decisions relating to the classification system and the grading of positions are not subject to any grievance process.

Approved 11/21/17

## 10. COMPENSATION

- 10.1. **Method of Computing Pay.** Employees Assigned to a 40-Hour Work Week (Exempt & Non-Exempt): To obtain an annual salary, the monthly salary shall be multiplied by twelve (12). To obtain the hourly rate, the annual salary shall be divided by 2,080 hours and rounded off to the second decimal place. The hourly rate will be rounded as follows: If the third decimal place is five (5) or greater, the second decimal place shall be rounded up; if less than five (5), the third decimal place shall be dropped.
- 10.2. **Methods of Salary Payment.** Employees Assigned to a 40-Hour Work Week (Exempt & Non-Exempt): Employees will be paid bi-weekly. The payroll period will be a two-week period running from 12:00 a.m. Sunday until 11:59 p.m. on Saturday. Employees hired during a payroll period will be paid through that period on the same date as all other employees. Whenever possible, pay changes will be processed at the beginning of the pay period following the effective date of the change. All employees will be considered as paid only through the current pay period.
- 10.3. **Application of Compensation Plan.**
- 10.3.1. **Reclassification:** When a position is reclassified up or down, an employee in the class shall continue at his/her present rate of pay during the period of incumbency (except in the event of general service-wide reductions). However, if his/her present rate does not equal the maximum for the new class, he/she shall be entitled to salary increases until he/she reaches the established maximum for the new class. Under no circumstances shall an employee receive COLA and/or performance increases resulting in a base pay greater than the maximum pay for the grade unless approved by the County Board.
- 10.3.2. **Promotion:** An employee promoted to a new position in a higher class shall receive the minimum rate for the higher class. If the rate of his/her former position is the same as or exceeds this minimum, he/she shall be placed at a percentage above the rate of compensation that he/she formerly received.
- 10.3.3. **Demotion:** An employee may be demoted to another position for which the employee possesses the requisite qualifications and/or the employee's hours may be reduced. A written statement of the reasons for the demotion shall be submitted to the employee at the time of demotion or reduction of hours. Demotion may take place for any of the following reasons, or for any other reason, as determined by the Department Head:
- 10.3.3.1. When the employee would otherwise be laid off because of position elimination, reclassification, lack of work, lack of funds, or the return to work of another employee from an authorized leave.

- 10.3.3.2. When the employee does not possess the necessary qualifications to provide satisfactory performance in the position the employee currently holds.
- 10.3.3.3. When the employee voluntarily requests a transfer to a position of lower classification or voluntarily requests a transfer or deletion of certain duties in the current position, which results in reclassification to a lower class.
- 10.3.3.4. When utilized as part of a disciplinary action.
- 10.3.3.5. When it is in the best interest of the County to do so.

For the purposes of demotion, a vacant position does not include a position which has been publicly announced and open to competitive examination/evaluation. It does include positions within the employee's current department, which are not promotional in nature, or other positions within the County, which are subject to Internal County posting. Employees subject to proposed demotion shall not have preference over other County employees with respect to vacant positions.

Employees who are demoted may have their salaries adjusted downward, consistent with the new position.

When an employee is demoted, the employee shall serve a six (6) month probationary period in the new position during which time the employee may utilize fringe benefits accrued from their prior position. Should the employee prove to be incompetent, ineffective or unsuitable for the position, and no other suitable position openings exist in the organization to which the employee may be transferred or demoted, the employee shall be terminated.

- 10.3.4. **Transfer:** If an employee is transferring to a position in the same class in another department, he/she shall receive the same rate of compensation he/she received in the former position.

- 10.4. **Pay Anniversary Date.** An employee appointed, promoted, demoted, reclassified, or transferred shall have a pay anniversary date on the date of the appointment, promotion, demotion, reclassification.

- 10.5. **Anniversary Date Pay Increase.** Pay increases for employees not at the top of their pay range shall take effect on the pay anniversary date of each employee unless the department head certifies to Human Resources that the employee's work performance or conduct does not justify granting such increase. In such cases, the employee shall be notified in writing to this effect by their department head and/or County Board.

- 10.6. **Payroll Deductions.** The County will attempt to equally divide payroll deductions between two checks of each month.

- 10.7. **Compensation.** The County Board retains the authority to establish the pay for all employees. Annually, the Board shall establish pay ranges for the various positions in the County. Newly hired or promoted employees will be placed on the salary schedule at a rate of pay commensurate with their education, experience, demonstrated skill, market conditions, and the needs of the County.

Salary schedules shall be set by the County Board. Each job classification shall have a minimum and a maximum pay. Employees shall be eligible for an annual increase based on performance effective on their pay anniversary date. Annually the County Board shall establish a maximum percentage increase for the Pay for Performance System. Department heads shall recommend an increase which shall be reviewed and approved by the county administrator. The department head may appeal the administrator's decision to the Personnel Committee. Any percentage increase above the percentage increase set by the County Board shall require the approval of the Personnel Committee.



**2014 Non-Union Performance Increase Matrix**

**Percent of scale**

<b>All Classifications</b>	<b>Min-85%</b>	<b>85%-95%</b>	<b>95%-100%</b>
<b>Outstanding</b>	3%-6%	3%-6%	3%-6%
<b>Exceeds Requirements</b>	2%-5%	2%-5%	2%-5%
<b>Fully Capable</b>	1%-4%	1%-4%	1%-4%
<b>Needs Improvement</b>	1%-3%	1%-3%	1%-3%
<b>Unsatisfactory</b>	0%	0%	0%

**Percent of Scale**

To calculate percent of scale, take the current wage of the employee, divide by the top of the classifications scale and multiply by 100 (e.g. current employee is paid \$8! hour, top of scale is \$10,  $\$8!\$10=\$0.8*100=80\%$ ).

**Approval**

The County board reserves the right to apply performance increases outside of this matrix for extenuating circumstances (e.g. market inequity, high turnover, etc).



## 11. LEAVES OF ABSENCE

- 11.1. **Medical Allowance and Use.** Each benefit eligible employee shall be entitled to his/her accumulated sick leave bank. Upon use, sick leave, shall be paid out at employee's current salary.

Employees shall have charged against their sick leave accumulation the actual number of working hours during which they are absent on medical leave.

- 11.1.1. **Causes for Granting Leave.** Leave shall be granted only for benefit eligible employees for absence from duty because of personal illness, legal quarantine, injury, or death or illness in the immediate family. Immediate family for death shall be defined as the employee's spouse, children, parents, grandparents, siblings, or any member of the employee's household. It shall also include the employee's spouse's children, parents, grandparents, or siblings. Immediate family for illness shall be defined as the employee's spouse, children, parents, or any members of the employee's household, related by blood or marriage. Absences of more than three (3) consecutive working days due to injury must be accompanied by a physician certification of restrictions or limitations that may allow an employee to perform modified duty.

- 11.1.2. **Notification of Need for Medical Leave.** When an employee needs to use PTO, his/her sick leave bank due to illness or other medical leave and has not completed a "Request for Paid Time Off" form, the employee shall notify the person designated as department head at least one half hour prior to the time the employee should report to work, except in case of emergency. Failure of an employee to notify the designated person within the time prescribed may cause the employee to lose the right to have the time off designated as PTO or sick leave.

- 11.1.3. **Physician's Certificate.** After three consecutive days of PTO, due to a medical illness, the Human Resources Department or the Department Head may require a certificate from the employee's physician verifying the need for sick leave to be taken. The Human Resources Office or Department Head may also request the employee to furnish a physician's certificate regarding the employee's ability to perform the essential functions of the employee's position and providing any work restrictions if there appears to be a chronic case of absences, either consecutive or non-consecutive, attributable to a medical condition as reported by the employee.

- 11.2. **Payment for Unused Sick Leave.** There is no sick leave payout for retirement, resignation, or termination of Pine County employment.

- 11.3. **Injury on the Job.** Where an employee is entitled to the benefits of the workers' compensation law, and has accumulated PTO hours or banked sick leave credits, the employee shall be required to use the accumulated PTO hours, or his/her sick leave bank credits to the extent that payment of the workers' compensation benefits and accumulated PTO hours or banked sick leave credits does not exceed the weekly wage of the employee.
- 11.4. **Funeral Leave.** A maximum of three (3) days may be taken with compensation in the event of a death of an employee's brother, sister, brother-in-law, sister-in-law, spouse, children, parents (step and biological), grandchildren, grandparents, father-in-law, mother-in-law, or ward of the employee's household. An employee may use PTO time for time off after the three (3) days with the approval of the supervisor.
- 11.5. **Military Duty Leave.**
- 11.5.1. Every employee shall be entitled to military leave as provided by state and federal law including Minnesota Statute § 192.26, Minnesota Statute §192.261 and USERRA, 38 U.S.C. § 4301, et seq. The employee shall immediately inform their respective Department Head and Human Resources regarding the military duty and need for military leave as soon as known by the employee.
- 11.5.2. An employee will be granted to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. This leave is granted pursuant to Minn. Stat. § 181.947. For the purposes of this leave, "immediate family member" is defined as a person's parent, child, grandparents, siblings, or spouse. An employee must give as much notice as practicable of the employee's intent to exercise the leave guaranteed by Minn. Stat. § 181.947. The length of leave provided under this section may be reduced by any period of paid leave provided by the County. Nothing in this section prevents an County from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment benefit.
- 11.5.3. Unless the leave would unduly disrupt the operations of the County, an employee will be granted a leave of absence without pay, pursuant to Minn. Stat. § 181.947, to an employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency. For the purposes of this leave, "immediate family member" is defined as a person's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée. The amount of leave provided under this section is limited to the actual time necessary for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

11.6. **Other Types of Leaves of Absence.**

- 11.6.1. **Court Duty.** Any employee shall be granted a leave of absence with pay for service upon jury, appearance before a court, legislative committee, or other body as a witness in a proceeding involving the federal government, the State of Minnesota, or a political subdivision thereof in response to a subpoena or other direction by proper authority; or attendance in court in connection with the employee's official duties. In the case of jury duty, the employee's compensation from the County during his/her leave shall equal the difference between the employee's regular compensation and compensation paid for jury duty. The employee shall provide the Payroll Clerk with the original State of MN check in which the employee received in compensation for jury duty. The employee's pay shall be adjusted accordingly or the amount of fees (excluding mileage and day care payments) shall be paid to the County. Employees shall return to their regular work duties if released from court duty during their scheduled hours of work if time permits. The employee shall immediately inform the Department Head regarding the court duty as soon as known by the employee.
- 11.6.2. **Election Judge.** An individual who is selected to serve as an election judge pursuant to Minnesota Statute §204B.21, subdivision 2 may, after providing the employee's Department Head with at least 20 days written notice, be absent for the purpose of serving as an election judge. The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve.
- 11.6.3. **School Conference and Activities Leave.** In accordance with Minnesota Statute 181.9412 as may be amended, an employee may use up to a total of sixteen (16) hours without pay during any school year to attend school related activities for an employee's child, provided the activities cannot be scheduled during non-work hours. When leave cannot be scheduled during non-work hours and the need for leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave. An employee may substitute any accrued PTO time for any part of the leave under this section.
- 11.6.4. **Bone Marrow or Organ Donations.** Leave for bone marrow or organ donations will be granted in accordance with Minn. Stat. § 181.945 and Minn. Stat. § 181.9456.

- 11.7. **Parental Leave.** Every employee that works an average of 20 hours or more per week and has been an employee of the County for at least one year is eligible for parental leave upon the birth or adoption of a child consistent with Minnesota Statute §181.941. Unpaid parental leave shall be granted for twelve weeks to eligible employees and shall run concurrent with any family medical leave. An employee must use accrued PTO time before utilizing hours from his/her sick leave bank (See Section 7). When an employee has exhausted all hours of accrued PTO/sick leave for a portion of parental leave, the employee may request an additional period of unpaid parental leave to be granted so that the total of paid and unpaid

leave provided does not exceed twelve weeks, unless agreed to by the Employer (See MN State Statute 181.941)

An employee is required to give at least thirty days notice to Human Resources in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable.

11.8. **Family/Medical Leave.**

11.8.1. **Coverage.** The Family and Medical Leave act entitles eligible employees to take up to 12-weeks of unpaid leave during any 12-month period as a result of the birth or placement for adoption or foster care of a child, to care for an immediate family member with a serious health condition, or when an employee is unable to work due to a serious health condition. The 12-month period shall be calculated, using a rolling period measured backward from the date the employee uses FMLA leave, and may be taken at one time, intermittently, or on a reduced leave schedule depending on the circumstances.

11.8.2. **Eligibility/Entitlement.** FMLA applies to all County employees who have been employed by Pine County for at least twelve (12) months and who have worked at least 1,250 hours for Pine County during the twelve (12) months preceding the leave request. Hours worked will be determined under the terms of the Fair Labor Standards Act. Employees who are considered exempt under that Act and who have worked for Pine County for twelve (12) months will be presumed to have met the 1,250 hours of service requirements.

11.8.2.1. **Family Leave.** The birth of the employee's child or the placement of a child with the employee for adoption or foster-care.

11.8.2.2. **Medical Leave.** To provide care for a family member (child, spouse, or parent) experiencing a serious health condition.

11.8.2.3. **Medical Leave.** For the employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.

11.8.3. **Other Leave Must be Used First.** The County requires an employee to use accrued PTO and sick leave (as appropriate) until the employee has exhausted all hours and any other paid leave before any unpaid portion of FMLA leave is granted. (See Section 7)

Pine County requires an employee to exhaust all PTO hours, then his/her banked sick leave hours before going into an unpaid status. When an employee has used all hours for a portion of family medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided does not exceed twelve (12) weeks.

Any other type of leave, whether paid or unpaid, taken for a reason covered by the FMLA will be considered part of the twelve (12) weeks granted.

- 11.8.4. **Medical Certification.** For leaves taken because of the employee's or a covered family member's serious health condition, employees must provide medical certification before the leave begins, or if the leave is unforeseeable, the County must allow 15 calendar days for the employee to comply with the medical certification. If no medical certification is returned within 20 calendar days and the employee has not returned to duty, the employee will be considered to have voluntarily resigned.

The County has the right to question the validity of any certification and may require the employee, at the County's expense, to be seen by a County-designated physician. The County may require periodic reports on the employee's status and intent to return to work and a fitness for duty report prior to return to work.

An employee that cannot return to work upon the expiration of the 12-week FMLA leave may request a leave of absence in accordance with Section 11.8 of this policy.

- 11.8.5. **Benefits.** Pine County will maintain health care, dental insurance, and life insurance coverage for an eligible employee for the duration of the FMLA leave and during the period of any paid leave as if the employee continued in employment. Employee contributions will be required either through payroll deduction or by direct payment. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. All payments for the employee's share of any benefits must be made to the County Auditor's department by the first (1st) of each month. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the employee's coverage will lapse.

Any employee on unpaid leave will not accrue benefits including PTO.

Pine County will seek to recover its share of health coverage premiums paid for an employee on FMLA leave if the employee fails to return to work after FMLA leave unless the failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the control of the employee. Not returning from certified leave is a qualifying event for COBRA purposes.

If the employee is no longer in paid status at the expiration of the FMLA leave, the County will not pay any portion of the employee's health care, dental insurance, and life insurance coverage.

- 11.8.6. **Job Protection.** If the employee returns to work following the approved family medical leave period, the employee will be reinstated to the employee's former position or an equivalent position with the equivalent pay, benefits, status and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

11.8.7. **Definitions.**

11.8.7.1. A *serious health condition* is defined by the Act as an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice or a residential medical care facility, or continuing treatment by a qualified health care provider, and/or treatment for substance abuse.

11.8.7.2. A *serious health condition* would generally last for more than three (3) days, require the intervention of a qualified health care provider, result in subsequent care for the same condition, and must involve treatment of two or more times by a qualified health care provider; a nurse or physician's assistant under the direct supervision of a qualified health care provider; or a provider of health care services (physical therapy) under orders, or referral by a qualified health care provider.

11.8.7.3. A *parent* is defined as the biological parent of an employee or as an individual who was responsible for the day-to-day care of the employee when the employee was a child.

11.8.7.4. A *spouse* is defined as a husband or wife. A spouse does not include unmarried domestic partners.

11.8.7.5. A *son or daughter* is defined as a biological, adopted or foster child, a stepchild, legal ward, or a child of a person having the day-to-day responsibility for the child. Includes a child over 18 years of age who is "incapable of self-care because of a mental or physical disability."

11.8.8. **Notice.** An employee is required to give at least thirty (30) days notice in the event of a foreseeable leave. A Request for Family Medical Leave form should be completed by the employee and returned to Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is possible.

11.9. **Request for Other Leave of Absence without Pay.**

The County Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater than thirty (30) days may be granted by the county board and shall in no circumstances be granted in excess of one (1) year. Leaves of absence without pay are at the sole discretion of the county and are granted when in the best interest of the county.

11.9.1. **Procedures for Requesting Other Leaves of Absences.**

All requests shall be made through the employee's department head and with as much advanced notice as is reasonable possible.

11.9.2. **Employee Must Pay Total Cost of Benefits while on Leave of Absence**

Seniority will not accrue while the employee is on an approved leave of absence. Other benefits, including holidays and Paid Time Off (PTO), shall not be earned or paid during an approved leave of absence without pay.

11.9.3. **Insurance:** The employee is responsible for the entire cost of the health insurance, dental insurance and life insurance premiums.

Employees on unpaid leave other than that provided under Family and Medical Leave Act of 1993 are eligible to participate in the county's group health insurance and life insurance programs provided:

- The employee is a participant in the program prior to the leave.
- The employee pays the full cost of the premium.

Once an employee returns to employment, the County's payment of premiums shall resume as provided by the current county policy or labor agreement.

11.10. **Re-employment After Leave of Absence:** Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the County Administrator subject to approval of the County Board.

*Board Approved 2-7-06, 10-2-07, 7-1-08, 12-17-2013, 6-17-2014, 11-21-17*

## 12. TRAVEL/EXPENSE VOUCHERS

### 12.1. **Introduction.**

- 12.1.1. Certain employees of Pine County may be provided a County-owned vehicle to use in the performance of their assigned duties and responsibilities. The use of such vehicles is confined to that necessary to discharge the employer's business.
- 12.1.2. Employees shall not drive vehicles on County business without a valid Minnesota driver's license of the appropriate classification. Driving records of County employees, who use any vehicle for County business, will be checked on an annual basis, by their appropriate department head.
- 12.1.3. Employees are required to have liability insurance in effect on all vehicles used for County purposes or while performing County business. Proof of liability insurance will be checked on an annual basis, by the employees appropriate department head.
- 12.1.4. An employee, who is involved in a collision or related property damage accident while performing County business, regardless of whether the employee is driving his/her own personal vehicle or a County vehicle must notify his/her Department Head or Supervisor within 24 hours.
- 12.1.5. Employees within departments with an established "vehicle usage" policy must also follow their departmental policy.

### 12.2. **Travel/Expense Vouchers & Claim Vouchers for Vendors.** This policy applies to all county departments and employees. It is intended that this policy conform to all applicable Minnesota State Statutes, FLSA and IRS rules governing expenses incurred by employees while conducting County business.

### 12.3. **Procedure to Follow.** (Health & Human Services Employees please reference HHS Policies regarding travel/expense vouchers)

- 12.3.1. Name and address of claimant completed on upper right hand position of the claim form.
- 12.3.2. Odometer reading, date, location and total miles traveled round trip must be included for reimbursement of mileage. If the travel is out of state, must have Board approval for the reimbursement.
- 12.3.3. Explanation of expenses listed in space provided.
- 12.3.4. Dated receipts must be attached to the voucher identifying the actual expense.
- 12.3.5. Complete account number (i.e. 01-041-6334).
- 12.3.6. Signature of claimant on bottom of form.



- 12.3.7. Approval signature of department head/supervisor on bottom of form.
- 12.3.8. All vouchers must be submitted to the Auditor's office by the first of the month.
- 12.3.9. Any questions, please contact the Auditor's office.
- 12.4. **Travel on County Business.** This policy applies to all employees and elected officials of Pine County (*Except HHS employees*). In the event that this policy conflicts with a current collective bargaining agreement, the latter controls. In the event there be any conflict with State or Federal law, the latter controls. It is intended that this policy conform to M.S. §471.96(1) and 471.97 governing expenses incurred by employees in the conduct of County business. It is designed to provide the basis for determining whether there is authority for County Expenditure, the expenditure serves a public purpose, and the expenditure is necessary and directly related to the betterment of the County.
- 12.5. **Travel Requests and Approvals.** All travel requests are approved by the responsible authority.
  - 12.5.1. The County Board of Commissioners shall approve all travel costs through the annual budget process.
  - 12.5.2. All travel for personnel requires the approval of the Department Head.
  - 12.5.3. All travel that is not budgeted requires the approval of the County Board.
  - 12.5.4. All overnight travel or a conference of more than one day (whether or not the County is paying for lodging) requires County Board approval. These items need to appear on the Consent Agenda prior to attendance and payment.
  - 12.5.5. Any conference, seminar, training, etc., in which the total cost is within budget does not need board approval.
  - 12.5.6. Any out-of-state conference/training travel requires prior County Board approval and a personal appearance or written presentation outlining the need, benefit, etc., of the travel, to the County Board.
  - 12.5.7. The Department Head is responsible for ensuring that funds are available to pay for all expenses they approve.
- 12.6. **Billing.** Whenever possible, employees are to make travel arrangements in advance and request the County be billed. All authorized travel expenses that are not billed directly to the County are to be paid by the employee subject to reimbursement upon approval of a Travel Expense Claim.
- 12.7. **Travel Authorization Guidelines.** In order to determine what travel is of the most value and which employees should go, the following guidelines have been established:
  - 12.7.1. The costs of the conference, institute, training program and related travel must be within the annual travel expense budget appropriation approved by the County Board.

- 12.7.2. Only one employee per department should be sent to a conference, institute, or training program which exceed \$50.00 per individual, unless it can be clearly supported by the Department Head that there is a need to send another.
- 12.7.3. Contacts made or information gathered must be expected to benefit the improved operation of the County and respective department.
- 12.7.4. Utmost discretion is to be exercised in submitting a request for out-of-state or overnight travel. Conferences are to be unquestionably professional in content and should be selected only when a similar conference cannot be found locally in the same calendar year.
- 12.7.5. Travel for training purposes is limited to technical training specific to an individual's job that is not currently available through the County.
- 12.7.6. During the course of the annual budgetary process and in quarterly reports due at the end of each quarter, the responsible authority must make available to the County Board a detailed list of employees (including name and position title) who traveled for training purposes within that fiscal quarter, the destination of such travel, the reason for such travel, and all incurred expenses.

12.8. **Authorized Expenses.**

- 12.8.1. **Mileage for Personal Vehicle.** Employees are reimbursed for traveling on official County business with a private automobile at the prevailing rate as set by the County Board. Mileage must be approved by Department Head and is paid on the most reasonable direct route as follows:
  - 12.8.1.1. When traveling from the normal work location (i.e. Courthouse, County Garage etc.) and returning to it, the mileage allowance is actual miles traveled.
  - 12.8.1.2. When traveling from a normal work location to a work site then to the employees residence, mileage is the miles of those which the employee normally travels.
  - 12.8.1.3. When traveling out of county for work purposes, start calculation from home or your primary office site — whichever is shorter.
  - 12.8.1.4. Work-related visits made before coming to the office: calculate mileage beginning from home or the primary office site — whichever is shorter.
  - 12.8.1.5. The normal work location for employees assigned to multiple work locations, is the work location scheduled for the day on which the expense was incurred.
  - 12.8.1.6. When personal vehicles are used for extended travel not available by commercial transportation, travel reimbursement is made on an actual mileage basis. Where there is commercial transportation available, reimbursement shall be the prevailing mileage allowance rate or tourist airfare, whichever is less. When two or more

employees are traveling in one car, reimbursement is made to the employee whose vehicle was used.

12.8.1.7. If you have no primary office site, mileage starts from your home. Calculate only work-related mileage.

12.8.1.8. Calculate any travel after reporting to the first office site you report to (not primary site) in the morning while on county time.

12.8.2. **Individuals Traveling to Multiple Sites.** Reimbursement under 1 and 2 below, is restricted to those individuals who spend the entire day out of the office and receive authorization from their supervisors before the travel occurs. In order to assure consistency in paying mileage, the following guidelines apply:

12.8.2.1. When traveling from employee's residence (point a) to several work sites in succession (points b, c, d) and then returning directly to the employees residence, the employee is paid mileage for the miles from point b and d (the last work site before returning home). However, under no circumstance may the mileage excluded for reimbursement be greater than normal miles traveled to and from the employee's residence and the County work location to which he/she is assigned.

12.8.2.2. If an employee travels from his/her residence to several work sites (points b and c), stops for lunch or personal errands, and then resumes work, mileage is paid equivalent to the most direct route to the next work site, excluding any travel conducted for lunch or personal errands.

12.8.2.3. Meals are reimbursed at actual expense or \$34.00 per day, whichever is less. Breakfast shall be reimbursed at no more than \$7.00, lunch \$12.00, dinner \$15.00. Actual expense includes applicable taxes and tips. Employees requesting meal reimbursement must circle/highlight date and amount claimed on the receipt, which is to be attached to an expense voucher.

12.8.2.4. Meal expenses may be claimed for breakfast only if preceded by an overnight stay or if travel must begin prior to 6:00 a.m. Dinner expenses may be claimed only if travel for the meeting or conference must commence prior to the end of the normal work day or meetings which start during the normal work hours and conclude after 6:30 p.m.

12.8.2.5. Meal expenses incurred while performing the duties of one's position are not reimbursed unless the employee is outside the boundaries of Pine County.

12.8.2.6. If meals are included in the registration or tuition fees, they will be paid in full as part of the registration fees. Other charges for meals that are already included in the registration shall not be allowed.

12.8.2.7. Expenses for alcoholic beverages shall not be reimbursable.

- 12.8.2.8. Lunch expense shall be reimbursable if the training, conference, or meeting, is outside the County and there is no provision for meals in the registration or tuition and the training, conference, or meeting is an all day event (i.e. 8:00 a.m. 4:30 p.m.).
- 12.8.2.9. Any individual required to attend an evening County Board function after normal working hours, for whom it would not be reasonable to go home for the evening meal, will be eligible for a meal reimbursement regardless of the restrictions herein.
- 12.8.2.10. There shall be no reimbursement for any expense for which there is no original receipt from the location where the lodging, meal, or travel, was provided, hand written receipts shall not be accepted.

12.8.3. **Travel with Spouse/Family Member, etc.**

- 12.8.3.1. With prior approval of the department head, a family member or friend may accompany employees on business travel, when the presence of the companion will not interfere with successful completion of business activities. County cars may not be used in these circumstances. Employees are also permitted to combine personal travel with business travel, as long as time away from work is approved.
- 12.8.3.2. The County will reimburse only those expenses incurred by the employee or official, not by the spouse, friend, etc. Expenses incurred by the employee or official's companion shall be the responsibility of the employee. The reimbursable business expense for transportation and lodging is the single rate cost of accommodations for the employees.

12.9. **Miscellaneous expense claim.**

- 12.9.1. Any claims received that do not have receipts, are otherwise incomplete, or have claimed expenses in excess of County policy, shall be returned to the responsible authority for correction.
- 12.9.2. No expenses shall be considered for payment if they are turned in to the Auditor's Office later than February 15th of the year following the year in which the claim was incurred. (*Health and Human Services Employees must turn all claims into the HHS Accounting Office.*)

12.10. **Reporting.**

- 12.10.1. When travel is complete, employees are to submit completed travel and expense reports. Reports shall be accompanied by the following:
- 12.10.2. For claiming mileage, document the odometer reading of total miles traveled to and from the conference, workshop, seminar, or meeting site.

- 12.10.3. For lodging, include the hotel bill, or credit card slip/bill, identifying the room charges. (Remove credit card number before submitting, remember these are public documents).
- 12.10.4. For airfare, train fare, or bus fare, attach a copy of the billing. If paid by credit card, copy of the credit card bill with travel fare highlighted.
- 12.10.5. Any other authorized expense not detailed here must be accompanied by a receipt.
- 12.10.6. Cell Phones: Individual calls received/dialed out are reimbursable for business expense. Must turn in monthly billing statement with the reimbursable calls highlighted.

All expenses are to be listed on a County travel/expense voucher. Expenses listed on the claim form, but not accompanied by a receipt will not be reimbursed. Handwritten receipts made out by the employee will not be acceptable.

The claim form, with all receipts and documents attached, are to be submitted to the department head/supervisor for approval. Upon approval by the department head/supervisor, the claim form is to be forwarded to the Auditor's office for reimbursement approval by the County Board. (*Health and Human Services Employees must turn all claims into the HHS Accounting Office.*)

12.11. **County-Owned Vehicle Usage.**

- 12.11.1. County-owned vehicles shall not be used by any employee for personal use other than for incidentals (such as lunch stop while conducting County business). Only those individuals authorized by the County Board will be permitted to utilize a County owned vehicle for commuting purposes. All County vehicles, other than those authorized for commuting, will be stored at County facilities when not in use.
- 12.11.2. Federal and State laws and rules concerning vehicles and their safe operation will be enforced. Safety devices, such as seat belts, lights, horns, etc. shall be utilized. Speed limits, safe driving procedures, and proper licensing requirements will be enforced.
- 12.11.3. Only County employees are allowed to be in a County vehicle. No other civilian is authorized to be a passenger or driver of said vehicle, unless on official business. (*Except for those departments whose employees must transport clients for work-related purposes.*)
- 12.11.4. Employees are responsible for performing routine checks (i.e. tire pressure, oil, turn signals, lights) before operating a County-owned vehicle.
- 12.11.5. Alcoholic beverages shall not be consumed by any employee prior to, or while operating a County owned vehicle.
- 12.11.6. Pursuant to state law, all County-owned vehicles, except as otherwise noted in this policy, with tax-exempt number plates must have a display identifying Pine County on both sides of the vehicle. The identification must not be a removable

plate or placard, and must be kept clean and visible at all times. A removable plate or placard may be used on a vehicle that is leased or loaned to the County.

- 12.11.7. Unmarked County-owned vehicles may be used in general police work, liquor investigations, and by Health and Human Services for child and vulnerable adult protective services. "General police work" includes, but is not limited to, use by Pine County Probation Department employees in the monitoring, locating and apprehending of probationers. The County must provide the Commissioner of the Department of Public Safety a certification stating that the unmarked vehicle will be used exclusively for the limited purposes authorized in this section.

12.12. **Per Diems for Board Members/Representatives.**

- 12.12.1. County Board members shall be eligible for per diem and mileage expenses for participation in meeting of committees for which they have been officially designated by the full County Board as the County representative or delegate. Associated Minnesota Counties (AMC) delegates are eligible for mileage and per diem for attendance at Associated Minnesota Counties (AMC) meetings and policy committee functions on which they may serve.
- 12.12.2. Per diem and expense reimbursement shall be authorized for any meetings in which the Commissioner was officially appointed as a County representative or authorized by the County Board Chairman to attend.

12.13. **Volunteers.**

- 12.13.1. Pine County volunteers are ineligible for mileage reimbursement to and from Pine County for volunteering purposes. While performing duties for the county volunteers shall follow section 12.7 of this policy.
- 12.13.2. A **volunteer** shall be defined as: a person who voluntarily undertakes or expresses a willingness to undertake a service.

*(Volunteer drivers in the HHS Department must follow HHS Policy regarding mileage and expense reimbursement).*

- 12.14. **Violations.** Any employee or official found violating this policy or making false claims shall be subject to corrective action, including discharge, and/or applicable state or federal laws.

### 13. DISCIPLINE AND CORRECTIVE ACTION

- 13.1. **Introduction.** The County desires to develop and administer policies and procedures and disciplinary measures in a fair and consistent manner. The County further affirms the obligation of all employees to conform to policies and procedures that are applicable to their assignment. A regular employee subject to these policies and procedures has the right to a review through the grievance procedure any disciplinary action to which he/she is subject. The County reserves the right in its discretion to deviate from these policies. **The existence of these procedures in no way modifies the at-will character of employment.**
- 13.2. **Just Cause.** An adequate reason or "cause" for a disciplinary action shall include but not be limited to, each of the following kinds of conduct:
- 13.2.1. Incompetence or inefficiency in the performance of duties and/or conduct or performance which fails to satisfy the duties, responsibilities, quantity, quality or safety requirements of the job;
  - 13.2.2. Carelessness or negligence in the performance of duty; negligence in relation to safety policy.
  - 13.2.3. Offensive, harassing, or violent treatment of fellow employees, clients or other persons;
  - 13.2.4. Willful violation of any lawful regulation or order, or failure to obey any lawful and reasonable directions given by the employee's supervisor, or any other insubordinate conduct;
  - 13.2.5. Acceptance of a fee, gift, or other valuable thing in the course of the employee's work. These limitations are not intended to prohibit the acceptance of articles of negligible value, which are distributed generally, nor to prohibit employees from accepting social courtesies, which promote good public relations. It is particularly important that all employees guard against relationships, which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion;
  - 13.2.6. Conviction of a crime directly relating to the position of public employment held, in accordance with the requirements of M.S. 364.03;
  - 13.2.7. Gross negligence or willful conduct causing damage and/or abuse of County property, sick leave, expense reimbursement, County communications and information resources;
  - 13.2.8. Using, threatening to use, or attempting to use political influence or attempting to exert unethical pressure on any County employee or officer in securing promotion, transfer, leave of absence, increased compensation, or other favors;
  - 13.2.9. Absence from work without notice to and approval by supervisor;

- 13.2.10. Drinking alcoholic beverages during working hours, intoxicated while at work, or consuming or being under the influence of a narcotic drug other than as prescribed by a physician while at work or any other violation of the Policy on Alcohol and Drug Use by Pine County Employees (*Section 19*);
- 13.2.11. Theft of public property, pilferage, or other unauthorized taking of public property from a public building or premises for private use;
- 13.2.12. Sexual, racial, ethnic harassment of any County employee or any other violation of Section 11, (Policy Prohibiting Harassment, Offensive Conduct and Violence).
- 13.2.13. Acting in a manner not here and above specified which tends to lower discipline or morale within the County or that adversely affects the rendering of prompt, courteous, and efficient service by the County and its employees to the public;
- 13.2.14. Engaging in an unapproved conflict of interest as defined below.
- 13.2.15. Disciplinary action may be taken for reasons or "cause" specifically defined by the department rules other than those listed herein or for any other reason identified by the Department Head as cause.

13.3. **Conflict of Interest**. Employees shall obtain prior approval from their approving authority before engaging in any other employment activity or enterprise for private gain that may constitute a conflict of interest. In determining whether such outside employment or activities for private gain constitute a conflict of interest with public duties, or are inconsistent or incompatible with public employment, the following shall be considered:

- 13.3.1. The use of County time, facilities, equipment, and supplies or the badge, uniform, prestige or influence of County employment for private gain;
- 13.3.2. Receipt or acceptance by the employee of any money or other considerations from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course of his/her County employment, or as a part of his/her duties as an employee. All employees shall abide by the provisions of M.S. 471.895, which prohibit the acceptance of gifts from interested persons.
- 13.3.3. The performance of an act in other than his/her capacity as an employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which he/she is employed.
- 13.3.4. It shall be the policy of the County that no public officer or employee shall directly or indirectly derive personal benefit from any contract, work, labor, or business activity to which the County is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the County, or of which the consideration, price, or expense is payable from the County treasury.



13.3.5. Furthermore, no public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom, except to the extent authorized by Minnesota Statutes, Section 471.88.

13.3.6. It is the intent of this policy to comply with the requirements of Minnesota Statutes, Section 382.18 and 471.87.

13.4. **Disciplinary Actions.** Disciplinary actions, depending on the severity of rule violations or misbehavior, should be progressive following as closely as possible the steps outlined below. More serious violations and/or misbehavior may warrant more severe disciplinary action without first employing less disciplinary action. The County embraces the philosophy of progressive discipline where appropriate and maintains that any incident of employee misconduct or violation of policy may result in discharge, depending upon the circumstances. Supervisors shall inform the Department Head and the Human Resources Manager of each step of disciplinary action after Step 1 (Oral Reprimand) prior to initiation to ensure consistency and conformance to these Rules and Policies. Employees shall be permitted to respond to disciplinary action by written response to the disciplining authority. Any such response shall be placed in the employee's personnel file.

13.4.1. **Oral Reprimand.** An oral reprimand is usually an informal discussion with an employee of a relatively minor policy violation, misconduct or any work related action or inaction. The employee shall be told what the unacceptable performance or misconduct was, the desired improvement, and the consequences for failure to correct. An oral reprimand will be documented in the personnel file.

13.4.2. **Written Reprimand.** A written reprimand is a formal statement to the employee, which describes the offense, refers to any previous verbal or written reprimands, states desired goals or outcomes of this action, and outlines subsequent disciplinary action should the problem continue. All written reprimands shall become part of the employee's personnel file.

13.4.3. **Suspension.** This is an action taken by a Department Head, which removes an employee from employment in his/her department and from the County payroll for a period of time as determined by the Department Head. This action does not require the employee's consent to place him/her on such leave without pay. Prior to the suspension, or as soon after the suspension as possible, the employee shall receive a written statement indicating the length and terms of the suspension, reasons for the suspension, the desired performance and the consequences if not corrected. The employee's position shall be held open pending the employee's return to work upon expiration of the suspension.

The employee does not accrue salary, or paid time off during the time he/she is suspended, nor can he/she use such time while he/she is on suspension. At the end of the suspension, the employee shall be returned to the payroll at the same department classification and salary as when he/she was suspended.

An employee may be placed on paid administrative leave pending investigation of an allegation. Documentation regarding the investigation shall be maintained in accordance with the Minnesota Data Practices Act.

- 13.4.4. **Dismissal**. This is an action taken by a Department Head, which permanently removes an employee from employment in his/her department and from the County payroll. Dismissed employees need not be kept in employment or be paid for any time after completion of their normal working day on the date they are dismissed. The employee shall be given a notice in writing. The notice shall contain the reason(s) for the dismissal, the employee's rights as set forth in these policies or applicable labor agreements, and, if a veteran as defined in M.S. 197.447, rights contained in veteran's preference laws. Prior to the effective time of the dismissal, the employee shall be given an opportunity to present his/her side of the story to the Department Head or the Human Resources Manager.

13.5. **Removal of an Honorably Discharged Veteran**.

- 13.5.1. Honorably discharged veterans shall not be dismissed, demoted, suspended without pay for thirty days or more or involuntarily transferred, except upon sixty (60) days advance written notice and a request for a hearing under the Veterans Preference Act. All notices shall include reference to the veteran's right to a hearing pursuant to the Veterans Preference Act, which must be requested within sixty (60) days of the notice. Notices should be delivered in person or sent by certified mail, return receipt requested. An eligible veteran may be placed on paid leave pending the hearing or request for a hearing.
- 13.5.2. For the purposes of this section, an honorably discharged veteran is a citizen or resident alien of the United States who has separated under honorable conditions from any branch of the armed forces of the U.S. after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty or who has met the minimum active duty requirement as defined by Code of Federal Regulations, title 38, section 3.12a, or who has active military service certified under section 401, Public Law 95-202. The active military service must be certified by the United States Secretary of Defense and a discharge under honorable conditions must be issued by the Secretary.
- 13.5.3. Honorably discharged veterans shall not have the right to file a grievance or have a hearing on the question of dismissal, demotion, suspension without pay for thirty days or more or involuntary transfer. Questions on the removal of a veteran under these circumstances will proceed according to the provisions of the Veterans Preference Act, Minn. Stat. § 197.46, as amended. Other disciplinary/corrective actions, which are not subject to the Veterans Preference Act, such as shorter suspensions and reprimands, are subject to the grievance procedure.

13.6. **Other Disciplinary Action.**

13.6.1. **Involuntary Demotion:** An employee may be demoted to a different position in a lower class or may have duties or responsibilities deleted from the existing job resulting in a reclassification of the position to a lower class. Such actions may be considered after reasonable efforts have been made to train the employee and/or correct the performance deficiencies and the Department Head has determined the employee cannot function in a satisfactory manner at the higher level.

13.6.2. **Withholding Salary Increases or Decreasing Salary:** Prior to any action, the employee shall be notified in writing of the action, and the reasons for it. A copy of the notice shall be placed in the employee's personnel file. In the case of a denial or reduction of a potential merit increase, a performance evaluation shall be completed and discussed with the employee. Denial of a merit increase as a result of the Performance Evaluation pursuant to Chapter 13 shall not be appealable or grievable.

13.7. **Notification.** All disciplinary actions described herein other than an oral reprimand shall include notifying the employee of the disciplinary action being taken as follows:

13.7.1. A written notice of the action giving specific reasons for the action and the effective dates and conditions of the action must be signed by the Department Head or authorized subordinate and be presented to the employee in person by the Department Head or authorized subordinate, or else sent to the employee's last known address by registered mail. If the written notice is presented in person, the employee should sign all copies to acknowledge receipt. If he/she refuses, the presenter should note it on the form.

13.7.2. A copy of the written notice shall be retained by the Department Head made part of the employee's file and record of employment. The original shall be forwarded to the Human Resources Manager.

13.8. **Choice of Remedy.** Disciplinary actions may be appealed through the grievance procedure set forth in these rules and policies or through the grievance procedure in any applicable labor agreement, but not both. It is not the intention of the County, by establishment of this procedure, to thereby grant an employee an additional opportunity to litigate an issue, which may be litigated in any other administrative or judicial proceeding. An employee, who is subject to either a collective bargaining agreement under PELRA or to the Veterans Preference Act, or both, shall not be entitled to use the grievance procedure contained herein in addition to their rights under the collective bargaining agreement or the Veterans Preference Act.

## 14. GRIEVANCE PROCEDURES

14.1. **Policy.** It shall be the policy of the County to promptly and fairly adjust grievances of employees covered by this policy. For purposes of this policy, a grievance shall be defined as:

14.1.1. A **grievance** is a dispute or disagreement raised by an employee, or a group of employees, as to the interpretation or alleged violation of these policies and procedures or departmental rules. Grievances may not include the following: investigations into disciplinary issues, prior to action; actions discussed or proposed, but not taken; termination of probationary, seasonal or temporary employees; extension of probationary periods; or withholding of merit salary increases due to inadequate performance.

14.1.2. **Working Days:** For the purpose of the grievance procedure, “working days” are defined as calendar days, excluding Saturdays, Sundays and legal holidays for which the Courthouse Offices are closed, regardless of whether the employee in question is scheduled to work on a particular day.

14.2. **Exclusion.**

14.2.1. An employee who has the right to commence a grievance proceeding under the provisions of a bargaining agreement is precluded from grieving the same issue under these rules.

14.2.2. Eligible, honorably discharged veterans shall be accorded statutory hearing rights pursuant to the Veterans Preference Act with respect to removal from their positions (dismissal, suspension without pay of thirty days or more, demotion or involuntary transfer) rather than the proceeding under this Section. However, other disciplinary/corrective actions that are not subject to the Veterans Preference Act, such as shorter suspensions, reprimands and notices of performance deficiencies, are subject to the grievance procedure.

14.2.3. These rules shall not be construed as creating a second opportunity to litigate/contest an issue that has already been, or has the right to be, litigated in any other administrative or judicial proceeding.

Grievances may not be brought to challenge, dispute or contest any of the following:

14.2.3.1. Investigations into disciplinary issues, prior to disciplinary action, if any, being taken.

14.2.3.2. Actions discussed or proposed, but not taken.

14.2.3.3. Termination of probationary, seasonal or temporary employees.

- 14.2.3.4. Extension of probationary periods up to a maximum of 12 calendar months.
- 14.2.3.5. Wage rate or job classification of an employee or class of employees.
- 14.2.3.6. The exercise of the managerial rights of the County

14.3. **Procedure.** It is the policy of the County to adjust all grievances promptly and fairly. In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used.

Step 1: An employee having a grievance shall present such grievance in writing to his/her Department Head within five (5) working days after the event causing the grievance or within five (5) working days after the employee through the use of reasonable diligence should have had knowledge of the occurrence that gave rise to the grievance. It shall be the responsibility of the Department Head to investigate the grievance, to discuss the grievance with the employee, and give a written answer to the employee within five (5) working days from the time the grievance was initially presented.

Step 2: An employee may appeal the decision of the department head to the County Board within ten (10) days from receipt of the step 1 response. The appeal shall be in writing, setting forth the nature of the grievance, the facts upon which it is based, the provision of the policy allegedly violated and the relief requested. The County Board shall respond in writing to the grievance within a time period not to exceed two (2) regularly scheduled meetings of the County Board plus five (5) work days. All grievances presented by a department head or by an employee without a department head shall be initiated at Step 2 of the Grievance Procedure. The decision of the County Board of Commissioners shall be final and binding. If the grievance is not presented within the time limits set forth above, it shall be considered waived. If a grievance is not appealed to Step 2, within the specified time limit or any agreed upon extension thereof, it shall be considered settled on the basis of the department head's response. The time limit in each step may be extended by mutual agreement of the employee and the employer.

14.4. **Time Limits.** If the grievance is not presented within the specific time limits it shall be considered waived. If a grievance is not appealed to the next step within the specified limit, it shall be considered settled on the basis of the last answer. If the proper authority does not answer a grievance within the specified time limits, the employee shall treat the dispute as denied and may immediately appeal to the next step. The time limit in each step may be extended by mutual agreement of the employee and the authority involved in the step.

14.5. **Reprisals Prohibited.** No employee shall be disciplined for seeking redress through this grievance procedure or as a result of testimony provided in a grievance hearing.

## 15. SEPERATION FROM EMPLOYMENT

- 15.1. **Introduction.** Any employee wishing to leave the County service in good standing shall file with his/her Department Head a written notice stating the effective date and the reason for the resignation. An exit interview with the Human Resources Manager may be conducted at the discretion of the Department Head, the Human Resources Manager or at the request of the employee. When possible the employee shall give notice at least fourteen (14) days before leaving, except that appointed Department Heads shall provide at least thirty (30) days notice. An employee who doesn't provide required written notice shall forfeit all unused PTO/benefits paid out at time of resignation.
- 15.2. **Dismissal.** Dismissal of an employee from County service shall be as outlined in Chapter 13 (see section 13.4.4). Dismissal shall be treated as termination not in good standing, and shall be noted in the employee's record. Written notice of the decision of the Department Head shall be transmitted to the employee within a five (5) day period. The notice shall state the reasons for any decision other than resignation in good standing. A dismissed employee is not eligible for the accrued benefits as defined in Section 7 (PTO).
- 15.3. **Layoff (Workforce Reduction).** The County Board may determine that it is necessary to reduce the number of employees on the county payroll because of lack of work, lack of funds, restructuring, job elimination or other reasons. In order to maintain a balanced work force of experienced and qualified employees the County may, at its discretion, determine the work force adjustments that are needed. Employees will normally be laid off in the following order within each department:
- 15.3.1. all temporary, seasonal and probationary employees;
  - 15.3.2. all part-time employees; and
  - 15.3.3. regular, full-time employees.
- However, the Department Head retains the discretion to develop a plan, subject to County Board approval, which specifies the layoff order within their respective department based on each department's work force and needs. Consideration will be given to the qualifications and longevity of employees as well as performance, skills and experience to maintain priority departmental services in establishment of any layoff plan. The final plan for layoff shall be approved by the County Board. The Human Resources Manager shall give written notice to employees on any proposed layoff. Such notice shall state the reasons for layoff. Layoffs of under thirty (30) days do not require prior notice to the employee(s). Notice of indefinite layoffs and layoff of over 30 days in duration shall be submitted at least seven (7) days before the effective date of layoff. Temporary, seasonal and probationary employees may be terminated at any time.
- 15.4. **Death of an Employee.** Severance pay of the deceased employee shall be paid to the designated beneficiary.

15.5. **Exit Interviews.**

- 15.5.1. Exit Interviews allow Pine County to account for and collect any property issued to an employee, and provides a separating County employee the opportunity to express an opinion with regard to employment experience and benefits with Pine County.
- 15.5.2. Every employee separating from Pine County employment is to be offered the courtesy of a final interview with the Human Resources Manager or designee. The Exit Interview Questionnaire will be completed by the employee or interviewer as a tool for change and improvements and retained on file in the Administration Office, separate from the employee's personnel file. In the event an exit interview is not possible, the Human Resources Manager or designee will email or mail the Exit Interview Questionnaire to the exiting employee, with a self-addressed stamped envelope if sent by U.S. Mail.
- 15.5.3. The separating employee will be advised of separation matters by payroll including but not limited to final pay, payout of accrued PTO or vacation/sick hours, and COBRA benefits.
- 15.5.4. Exit Interview Questionnaire will be compiled and reviewed by the Human Resources Manager to determine trends or corrective action that may be necessary. When necessary, this Questionnaire will be shared with the County Board, County Administrator, and/or Department Head.

**16. EQUAL OPPORTUNITY, NON-DISCRIMINATION &  
RESPECTFUL WORKPLACE**

- 16.1. **Applicability.** This policy applies to all county departments and employees.
- 16.2. **Policy Statement.** It is the policy of Pine County to maintain a respectful work environment free from violence, discrimination, and other offensive degrading remarks or conduct. The County will not tolerate such behavior by or towards any employee. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action which may include discharge from employment. Preserving the County as a respectful environment in which to work is a shared responsibility of both management and employees.
- 16.3. **Non-Discrimination Policy.** The County shall provide for equal opportunity in employment and personnel management for all persons; to provide access to, and full utilization and benefit of, training and promotional opportunities without discrimination because of race, color, creed, religion, age, national origin, sex, marital status, familial status, public assistance status, disability, sexual orientation, or membership or activity in local human rights commission, and to encourage that persons applying for or currently employed by, or applying for future vacancies in the employment of the County shall be considered on the basis of individual ability and merit without discrimination or favor.
- 16.4. **Harassment and Offensive Conduct Policy.** It is the policy of Pine County to ensure that the workplace is free of harassment, offensive conduct, violence and bias based on race, national origin, sex, religion, disability, age, marital status, public assistance status, and sexual orientation and to conform in all respects to Section 703 of Title VII of the Civil Rights Act of 1964, as amended, Minnesota Statute 363.01 et seq., and any other applicable laws. Offensive conduct, harassment, violence or bias in any form will not be tolerated at any level of employment or in service to clients or the public. Engaging in any harassment, offensive conduct, files a complaint knowing it to be false and intending that the person acting on the complaint will act in reliance on it, violence or bias based on an individual's protected class status will be considered just cause for disciplinary action or termination, as deemed appropriate by the employer.
- 16.5. **Purpose.** This policy statement is intended to make all employees and County officials sensitive to the matter of harassment, offensive conduct and violence; to express the County's prohibition against these behaviors; to advise employees and officials of their behavioral obligations, and to inform employees and officials of their Equal Employment Opportunity rights.



16.6. **Definitions.**

16.6.1. **Sexual Harassment.** Sexual/Gender based harassment and bias includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or communication of a sexual or gender biased nature when:

16.6.1.1. If submission to the conduct or communication is either an explicit or implicit term or condition of obtaining or retaining employment, public services, or accommodations; or

16.6.1.2. If submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or receipt of public services

**Sexual/Gender based harassment may include, but not limited to, such actions as:**

16.6.1.3. Unwelcome sex-oriented or gender biased verbal kidding, rudeness, exclusionary behavior, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, abuse, or the intentional filing of an unfounded complaint under this policy;

16.6.1.4. Unwelcome subtle or overt pressure for sexual activity;

16.6.1.5. Unwelcome physical contacts such as patting, pinching, sexual innuendo or propositions, sexually suggestive facial expressions/body language, kissing, touching, or brushing against another's body/sexual contact;

16.6.1.6. Demands for sexual favors, which affect an individual's employment status or consideration.

16.6.1.7. An offer or threat to use the power of position to control, influence, or affect the career, salary, or job of another employee or applicant in exchange for sexual favors.

16.6.1.8. Any sexually motivated unwelcome touching.

16.6.1.9. Distribution or display of written materials, jokes, pictures, or other material of a sexual or gender biased nature.

16.6.2. **Sexual Abuse.**

16.6.2.1. Subjecting another person to any sexual act or contact by force, persuasion, inducement, influence of positional authority, or enticement; Any sexual act or contact in which an employee, volunteer or agency representative participates or forces any employee or member of the public to engage in sexual acts or contact; or Subjecting another person to sexual conduct who is incapable of giving consent by reason of their custodial status, physical or mental state; or rape, sexual molestation, prostitution or other form of sexual exploitation.

16.6.3. **Offensive Conduct.**

16.6.3.1. If the conduct or communication has the purpose or effect of substantially or unreasonably interfering with the affected person's employment or creating an intimidating, hostile or offensive work or work-related environment.

**Offensive Conduct may include, but not limited to, such actions as:**

16.6.3.2. Unwelcome verbal kidding, rudeness, exclusionary behavior, angry outbursts, inappropriate joking, vulgar obscenities, name-calling, disrespectful language, abuse, or the intentional filing of an unfounded complaint under this policy;

16.6.3.3. Distribution or display of written materials, jokes, pictures, or other materials of an offensive biased nature.

16.6.3.4. Any conduct that has the purpose or result or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**Race/National Origin Based Offensive Conduct/Harassment and Bias. Racial/National origin harassment and/or bias occurs when:**

16.6.3.5. submission to conduct or communications of a derogatory, harassing or biased nature based on race/national origin is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining access to public services or public accommodations;

16.6.3.6. submission to or rejection of conduct or communication of a derogatory, harassing or biased nature, based on race/national origin, by an individual is used as a factor in decisions affecting that individual's employment or access to public services or public accommodations; or

16.6.3.7. the conduct or communication of a derogatory, harassing or biased nature based on race/national origin has the purpose or effect of substantially interfering with an individual's employment or use or public services/accommodations or creating an intimidating, hostile or offensive employment or public service/accommodation environment.

16.6.4. **Racial/National Origin Violence.** Racial/National origin violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or national origin.

16.6.5. **Religion Based Offensive Conduct/Harassment and Bias.** Religious harassment/bias occurs when:

16.6.5.1. submission to conduct or communications of a religiously derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;

16.6.5.2. submission to or rejection of conduct or communications of a religiously derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or

16.6.5.3. the conduct or communication of a religiously derogatory, harassing or biased nature has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.

16.6.6. **Disability Based Offensive Conduct/Harassment and Bias.** Disability based harassment and/or bias occurs when:

16.6.6.1. submission to conduct or communications of derogatory, harassing or biased nature which is based on an individual's disability is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining or retaining public services/accommodations;

16.6.6.2. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature, based on an individual's disability, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or

16.6.6.3. the conduct or communication of derogatory, harassing or biased nature based on an individual's disability has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public services/accommodations environment.

16.6.7. **Age Based Offensive Conduct/Harassment and Bias.** Age based harassment and/or bias occurs when:

16.6.7.1. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's age is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;

- 16.6.7.2. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature, based on an individual's age, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
- 16.6.7.3. the conduct or communication of derogatory, harassing or biased nature based on an individual's age has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public services/accommodations environment.

16.6.8. **Marital Status Based Offensive Conduct/Harassment and Bias.** "Marital status" means whether a person is single, married, remarried, divorced, separated or a surviving spouse and in employment cases includes protection against discrimination on the basis of identity, situation, actions, or beliefs of a spouse or former spouse.

Marital status based harassment and/or bias occurs when:

- 16.6.8.1. submission to conduct or communications of a derogatory, harassing or biased nature which is based on an individual's marital status is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;
- 16.6.8.2. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's marital status, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
- 16.6.8.3. the conduct or communication of derogatory, harassing or biased nature based on an individual's marital status has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodations environment.

16.6.9. **Status with Regard to Public Assistance Based Offensive Conduct/Harassment and Bias.** "Status with regard to public assistance" means the condition of being a recipient of federal, state or local assistance, including medical assistance, housing subsidies, AFDC or general assistance.

Public assistance status-based harassment and/or bias occurs when:

- 16.6.9.1. submission to conduct or communications of a derogatory, harassing or biased nature, which is based on an individual's status with

regard to public assistance, is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations:

16.6.9.2. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature, based on an individual's status with regard to public assistance, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or

16.6.9.3. the conduct or communication of derogatory, harassing or biased nature, based on an individual's status with regard to public assistance, has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public services/accommodations environment.

16.6.10. **Sexual-Orientation-Based Offensive Conduct/Harassment and Bias.** "Sexual Orientation" means having or being perceived as having an emotional, physical or sexual attachment to another person without regard to the sex of that person or being perceived as having an orientation for such an attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include physical or sexual attachment to children by an adult.

Sexual-orientation-based offensive conduct/harassment and/or bias occurs when:

16.6.10.1. submission to conduct or communications of a derogatory, harassing or biased nature, which is based on an individual's sexual orientation is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;

16.6.10.2. submission to or rejection of conduct or communications of a derogatory, harassing or biased nature, based on an individual's sexual orientation, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or the conduct or communication of derogatory, harassing or biased nature based on an individual's sexual orientation has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public services/accommodations environment.

16.6.11. **Violence Based on Protected Class Status (including gender)**

- 16.6.11.1. An act done with intent to or reasonable likelihood to cause fear in another of immediate bodily harm or death or which;
- 16.6.11.2. The intentional infliction of, or attempt to inflict, bodily harm upon another; the threat to do bodily harm to another; or
- 16.6.11.3. The intentional destruction/damage or threat of destruction/damage to another person's property, when based upon the protected class status of another.

16.6.12. **Applicability.** Offensive conduct, harassment or bias may occur:

- 16.6.12.1. Between a supervisor and an employer;
- 16.6.12.2. Between a supervisor and an employee;
- 16.6.12.3. Between co-employees;
- 16.6.12.4. Between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;
- 16.6.12.5. Between a commissioner or other elected official and an employee or member of the public receiving or seeking public services/accommodations; and
- 16.6.12.6. Between an agent of the County and an employee, supervisor, elected official or member of the public

16.7. **Reporting Procedures.** Any person who believe that he/she is being subjected to any offensive conduct, harassment, or violence shall, as soon as practicable, notify an appropriate supervisor, department head, human resource manager, or county attorney and state the nature of the offensive conduct, harassment or violence. Nothing in this policy shall prevent any person from reporting harassment, bias or violence directly to the County Human Resources Manager.

16.7.1. **In each county department:**

- 16.7.1.1. The Department Head of each department is the person responsible for receiving oral or written reports of all types of offensive conduct, harassment and bias.
- 16.7.1.2. Any supervisory employee, whether or not the person is a Department Head, who receives a formal or informal, oral or written report of harassment, bias or violence as defined in this policy shall inform the Department Head immediately without screening or investigating the report, unless the Department Head is involved in the alleged harassment, bias or violence. In the event that the Department Head is involved, the report shall be made directly to the County Human Resources Manager as described below. Failure of a supervisory employee to forward such a report to the

appropriate party shall be grounds for discipline, including immediate discharge of employment.

16.7.1.3. Upon receipt of a report, the Department Head must notify the County Human Resources Manager immediately. The Department Head may request, but may not insist upon, written complaint by the complainant. The Department Head will forward a written statement of the alleged facts as soon as practicable to the Human Resources Manager. If the report was given orally, the Department Head shall personally reduce it to written form and forward it to the Human Resources Manager. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the Department Head.

16.7.1.4. If the complaint involves the Department Head, the complaint shall be made or filed directly with the County Human Resources Manager by the reporting party or complainant. Department Heads are required to report all alleged violations of this policy to the human resources manager, unless that individual is involved in the complaint. In that case, the report shall be made to either the county attorney or the county coordinator. Similarly if the complaint involves the County Coordinator, the complaint shall be made or filed directly with the County Attorney or County Board by the reporting party.

16.7.2. **The employee is also strongly urged to take the following steps:**

16.7.2.1. Politely but firmly tell whoever is engaging in the inappropriate behavior how you feel about his/her actions. Politely request the person to cease the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

16.7.2.2. Write a memorandum for your personnel file that describes the incident(s) of inappropriate behavior, a summary of your conversation with the person you believe is violating this policy, and what that person's reaction was when told.

16.7.2.3. If you fear some adverse employment consequences could result from telling the offender, go to your supervisor/department head or to the Human Resources Manager. In writing, state specific details of the behavior that violates this policy, and an investigation will begin.

16.7.2.4. In the case of violent behavior, all employees are required to report the incident immediately to their supervisor, department head, or the proper legal authorities.

16.8. **Investigation.** The County will process complaints made under this policy as discreetly as possible, consistent with the County's legal obligations and the necessity to investigate all allegations of discriminatory harassment and violence and take disciplinary action when the conduct has occurred.

Investigation of reports may be conducted by County officials, or in some cases if authorized by the county attorney or county coordinator, the investigation may be conducted by a third party designated by the County.

The investigation may consist of interviews with the complainant, the person(s) against whom the complaint is filed, and others who may have knowledge of the circumstances giving rise to the complaint. Other methods and documents deemed pertinent by the investigator may also be considered. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The Department Head or County Board of Commissioners may take immediate steps, at its discretion, to protect the complainant, other employees, or members of the public pending completion of the investigation. These steps may include suspension with pay of the employee(s) against whom the complaint is filed during the period of investigation.

The investigator shall make a written report, which shall be filed in the office of the human resources manager (or county attorney if the human resources manager is involved in the complaint). The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

16.9. **County Action.** The Department Head or County Board of Commissioners will take action as appropriate based on the results of the investigation. Because of the inherent difficulties in developing evidence and maintaining close working relationships among employees in instances in which harassment, offensive conduct or violence have occurred, the County urges that conduct which is viewed as offensive be reported immediately in order that corrective action may be taken through education and initial counseling. The county is required to prevent and correct unlawful behavior in a manner, which does not abridge the rights of the accused. The County will, in all cases, operate to correct any reported violations of this policy to the extent that evidence is available to verify the fact of the prohibited behavior or any retaliation.

16.10. **Reprisals.** The County will discipline or take appropriate action against any employee, officer, commissioner, agent or other elected official who retaliates against any person who reports alleged harassment, bias or violence under this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing related to such harassment, bias or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

16.11. **Discipline.** Any County action taken against an individual pursuant to this policy shall be consistent with the requirements of:

16.11.1. Applicable Collective Bargaining Agreements

16.11.2. County Policies



16.11.3. State and Federal Law

The decision of whether a complaint holds merit shall reside with the Department Head. The Department Head shall determine the type and amount of discipline. The complainant shall have the right to the grievance procedure as set forth in Section 14.

The County will take such disciplinary action it deems necessary and appropriate, including warning suspension, immediate discharge or other appropriate action to end discriminatory harassment and violence and prevent its recurrence.

- 16.12. **Dissemination of Policy.** This policy shall be distributed to all employees upon its adoption and to all new employees upon hire

**17. ELECTRONICS COMMUNICATIONS RESOURCES (ECR) POLICY**

17.1. **Purpose.**

17.1.1. Pine County provides employees with access to and use of a variety of electronic communications resources (ECR). The County seeks to maximize the benefits of modern technology by striking an appropriate balance between the efficient use of ECR and the protection of county assets and interests.

17.1.2. These resources are provided to employees to allow them to be more efficient and to have access to information that is necessary for them to carry out their responsibilities. Employees are required to use these resources in a manner consistent with their position and work responsibilities with the County.

17.1.3. Inappropriate use of the County's ECR and any violation of this electronic communications policy may lead to discipline, up to and including termination of employment.

- 17.2. **Applicability.** This policy applies to anyone accessing or using County ECRs including, (regular, seasonal, part-time, full-time, temporary), contractors, volunteers, interns, employees of other local or state units of government working within Pine County, elected officials, and other individuals who have been granted access to and use of the County's electronic communications.

17.3. **Definitions.**

17.3.1. **Electronic Communication Resources (ECR).** All equipment and software that retain, transmit, copy, modify, analyze or process information in any form. Electronic communication resources include, but are not limited to, the County's telephone system, voice mail system, email system, mainframe computers/mini computers (AS400), servers, desktop and laptop computers, (MDT) mobile data terminals, GIS equipment, (PDA) Personal Digital Assistants, electronic access cards, printers, databases, data storage media, cellular phones, pagers, Internet access, Internet browsers, computer applications, operating systems or similar devices.

- 17.3.2. **Electronic Data System.** Means any and all information or data that are received, sent, stored, created, processed, transferred, or communicated in any way by or through any County ECR including, but not limited to, computer files, e-mail, voice mail, and Internet access.
- 17.3.3. **Internet.** Is a global system that links computer networks all over the world, connecting users through service networks such as email and the world wide web that can be accessed through ECRs.
- 17.3.4. **Government Data.** Is defined by Minnesota Statutes section 13.02, subdivision 7.
- 17.3.5. **IT Department.** The name of Pine County's information and technology department.

17.4. **Use.**

- 17.4.1. **Access and Assignment.** All individuals requiring access to any ECR and electronic data system needs the approval of the applicable department head. Department heads must specifically authorize such access in writing to the IT Department.

Individual departments may have a number of ECR available for check out by employees for County business. Each department shall have a procedure for the signing out, care and use of ECR by employees. It is the responsibility of the department head or supervisor to ensure ECR are not abused and the usage is monitored to keep from exceeding the number of pooled minutes and/or data plans allocated to the ECR.

- 17.4.2. **Business Use.** The County's ECR and electronic data systems are County property and intended for County business. These resources are not to be used for employee personal gain or to support or advocate for non-county related business or purposes. All use of County ECR is subject to management access and may be monitored, pursuant to this policy. System integrity will be defined to meet this Policy and to safeguard the County's hardware, software, and information.
- 17.4.3. **Limited Personal Use.** The County's ECR are provided to support County Business and, accordingly, are intended to be used primarily for business related purposes. Unless prohibited by County Policy or by the applicable department head, employees may engage in occasional personal use of the County's ECR. Individual department heads may determine when an employee's personal use becomes excessive or otherwise violates this policy. The County reserves the rights to reduce or eliminate any personal use by an employee on a case-by-case basis, or take disciplinary action.

All personal use must be limited such that it:

- 17.4.3.1. is done on the employee's personal time, and not the County time;

- 17.4.3.2. does not interfere with County business or the use of its computer systems;
- 17.4.3.3. does not interfere with the employee's job performance or activities;
- 17.4.3.4. does not interfere with the job performance or activities of any other employee;
- 17.4.3.5. is not for personal financial gain or other promotional activities;
- 17.4.3.6. does not damage any of the County's computer systems;
- 17.4.3.7. does not result in any expense, financial loss, or obligation for the County;
- 17.4.3.8. does not result in the consumption of County resources;
- 17.4.3.9. does not violate any rule set forth in this policy;
- 17.4.3.10. does not violate any federal, state, or local law.

Such use and any messages or data created or accessed will be treated no differently from other messages or data.

17.4.4. **Unacceptable Use.** Unacceptable uses of the County's ECR resources include, but are not limited to, the following:

- 17.4.4.1. **Threatening or Fraudulent Messages.** No person may use any ECR system to intentionally threaten or offend another person or to send a fraudulent message.
- 17.4.4.2. **Harassment and Discrimination.** No person may use any ECR system to harass or discriminate against another person on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age. All County policies on harassment and discrimination apply to conduct performed using any County computer system
- 17.4.4.3. **Pornographic, Obscene, Vulgar, Lewd, and Sexually Explicit Material.** No person may use any ECR system to seek out, access, upload, download, store, transmit, display or distribute pornographic, obscene, vulgar, lewd, or sexually explicit language or material. With approval from a department head and the IT Department, employees may access prohibited sites for job related purposes.

- 17.4.4.4. **Harm to Reputation.** No person may use any ECR system to defame another or in a manner that harms the reputation of the County.
- 17.4.4.5. **Disruption.** No person may use an ECR system in a manner that damages, disrupts, or interferes with any County operation, service, equipment, or the job performance of an employee. Such disruptions or interference includes, but is not limited to, receiving or the distribution of unsolicited or personal advertising, or the transmission of unauthorized programs or data.
- 17.4.4.6. **Vandalism.** No person may use any ECR system to directly or indirectly vandalize, damage, or disable the personal, real, or intellectual property of another person or organization, or to make unauthorized modification to the property of another (including information or equipment owned by the County). i.e.: This rule prohibits “spamming”, “hacking” or the propagation of a “worm” or “virus” into any computer system.
- 17.4.4.7. **Unauthorized Interception or Access.** No users may use or override another person’s password or codes or take any other action to intercept or access another person’s materials, electronic information, or files (including email) without the prior permission of that person.
- 17.4.4.8. **Copyright Infringement.** No person may use any ECR system to violate any copyright law or otherwise use the intellectual property of another person or entity without proper authorization. The unauthorized duplication of computer software constitutes copyright infringement and is strictly prohibited by the policy. Many software companies will allow a single copy of the software to be made for backup or archival purposes. Before making such a copy employees must verify with the IT Department, that such action is permitted under the terms and conditions of the software license agreement.
- 17.4.4.9. **Commercial Use and Private Causes.** No person may use any ECR system for private commercial use, for personal financial gain, to promote any private cause (including but not limited to political or religious causes), or to enter into any contractual relationship without obtaining prior written permission from the County Administrator or Department Head. A copy of this written approval should be sent to the IT Department for tracking and security purposes. Similarly, no person may use any County computer in a manner that could reasonably result in any expense, financial loss, or obligation for the County. The County hereby disclaims any liability for any unauthorized financial obligation incurred by unacceptable use of its computer system in violation of this rule.

- 17.4.4.10. **Gambling.** No person may use any ECR system to gamble or engage in a game of chance for money or other valuable consideration.
- 17.4.4.11. **Disguising Identity.** No person may disguise or attempt to disguise their identity while using any ECR system. For example, individuals may not disguise their identity while using an ECR system to send or receive information via email or the Internet. With approval from a Supervisor and/or Department Head, employees may disguise their identity for investigative purposes within the scope of their job description.
- 17.4.4.12. **Violating the Law.** No person may use any ECR system in a manner that violates any local, state, or federal law.
- 17.4.4.13. **Conduct Unbecoming.** No person may use any ECR system to engage in conduct that is otherwise unbecoming of a County employee.
- 17.4.4.14. **Downloading Files** (*saving program or data files from an external source to a ECR*) Files that do not serve a business purpose are not to be downloaded from the Internet or other external source or installed on county-owned equipment without express consent by the employee's Supervisor and/or Department Head and knowledge of the IT Department. The possibility of downloading or installing a file with spyware, malware or a computer virus is great and care must be taken to not contaminate any computers in the County.
- 17.4.4.15. **Uploading Files** (*transferring program files from a local ECR to another ECR*) Files are not to be uploaded to the Internet without express consent by the employee's Supervisor and/or Department Head and knowledge of IT Department.
- 17.4.4.16. **Viewing/Downloading of Non-Business Streaming Media** The accessing, viewing, downloading, or any other method of retrieving streaming media is prohibited. This includes, but is not limited to, streaming audio and/or video, on-line radio, entertainment sites, sports or pornographic sites.
- 17.4.4.17. **Games.** The playing of any computerized games regardless of source is prohibited.
- 17.4.4.18. **Accessing any email other than county authorized Outlook and State of Minnesota email (i.e. MAXIS/PRISM users).** Employees are prohibited from retrieving emails via other systems such as web-based email (i.e. yahoo, msn, gmail, etc)

- 17.4.4.19. **Access involving Internet Chat Relay, Chat Rooms and Instant Messaging.** The use and/or accessing of chat room and instant messaging is prohibited unless authorized by the employee's individual department head or supervisor and IT Department.
- 17.4.4.20. **Non-employee access.** Allowing anyone other than County employees access to information technology tools.
- 17.4.4.21. **Unauthorized Removal of County Equipment/Data.** No County equipment and/or Data shall be removed from county facilities without specific authorization of the department head or supervisor.
- 17.4.4.22. **Unauthorized Use of Non-county Equipment.** No non-county owned equipment shall be used and/or operated in whole or in part for the production of county data without the approval of the department head and IT Department.
- 17.4.4.23. **Cell Phones.** County owned cellular telephones are for County business. Employees may make personal telephone calls, they are to be limited to cell phone plan. Employees shall not be required to reimburse the cost to make emergency or 911 calls.
- 17.4.5. **No Expectation of Privacy.** Employees who use any County ECR and access any electronic data system have no expectation of privacy in any information that is backed up, stored, processed, or transferred by any County ECR, including but not limited to e-mail and information on Internet access, regardless of whether it is for personal or work purposes. Like any other data stored on County's ECR, data created from an employee's personal use is subject to periodic inspection and monitoring. By engaging in use of any County computer system, employees and other users consent to such inspection and monitoring.
- 17.4.6. **Policy Modifications.** Although elected officials and department heads may adopt policies that are more restrictive than this policy, this policy establishes the minimum standards for use of any County system and any information sent, received, stored, or processed by a County system. In the event of a conflict between this policy and another policy, this policy controls.
- 17.4.7. **Acknowledgement of Policy.** Each individual department head and elected official shall provide a copy of this policy to every employee in his or her department and any other individual granted access to ECR and electronic data systems. Every individual shall sign the required document to acknowledge review of this policy. The signed agreement is to be filed with the Administrator's Office.
- 17.5. **System Integrity.** All employees and ECR users of county equipment must protect the ECR system and electronic data systems through the observation of system integrity. Deactivating security features is prohibited.

- 17.5.1. **Password Security.** All employees are required to create secure passwords. They are to take reasonable precautions to protect the security of their passwords. Employees may not share passwords or user names, or use another person's password or user name when using County ECR unless there is a significant business interest that has been identified and approved by the individual's Supervisor or Department Head.

If an individual department head or designee directs an employee to provide his or her passwords or access codes, the employee must immediately provide the current passwords and access codes.

Some of these computers will be used by the public and will be set up to use User ID's and Passwords designed to limit authority. At no time shall any employee's User ID and Password be shared with any member of the public. To assure that data is secure, it may also be necessary to use other control measures, such as keyboard and/or screen saver passwords. Since these measures disable the equipment, these types of passwords should only be used with the Department Head's signed approval and be given to the user's direct supervisor and kept in a secure location.

- 17.5.2. **Software Installation and Use.** Employees may not install any software on a County owned ECR. The IT Department reserves the right to remove unauthorized software at any time and without prior notice.

- 17.5.3. **Scanning for Viruses.** Every employee must scan every computer file he or she receives from an outside or external data source including, but not limited to, USB flash drives, external hard drives, CDs, memory cards.

Application executables (i.e. .EXE, .VBS, .CMD, etc) or data files from all outside sources, including the Internet, must be scanned by the County's anti-virus software before first use. Executables received through e-mail, will be blocked and a written request needs to be made to IT Department authorizing installation.

- 17.5.4. **Logging Off.** All users are to log off the system at the end of the day. The workstation will also lock after a determined length of time.

- 17.6. **Remote Access.** The purpose of remote access is for employees to effectively and efficiently perform their job duties away from their worksite and to meet department needs when responding to emergency situations which prevent employee access to worksites.

County employees shall access the County's technological systems from remote locations only as approved by their supervisors. Access shall be via a secure gateway connection to the county information network. All other ECR policies governing information security, software licensing and data privacy apply.

17.6.1. **Types of Remote Access.**

- 17.6.1.1. County Wireless Network Access on a County ECR: A county employee is accessing county network files through county wireless network while at a county building.
- 17.6.1.2. Internet Access on a County ECR off-site in the field: A county employee is using an air card or non-county wireless to access Internet and web-based work applications.
- 17.6.1.3. Working on county files on a Non-County ECR: A county employee works on electronic work files out of the office as required for field work per job description or a project of a limited time frame and scope. They may have taken the file home via a CD, jump drive, or sent via email.
- 17.6.1.4. Access of county web email from a Non-County ECR: A county employee checks their email online from home or other location.
- 17.6.1.5. Access of county network files via Internet through VPN (Key Fob) regardless of whether it is a personal or county owned ECR: A county employee could access all files on county servers from off-site.

17.6.2. **Remote Access Policy.**

- 17.6.2.1. To access county systems, an employee must have a stable operating system on their personal ECR with automatic updates.
- 17.6.2.2. All ECR used to access the county network remotely shall have protective software installed. These include applicable anti-virus, firewall, and spyware programs that are updated weekly. The IT Department will provide information regarding appropriate software to meet these requirements and training in its operation upon request.
- 17.6.2.3. Employees shall remove county non-public data from an ECR upon completion of the task which the data was needed.
- 17.6.2.4. ECR's used remotely shall not be left unattended and shall be protected from access by unauthorized individuals. Data must be reasonably secured from view, theft, and the environment.
- 17.6.2.5. Non-public data shall not be removed from the worksite or copied and stored on any ECR, thumb drive, CD or similar device unless authorized by the employee's Department Head/Supervisor to meet a specific county business need.



- 17.6.2.6. Additional software or programs may not be loaded on a county ECR used remotely or the host PC (“sync device”) without prior written authorization of the Department Health or Supervisor and the IT Department.
- 17.6.2.7. Software loaded on personally owned ECR must not impede the functionality of any synchronizing software or host device.
- 17.6.2.8. Software for the purpose of synchronizing will be selected by the IT Department.
- 17.6.2.9. No county financial transactions should occur remotely.

17.7. **Email Access.** The County reserves the right, as is reasonably necessary, to search, review, audit, intercept or access any employee's use of ECR. All work products created through the use of electronic communications resources are the property of Pine County. Any materials developed, composed, sent or received using County equipment or resources will remain the property of Pine County.

The use of the County's electronic resources is not private. Internet access and messages sent are subject to logging, monitoring, interception, and forwarding, which is beyond the control of the person using the resources. Although logs and email messages may appear to the user to have been deleted, the message or the data that it contained may nevertheless continue to exist in the network in which the resources are connected. Stored logs, email messages and other computerized data are discoverable documents, which may be exchanged in litigation. The content of logs or email messages may subject the sender to civil liability, discipline, and criminal sanctions.

Users should be aware that even though they have a confidential password to access email, this does not suggest that the email is the property right of the employee. Management retains the right to, and shall maintain the ability-to, access any employee's password, protected email or other electronic data on devices. An employee assigned a computer access account is responsible for all usage of that resource. Users should not share their password with anyone other than their supervisor and must take all reasonable precautions for password protection and maintenance.

The County may limit the size of a Users mailbox depending on available resources. Department Heads will receive up to 1GB mailbox, while other County employees will receive 200MB or other sizes specified by the IT Supervisor. Email will also be stored no longer then one year from sent/received date. The email system is not an appropriate form of storage and important documents and sensitive information must be backed up outside of the email system. Electronic communication that is simple correspondence and not an official record or transaction of County business should be deleted as soon as possible and should not be retained by employees for more than three months. In the event a User is terminated or resigns the Department Head/Supervisor will retain control of the Users mailbox for 6 months or otherwise determined by the IT Supervisor, after the Users has left employment. After six months the mailbox will be deleted from the Email system permanently.

- 17.8. **Data Privacy.** ECR may be used within the scope of employee’s duties to retain data on clients of the County. Employees are advised that such data, its retention, use and disclosure, are subject to individual department policy, Federal and State laws including the Minnesota Data Practices Act law.

The contents of all electronic system data generated by County ECR and sent by, between and/or to individuals covered by this policy may be disclosed within or outside the County without the permission of the individual at any time for any purpose deemed necessary by the County, subject to any limitations imposed by law including but not limited to the Minnesota Government Data Practices Act. Under the Minnesota Government Data Practices Act the public has broad access to government records. Government records include data in the possession of the government “regardless of its physical form, storage media or conditions of use.” Electronic data is subject to data practices requests.

- 17.9. **Protection of Data and Equipment.**

17.9.1. All employees must exercise care in addressing email messages to ensure that they are sent to the proper addressee.

17.9.2. The County email system is meant to be a temporary medium for transmission of data. All government data that is required to be maintained pursuant to law shall be maintained separate from the County’s email system. All employees must transfer such data to a different medium.

17.9.3. Employees are to report any inappropriate email, files, images, or such received to their Supervisor and the IT Department immediately.

17.9.4. Employees aware of the damage, stolen or misplacement of any county owned ECR, thumb drive, or CD, shall report it immediately to their supervisor and IT.

17.9.5. Electronic communication that constitutes an official record of County business must be kept in accordance with all records retention requirements and should be copied to appropriate network files for storage.

17.9.6. If you are unsure whether an electronic communication or other document is a government record for purpose of records retention laws, or is considered protected or private under data practices, check with your supervisor.

- 17.10. **Storing and Transferring Documents.** Electronic documents, including e-mails, electronic communication and business- related materials created on an employee’s home or personal computer should be stored on the County’s network in accordance with County records retention policies and the Minnesota Data Practices Act.

- 17.11. **Monitoring.** The use of the County’s electronic resources is not private. Internet access and messages sent are subject to tracking, logging, monitoring, interception, and forwarding, which is beyond the control of the person using the resources. Although logs and email

messages may appear to the user to have been deleted, the message or the data that it contained may nevertheless continue to exist in the network in which the resources are connected. Stored logs, email messages and other computerized data are discoverable documents, which may be exchanged in litigation. The content of logs or email messages may subject the sender to civil liability, discipline, and criminal sanctions.

The County reserves the right, as is reasonably necessary, to search, review, audit, intercept or access any employee's use of electronic communications resources. All work products created through the use of electronic communications resources are the property of Pine County. Any materials developed, composed, sent or received using County equipment or resources will remain the property of Pine County.

Supervisors may review the usage of the County's Network and the County's access to the Internet and Online services by employees they supervise to determine whether there have been any breaches of security, violations of County policy, or other violation of duty on the part of employees.

If IT becomes suspicious of an employee's inappropriate use of the ECR policy, they must notify and involve the appropriate Department Head/Supervisor before conducting an investigation.

Supervisors may request access to an employee's e-mail through the IT Department, for employees that are on leave of absence, paid time off or otherwise absent or at any other time that the Supervisor deems necessary for the County's business purposes. A written request should be sent to IT for tracking and security purposes

- 17.12. **Separation of Employment.** Employees who resign, are terminated, laid off, suspended or otherwise cease (permanently or temporarily) their employment with Pine County have no right to the contents of their email messages, network drives, and local computer files and shall not be allowed access to the network system.
- 17.13. **Purchasing and Setup.** Purchasing of ECR hardware and software shall be processed through the IT Department for review. Purchasing will be based on need and appropriateness, procurement of quotations, and processing central County administration for approval by the County Board, County Administrator, or Purchasing Agent, with all such purchases subject to the County purchasing policy.

All computer-related equipment will be setup by the IT Department staff. They will be configured by IT Department and all necessary software will be loaded up prior to installation in the department. All resident games and other non-essential software will be removed prior to distribution and installation.

Only software purchased by, licensed to, or authorized by the County can be installed on County computers. The use of this software must be in compliance with the license agreement and cannot be copied to multiple computers unless so permitted by the license agreement. The IT Department will track County purchased or licensed applications to assure County compliance.

- 17.14. **County Owned Cellular Telephone.** County owned cellular telephones are for County business. Employees may make personal telephone calls, but they are to be limited by cell phone plan. Employees shall not be required to reimburse the cost to make emergency or 911 calls.

Cell phones are County property and must adhere to the following:

- 17.14.1. Cell phones are required to have a lock screen password.
- 17.14.2. Cell phones are subject to device management including remote wiping of the device if the device is lost or stolen.
- 17.14.3. No applications are to be installed that compromise Pine County's data security including Pine County Email System.
- 17.14.4. Users are not allowed to backup County data to personal online storage.

**Pine County Email on Personal Devices:**

County business on non-county phones is discouraged and will be handled on a case by case basis. Email for personal devices:

- 17.14.5. Access to the County's exchange email is allowed on County owned cell phones only.
- 17.14.6. Personal cell phones may access email through the OWA located at "[mail.co.pine.mn.us/owa](mailto:mail.co.pine.mn.us/owa)"
- 17.14.7. No applications are to be installed that compromise Pine County's data security including the Pine County Email System.

When accessing County email through these means, it is the employee's responsibility to ensure confidentiality and security.

- 17.15. **Penalties.** Any employee in violation of this policy may be disciplined in accordance with the Pine County Personnel Rules and Policies, labor agreements, and/or other applicable rules or laws. Violations may be grounds for dismissal. In addition, violations of this policy may be referred for criminal prosecution, if appropriate.

- 17.16. **Implementation.** IT Department and Department heads are responsible for the implementation and adherence of this policy within their department.

**Employee Pledge to Confidentiality**

I understand that Pine County provides services to clients that are private and confidential and that I play a significant role in respecting the privacy rights of clients associated with Pine County. I understand that in order to provide related services to our clients, it is necessary that I receive personal client information and that the information may exist in a variety of forms such as electronic, oral, written or photographic and that this information is strictly confidential and protected by federal and state laws.

I agree to comply with all confidentiality-related policies and procedures enacted by Pine County. If I, at any time, during my entire employment knowingly or inadvertently breach the patient confidentiality policies and procedures, I agree to notify my supervisor immediately. I also agree to return any and all client confidential information in my possession.

This pledge does not constitute a contract, nor does this pledge imply an employment contract, nor does it insure continued employment.

I have read and understand all privacy policies and procedures that have been provided by Pine County. I agree to abide by these policies. I understand that if I fail to abide by these policies, I may be subject to following:

- Disciplinary action, which may include a verbal or written warning, suspension or possible discharge.
- Civil Liability: fines in the amounts between \$100 and \$25,000 per year.
- Criminal Liability: fines up to \$250,000 AND up to 10 years in prison.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

---

Administration Use Only:  
Please have employee sign and date this form and detach from the ECR, scan and send a copy to the IT Department.

## 18. HIPAA PRIVACY POLICY

- 18.1. **Introduction.** Since Pine County is not primarily a health care provider, the County has designated itself as a hybrid entity under Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). In a hybrid entity, only health care components may comply. Because health care is broadly defined under HIPAA, the County has determined that HIPAA may cover some social services programs provided through the Pine County Health and Human Services. Individually identifiable health information held by the County in its employment records in its role as employer is not Protected Health Information (“PHI”), covered by HIPAA.

Protected Health Information (“PHI”) includes all individually identifiable health information transmitted or maintained by the County in its role as a covered entity under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), regardless of the format, whether it be written, oral or electronic. Individually identifiable health information is all information, recorded or exchanged verbally about an identifiable individual that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual.

- 18.2. **Confidentiality.** Pine County prohibits the release of any health information to anyone outside the organization unless required for purposes of treatment, payment, or health care operations, or otherwise allowed by law. Given the nature of the work assigned, it is imperative that we maintain the confidence of our clients and the information we receive regarding them during the course of our work. Discussions of Protected Health Information (“PHI”) within the organization should be based on the need to know and done only within the discharge of one’s responsibilities and duties. Internal discussions, may include, but not limited to, the exchange of client information needed for treatment, billing and other health care operations, internal audits, and quality assurance activities.

All County employees and persons associated with the County are responsible for protecting the security of protected health information that is obtained, handled, learned, heard or viewed in the course of his or her work or association with the County.

This Policy is a generalized statement and is to be viewed and interpreted consistent with federal and state law and regulations and other specific Pine County Department Policies that speak to client or data confidentiality. Federal and state law and regulations supersede any discrepancy that may be found in this document.

- 18.3. **Minimum Necessary Standard.** When disclosing, requesting or using PHI, Pine County and its employees will make reasonable efforts not to disclose more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, taking into consideration practical and technological limitations.

When considering the internal or external disclosure, inter-departmental requests, external covered entity/business associate requests, internal use or external use of PHI, employees

will handle only the PHI they need in order to accomplish the intended purpose of the use, disclosure or request, as it relates to their specific job function, within reasonable operations.

Minimum necessary standards will not apply in the following situations:

- 18.3.1. Disclosures to or requests by health care provider for treatment;
- 18.3.2. Uses or disclosures made to the individual;
- 18.3.3. Uses or disclosures made with authorization by the individual;
- 18.3.4. Disclosures made to the Secretary of the US Department of Health and Human Services;
- 18.3.5. Uses or disclosures that are required by law; and
- 18.3.6. Uses or disclosures that are required by our compliance and legal regulations.

18.4. **Client Individual Rights.**

- 18.4.1. Right to Access to their own "Designated Record Set"
- 18.4.2. Right to Amend their PHI
- 18.4.3. Right to an Accounting of where their PHI has been released
- 18.4.4. Right to Request Restrictions of Use of PHI
- 18.4.5. Right to Request Confidential Communications
- 18.4.6. Right to Receive Privacy Notice

Upon a client's request, Pine County is required to provide for the above rights.

*Please refer to the "Notice of Privacy Practices" and/or Pine County Health and Human Services policies for a more detailed explanation of the specific process to be utilized in order to provide for these client rights.*

- 18.4.7. **Client's Right to Access to their own "Designated Record Set"**. We are required to give clients access to certain PHI so that they may inspect and copy it. In limited circumstances, we may deny access to the medical information; a client may appeal under specific types of denials.

- 18.4.8. **Client's Right to Amend their PHI.** Clients have the right to request that their designated medical or billing records be amended. Their request must be in writing and signed. A client's request to amend their PHI should be directed to the following:

Mr. Reese Frederickson  
Pine County Attorney/HIPAA Privacy Officer  
635 Northridge Drive NW  
Suite 310  
Pine City, MN 55063

- 18.4.9. **Right to an Accounting of Where a Client's PHI has been Released.** Upon request, a client may request an accounting of disclosures during the six years prior to the date of the request. We are not required to provide an accounting of the following disclosures: 1.) to carry out treatment, payment, or health care operations; 2.) to individuals about their own PHI; or 3.) prior to the HIPAA compliance date of April 14, 2003. A client's request to amend their PHI should be directed to the following:

Mr. Reese Frederickson  
Pine County Attorney/HIPAA Privacy Officer  
635 Northridge Drive NW  
Suite 310  
Pine City, MN 55063

- 18.4.10. **Right to Request Restrictions of Use of PHI.** A client may request in writing that we restrict the uses and disclosures of client PHI as it relates to treatment, payment, or health care operations. A client may request to restrict PHI provided to their family, friends or other individuals involved in the client's health care. We are not obligated to agree to a request. A client's request to restrict PHI, should be directed to the following:

Mrs. Rebecca Foss  
Pine County Public Health and  
Human Services Director  
130 Oriole St. E  
Sandstone, MN 55072  
320-245-3020

- 18.4.11. **Right to Request Confidential Communications.** A client may request that we contact them at a specific location.



- 18.4.12. **Right to Receive Privacy Notice.** Clients may obtain a paper copy of this notice by contacting:

Mrs. Rebecca Foss, Pine County Public Health and  
Human Services Director  
130 Oriole St. E  
Sandstone, MN 55072  
320-245-3020

OR

Mr. Reese Frederickson  
Pine County Attorney/HIPAA Privacy Officer  
635 Northridge Drive NW, Suite 310  
Pine City, MN 55063

- 18.5. If we maintain a website, we will prominently post a copy of the Privacy Notice on our website and make the Privacy Notice available electronically through the website. With client permission, we will forward this notice by electronic mail instead of paper.
- 18.6. Individual Right to File a Complaint. Clients have the right to file a complaint with Pine County and/or the Secretary of the US Department of Health and Human Services as it related to the use and disclosure of their PHI as defined by HIPAA.

Should a request be made to file a complaint, we shall provide them with the address to the following, free from retaliation:

Mr. Reese Frederickson  
Pine County Attorney/HIPAA Privacy Officer  
635 Northridge Drive NW, Suite 310  
Pine City, MN 55063

AND

Office for Civil Rights  
U.S. Department of Health and Human Services 233 N.  
Michigan Ave. – Suite 240  
Chicago, IL 60601

- 18.7. Duties With Respect to Client's PHI. The County is required by law to maintain the privacy of PHI and to provide individuals with notice of our legal duties and privacy practices.

Beginning April 14, 2003, the County is required to comply with the terms of HIPAA. However, the County reserves the right to change our privacy practices and to apply changes to any PHI received or maintained by us prior to the above date. If the privacy practice is changed, a revised version will be provided in writing to the impacted clients.

When disclosing, requesting or using PHI we will make reasonable efforts not to disclose more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, taking into consideration practical and technological limitations.

Minimum necessary standards will not apply in the following situations:

- 18.7.1. Disclosures to or requests by health care provider for treatment;
- 18.7.2. Uses or disclosures made to the individual;
- 18.7.3. Uses or disclosures with authorization by the individual;
- 18.7.4. Disclosures made to the Secretary of the US Department of Health and Human Services;
- 18.7.5. Uses or disclosures that are required by law;
- 18.7.6. Uses or disclosures that are required by our compliance and legal regulations.

This notice does not apply to de-identified information. De-identified information is information that does not identify an individual and information that does not appear to identify an individual and does not contain individually identifiable health information.

The County may use or disclose "summary health information" to our plan sponsor for obtaining premium bids or modifying, amending or terminating the plan.

18.8. **Uses and Disclosures of Protected Health Information ("PHI")**. Pine County Health and Human Services will use PHI for the purposes of treatment, payment, and health care operations. This may be done without the client's consent, authorization or opportunity to agree or object. Pine County Health and Human Services may also disclose PHI to our plan sponsors, and/or the client's employer (as allowed or authorized by law), for purposes related to treatment, payment, and health care operations. Pine County Health and Human Services may also disclose information to a client as the subject of the information.

18.8.1. **Treatment**. Treatment means the provision, coordination or management of health care and related services. It also includes but is not limited to consultations and referrals between one or more of a client's providers.

18.8.2. **Payment**. Payment includes but is not limited to actions to make coverage determinations, under these plan entities, including the Pine County Health and Human Services) or another plan.

This includes any activities Pine County Health and Human Services undertakes to receive financial reimbursement for services provided; including billing, claims management, subrogation, submitting bills to insurance companies, (either directly or through a third party payer or billing company.), explaining and determining reimbursement levels, reviews for medical necessity, and appropriateness of care and utilization review and pre-authorization.

- 18.8.3. **Health Care Operations.** Health Care Operations include but are not limited to quality assessment and improvement, reviewing competence or qualification of health care professionals, underwriting, premium rating, and other insurance activities relating to creating or renewing insurance contracts.

Health care operations also include obtaining legal and financial services, conducting business planning, management and development, processing grievances and complaints, data collection and analysis that do not individually identify a client, fundraising and certain marketing activities.

Other health care operations include disease management, case management, conducting or arranging for medical review, legal services and auditing functions including fraud and abuse compliance programs.

Please refer to the "Notice of Privacy Practices" and/or Pine County Health and Human Services policies for an additional explanation of the specific uses and disclosures of PHI.

- 18.8.4. **Additional Levels of Disclosure.** Uses and Disclosures That Require a Client's Written Authorization:

18.8.4.1. Any disclosure that is not for treatment, payment or health care operations or otherwise permitted or required under law or regulation.

18.8.4.2. In the event that we retain psychotherapy notes, a client's written authorization must generally be obtained before we can use or disclose these psychotherapy notes about a client from their psychotherapist. However, we may use psychotherapy notes when needed by us to defend against litigation filed by a client.

- 18.8.5. **Uses And Disclosures That Require That a Client Be Given an Opportunity to Agree or Disagree Prior to Use or Release:**

18.8.5.1. Disclosure of PHI to a client's family members, other relatives and close personal friends is allowed if the information is directly relevant to their involvement with a client's care or the payment for that care; and the client has either agreed to the disclosure or has been given the opportunity to object and has not objected.

18.8.5.2. Disclosure for marketing purposes, as defined by regulation.

18.8.6. **Additional Uses and Disclosures for Which Consent, Authorization or Opportunity to Object is Not Required by the Client:**

- 18.8.6.1. When required by law.
- 18.8.6.2. When permitted for purposes of public health activities, as authorized by law or regulation.
- 18.8.6.3. When a client is exposed to a communicable disease or is at risk of spreading a disease or condition, if authorized by law.
- 18.8.6.4. When authorized by law to report abuse, neglect, or domestic violence.
- 18.8.6.5. PHI may be disclosed to a public health oversight agency for oversight activities authorized by law, e.g., criminal investigations against providers, and/or Medicare or Medical Assistance.
- 18.8.6.6. When required for judicial or administrative proceedings.
- 18.8.6.7. When required for law enforcement purposes.
- 18.8.6.8. When required by a medical examiner or coroner including but not limited to identifying a deceased person, or to determine cause of death.
- 18.8.6.9. As authorized by law for cadaveric organ, eye or tissue donation purposes.
- 18.8.6.10. For research purposes under specific circumstances, as authorized by law.
- 18.8.6.11. When in good faith, consistent with legal and ethical standards of conduct, we believe the disclosure is necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public.
- 18.8.6.12. When authorized by law for certain essential government functions, e.g., national security activities authorized by law; protecting health and safety of inmates or employees in a correctional institution; determining eligibility for or conducting enrollment in certain government benefit programs.
- 18.8.6.13. When authorized by worker's compensation and similar programs established by law.

- 18.9. **Administrative, Technical and Physical Safeguards for PHI.** Pine County retains strict requirements on the security, access, disclosure and use of PHI. Access, disclosure, and use of PHI will be based on assigned job descriptions and/or primary job functions so that access, disclosure and use will be permitted only to the extent that the person needs access to PHI to complete necessary job functions and/or to accomplish the intended purposes of their assigned task.

Employees should ask themselves the following questions when dealing with PHI:

- 18.9.1. Is PHI provided or received limited to what is necessary to accomplish the intended purpose?
- 18.9.2. When completing PHI related forms of documentation, is the information shared only with those needed to assist in accomplishing the task?
- 18.9.3. Is PHI discussed only when on duty or during designated training?
- 18.9.4. Are doors closed when discussing PHI?
- 18.9.5. Are documents kept confidential while in use?
- 18.9.6. Are we limiting access to a client's entire file when a request is made for PHI?

Those employees who are required to access, disclose and use of PHI shall accomplish the intended purposes of HIPAA by giving consideration to and complying with the following:

18.10. **Administrative Security**

- 18.10.1. Use or disclosure of PHI is acceptable only in the discharge of one's responsibilities and duties and based on the need to know.

Pine County recognizes there will be incidental occurrences of disclosures of PHI in the context of caring for a client or handling their PHI. The privacy laws, including HIPAA, were not intended to impede common practices that are essential or inevitable. These occurrences may typically occur during face-to-face verbal conversations or when related documents, as hard copies or in computer form, are left out in the open at workstations or other areas where business occurs. Therefore, efforts shall be made to decrease the chance of these occurrences by increasing awareness of who is within earshot while discussing PHI. Efforts shall be made to turn over documented PHI that is visible on one's workstation while it is not in direct use, but under one's direct supervision. Computer screens shall utilize screen savers and be password protected.

- 18.11. **Verbal Security.** At times, business discussions, including PHI related discussions may occur in public or common areas. To ensure a more private conversation, invite clients to a location free of other people who may overhear your conversation. A best practice is to discuss their situation in a private office or conference room with the door closed. Take heed to the volume of your voice during the discussion.

Take care to hold a high standard of discussing PHI related information with only those who are on a "need to know" basis. Recognize who needs limited information and who needs all of the information you have. Staff is expected to be sensitive to the importance of maintaining the confidence and security of all material created or used that contains PHI. Employees will be provided enough PHI in order to complete their job successfully.

When discussing PHI related information on the telephone, consider who is around you and take heed to the volume of your voice. Shut the door, if possible. Ask those in your office to take a short break or to come back later if you are unable to have the conversation without revealing PHI.

- 18.12. **Technological Security.** Computer access terminals and other remote entry devices such as laptop computers and PDA's shall be kept secure, in terms of password protections and the physical location of the equipment. Such equipment shall remain in the physical possession of the individual to whom it is assigned. Employees will maintain sensitivity to those who may be within viewing sight their computer screen and immediately minimize information that may be considered PHI or private data.

- 18.13. **Physical Environment Safeguards.** PHI-related documentation shall be stored in safe and secure areas, following Data Practices and Records Retention regulations. When PHI-related work is completed, or at the end of a workday, staff must ensure the safe return of these documents to appropriate/secure files or drawers. Limit viewing and access to only those who have a legitimate business need by turning over documents that are in process at your workstation.

**Employee Pledge to Confidentiality**

I understand that Pine County provides services to clients that are private and confidential and that I play a significant role in respecting the privacy rights of clients associated with Pine County. I understand that in order to provide related services to our clients, it is necessary that I receive personal client information and that the information may exist in a variety of forms such as electronic, oral, written or photographic and that this information is strictly confidential and protected by federal and state laws.

I agree to comply with all confidentiality-related policies and procedures enacted by Pine County. If I, at any time, during my entire employment knowingly or inadvertently breach the patient confidentiality policies and procedures, I agree to notify my supervisor immediately. I also agree to return any and all client confidential information in my possession.

This pledge does not constitute a contract, nor does this pledge imply an employment contract, nor does it insure continued employment.

I have read and understand all privacy policies and procedures that have been provided by Pine County. I agree to abide by these policies. I understand that if I fail to abide by these policies, I may be subject to following:

- Disciplinary action, which may include a verbal or written warning, suspension or possible discharge.
- Civil Liability: fines in the amounts between \$100 and \$25,000 per year.
- Criminal Liability: fines up to \$250,000 AND up to 10 years in prison.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## 19. DRUG AND ALCOHOL USE AND TESTING POLICY

- 19.1. **Purpose.** Abuse of drugs and alcohol is a nationwide problem. It poses risks to the health and safety of employees of Pine County and to the public. To reduce those risks Pine County has adopted this policy so that alcohol or drug use does not jeopardize or affect the operations or services of Pine County, its employees, or the public and to make a good faith effort to provide a workplace free of drugs and alcohol. This policy applies to all employees regardless of their position except if otherwise provided by a collective bargaining agreement. This Policy shall be applicable to employees covered by a collective bargaining agreement if adopted through the collective bargaining agreement. In addition to being subject to testing under this Policy, employees who operate commercial motor vehicles are also subject to testing under federal law, as required in 49 CFR 382.101 through 382.605 and the County's "Transportation Employee Drug & Alcohol Free Work Place Policy."

This Policy establishes standards concerning drugs and alcohol which employees and job applicants must meet and it establishes a testing procedure to ensure that those standards are met.

This Policy is intended to conform to the provisions of the Minnesota Drug and Alcohol Testing in the Workplace Act (Minnesota Statutes 181.950 – 181.957), as well as the requirements of the Federal Drug Free Workplace Act of 1988 (41 U.S.C. 701-707).

- 19.2. **Definitions.** For the purposes of this Policy, the following definitions apply:
- 19.2.1. **Confirmatory Test and Confirmatory Retest:** a drug or alcohol test that uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for such purposes.
- 19.2.2. **Conviction:** a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.
- 19.2.3. **Criminal Drug Statute:** a Federal or State criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 19.2.4. **Drug:** a controlled substance as defined in Minnesota Statute 152.01, Subd. 4. and/or Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.
- 19.2.5. **Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test:** analysis of a body component sample approved according to the standards established by the Minnesota Drug and Alcohol Testing in the Workplace Act for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.



- 19.2.6. **Drug Free Workplace:** a site for the performance of work done in connection with any Federal grant or contract at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.
- 19.2.7. **Drug Paraphernalia:** the meaning as defined in Minnesota Statute 152.01, Subdivision 18.
- 19.2.8. **Employee:** a person, independent contractor, or person working for an independent contractor who performs services for the County for compensation, in whatever form, including any employee directly engaged in the performance of work pursuant to the provision of any Federal grant or contract. For the purposes of this policy, elected officials are not considered employees and therefore not subject to the requirements of the policy.
- 19.2.9. **Employer:** Pine County, acting through a Department Head, elected official or any designee of the Department Head or elected official.
- 19.2.10. **Initial Screening Test:** a drug or alcohol test which uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for such purposes.
- 19.2.11. **Job Applicant:** a person who applies to become an employee of the County, and it includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.
- 19.2.12. **Positive Test Result:** a finding of the presence of alcohol, drugs, or their metabolites in the same tested in levels at or above the threshold detection levels contained the standards of one of the programs listed in Minnesota Statute 181.953, Subd. 1.
- 19.2.13. **Random Selection Basis:** a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and (2) does not give an employer discretion to waive the selection of any employee selected.
- 19.2.14. **Reasonable Suspicion:** a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
- 19.2.15. **Safety Sensitive Position:** a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
- 19.2.16. **Under the Influence:** having the presence of a drug or alcohol at or above the level of a positive test result.

- 19.2.17. **Valid Medical Reason:** means (1) a written prescription, or an oral prescription reduced to writing, which satisfies the requisites of Minnesota Statute 152.11, and names the employee as the person for whose use it is intended; and (2) a drug prescribed, administered, and dispensed in the course of professional practice by or under the direction and supervision of a licensed doctor, as described in Minnesota Statute 152.12; and (3) a drug used in accord with the terms of the prescription. Use of any over-the-counter medication in accord with the terms of the product's direction shall also constitute a valid medical reason.

19.3. **Work Rules.**

- 19.3.1. No employee shall use, sell, manufacture, distribute, dispense, possess, store or transfer alcohol, drugs or drug paraphernalia while the employee is working, while the employee is on Pine County's premises, while operating Pine County's equipment, machinery, or vehicles or while conducting Pine County business off premises except pursuant to a valid medical reason or when approved by the County, as authorized under County or department policy. Employees may have or be in possession of alcohol in their own personal vehicle on the County's premises in compliance with applicable statutory requirements, however use of that alcohol during work hours, while the employee is working, or while the employee is on the County's premises is prohibited.
- 19.3.2. No employee shall be under the influence of any drug or alcohol while the employee is working, or while the employee is on the County's premises, or operating the County's equipment, machinery or vehicles or while conducting Pine County business off premises except pursuant to a valid medical reason or when approved by the County, as authorized under County or department policy.
- 19.3.3. No employee shall consume alcoholic beverages within 4 hours of reporting to work.
- 19.3.4. When an employee is taking medically authorized drugs or other substances which may alter job performance, the employee is under an affirmative duty to notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position. "Alter" means changed behavior which may limit an employee's ability to safely, efficiently and professionally perform job duties, or the behavior poses a threat to the safety of the employee or others.
- 19.3.5. No employee, while on duty, shall engage or attempt to engage, or conspire to engage in conduct that would violate any law or ordinance concerning drugs or alcohol, regardless of whether a criminal conviction results from the conduct.
- 19.3.6. Employees should also be aware that engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his/her work for the County. In such circumstances, the employee may be subject to discipline.
- 19.3.7. As a condition of employment, every employee must notify the Human Resources Director of any criminal drug statute conviction no later than five (5) days after such a conviction.

19.3.8. Every employee shall cooperate with the County in any investigation to determine any violation of this policy, including but not limited to, the search of County property and vehicles.

19.4. **Employee Training.** By this policy, Pine County has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a workplace free of drug and alcohol use.

Each Pine County employee shall receive a copy of this policy (or the "Pine County Transportation Employee Drug and Alcohol Policy") and will be expected to read it. The department head or Human Resources Manager will provide, upon request, information regarding any available drug counseling, rehabilitation, and assistance programs that an employee may enter through his or her health insurance program. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment before the problem affects the employment status. The Human Resources office will also maintain information regarding the dangers of drug or alcohol use in the workplace.

19.5. **Testing.** Drug and alcohol testing may be requested or required under any of the circumstances listed below. Except as otherwise required by Federal law, Pine County has no legal duty to test an employee.

19.5.1. **Pre-hire/pre-employment Testing.** Pine County may request or require a job applicant to undergo drug or alcohol testing provided a job offer has been made to the applicant, and the same test is requested or required of all job applicants conditionally offered employment for that position.

19.5.2. **Random Testing.** Employees who work in safety-sensitive positions may be requested or required to undergo drug and/or alcohol testing on a random selection basis. The County will also test drivers on a random basis in compliance with the regulations issued by the United States Department of Transportation and the County's "Transportation Employee Drug & Alcohol Free Work Place Policy."

19.5.3. **Reasonable Suspicion Testing.** Pine County may require or request that an employee undergo drug or alcohol testing if Pine County has a reasonable suspicion that the employee:

19.5.3.1. Is under the influence of drugs or alcohol while an employee is working, while on Pine County property, or while using Pine County equipment, machinery, or vehicles, or while conducting Pine County business off premise. A reasonable suspicion that an employee is under the influence may be supported by evidence, including but not limited to evidence that the employee has impaired alertness, coordination, reactions, responses or effort; the employee's condition threatens the safety of him/herself or others; or the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the County as an employer, as determined by the supervisor or manager or others observing the employee.

19.5.3.2. Has violated the written rules contained in this policy prohibiting the use, sale, possession, manufacture, storage, distribution, dispensation, of alcohol or controlled substances while an employee is working, while on Pine County property, or while using Pine County equipment, machinery, or vehicles, or while conducting Pine County business off premise.

19.5.3.3. Has sustained a personal injury as defined by Minn. Stat. 176.011, Subd. 6 or has caused another employee to sustain a personal injury; or has caused a work-related accident or was operating or assisting another employee to operate machinery, equipment or vehicles involved in a work-related accident.

19.5.4. **Treatment Program Testing and Follow Up.** Employees referred by Pine County for chemical dependency treatment or evaluation or who participate in a chemical dependency program under the employee benefit plan, if any, may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation and treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

19.6. **Right to Refusal.** Any employee or job applicant has the right to refuse to undergo drug and alcohol testing. If an employee or job applicant refuses to undergo drug or alcohol testing, no test shall be given.

Any employee who refuses to undergo drug or alcohol testing, or whose behavior prevents meaningful completion of the drug or alcohol testing, requested or required by the County shall not be permitted to perform safety sensitive functions and will be subject to discipline, including possible discharge from employment, on the grounds of insubordination and any other appropriate grounds. If a job applicant refuses to undergo drug testing as requested or required by the County, the County may withdraw its conditional job offer.

19.7. **Procedure for Testing.**

19.7.1. **Notification Form.** Before requiring an employee or job applicant to undergo drug or alcohol testing, the County shall provide the individual with a form on which to (1) acknowledge that the individual has seen a copy of the County's Drug and Alcohol Testing Policy, and (2) indicate any over-the-counter or prescription medications that the individual is currently taking or has recently (within the last month) taken, and any other information relevant to the reliability of, or explanation for, a positive test result, and (3) indicate consent to undergo the drug and alcohol testing.

19.7.2. **Under the Influence.** A supervisor who has a reasonable suspicion that an employee is under the influence of drugs or alcohol should consult with another supervisor or the Human Resources Director. Where reasonable suspicion exists, the employee should be removed from the work area and asked to consent to drug or alcohol testing. If the employee consents to testing someone shall be assigned to stay with the employee until the process for testing commences. Authorization from the Human Resources Director may be necessary before a test is arranged. After the test is completed, the employee may be sent home and place on

administrative leave until the test results are received if the County believes that it is reasonably necessary to do so in order to protect the health or safety of the employee, co-employees, or the public.

- 19.7.3. **Transport.** The supervisor shall make arrangements for the transport of any employee to an appropriate testing site
- 19.7.4. **Test Sample.** The test sample shall be obtained in a private setting, and the procedures for taking the sample shall ensure privacy to employees to the extent practicable, consistent with preventing tampering with the sample. All test samples shall be obtained by or under the direct supervision of a health care professional at a medical facility of the County's selection or by someone qualified to perform the test at a Sheriff's Department, other than the Pine County Sheriff's Department. Those qualified to perform the test will document if a refusal is made from the employee to be tested.
- 19.7.5. **Identification of Samples.** Each sample shall be sealed into a suitable container free of any contamination that could affect test results, be immediately labeled with the subject's initials or in some other manner which makes the sample traceable to the employee from whom the sample is collected from the time the sample is collected until the time the sample is delivered to the testing laboratory.
- 19.7.6. **Chain of Custody.** The County shall ensure that a written record of the chain of custody of the sample is maintained, and ensure the proper handling of the sample in compliance with the provisions of the Minnesota Drug and Alcohol Testing in the Workplace Act pertaining to the chain of custody.
- 19.7.7. **Laboratory.** The County shall use the services of a testing laboratory that meets the criteria of Minnesota Statute 181.953, Subdivision 1. However, no test shall be conducted by a testing laboratory owned and operated by the County.
- 19.7.8. **Methods of Analysis.** The testing laboratory shall use methods of analysis and procedures to ensure reliable drug and alcohol testing results, including both standards for initial screening tests and confirmatory tests. The testing laboratory shall perform each test analysis in accordance with the standards established by Minnesota Statute 181.953.
- 19.7.9. **Retention and Storage.** All blood and urine samples that produced a positive result shall be retained and properly stored by the testing laboratory for at least six (6) months.
- 19.7.10. **Test Report.** The testing laboratory shall prepare a written report indicating the drugs, alcohol, or their metabolites tested for, the types of tests conducted, and whether the test produced negative or positive test results. The testing laboratory shall disclose that report to the County within three (3) working days after obtaining the final result.

- 19.8. **Rights of Employees and Job Applicants.** Within three (3) working days after receipt of the test result report from the testing laboratory, the County shall inform an employee or job applicant who has undergone drug or alcohol testing, in writing, of the following:
- 19.8.1. A negative test result on an initial screening test or of a negative or positive test result on a confirmatory test;
  - 19.8.2. The right to request and receive from the County a copy of the test result report.
  - 19.8.3. The right to request, within five (5) working days after notice of a positive test result, a confirmatory retest of the original sample at the employee's or job applicant's expense at the original testing laboratory or another licensed testing laboratory;
  - 19.8.4. The right to submit any additional information to the County within three (3) working days after notice of a positive test result to explain that result;
  - 19.8.5. The right not to be discharged, disciplined, discriminated against, or requested or required to undergo rehabilitation on the basis of a positive test result from an initial screening test which has not been verified by a confirmatory test;
  - 19.8.6. The right not to be discharged based on a positive result on a confirmatory test if this was the first such positive result, unless the employee has been given the opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate as determined by the County after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and has refused to participate or has failed to successfully complete the counseling program as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
  - 19.8.7. The right, if suspended without pay, to be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative;
  - 19.8.8. The right not to be discharged, disciplined, discriminated against, or required to be rehabilitated on the basis of medical history information revealed to the County concerning the reliability of, or explanation for, a positive test result unless the employee was under an affirmative duty to provide the information before, upon or after hire;
  - 19.8.9. The right to review all information relating to positive test result reports and other information acquired in the drug and alcohol testing process, and conclusions drawn from and actions taken based on the reports or acquired information; and
  - 19.8.10. The right not to have a conditional job offer withdrawn based upon an initial test that has not been verified by a confirmatory test.

- 19.9. **Rights in Case of a Positive Test.** No employee will be discharged, disciplined or discriminated against, or requested or required to undergo rehabilitation solely on the basis of a positive initial test result. Where there has been a positive test result in a confirmatory test and in any confirmatory retest, and the employee has not furnished a valid medical reason for the positive test result, the employee may be subject to disciplinary action, up to and including discharge, in accordance with any contract agreement and the following:
- 19.9.1. **First Positive Test Result on Confirmatory Test.** An employee will not be discharged based on a positive result on a confirmatory test unless the employee has been given the opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate as determined by the County after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and has refused to participate or has failed to successfully complete the counseling program as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.
- 19.9.2. **Second Positive Test Result on Confirmatory Test.** An employee who receives a positive result on a confirmatory test and who previously received a positive result on a confirmatory test will be subject to discipline, up to and including discharge.
- 19.9.3. **Suspensions and Transfers.** Notwithstanding any other provision herein, the County may temporarily suspend the tested employee, or transfer that employee to another position at the same rate of pay pending the outcome of the confirmatory test and, if requested, the confirmatory retest, provided the County believes that it is reasonably necessary to do so in order to protect the health or safety of the employee, co-employees, or the public.
- 19.9.4. **Other Misconduct.** Nothing in this Policy limits the right of the County to discipline or discharge an employee on grounds other than a positive drug test result in a confirmatory test, subject to the requirements of the law and any applicable contract agreement.
- 19.9.5. **Data Privacy.** The purpose of collecting a body component sample of blood, breath, or urine is to test that sample for the presence of drugs or alcohol. A sample provided for drug or alcohol testing will not be tested for any other purpose. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable, and to determine whether there is a valid medical reason for any drug or alcohol in the sample.

All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the employee for employment. The employee may refuse to provide the requested data; however, refusal to supply the requested data may affect the employee's employment status. The County will not disclose the test result reports and other information acquired in the drug or alcohol testing process to another employer, or to a third party individual, government agency, or private organization without the written consent of the person tested, unless required or permitted by law or court order.


- 19.10. **Federal Grant Employees.** Each employee engaged in the performance of work on federal grants or contracts is required to notify the Human Resources Director of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after such conviction.

A copy of the employee's conviction shall not be required prior to the County taking disciplinary action.

- 19.11. **Appeals Procedure.** Employees may appeal decisions made by the County under this Policy through the grievance procedure in their collective bargaining agreements, where applicable. Employees who are not represented by a collective bargaining representative may appeal decisions through remedies as allowed or required by law.

- 19.12. **Contact Person.** Pine County has designated the Supervisors, Department Heads, and the Human Resources Manager, as the persons responsible to coordinate the implementation, direction and administration of this Policy.



	<h1 style="color: green;">PINE COUNTY</h1>	
	<b>Administrator's Office</b> 635 Northridge Drive NW Suite 200 Pine City, MN 55063 1-800-450-7463 Ext. 1620	<b>Commissioners</b> Steve Hallan - Dist. 1 Josh Mohr - Dist. 2 Steve Chaffee - Dist. 3 John Mikrot, Jr. - Dist. 4 Matt Ludwig - Dist. 5

**19. Drug and Alcohol Use and Testing Policy-Notification Form**

1. I acknowledge that I have received a copy of the County's Drug and Alcohol Testing Policy Section 19.

Name: \_\_\_\_\_

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

2. Please indicate any over-the-counter or prescription medications that you are currently taking or have recently taken (within the last month) and any other information relevant to the reliability of, or explanation for a positive test result.

3. I provide Pine County with the consent to complete a drug and alcohol testing procedure.

Name: \_\_\_\_\_

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

Department Head/Supervisor Signature: \_\_\_\_\_

Human Resources Signature: \_\_\_\_\_

## **20. TRANSPORTATION EMPLOYEE DRUG & ALCOHOL POLICY (CDL DRIVERS)**

Transportation Employee Drug & Alcohol Free Work Place Policy under the Omnibus Transportation Employee Testing Act and Commercial Motor Vehicle Operators Required Testing

The abuse of drugs and alcohol is a nationwide problem, which affects persons of every age, race, and gender. Pine County (hereinafter "Employer") recognizes that work performance and safety problems are created when employees use or abuse illegal drugs and/or alcohol. The Employer wishes to provide a safe workplace for its employees and to maintain a drug and alcohol free workplace. The Employer has established the following policy on drugs and alcohol with drug and alcohol testing provisions mandated by the Omnibus Transportation Employee Testing Act of 1991. To the extent that federal statutes or regulations change, this policy shall be construed as consistent with those changes.

- 20.1. **Policy.** All employees, who are covered under the testing provisions set forth below, are strictly prohibited from using, possessing, selling, transferring, or being under the influence of drugs or alcohol while working or performing job duties or while on the Employer's premises or while operating the Employer's vehicles, machinery or equipment. No employee shall perform safety-sensitive functions within four hours after using alcohol. "Drugs" are defined as any controlled substance.

Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment.

- 20.2. **Coverage of Testing Provisions.** The Omnibus Transportation Employee Testing Act requires that all employees whose job duties include operating a commercial motor vehicle and who are required to hold a commercial driver's license shall be subject to drug and alcohol testing. "Commercial Motor Vehicle"(CMV) means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle meets any one of the following criteria:

- 20.2.1. Has a gross combination rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- 20.2.2. Has a gross vehicle weight rating of 26,001 or more pounds; or
- 20.2.3. Designed to transport 16 or more passengers including the driver; or
- 20.2.4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded.

All applicants, including persons currently employed by the Employer, that apply for a position where job duties include operating commercial motor vehicles will be required to take a drug and alcohol test if a job offer is made.

20.3. **Definitions.**

20.3.1. **Accident** means an occurrence involving a CMV operating on a public road, which results in:

20.3.1.1. A fatality; or

20.3.1.2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

20.3.1.3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

20.3.2. **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

20.3.3. **Breath Alcohol Technician (BAT)** means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

20.3.4. **Confirmation (or confirmatory) test.**

20.3.4.1. In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

20.3.4.2. In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

20.3.5. **Controlled substance** means those substances identified by 49 C.F.R. §40.85, including marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

20.3.6. **DOT.** The Federal Department of Transportation.

- 20.3.7. **Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors.
- 20.3.8. **Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 C.F.R. Part 40.
- 20.3.9. **Evidential breath testing device (EBT)** means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol concentrations.
- 20.3.10. **FMCSA.** The Federal Motor Carrier Safety Administration.
- 20.3.11. **Medical Review Officer (MRO)** means a licensed physician responsible for receiving and reviewing laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- 20.3.12. **Random selection** means a mechanism for selection of employees for testing where each employee has an equal chance of being tested each time selections are made.
- 20.3.13. **Reasonable suspicion** means that the Employer believes the appearance, behavior, speech or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one (1) supervisor or official who has received training in the identification of behaviors indicative of drug and alcohol use.
- 20.3.14. **Refuse to submit** (to an alcohol or controlled substance test) means that an employee:
- 20.3.14.1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Employer, consistent with applicable federal regulations, after being directed to do so by the Employer. This includes the failure of an employee to appear for a test when called by a third party administrator, as directed by the Employer;
- 20.3.14.2. Fails to remain at the testing site until the testing process is complete, except that an applicant/employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- 20.3.14.3. Fails to provide a urine specimen for any drug test required by this policy or federal regulations, except that an

applicant/employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

- 20.3.14.4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the employee's provision of a specimen;
  - 20.3.14.5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - 20.3.14.6. Fails or declines to take a second test the Employer or collector has directed the employee to take;
  - 20.3.14.7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Employer. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
  - 20.3.14.8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
  - 20.3.14.9. Is reported by the MRO as having a verified adulterated or substituted test result.
- 20.3.15. **Safety-sensitive function** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work and includes the following:
- 20.3.15.1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
  - 20.3.15.2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning a CMV at any time;
  - 20.3.15.3. All time spent at the driving controls of a CMV;

- 20.3.15.4. All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth;
- 20.3.15.5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- 20.3.15.6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- 20.3.15.7. All time spent performing the driver requirements associated with an accident.
- 20.3.16. **Substance Abuse Professional (SAP)** means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, knowledge of applicable federal regulations and guidelines, and has received qualified training pursuant to federal regulations. An SAP evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

20.4. **Circumstances Under Which Drug and Alcohol Tests Shall Be Required or Requested.**

- 20.4.1. **DURING THE APPLICATION PROCESS.** All job applicants, including persons currently employed by the Employer, applying for a job where duties include operating the Employer CMV's are required to undergo testing for alcohol and drugs if a job offer is made. The job offer is contingent upon a negative drug test report and an alcohol test report indicating an alcohol concentration of 0.04 or less. A verified positive test result will result in the withdrawal of a conditional offer of employment.

The job offer is also contingent upon the applicant/employee's written agreement authorizing former DOT regulated employers to release to the Employer all information on the applicant/employee's alcohol tests with a concentration result of 0.04 or higher; verified positive drug test results; refusal to be tested (including verified adulterated or substituted drug test results); other violations of DOT agency drug and alcohol testing regulations; and with respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful

completion of DOT return-to-duty requirements (including follow-up tests.) within the preceding two years.

If the applicant/employee has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years, the job offer is contingent upon the applicant/employee documenting successful completion of the return-to-duty process.

- 20.4.2. **REASONABLE SUSPICION.** A drug test shall be required if the Employer has a reasonable suspicion that an employee has violated the provisions of this policy regarding alcohol or controlled substances. The required observations for alcohol and controlled substances reasonable suspicion testing shall be made by a supervisor who has received at least the minimum required training according to federal regulations. Reasonable suspicion alcohol tests will be administered as soon as practicable.

If the test is not administered within 2 hours, the reason shall be documented. Refusal to submit to a test in a timely manner shall be grounds for discipline, including termination of employment. If the alcohol test is not administered within 8 hours all attempts to conduct the test shall cease and the reasons shall be documented.

Notwithstanding the absence of a reasonable suspicion alcohol test, the employee shall not be permitted to perform or continue to perform safety-sensitive functions until twenty-four hours have elapsed following the determination of reasonable suspicion or an alcohol test shows the driver's blood alcohol concentration to be 0.02 or less.

- 20.4.3. **POST-ACCIDENT.** A post-accident alcohol and drug test is required if an employee operating a CMV is involved in an accident, as defined in this policy, that results in:

20.4.3.1. The death of a person or persons regardless of the amount of vehicle or property damage; or

20.4.3.2. The employee receives a citation for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

The employee must provide an alcohol test sample as soon as practicable after the occurrence of the accident. If the employee does not receive the test within 2 hours of the accident, the reasons shall be documented. After 8 hours, all attempts to conduct the alcohol test shall cease and the reasons shall be documented.

The employee must provide a urine sample for controlled substances testing as soon as practicable after the accident. After 32 hours, all attempts to conduct the test shall cease and the reasons shall be documented.

An employee subject to post-accident testing must remain available or the employee shall be considered to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The employee is prohibited from using alcohol for 8 hours following the accident or until the employee has undergone a post-accident alcohol test, whichever comes first.

The results of a breath or blood test for the use of alcohol or a urine test for controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided that such tests conform to the applicable Federal, State or local testing requirements, and that results of the tests are obtained by the Employer.

- 20.4.4. **RETURN-TO-DUTY TESTING.** An employee found to have violated this policy shall not return to work until after undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substances. Nothing in this policy shall be construed as providing the employee with the right to return to work or prohibiting the Employer from imposing disciplinary action on the employee, including suspension or termination, for violation of this policy.
- 20.4.5. **FOLLOW-UP TESTING.** Following a determination by a SAP that an employee is in need of assistance in resolving problems with alcohol abuse and/or controlled substances use, an employee shall be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the SAP. At least 6 unannounced tests will occur in the 12 months following the individual's return to duty. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty.
- 20.4.6. **RANDOM TESTING.** The Employer will randomly select employees subject to this policy for unannounced alcohol and controlled substances testing using a computer based random number generator that is matched with an employee's identifying number. Alcohol testing shall be



performed just before, during or after an employee's performance of safety-sensitive duties. Employees selected for testing must proceed immediately to the testing site; provided, however, that if an employee is performing a safety-sensitive function at the time of notification, other than driving a CMV, the employee shall cease performing the safety-sensitive function and proceed to the testing site as soon as possible. The Employer shall conduct random controlled substances testing on at least 50% of the average number of employees covered by this policy and random alcohol testing on at least 10 % of the average number of employees covered by this policy. (These percentages are subject to change pursuant to FMCSA requirements.) Employees may be selected for more than one test per year. Tests shall be spread reasonably throughout the year. The Employer designated contact person will be notified of the randomly selected employees on a monthly basis.

## 20.5. **Drug and Alcohol Testing.**

20.5.1. **Drug Testing Procedures.** Controlled substance testing is conducted by analyzing an employee's urine specimen. Split urine samples will be collected according to FMCSA regulations. The employee will provide a urine sample at a designated collection site. The collection site person shall pour the urine specimen into two bottles labeled "primary" and "split," seal the specimens, complete a chain of custody document and prepare the bottles for shipment to the testing laboratory for analysis.

If the employee is unable to provide the appropriate quantity of urine, the collection site person shall instruct the employee to drink not more than 40 ounces of fluids and, after a period of no more than three hours, again attempt to provide a complete sample. It is not a refusal to test if the employee declines to drink. If the employee is still unable to provide a complete sample, the testing shall be discontinued and the Employer notified. The MRO shall refer the employee for a medical evaluation to determine if the employee's inability to provide a specimen is genuine or constitutes a refusal to test. The employee is to obtain the evaluation from the referred licensed physician within five days. For pre-employment testing, the Employer may elect to not have the referral made and revoke the employment offer.

Drug testing is a two-stage process. The first test is a screening test. If the results of the screening tests are positive for one or more drugs, a confirmation test is performed for each identified drug.

Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the Employer designated contact person. If the results are negative, the Employer is informed and no further action is necessary.

If the test result is confirmed positive, the MRO shall give the employee an opportunity to discuss the test result before contacting the Employer. The MRO will contact the employee directly, on a confidential basis, to determine whether the person wishes to discuss the positive test result. The MRO must review any medical records supplied by an employee to determine if a confirmed positive test is the result of the employee having taken legally prescribed medication. The MRO shall notify each employee that the employee has 72 hours in which to request a test of the split specimen at the employee's expense. The MRO will review the confirmed positive test result to determine whether there is an acceptable medical reason for the positive result. The MRO shall verify and report a positive test result to the Employer when there is no legitimate medical reason for a positive test result as received from the testing laboratory. If there is a legitimate medical reason for a positive test result, the MRO will report the drug test result as a negative.

If after making reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the designated Employer contact person, who shall direct the employee to contact the MRO. If the Employer contact person is unable to contact the employee, the employee will be placed on suspension.

The MRO may verify a test positive without having communicated directly with the employee about the test results under the following circumstances:

- 20.5.1.1. The employee expressly declines the opportunity to discuss the test results.
- 20.5.1.2. The employee has not contacted the MRO within five days of being instructed to do so by the Employer.
- 20.5.1.3. Neither the MRO, nor the Employer has been able to contact the employee within 10 days of the date that the MRO received the test results, despite reasonable efforts to do so.

- 20.5.2. **Alcohol Testing Procedures.** The FMCSA alcohol test rules require breath testing administered by a BAT using an EBT. Two breath tests are required to determine if a person has a prohibited alcohol concentration. Any result less than 0.02 alcohol concentration on the first test is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. If an employee attempts and fails to provide an adequate amount of breath on either test, the Employer will direct the employee to obtain written evaluation from a licensed physician to determine if the employee's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the designated Employer contact person. For pre-

employment testing, the Employer may elect to not have the referral made and revoke the employment offer.

20.6. **Licensed Testing Laboratory.** The testing laboratory for urine samples shall be First Lab, Inc., 1364 Welsh Road Suite C-2, North Whales, PA 19454-1913, 1-800-732-3784 #260 or 215-641-4959, or another lab of Pine County's choosing, which is a lab certified to perform controlled substance testing according to federal regulations. The testing laboratory for breathalyzer samples shall be Rush City Fairview or Sandstone-Pine Medical, or another lab of Pine County's choosing, which is a lab certified to perform alcohol testing according to federal regulations.

20.7. **Prohibited Drug and Alcohol Related Conduct.** The following alcohol and controlled substance-related activities are prohibited by the FMCSA's drug and alcohol rules for drivers of CMVs:

- 20.7.1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- 20.7.2. Being on duty or operating a CMV while the employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment;
- 20.7.3. Using alcohol while performing safety-sensitive functions;
- 20.7.4. Performing safety-sensitive functions within four hours after using alcohol;
- 20.7.5. When required to take a post-accident test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
- 20.7.6. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- 20.7.7. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses any controlled substance, except when instructed by a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV;
- 20.7.8. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Drivers, who use a controlled substance under a licensed medical practitioner's care and prescription, shall carry the controlled substance in its original container

with the attached prescriber's and pharmacist's identification. Drivers using a prescription drug, which may impair the employee's mental or motor functioning, shall inform their supervisor of such drug use. The Employer reserves the right to have its MRO determine if the prescription drug may produce a hazardous effect and to make appropriate arrangements or modifications to job duties based upon the report of an employee or the MRO regarding the effects of the prescription drug or controlled substance. The employee will not be disciplined for his/her responsible actions.

20.8. **Consequences to Employees Engaging in Prohibited Conduct.** Employees who have engaged in prohibited conduct listed above are subject to the following consequences pursuant to FMCSA rules:

- 20.8.1. Employees shall not be permitted to perform safety-sensitive functions;
- 20.8.2. Employees shall be advised by the Employer of the resources available to them in evaluating and resolving problems associated with misuse of alcohol or use of controlled substances;
- 20.8.3. Employees shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use;
- 20.8.4. Before an employee returns to duty requiring performance of a safety-sensitive function, if at all, he/she shall undergo a return-to-duty test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use. An employee will remain on unpaid leave until he/she passes the return-to-duty alcohol or controlled substance test.
- 20.8.5. As set forth in the Discipline section, the employer may discharge the employee if he/she fails a return-to-duty alcohol or controlled substance test after the employee successfully completes the program recommended by the SAP.
- 20.8.6. In addition, each employee identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a substance abuse professional to determine that the employee has followed the rehabilitation program prescribed;
- 20.8.7. The employee who is allowed to return to work shall also be subject to unannounced follow-up alcohol and controlled substance testing.

- 20.8.8. Assessment by a SAP or participation in a treatment program does not shield an employee from disciplinary action or guarantee the employment or reinstatement.
- 20.8.9. In addition, any employee who violates the requirements of the federal regulations on controlled substances and alcohol use and testing may be subject to civil and/or criminal penalties under 49 U.S.C. 521(b).
- 20.9. **Other Alcohol Related Conduct.** FMCSA rules require that in the event of an alcohol test result over 0.02 but less than 0.04, an employee shall not be permitted to perform safety-sensitive functions for not less than 24 hours.
- 20.10. **Refusal to Undergo Testing and Consequences of Refusal.**
- 20.10.1. All applicants and employees have the right to refuse to undergo drug and alcohol testing. If an individual refuses to undergo drug and alcohol testing required by this policy, no such test shall be given.
- 20.10.2. An applicant who refuses to take a drug and alcohol test shall be disqualified from further consideration for the conditionally offered position.
- 20.10.3. An employee refusing to take a drug and alcohol test required by this policy shall not be permitted to perform safety-sensitive functions and will be required to meet with a substance abuse professional and follow any recommendations given.
- 20.11. **Employee/Applicant Rights.**
- 20.11.1. The employee shall be responsible for the costs: visits to a substance abuse professional, and any recommended treatment programs.
- 20.11.2. All applicants and employees subject to the drug testing provisions of this policy have the right to request, at employee or applicant expense, a retest of the split urine sample within 72 hours of receiving notice of a confirmed positive test result.
- 20.11.3. If the employee requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If an employee has not contacted the MRO within seventy-two (72) hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely making contact. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact within seventy-two (72) hours, the MRO shall direct the analysis of the split specimen.

20.11.4. If the confirming retest is negative, no adverse action will be taken against the employee and an applicant will be considered for employment.

20.11.5. All employees subject to this policy who are called in to work outside of regular work hours and who are not in a condition suitable to perform safety sensitive functions have the duty to inform their supervisor of their condition. It is further understood that an employee will not be subject to discipline in any form for their responsible action.

20.12. **Discipline.** Any person found to be in violation of this policy is subject to discipline up to and including discharge, as set forth below. Disciplinary actions taken pursuant to this policy are appealable pursuant to the procedures established in the Employer's personnel policy and rules or any applicable collective bargaining agreement.

Nothing in this policy limits or restricts the right of the Employer to discipline or discharge an employee for conduct which violates the Employer's policies or rules, provided the employee is not tested for controlled substances or alcohol. Further, nothing in this policy limits or restricts the Employer's right to discipline an employee, including discharge, for loss of a commercial driver's license or disqualification from driving a CMV.

20.12.1. **Refusal to Be Tested:**

20.12.1.1. **Applicant:** shall be treated as a positive test. The applicant shall be disqualified from further consideration for the conditionally offered position.

20.12.1.2. **Employee:** shall be treated as a positive test. Employee will not be permitted to perform safety-sensitive functions and will be required to meet with a substance abuse professional and follow any recommendations given.

A person refuses to be tested: when they fail to provide adequate breath for alcohol testing, without a valid medical explanation; fail to provide an adequate urine sample for controlled substance testing, without a genuine inability to provide a specimen; or engage in conduct that clearly obstructs the testing procedures, as defined in detail above.

20.12.2. **Verified Positive Drug or Alcohol Test:**

20.12.2.1. **Applicant:** The applicant shall be disqualified from further consideration for the conditionally offered position.

20.12.2.2. **Employee:** If the employee's confirmation test shows an alcohol concentration between 0.02, and less than 0.04, the driver cannot perform safety sensitive duties for 24 hours. The first time the employee exhibits this type of behavior, he/she will be sent home and vacation or compensatory time

may be taken for those work hours that are missed. The employee will be sent home without pay for any further offenses of this type.

If the employee's confirmation test shows an alcohol concentration at 0.04 or greater or the employee tests positive for controlled substances, the employee cannot return to the safety sensitive position until complying with the return-to-duty requirements of this policy. The first time an employee violates this policy by having an alcohol concentration of 0.04 or higher or testing positive for controlled substances, he/she shall be suspended for two working days (16 regular working hours) without pay. If an employee violates this policy a second time, he/she shall be suspended for one week (40 regular working hours) without pay.

Notwithstanding the discipline set forth above, the Employer may discharge an employee who receives a verified positive drug or alcohol test result for the first or second time if:

- 20.12.2.2.1. The employee refuses to meet with a substance abuse professional for the purpose of an evaluation for alcohol/controlled substance use/abuse and recommendations for an educational, counseling or treatment program; or
- 20.12.2.2.2. The employee fails to enter the recommended program, or fails to successfully complete the program; or
- 20.12.2.2.3. The employee fails a return-to-duty alcohol or controlled substance test after the successful completion of the recommended program or subsequent unannounced follow-up alcohol or controlled substance testing.

If an employee violates this policy a third time, his/her employment shall be terminated.

Vacation/compensatory and/or sick time shall not be used for any of the mandated time off.

- 20.13. **Notification.** Each driver shall receive educational materials that explain the requirements of Federal Regulations and a copy of the Employer's policy/procedures. Before drug and alcohol tests are performed, the Employer shall inform drivers that tests are given in accordance with Federal Regulations.

- 20.14. **Confidentiality of Test Results.** All alcohol/controlled substances test results and required records are considered confidential information. Any information concerning an individual's test results and records shall not be released without the written permission of the individual except as provided for by regulation or law.
- 20.15. **Alcohol and Controlled Substances Contact Person.** The Employer designated contact person will coordinate the implementation, direction, and administration of the Employer's alcohol and controlled substances policy. The contact person is the principal contact for the collection site, the testing lab, the MRO, the BAT and the person tested. Employee questions concerning this policy should be directed to the designated contact person.

The designated contact person is:

Marie Pangerl  
Human Resources Manager, Pine County (320)  
629-5607

- 20.16. **Policy Modification.** The Employer retains the right to modify this policy to conform to changes in regulation or law.



## EMPLOYEE ACKNOWLEDGMENT

I have received a copy of the Transportation Employee Drug and Alcohol Policy and have been provided information on the following:

1. The person designated by the employer to answer questions about these materials;
2. Who is subject to alcohol misuse and controlled substance requirements;
3. Explanation of a safety-sensitive function;
4. What driver conduct is prohibited;
5. Circumstances for drug and/or alcohol testing;
6. Procedures used to test for the presence of drugs and/or alcohol; protect the driver and the integrity of the testing processes; safeguard the validity of the test results; and ensure that those results are attributed to the correct employee;
7. The requirement that employees submit to controlled substance and alcohol testing;
8. An explanation of what constitutes a refusal to submit to testing and the consequences of refusal;
9. The consequences for drivers violating the prohibitions of this rule, including the immediate removal of the driver from safety-sensitive functions and the procedures for return to duty;
10. The consequences for drivers found to have an alcohol concentration level of 0.02 or greater, but less than 0.04; and
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of alcohol or controlled substances problem and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

I ALSO UNDERSTAND THAT IF I AM CALLED IN TO WORK OUTSIDE OF REGULAR WORK HOURS AND I AM NOT IN A CONDITION SUITABLE TO PERFORM A SAFETY-SENSITIVE FUNCTION, I MUST INFORM THE EMPLOYER OF THIS. I FURTHER UNDERSTAND THAT I WILL NOT BE DISCIPLINED IN ANY WAY FOR MY RESPONSIBLE ACTIONS.

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

Please print name:

## 21. SAFETY & HEALTH POLICY

- 21.1. **Policy** . It shall be the policy of Pine County to provide a work place and conditions that are free of recognized hazards to health and safety. The County shall comply with federal and state laws and regulations pursuant to health and safety, i.e.: OSHA, MOSRA, Right-To-Know, Indoor Clean Air Act, etc.

All Department Heads are responsible for establishing and maintaining active safety programs within their respective departments.

Employees are responsible to conduct themselves and handle equipment and material so as to avoid hazards. Employees are also responsible for observing all safety rules, County policies and the identification and reporting of safety hazards to their supervisors.

- 21.2. **Clean Air / Tobacco Policy**. Pine County is committed to providing a safe and healthy environment. Smoking and secondhand smoke have been found to pose definite health hazards, and adversely affect employee relations and the conduct of business.

All County facilities and all County vehicles and equipment are designated as smoke free / tobacco free areas. All employees, visitors, and contractors are expected to adhere to this policy.

Smoking of any kind, including pipes, cigars, cigarettes, vaping with e-cigarettes, and the use of chewing tobacco is prohibited within a minimum of 20 feet of all entrances and exits to County-owned buildings. This includes all entrances that staff, clients, and customers normally use to enter and/or leave the building.

Containers will be provided a minimum of 20 feet from doors of County operated facilities for disposal purposes and will indicate where a designated smoking area is located.

Signs will be posted on all entrances that the building is tobacco free, please smoke a minimum of 20 feet from the building in designated smoking area.

Pine County employees are to use the following designated smoking areas:

- New Courthouse: A minimum of 20 feet from the north end of the building (loading dock) entrance or a minimum of 20 feet from the south end building entrance
- SPGC: A minimum of 20 feet from the west side building entrance
- Silver Building in Sandstone: A minimum of 20 feet from the east side building entrance
- John Wright Building: A minimum of 20 feet from the west side building entrance
- NPGC: TBD once the building is completed and landscape is established

E-cigarettes and chargers are not allowed to be charged in County computers or equipment.

Employees will be responsible for adhering to and enforcing the policy. Employees are given the authority to inform and remind visitors and vendors of County policy.

Employees not complying with this policy will be subject to disciplinary action according to Section 13 of these policies.

21.3. **Seat Belt Policy.** In order to comply with M.S. 169.684, the Mandatory Seat Belt Usage Law, and in order to prevent injuries to County employees and clients wherever possible, all employees shall use the appropriate passive restraint and/or seat belt when operating a motor vehicle in the course of their duties as county employees. This shall apply both when operating a County-owned vehicle and when using a personal vehicle to perform County functions. Each employee is responsible for compliance with this policy and, as a driver, is responsible for the compliance of all passengers to this policy. Employees not complying with this policy will be subject to disciplinary action.

21.4. **Americans with Disabilities Act (ADA).** Pine County is committed to ensuring equal employment opportunities to all individuals, including disabled individuals who may need reasonable accommodations to enable them to perform the essential functions of their jobs.

For the purposes of this policy, “disability” is a physical or mental impairment, which substantially limits a major life activity. “Qualified individual with a disability” is one who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

21.4.1. **Applicants.**

21.4.1.1. Accommodations will be made in the application, testing and interview process for disabled individuals, consistent with the Americans With Disabilities Act (ADA). Applicants who may require accommodations are encouraged to contact the Department Head or Human Resources Manager to make arrangements. Accommodations may include, for example, written questions rather than oral, written responses rather than oral, interpreter for hearing impaired applicants, and conducting interviews in an accessible facility. Requests for accommodation in the application process shall not be grounds for refusing to hire an individual.

- 21.4.1.2. The County may ask an applicant about the applicant's ability to perform job-related functions. An employer may state the attendance requirements of the job and inquire whether or not the applicant can meet them. The employer may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions, as long as everyone applying for a job in the job category is asked the same question.
- 21.4.1.3. The County is not required to omit relevant, job-related testing requirements unless it can otherwise be demonstrated in an alternate manner that the applicant is able to perform the job function the test is designed to evaluate.
- 21.4.1.4. The County will not refuse to hire an individual because that individual requires reasonable accommodation (discussed below) to perform the job that he/she is applying for, if the individual is otherwise qualified.
- 21.4.1.5. Nothing in this policy shall be construed as requiring the County to hire individuals who are not able, with or without reasonable accommodation, to perform the essential function of the position. Further, applicants must otherwise be qualified for the position.
- 21.4.1.6. Nothing in this policy shall be construed as granting preference to disabled applicants in the hiring process. The County is free to hire the most qualified applicant for the position.
- 21.4.2. **Employees.** Pine County will work with any qualified employee who, due to a disability, needs a reasonable accommodation in order to perform the functions of his or her job. Employees will not be discriminated against due to a request for an accommodation.
- 21.4.2.1. **Request for Accommodation.** The burden of requesting an accommodation rests with the employee. The County and its supervisory employees are not obligated to, and are in most cases prohibited from, asking whether an employee has a disability or needs an accommodation. Therefore, in the event that an employee with a disability needs an accommodation, the employee must approach the Department Head to make a request. The employee is encouraged to, but not required to, set forth the nature of the disability and requested accommodation in writing. If the employee is uncertain what accommodation could be made,

the request may be general in nature and discussed with the Department Head and immediate Supervisor.

- 21.4.2.2. A Department Head or immediate supervisor receiving a request for accommodation, whether formal or informal, shall document the request, the date it was made and whether immediate accommodation could be granted. Simple accommodations, such as raising a desk to make it accessible to a wheelchair, are obvious and should be made immediately.
- 21.4.2.3. For accommodations which are not simple to achieve, are costly or are not obvious, the Department Head may require the employee to provide medical documentation as to: 1) the nature of the disability; 2) whether and how it affects the employee's major life activities; 3) whether the employee can perform the essential functions of the position with or without accommodation; 4) what accommodations are necessary and why. Employees will be asked to provide the County with the names and addresses of their medical providers and a release permitting the County to contact and receive information from the medical providers. The Department Head will contact the medical providers with questions relevant to the documentation referenced above and the Department Head shall provide the medical provider with a current position description which sets forth the essential functions of the employee's position and any other information regarding the working environment which the medical provider may need to respond fully.
- 21.4.2.4. All medical information shall be kept in a confidential medical file, separate from the personnel file, in a locked cabinet in the Human Resources Department. The information in the medical report(s) may be shared with a Department Head and the employee's immediate Supervisor to the extent necessary to determine accommodations and for first aid and safety purposes.
- 21.4.2.5. The Department Head, immediate Supervisor and employee should meet to discuss what accommodations could be made to enable the employee to perform the essential functions of the position. These meetings should be informal and candid, and be designed to encourage an open dialogue with the employee to resolve any problems or concerns that might exist. Subsequent to accommodation being proposed and implemented, the Department Head should check with the employee regarding the effectiveness of the accommodation.

A brief written summary of these meetings should be made by the Department Head, with the original placed in the confidential medical file and a copy given to the employee. All meetings, documents and records should be handled in a manner to protect the confidentiality of the employee's medical information and request for accommodation.

- 21.4.2.6. The County is not required to provide the specific accommodation requested by the employee if another accommodation will also work.
- 21.4.2.7. If the employee fails or refuses to have the requested information forwarded from his or her physician or refuses to participate in discussions with the employer regarding the accommodations, the County has no obligation to provide a reasonable accommodation.
- 21.4.2.8. The County is not required to eliminate an essential function of an employee's job as a reasonable accommodation. It is, however, required to remove marginal job functions.
- 21.4.2.9. Reasonable accommodations may include, but are not limited to:
  - 21.4.2.9.1. making existing facilities used by employees readily accessible,
  - 21.4.2.9.2. job restructuring,
  - 21.4.2.9.3. part-time or modified work schedules,
  - 21.4.2.9.4. reassignment to a vacant position for which the employee is qualified,
  - 21.4.2.9.5. acquisition or modifications of equipment or devices,
  - 21.4.2.9.6. appropriate adjustment or modifications of examinations, training material, or policies,
  - 21.4.2.9.7. the provision of qualified readers or interpreters; and - other similar accommodations.
  - 21.4.2.9.8. However, these accommodations (other than reassignment) are not required if they result in the elimination of an essential job function.

- 21.4.2.10. Reasonable accommodations do not include:
  - 21.4.2.10.1. providing time off during the workday for an employee to attend a program that is offered in the evening,
  - 21.4.2.10.2. an accommodation that would require the creation of a new position,
  - 21.4.2.10.3. an accommodation that requires a promotion,
  - 21.4.2.10.4. an accommodation that would pose a significant health or safety risk to the employee or anyone else, or
  - 21.4.2.10.5. an accommodation that would “bump” someone who currently holds that job.
- 21.4.2.11. Direct Threat to Health or Safety: The County may refuse to hire, or terminate, a person who poses a direct threat to the health or safety of others, regardless of the existence of a disability.
- 21.4.2.12. The County is not required to provide an accommodation which is not reasonable or which creates an undue hardship on the County.
- 21.4.2.13. If it is determined that an employee is unable to perform the essential functions of the position, with or without reasonable accommodation, and no vacant position exists for which the employee is qualified to which the employee could be transferred as an accommodation, the employee may be terminated.
- 21.4.3. **Other Protected Categories**. The following categories of individuals are protected by the ADA, although not currently suffering from a disability. These people may also not be discriminated against in hiring, discipline, discharge or job assignments.
  - 21.4.3.1. Record of Impairment: If a person does not currently have a disability, they may still be protected from discrimination in hiring and discharge under the ADA as a qualified disabled person if they have a record of a disability about which the employer knows. No reasonable accommodation is required.
  - 21.4.3.2. Being Regarded as Having an Impairment: Individuals who are regarded, rightly or wrongly, by an employer as having an impairment that substantially limits a major life activity

are covered under the ADA definition of a disability. This was intended to protect those individuals with stigmatic conditions that are viewed as physical impairments when in fact they do not result in a substantial limitation of a major life activity.

- 21.4.3.3. Example: An employee has controlled high blood pressure that is not substantially limiting. If the employer reassigns such an employee to less strenuous work because of unsubstantiated fears that he or she will suffer a heart attack if more strenuous work is performed, the individual would be perceived by the employer as having a substantially limiting impairment.
- 21.4.3.4. Individuals improperly regarded as having an impairment are not entitled to reasonable accommodation but are protected from a refusal to hire or employment action taken.



## **22. INFECTIOUS DISEASE POLICY**

Pine County recognizes that employees with life-threatening, communicable or non-communicable diseases and terminal illnesses such as cancer, heart disease, hepatitis B, and HIV/AIDS, may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their condition(s) are not a threat to themselves or others, Administration should be sensitive to their condition(s) and ensure that they are treated consistently with other employees. The County also recognizes that it has an obligation to provide a safe work environment for all employees and the public. Therefore, precautions should be taken to ensure that an employee's condition does not present a health and/or safety threat to other employees, clients, or the public.

No employee, applicant, or client shall be subjected to testing, removed from normal and customary status, or deprived of any rights, privileges, or freedoms because of his or her health status in regard to a life-threatening disease or terminal illness except for clearly stated, specific, and compelling medical and/or public health reasons.

- 22.1. **Guidelines.** When dealing with situations involving employees with life-threatening diseases or terminal illnesses, or other debilitating conditions, Administration will:
- 22.1.1. Remember that an employee's health condition is personal and confidential, and every precaution should be taken to protect information regarding that employee's health status. Health data regarding employees is private as per M.S. 13.43, Subd.2 and Subd. 4, and may not be released to the public or to fellow employees without a strict observance of data privacy rights of public employees. Knowledge that an employee has a life threatening or terminal illness will be limited to those persons determined by the County's Human Resources Manager as having a direct need to know, consistent with the Minnesota Government Data Practices Act and/or other state and federal law.
  - 22.1.2. Contact Human Resources or the Public Health Director if you believe that you or other employees need information about life-threatening diseases or if you need further guidance in managing a situation that involves employees with a life-threatening illness before taking any action with the affected employee.
  - 22.1.3. Contact Human Resources to determine if a statement should be obtained from the employees attending physician that continued presence at work performing normal job duties will pose no threat to the employee, co-workers, or clients. The County of Pine reserves the right to require an examination by a County-designated physician.
  - 22.1.4. If feasible, make reasonable accommodations (as per the Americans with Disabilities Act) for employees with life-threatening or terminal illnesses consistent with the needs of the office/department.

- 22.1.5. Make a reasonable attempt to positively respond to transfer requests from employees with life-threatening or terminal illnesses experiencing undue emotional stress.
- 22.1.6. Be sensitive and responsive to co-worker's concerns, and emphasize employee education available through the Public Health Department. Do not confirm or deny another employee's health condition, merely present the opportunity for education and understanding.
- 22.1.7. No special consideration should be given beyond normal transfer requests for employees who feel threatened by a co-worker's health condition. Be prepared to provide information to the threatened coworker regarding the safety of the work environment as prescribed under the Minnesota Employee Right to Know Act.
- 22.1.8. Be sensitive to the fact that continued employment for an employee with a life-threatening or terminal illness may sometimes be therapeutically important in the remission or recovery process, or may in fact help prolong that employee's life.
- 22.1.9. Encourage employees to seek assistance from established community support groups for medical treatment and counseling services. Information on these can be requested through the Human Resources Department.
- 22.1.10. Be aware that when dealing with employees who have some form of terminal illness or life-threatening disease, they are covered by laws and regulations that protect disabled people against discrimination. The Human Resources Department must be contacted prior to making any employment decisions regarding an employee with a life-threatening disease or terminal illness.
- 22.1.11. Notify employees that they are to contact the Human Resources Department if they believe a work incident involves significant risk of exposure.
- 22.1.12. Be aware, and make employees aware, that testing for any illness or disease must not be done as a screening device for employment, reassignment, or promotion, except as provided for in accordance with Pine County Policy, labor agreements, or state and federal law.
- 22.1.13. Time away from work will be allowed in accordance with established sick leave and leave of absence policies. Departments are not expected to endure an undue hardship on the responsibilities of the office or on the other employees in the office by allowing excessive absences from the job.

- 22.2. **Testing As Part Of Employment.** Employees will not be required to have or be offered testing for infectious diseases except when they are involved in an incident in the course of their work during which transmission might have occurred. Significant exposure to an infectious disease transmitted by blood and body fluids means contact of broken skin or mucous membrane of employee with another person's blood or body fluids. It also includes need-sticks, scalpel or instrument wounds, or other wound inflicted by an object that is contaminated with blood, and that is capable of cutting or puncturing the skin of the employee. Finally, any other method or transmission recognized by contemporary epidemiologic standards as a significant exposure.

Blood and body fluid in contact with intact skin followed by hand washing as soon as possible would not be considered an exposure. The source client should be informed of the incident and tested for serologic evidence of HIV and Hepatitis B infection after consent is obtained.

An employee shall report the exposure to their supervisor who shall report it as required for Workers Compensation. If the source client has AIDS, is positive for HIV antibody, or refuses the test, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness - particularly one characterized by fever, rash, or lymphadenopathy - may be indicative of recent HIV infection. Seronegative workers should be retested 6 weeks post-exposure on a periodic basis thereafter (e.g., 12 weeks and 6 months after exposure) to determine whether transmission has occurred.

- 22.3. **Precautions.** Precautions should be followed when employees are exposed to blood or body fluids. Since any body fluid may transmit infectious diseases if it contains traces of blood, employees are directed to treat all blood and body fluids as contaminated substances. Employees shall take precautions to prevent injuries caused by needles, knives, broken glass, razor blades, or other sharp instruments, devices, or debris, which can puncture or lacerate the skin.

Work areas and equipment shall be cleaned and decontaminated with a disinfectant as soon as possible after contact with blood or potentially infectious body fluids.

- 22.3.1. **Hand Washing:** Hands and other skin surfaces must be washed thoroughly as soon as possible if contaminated with blood or other body fluids to which universal precautions apply. Hands should always be washed after gloves are removed, even if gloves appear intact. Hand washing should be completed using appropriate facilities such as utility or restroom sinks. Hands must not be washed in a sink where food preparation may occur. Hand washing should be done with warm water and soap, although waterless antiseptic hand cleaner may be used when hand-washing facilities are not available, with a hand washing to be completed at the earliest opportunity.

22.3.2. **Protective Clothing:** Departmental rules shall apply for directives regarding the use of disposable gloves, eyewear, facemasks, and the disposal or laundering of contaminated articles. The employee must use personal protective equipment except in rare and extraordinary circumstances. Such circumstances occur when in the employee's professional judgment the use of personal protective equipment would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the employee or other associates.

22.3.3. **Reporting Significant Exposure:** If an employee experiences significant exposure to blood or body fluids that they believe to be infectious, or experiences a situation where a significant exposure is likely to have occurred, the employee will:

22.3.3.1. report the incident to their supervisor as soon as possible,

22.3.3.2. provide a complete, written description of the incident, which will be used to determine the method of potential transmission of the infectious disease, and

22.3.3.3. have the supervisor complete a report of injury form.

The employee will be sent to a medical facility with the completed reports and advise the medical staff of the exposure or potential exposure. The medical evaluation and follow up shall be confidential.

Each significant exposure incident shall be thoroughly evaluated to determine if the significant exposure could have been avoided. An evaluation of the circumstances will be conducted to determine if policies, procedures, or protective equipment should be amended or changed to avoid future significant exposure incidents.

22.3.4. **Training.** The County shall provide training regarding the spread of infectious disease to all personnel with the potential for occupational exposure, as determined by each Department Head for their work groups.

22.4. **Hepatitis B Vaccination.** Hepatitis B vaccination will be made available to all employees who have significant occupational exposure. The offer of vaccination will be made after employees have received departmental training regarding Hepatitis B. Employees may decline to accept the Hepatitis B vaccination by signing a waiver which includes a statement that the employee acknowledges that the risks associated with contracting Hepatitis B have been explained.

Employees who initially declined the Hepatitis B vaccination, but at a later date decide to accept the vaccination, must be allowed to receive it at that time. All employees receiving the Hepatitis B vaccination will be tested for antibodies following the vaccination series. The antibody testing will determine the employee's

level of immunity. New employees or employees who have changed assignments which classify them as having significant occupational exposure must receive the training regarding Hepatitis B and the vaccination must be made available within ten (10) days of the employee's date of employment or assignment.

22.5. **Modification Of Work Assignments Of Employees With a Medical Condition.**

As long as employees are able to meet acceptable performance and attendance standards, and medical evidence indicates that their condition is not a threat to themselves or others, employees shall not be denied continued employment solely because of their medical condition.

As determined necessary and in compliance with state and federal law, an effort will be made to modify an employee's duties based on medical recommendations of the employee's or county's physician. Such determination shall be on a case by case basis and subject to County Board approval. An employee's health condition is personal and confidential. In the event that an employee is absent from work because of any life threatening communicable or non-communicable disease/illness, the same confidentiality requirements apply to any medical condition.

22.6. **Department Operations.** Departments are expected to change their procedures to incorporate infectious disease control practices, which apply to all employees and clients. Department Heads and Supervisors are to pursue all reasonable and appropriate actions, which would ensure that an employee's health condition does not present a health or safety threat to coworkers or the public. Departments are advised to use the Center for Disease Control Guidelines on infectious diseases in the workplace. Where it has been determined that there is no health or safety risk, those employees who feel threatened by a fellow employee's or client's condition will not be allowed to refuse the work.

22.7. **Privacy Issues.** Pine County will strictly enforce the privacy of client and employee health records.

Clients of Pine County shall not be tested for infectious diseases (communicable/non-communicable) unless there is, in the judgment of the Public Health Director or designee after consultation with the County Medical Advisor, sufficient medical and/or public health reason to do so.

22.8. **Education.** All Pine County employees shall receive training regarding infectious diseases including AIDS and Hepatitis B, and that training shall be mandatory. Training will be according to the employee's work assignment. The categories for training will be:

22.8.1. Basic information and policy information;

22.8.2. Training for employees who are in contact with high-risk clients;

22.8.3. Training for employees who are at risk of infection because of their work assignment.

### **23. APPEARANCE AND DRESS POLICY**

The dress and appearance of County employees is a direct reflection on the professionalism of our services. County employees meet with the public daily as a part of their regular workday. A neat, well-groomed employee will present a positive image of the County and demonstrate the pride of our County employees. Our appearance and attire have a definite impact on the way we are perceived by others and the confidence that customers have in our ability to provide quality services.

County employees are expected to dress in attire appropriate to their position. The following information should guide employees on proper dress in the work place. Although it is difficult to develop a policy that will cover all individual variations in dress and style for each work situation or circumstances, the following guidelines have been established based on public image, job safety, and personal hygiene:

- 23.1. **Non-Uniformed Personnel – Office Environment.** The following items are considered inappropriate for office environment (including full-time, part-time, casual, seasonal, interns, work study, etc.):
- 23.1.1. T-shirts or sweatshirts (Athletic of either is not acceptable, other organizational logos/insignia are not acceptable, Dress t-shirts and holiday themed sweatshirts are acceptable as well as sweatshirt material button up overcoats).
  - 23.1.2. Flannel shirts are not acceptable
  - 23.1.3. Tube tops, halter-tops, tank tops, muscle shirts, or sleeveless tops (sleeveless tops/shirts will be acceptable all year round as long as they are non-altered and not overly revealing or offensive).
  - 23.1.4. Sweatpants or workout clothes
  - 23.1.5. Any clothing that is overly revealing or outlandish so as to cause distraction
  - 23.1.6. Clothing is to be free of words, slogans, and/or images which others may find offensive. Polo shirts and wind shirts/jackets are acceptable with advertisements or logos as long as the print is no larger than 2". (Clothing with County related logos are acceptable.)
  - 23.1.7. Body-hugging clothes including leggings & spandex garments
  - 23.1.8. Shorts (Unless it is a skort/slip skirt, it is NOT acceptable)
  - 23.1.9. Jeans (black, blue and/or all colored jean material is permitted in observance of Casual Friday's only.)
  - 23.1.10. Capri's (jean – colored or blue jean denim is permitted in observance of Casual Friday's only)
  - 23.1.11. Bib Overalls
  - 23.1.12. Military or hunting clothing
  - 23.1.13. Athletic shoes/tennis shoes – (Department Head discretion for specific situations)
  - 23.1.14. Flip-flops (i.e. one strap between the toe, beach or shower shoes). Sandals are acceptable.

Additionally, tattoos must be covered if considered offensive (at the sole discretion of the department head) and new or fresh tattoos pose a health concern and must be securely bandaged. Visible body piercing/jewelry in the nose, tongue, lip, or eyebrows are NOT allowed for any employee. Multiple earrings are allowed except if they are considered excessive, unsafe or offensive at the sole discretion of the department head.

Obviously, dress varies by job function. Individuals who may spend a portion of the day in the field need to dress in a manner appropriate to their jobs, as determined by their supervisor. Many of the above guidelines will still apply. Field workers (Hwy, Land, Zoning, Bldg Maintenance Worker, S.W.'s, PHN's, Probation Officers and Property Appraisers) who are in the office for a full day shall follow all the guidelines listed above.

23.2. **Non-Uniformed Personnel – Non-Office Environment.** The following items are considered inappropriate for those individuals working in a non-office working environment.

23.2.1. Tube tops, halter tops, tank tops, or muscle/sleeveless shirts

23.2.2. Shorts

23.2.3. Body-hugging clothes including leggings & spandex garments

23.2.4. Sweatpants (acceptable as an undergarment for warmth for field employees only; never acceptable as an outer garment)

\* On the days in which employees will be in the field, jeans and athletic wind pants are acceptable for Hwy, Land, Zoning, Bldg Maintenance Workers, Social Workers, Public Health Nurses, Probation Officers and Property Appraisers; however, prior approval must be received from department head. Clothing must always be neat, clean, and not overly worn, faded, or in disrepair.

23.3. Additionally, tattoos must be covered if considered offensive (at the sole discretion of the department head) and new or fresh tattoos pose a health concern and must be securely bandaged.

23.4. Uniformed Personnel: Uniforms are provided to some County employees. Uniforms bearing County identification should not be worn during off-duty hours. Uniforms should be worn at work unless an exception is made by the supervisor.

23.5. **All Personnel:** Exercise your good judgment. Department heads have the responsibility of enforcing this policy. In some cases, it may be the prerogative of a department to establish more restrictive standards.

23.6. Violations of the policy will be just cause for the employee to leave the work site in order to change attire. Time away from work shall not be paid as regular duty pay. The employee may use vacation or no pay. Dress policy shall not be subject to any labor agreement or County policy grievance procedure.

***Please Note: If a complaint is filed with the Coordinator that an employee's attire is in violation of the dress policy and the appropriate department head has not taken action, the concern will then be presented to the County Board of Commissioners for follow-up. Failure to follow the appearance and dress policy of Pine County will lead to disciplinary action against an employee up to and including termination.***

## **County of Pine Dress and Appearance Policy**

I certify that I have read the County of Pines' Dress and Appearance Policy and understand the contents of this policy. I have also read and am familiar with the dress code as it relates to my position and agree to abide by its requirements.

I also understand failure to follow the dress and appearance policy of Pine County will lead to disciplinary action up to and including termination of my employment.

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

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

Please return form to the Coordinator's office. Form will be placed in Personnel File.



**24. PINE COUNTY PURCHASING POLICY  
PROCUREMENTS FOR NON-FEDERAL FUNDING**

Adopted/Amended July 17, 2018; Supersedes Policy Adopted/Amended February 20, 2018

**24.1 Applicability**

This policy applies to each employee of Pine County that is granted the authority for procurements with non-Federal funding. When procuring property and services through Federal funding, employees should refer to the Pine County Federal Award Procurement and Conflict of Interest policy for additional guidance.

**24.2 Policy Statement**

This policy is to provide the framework for departments to follow when procuring services and property. It is in the best interest of Pine County and its taxpayers that procurements are made of the highest professional standards in accordance with State and Federal laws and regulations. All procurement transactions must be conducted in a manner which allows full and open competition, where all responsible sources are permitted to compete in the purchasing process. Departments should consider life-cycle costs, long term value, quality, and seek the best quality goods and services for its taxpayers when making procurements.

**24.3 Ethical Practice**

No elected official, employee or immediate family member of an elected official or employee should have a financial interest, directly or indirectly, in any contract or purchase order for goods or services used by Pine County. Elected officials and employees should not accept or receive, directly or indirectly, from a vendor any promise, obligation, gift, or contract for future reward or compensation. Any violation of this section may be a gross misdemeanor. (M.S. 471.87)

**24.4 Procurement Authority**

The Pine County Board of Commissioners has the authority to authorize all expenditures of County funds. The Board has authorized purchasing authority to each department head and his/her official designee(s). Budgeted funds must be available before a purchase commitment is made. Each department is responsible for presenting their purchase requests for the upcoming budget year to the Board for approval.

**24.5 General Responsibilities**

24.5.1 County Issued Credit Cards - Any County employee who is authorized to make purchases, and uses a County issued credit card for that purchase, will be responsible for full compliance with this policy. See the Pine County Credit Card policy for additional guidance.

24.5.2 Contracts – All written contracts require County Board approval.

24.5.3 Leases – Any department considering a lease agreement must consult with the County Administrator.

- 24.5.4 Professional services (i.e. consulting) do not require a bid. A request for proposal is appropriate for these services. Contracts are awarded based on the qualifications and competency of the candidates for the professional service; not on the lowest cost.
- 24.5.5 Department heads are required to maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts.
- 24.5.6 Supplies – Consumable goods that are generally valued under \$500. May be purchased as needed within the approved annual budget for each department.

24.6 **Procurement Limits**

The Pine County Board has the authority to authorize all expenditures of County funds. Under no circumstances should purchases be split or purchased in intervals to avoid procurement limits. Where more than one procurement method is permitted, department heads should select the one most likely to provide the best value for the County. The Board has authorized purchasing authority as follows:

- 24.6.1 **\$0 to \$25,000** – Purchases may be made by direct negotiation in the open market, or with a minimum of two written quotes or bids from qualified vendors. Supporting quotation or bid documentation must be retained for one year after their receipt (M.S. 471.345, subd.5).
- 24.6.2 **\$25,000.01–\$175,000** - Contracts may be made either upon sealed bids or by obtaining two or more quotations. No advertising for bids is required. All supporting documentation should be kept on file for one year of receipt (M.S. 471.345).
- 24.6.3 **Over \$175,000** – Contracts that exceed \$175,000 require a formal competitive sealed bid process solicited by public notice. All supporting documentation should be kept on file for 10 years after completion of project.
- 24.6.4 **Best Alternative Value-** As an alternative to bidding, the County may elect a “best value alternative” process for construction, alteration, repair or maintenance work. If the “best value alternative” is chosen, the County will comply with all the requirements under M.S. 16C.28, sub 1.
- 24.6.5 **Cooperative Contracts-** The County is authorized to use cooperative contracts (Federal, State, and other local governments) in lieu of formal bidding or seeking quotes when it is to the advantage of the County.
- 24.6.6 **Purchases of Software and Technology-** All purchases involving software and technology must be approved by the IT Manager.

24.7 **Capital Asset Purchases**

If a purchase is at or above the capital asset threshold, the department receiving the asset should complete an asset acquisition form and immediately forward the form and supporting documentation of the purchase to the Auditor’s office. The following is the capital asset categories and thresholds:

- a. Equipment/Vehicles - \$10,000
- b. Building - \$25,000

- c. Building Improvements - \$25,000
- d. Roads - \$50,000
- e. Bridges - \$50,000
- f. Land – no minimum
- g. Computer Software - \$20,000

Group purchases can only be considered in the above capital asset categories if all items remain together as one component unit.

## **25. PHOTO ID PROXIMITY CARD/KEY ACCESS**

- 25.1. **Purpose and Scope.** It is the intent of the County of Pine to provide a safe environment for employees, contractors and the visiting public while in the new Pine County Courthouse/Law Enforcement Center. The purpose of this policy is to establish the guidelines to be used for building security. The scope of this policy applies to all members of the Pine County workforce.
- 25.2. **Policy.** With the construction of the new Pine County Courthouse/Law Enforcement Center, Pine County has implemented a Photo ID Proximity Card/Key access system for security purposes. This policy applies to all Pine County employees who are issued a key/proximity card.
- 25.3. **Procedures.** The employee to whom the photo ID proximity card(s)/ key(s) is issued to will be held responsible and accountable for said photo ID proximity card(s)/ key(s).
- 25.3.1. All Pine County employees are required to wear their issued proximity card/ID Badge in plain view for all to see while on county work time. Badges must be worn with photo facing out and in an area between the collar and the waist. (either fastened with a clip or on a lanyard)
  - 25.3.2. All photo ID proximity cards/ keys are the property of Pine County and must be surrendered to the County Coordinator's office upon request, or termination of employment. Photo ID proximity cards/ keys are not to be used by anyone other than the individual it was issued to. Individuals who intentionally alter, mutilate, permit others to use one's photo ID proximity card/ key, or violate any provision of this policy are subject to disciplinary action, up to and including termination.
  - 25.3.3. A proximity card reader is located on the employee entrance of the courthouse. Proximity cards shall be utilized each time an employee enters the building. Any doorway equipped with a proximity card reader shall not be propped open.
  - 25.3.4. Different levels of access will be assigned to employees requiring access to certain secure areas in order to perform their duties as a Pine County employee. Secure areas of the building, i.e. Court Administration, will

require additional security access only as submitted in writing by the individuals Department Head/Elected Official with approval from the County Coordinator before issuance.

- 25.3.5. The issuance and tracking of all proximity cards will be the responsibility of the County Coordinator or his/her designee who must maintain accurate and up to date records. If an individual loses a photo ID proximity card/key or it is stolen, the individual must immediately report this to the County Coordinator's office. It is a violation of this policy for any individual to duplicate any photo ID proximity card/key issued by the County of Pine. All duplicate proximity cards shall be made and recorded by the County Coordinator's office. It will be the responsibility of the Building Maintenance Supervisor to distribute and maintain accurate and up to date records of all keys. \*Key request forms can be obtained from the County Coordinator's office.
- 25.3.6. Employees on any kind of extended leave of absence in which they will be physically absent from the building shall surrender all photo ID proximity card/key to the Coordinator's office during the duration of the leave.
- 25.3.7. Upon termination of employment, all photo ID proximity card/key must be returned to the County Coordinator's office. The Coordinator or his/her designee must complete a submission form, which the employee must present to the payroll department before release of his/her final paycheck.

## **26. PAID TIME OFF & VACATION DONATION PROGRAM POLICY**

- 26.1. **Summary.** It is the policy of Pine County to permit the donation of accrued PTO & vacation from one employee to another employee requesting leave.

The purpose of the Paid Time Off/Vacation Donation Program Policy is to provide a safety net of County compensation benefits for county employees, when the recipient employee has exhausted PTO, banked sick leave, compensatory time and vacation, due to a catastrophic illness/injury or medical condition that requires the recipient employee's absence or attendance to a spouse's or child's condition.

- 26.2. **Definition.** A catastrophic illness or injury is one that incapacitates the employee, his or her spouse or child which has caused the employee to exhaust other eligible leave credits. (i.e. car accident, cancer)

- 26.3. **Eligibility.** Program recipients must meet all of the following criteria to receive donated hours:

- 26.3.1. Must have requested donated leave due to a catastrophic illness/injury or medical condition.
- 26.3.2. Must have written verification of a catastrophic illness/injury or medical condition from a licensed medical practitioner if requested.
- 26.3.3. Must have completed 6 months of employment.
- 26.3.4. Must have PTO/vacation donation request acknowledgement from his/her department head.
- 26.3.5. All PTO or vacation leave transferred shall be used at the recipient's pay rate.
- 26.3.6. Recipients of donated leave must have up to five (5) days or less of PTO or sick leave available at the time leave is donated to them.
- 26.3.7. Other wage-replacement benefits are allowed and any use of PTO/Vacation Donation Benefits will be offset.

In order to receive pay for a holiday while receiving donated leave, donated leave will need to be used for the holiday. If an employee is on an intermittent FMLA and works the full day before and the full day after a holiday, the preceding would not apply.

- 26.3.8. A leave **donor** must meet the following criteria and requirements:
  - 26.3.8.1. An irrevocable donation of not more than the donor's current accrued PTO/vacation leave donated in increments of one hour with a minimum donation of one hour.
  - 26.3.8.2. Certification that no solicitation and/or acceptance of any money, credit, gift, gratuity, thing of value or compensation of any kind has been provided, directly or indirectly, to the donor.

- 26.4. **Procedures.**

- 26.4.1. The PTO/Vacation Donation Program is administered by Human Resources.
- 26.4.2. Participation in the program is on a strictly voluntary basis.

26.5. **Employee Leave Recipient.**

- 26.5.1. Requests are subject to approval of the *Application of Use of Donated PTO/Vacation Form* (sample attached), which are available in the Human Resources Department. In the event the employee is unable to complete the *Application for Use of Donated PTO/Vacation Form*, the employee's designated family member may complete the form on behalf of the employee.
- 26.5.2. To receive donated PTO/vacation, an employee must complete a *Medical Information Form* signed by the treating physician including the physician's statement.
- 26.5.3. The *Application for Use of Donated PTO/Vacation* and Physicians Statement must be forwarded to Human Resources. Human Resources will develop a separate PTO/vacation donation leave file with separate files for each ongoing case.
- 26.5.4. The leave recipient may use donated time as PTO/sick time for as long as it is determined they meet the eligibility criteria.
- 26.5.5. The leave recipient shall continue to accrue PTO, sick, and vacation leave while using donated leave time. Once an employee is in a no pay status PTO, sick leave, and vacation accrual will terminate.
- 26.5.6. The leave recipient shall have the appropriate federal and state taxes and PERA deductions withheld.
- 26.5.7. The leave recipient does not need to pay back donated time received.

26.6. **Employee Donor.**

- 26.6.1. The donating employee shall, on the appropriate form, request transfer of their accrued PTO/vacation time to the recipient, record of which is to be kept and monitored by the Payroll Clerk.
- 26.6.2. A PTO/Vacation Donation Contribution Form will be available from the Department Heads and/or Payroll and must be signed and returned to payroll before a donation can be effective.
- 26.6.3. Employees may donate at any time throughout the year.
- 26.6.4. Payroll will be responsible for subtracting the donated PTO/vacation leave from the contributing employees PTO/vacation balance at the time the donated time is used
- 26.6.5. Donations are not tax deductible.
- 26.6.6. Donations are irrevocable.

The final decision on the award and distribution of donated leave time rests with Human Resources and shall not be subject to any labor agreement or County policy grievance procedure. In making decisions, Human Resources shall review the employee's application, the department's verification of exhaustion of all but five (5) days paid leave, and all medical evidence submitted by the employee, including but not limited to a physician's statement. Human Resources may request additional information from the applicant.



**PTO/Vacation Donation Form**

I, \_\_\_\_\_, authorize Pine County payroll to deduct from my current

*PTO leave* \_\_\_\_\_ *hours*

*Vacation leave* \_\_\_\_\_ *hours*

*Personal leave* \_\_\_\_\_ *hours*

*Compensatory leave* \_\_\_\_\_ *hours*

**Total Hours Donated:** \_\_\_\_\_

and transfer said amount to the following employee: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Number

## Application for Use of Donated PTO/Vacation

Name: \_\_\_\_\_ Date of Application: \_\_\_\_\_

SS# \_\_\_\_\_ Department: \_\_\_\_\_

Date of Hire: \_\_\_\_\_ Reason for Request: \_\_\_\_\_

(BE SPECIFIC)

### Physician Information – to be filled out by treating physician

Physician Name: \_\_\_\_\_

Physician Office Address: \_\_\_\_\_

Physician Phone #: \_\_\_\_\_

Diagnosis: \_\_\_\_\_  
\_\_\_\_\_

Prognosis: \_\_\_\_\_  
\_\_\_\_\_

Probable duration of the condition: \_\_\_\_\_

Is the patient unable to work? \_\_\_\_\_

\_\_\_\_\_  
Signature of Health Care Provider \_\_\_\_\_  
Date

I hereby authorize the release of information from the above physician for purposes of determining eligibility for Donated Vacation Leave.

\_\_\_\_\_  
Patient Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources Approval: \_\_\_\_\_ \_\_\_\_\_  
Date



## **27. EMPLOYEE ASSISTANCE PROGRAM**

27.1. The County realized that stress and problems that arise in an employee's personal life can substantially affect the employee's work productivity and can potentially impair an employee's judgment leading to increased risk of accidents and injury. The County, through its insurance trust MCIT, provides an employee assistance program for employees and their family. This program provides confidential counseling services to the employee and family members who may be experiencing problems with relationships, separation/divorce issues, substance abuse, loss and grief (death), financial crisis, depression and anxiety, parent/child difficulties, and many other personal problems.

The service provides four free counseling sessions and, if additional services are indicated, will work with the employee on locating a provider to continue the sessions with a provider covered under the County's health program.

Sandcreek, the service provider, has established local providers in every county seat in the state and also may have additional providers in other population centers in the County.

If you are experiencing any personal or family-related problems, you are encouraged to contact the Employee Assistance Program. The number is:

**1-800-550-MCIT (6248)**

For more information on the EAP and its services, please feel free to contact the Human Resources Office.

## 28. PROHIBITING FIREARMS AT WORK

28.1. **Introduction.** Pine County prohibits all employees, except employees of the Sheriff's Department who are designated to carry sidearms, from carrying or possessing dangerous weapon as defined by Minn. Stat. § 609.02 Subd. 6 while acting in the course and scope of employment for the County. The possession of, or carrying of, a dangerous weapon by employees, except employees of the Sheriff's Department who are designated to carry sidearms, is prohibited while working on County property or while working in any location on behalf of the County. This includes but is not limited to carrying on your person a dangerous weapon while:

- 28.1.1. Driving when on county business;
- 28.1.2. Riding as a passenger in a car or any type of mass transit while on county business;
- 28.1.3. Working at the Pine County Courthouse or any other county worksite;
- 28.1.4. Working off site on behalf of the County;
- 28.1.5. Performing emergency or on-call work at times other than normal business hours;
- 28.1.6. Working at private residences, businesses, or any location on behalf of the county;
- 28.1.7. Attending training or conference on behalf of the county;
- 28.1.8. Operating a County-owned vehicle;
- 28.1.9. Being a passenger in a County-owned vehicle;
- 28.1.10. If an employee is on County business in a motor vehicle a firearm must be unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied and/or otherwise fastened and without any portion of the firearm exposed or unloaded and in the closed trunk of a motor vehicle.

An exception to this policy is that county employees may carry and possess firearms in county-owned parking areas if the employee has the appropriate permit in compliance with Minn. Stat. §624.714 and the firearm is secured in the person's vehicle; the firearm is unloaded and in the closed trunk of a motor vehicle or unloaded and in a gun case expressly made to contain the firearm, if the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and no portion of the firearm is exposed. An employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a county-owned parking area and is not needed in the course and scope of employment.

28.2. **Violation of Policy.** Violations of this policy may lead to discipline up to and including termination in accordance with these policies and the applicable collective bargaining agreement.

*Applicable Statutes: Minn. Stat. § 609.66; Minn. Stat. § 624,714; Minn. Stat. §97B. 045; Minn. Stat. 024.7181*

## **29. POLICY FOR DONATION OF SURPLUS EQUIPMENT TO A NONPROFIT ORGANIZATION**

- 29.1. **Purpose.** The purpose of this policy is to establish procedures for the donation of surplus equipment by the County to a nonprofit organization as permitted by Minnesota Statutes section 4729.13459.
- 29.2. **Scope.** This policy applies to all County departments that generate surplus equipment and governs the actions of all County employees and officials.
- 29.3. **Definitions.**
- 29.3.1. “County” means Pine County, a political subdivision of Minnesota.
  - 29.3.2. “County Board” means the Pine County Board of Commissioners.
  - 29.3.3. “Donation” means to contribute, donate or give surplus equipment at no cost to a nonprofit organization that serves a public purpose and benefits its community as a whole.
  - 29.3.4. “Eligible organization” means a nonprofit organization serving one or more of the following functions: cultural, historical, educational, safety, social services, environmental or economic.
  - 29.3.5. “Fair market value” means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all relevant facts.
  - 29.3.6. “Nonprofit organization” means an organization formed under Section 501(c)(3) of the Internal Revenue Code.
  - 29.3.7. “Policy” means this policy as adopted by the County Board.
  - 29.3.8. “Surplus equipment” means equipment used by the County public works department, and cellular phones and emergency medical and firefighting equipment that is no longer needed by the County because it does not meet industry standards for the intended use or has minimal or no resale value.
  - 29.3.9. “Surplus Equipment Form” means the form attached as Exhibit A to this policy that must be filled out by a nonprofit organization requesting a donation of surplus equipment.
- 29.4. **Procedure.** The County may offer surplus equipment for donation in conformance with the following guidelines:
- 29.4.1. **Identify Surplus Equipment.** Department heads are responsible for monitoring their equipment and shall identify and report surplus equipment on a periodic basis or as otherwise requested.
  - 29.4.2. **Determine the Fair Market Value of Surplus Equipment.** The department head shall recommend the fair market value of the surplus equipment.
  - 29.4.3. **County Board Declaration.** The list of the surplus equipment with each item’s fair market value shall be presented to the County Board. The County Board shall approve or deny the surplus equipment as eligible for donation. The County has no obligation to make a donation of surplus equipment. Surplus equipment that is not donated may be sold, recycled or discarded as allowed by law.
  - 29.4.4. **Donation.** After the County Board has determined the surplus equipment eligible for donation, the department head shall be responsible for

coordinating the donation of the surplus equipment in accordance with the terms of this policy.

- 29.4.5. **Transfer between Departments.** All surplus equipment must first be considered for transfer between departments for the benefit of the County.
- 29.4.6. **Advertisement.** Surplus equipment shall be posted as eligible for donation on the County’s website. The County may also use other reasonable means to notify eligible organizations about the availability of surplus equipment. The County shall wait at least 30 days after advertising surplus equipment before approving any donation. An eligible organization may make an appointment with the department head responsible for the surplus equipment for inspection before the donation.
- 29.4.7. **Approval of Donation.** Donation must be approved by the County Board.
- 29.4.8. **Prioritization of Donations.** If more than one eligible organization requests a donation for the same surplus equipment, the County shall consider factors it deems relevant including how the surplus equipment will be used, the benefit to the eligible organization, the impact on the County, how the donation will accomplish goals of the County Board, and any previous donation to the eligible organization.
- 29.4.9. **Conflict of Interest.** All County employees and officials are prohibited from taking possession of any surplus equipment on behalf of an eligible organization.
- 29.4.10. **As Is.** A donation of surplus equipment is made “as is” with no warranty, guarantee or representation of any kind, express or implied, as to the condition, utility, or usability of the surplus equipment offered. The surplus equipment may be defective and cannot be relied up for safety purposes.
- 29.4.11. **Title/Transfer Fees.** Any fees required to transfer the surplus equipment are the responsibility of the eligible organization.
- 29.4.12. **Transportation.** In the Surplus Equipment Form, the eligible organization must provide a plan for transporting the surplus equipment from the County to the eligible organization. The eligible organization must pay all expenses associated with the transportation of the surplus equipment.
- 29.4.13. **Title.** When surplus equipment is donated to an eligible organization, title and interest in the donated item vests with the eligible organization. The County has no title, property, possessory or any other interest in surplus equipment once a donation occurs.
- 29.4.14. **Disclaimer of Warranties.** The County makes no agreement, warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for any particular purpose or use of the Surplus Equipment by the recipient or any other user.

The recipient acknowledges the surplus equipment may be defective and that it cannot be relied upon for safety purposes. The recipient has a duty to inspect the surplus equipment before it is used for any purpose.

The recipient acknowledges that the County is not a manufacturer of the surplus equipment or a dealer therein; that the surplus equipment is being provided “as is” and “with all faults,” it being agreed and understood that all of the aforementioned risks are to be borne by the recipient or user of the surplus equipment.

In no event shall the County be liable for any damages in connection with or arising out of the recipient’s or any other person’s or entity’s use of the surplus equipment.

**Exhibit A**  
**Surplus Equipment Form**

Organization Name: \_\_\_\_\_

Organization Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Organization Website: \_\_\_\_\_

(Attach proof of status as a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code.)

Organization Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Point of Contact:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

County Surplus Equipment of Interest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How will the requested surplus equipment benefit your organization?

\_\_\_\_\_  
\_\_\_\_\_

How do you plan to transport the surplus property from the County to your location?

\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that the donation of any surplus equipment to my organization is subject to the County's Policy for Donation of Surplus Equipment to a Nonprofit Organization.

I have authority to request a donation from the County and to bind my organization to the terms of this form.

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

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

## **Section 30. Lactation/Breastfeeding Policy**

### **30.1 Purpose**

In recognition of the well documented health advantages of breastfeeding for infants and mothers, Pine County provides a supportive environment to enable breastfeeding employees to express their milk during work hours while separated from her newborn child. This includes a company-wide lactation support program administered by Health & Human Services Public Health Educator.

### **30.2 Company Responsibilities**

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

**30.2.1 Milk Expression Breaks.** Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use PTO or Vacation time or may make up the time as agreed upon with their supervisors.

**30.2.2 A Place to Express Milk.** A private lactation room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk which includes a chair and small table. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private office, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk can be stored in the small fridge in the lactation room.

**30.2.3 Staff Support.** Supervisors are responsible for alerting pregnant and breastfeeding employees about the company's worksite lactation support program, and for discussing policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

### **30.3 Employee Responsibilities**

**30.3.1 Communication with Supervisors.** Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the company. Access to the lactation room needs to be initiated by Supervisor to the Administration office to allow keycard access for designated employee.

**30.3.2 Maintenance of Milk Expression Areas.** Breastfeeding employees are responsible for keeping milk expression areas clean, using anti-microbial wipes to clean surface areas of the room including tables, counters, chairs, and other areas as needed. Employees are also responsible for keeping the general lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

**30.3.3 Milk Storage.** Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using the refrigerator provided by Pine County. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Any nonconforming products stored in the refrigerator may be disposed of.

## 31. Media Requests

31.1 Purpose: All county employees have a responsibility to help communicate accurate and timely information to the public in a professional manner.

31.2 Policy: The county has designated media contacts. The contacts are:  
County Auditor – Treasurer or designee  
County Attorney or designee  
County Sheriff or designee  
County Commissioner  
County Administrator or designee

Except for routine events and basic information readily available to the public, all requests for interviews or information from the media should be routed through the appropriate media contact.

31.3 Procedure: No county employee is authorized to speak on behalf of the county unless the person is a designated media contact or the person's designee. Media requests include anything intended to be published or viewable to others in some form such as television, radio, newspapers, newsletters, social media postings, blogs, and websites. When responding to media requests, employees should follow these steps:

31.3.1 If the request is for routine information or information generally available to the public, and the employee knows the information, the employee should give the information to the requestor. These routine requests include information such as county board meeting times/locations, addresses to county facilities, information posted on the county web site and similar readily available public information.

31.3.2 If the request is for information other than routine information such as: information about county policy, personnel matters, potential litigation, an opinion on a county matter, etc. the request should be forwarded to the most appropriate media contact. If the employee is uncertain as to the most appropriate media contact, the request should be forwarded to the county administrator.

When responding to a non-routine request the employee should inform the media representative that they are unable to respond to the request and they will forward the request to the appropriate county media representative. The employee should then get basic information from the media requestor including: name, questions/topic of interest, deadline, and contact information. This information can then be forwarded to the appropriate media contact.

When communicating on behalf of the county, employees acting as media representatives should be clear that they are acting on behalf of the county and not share personal opinions.

Approved 11/21/17

## Section 32. Workplace Wellness Activities Policy

31.1 Purpose: The purpose of this policy is to support workplace wellness activities by fostering a culture of wellness. Health improvement activities can be a significant factor in preventing disease, improving one's outlook on life, and employee productivity.

### 31.2 Wellness Committee Responsibilities

Wellness equipment will be maintained, upgraded, or disposed of at the Wellness Committee's discretion. Appropriate safety equipment and information will be available to employees.

Each area which contains wellness equipment will have a designated wellness committee member contact posted in the location the equipment is stored.

Any employees wanting basic instruction on the use of wellness equipment shall contact the designated wellness committee member.

### 31.3 Employee Responsibilities

All workplace wellness activities are voluntarily in nature and employees are not required to participate.

- Waivers: Any employee choosing to participate in wellness activities at work must sign a waiver prior to the use of any wellness equipment. This waiver will be placed into the employee's personnel file.
- Equipment Usage: Employees will return all wellness equipment to the proper locations and be courteous of other users.

Employees are not allowed to permit non-employees (especially children) to use the equipment or be present in the fitness area at any time.

- Attire: Employees shall wear appropriate attire for wellness activities they chose to participate in. Any damage that occurs to their attire while participating in wellness activities is the employee's responsibility.
- Safety Equipment: Safety equipment is provided; employees may choose which safety equipment they utilize at their own risk. Employees may also choose to utilize their own safety equipment.
- Pre/Post-Use Inspections: Employees are responsible for inspecting wellness equipment prior to and after use to ensure equipment is in working order. Any concerns regarding the equipment should be brought designated wellness committee member's attention.



31.4 Liability

Pine County and its agents, employees, sponsors, and those whose facilities may be used for this wellness activities are not liable for any injuries or illness (including death), damages or loss which may accrue as a result of voluntary participation in workplace wellness activities by employees. This release from liability includes workers' compensation coverage, as employees are not performing work activities while participating in optional wellness activities.

31.5 Safety

Physical exercise, sport, and recreational activities may cause injury. The employees should acknowledge that there is an inherent risk of injury when choosing to participate in any physical exercise, sport, wellness, and/or recreational activities. Employees are advised to consult with a physician before undertaking any new physical exercise program.

31.6 Program Funding

The wellness committee has no taxpayer dollars available to it; therefore, any maintenance, upgrades, or purchases of equipment must be done through in-kind donations of time, grants, or other income sources such as vending profits.



**Liability Waiver for Employees  
Participating in Fitness  
Activities at Work**

**ACKNOWLEDGEMENT AND RELEASE OF LIABILITY**

I, \_\_\_\_\_ request authorization for myself to participate in fitness activities at work. I acknowledge that participation by me is expressly conditioned on my agreement to each of the terms of this document. I acknowledge and agree as follows:

1. Physical exercise, sport, and recreational activities may cause injury. I understand that there is an inherent risk of injury when choosing to participate in any physical exercise, sport, wellness, and/or recreational activities. My participation is a voluntary activity in all respects, as I am not required to participate in the activities and I assume all risks of injury and illness that may result from such participation in any sponsored group activities or individual activities.
2. As the participant, I recognize and acknowledge that there are risks of physical injury and I agree to assume the full risk of any injuries (including death), damages, or loss which I may sustain as a result of participating in any and all activities arising out of, connected with, or in any way associated with wellness activities. I acknowledge that participation in these activities is voluntary.
3. I, on behalf of myself, do hereby fully release and discharge Pine County and its agents, employees and sponsors, and those whose facilities may be used for this program (collectively, the "Released Parties") from all liability, claims, and causes of action from injuries or illness (including death), damages or loss which I may have or which may accrue to me as a result of participation in workplace wellness activities, including workers' compensation coverage. This is a complete and irrevocable release and waiver of liability. Specifically, and without limitation, I, on behalf of myself, hereby release the Released Parties from any liability, claim, or cause of action arising out of the Released Parties' negligence. I, on behalf on myself, covenant not to sue the Released Parties for any alleged liabilities, claims, or causes of action released hereunder.
4. In the event of any emergency, I authorize the Released Parties to secure from any licensed hospital, physician, and/or medical personnel any treatment deemed necessary for my immediate care and agree that I will be responsible for payment of all medical services rendered.
5. I have been advised by Pine County to consult with a physician before I undertake any physical exercise program. I certify that I am in good health and sufficient physical condition to properly participate in fitness activities at work; that I am knowledgeable about the proper use of any equipment that I will use and the rules of any activities that I will participate in; and that I will carefully read the operating instructions for any worksite fitness equipment prior to use and will operate such equipment in strict accordance with instructions.

I have read and fully understand this Acknowledgement and Release of Liability set forth above, including the permission to secure medical treatment and the release of all claims, including claims for the negligence of the Released Parties. I am 18 years of age or older. I understand that my signed waiver will be retained in my employee personnel file. This document is binding upon me and my heirs, children, wards, personal representatives, and anyone else entitled to act on my behalf.

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

Printed Name: \_\_\_\_\_ Department: \_\_\_\_\_

If you have any questions regarding this release or the terms of this release, please contact Kelly Schroeder, x1634 immediately and do not participate in any recreational (exercise) activities sponsored by the employer.

**Pine County Policy # 33**  
**North Pine Government Center**  
**Community Room Use Policy for Non-County Use**

**POLICY**

It is the policy of Pine County to make the community room available to the Pine County community on a reasonable basis for non-commercial use including governmental, educational, charitable, and cultural community meetings and programs.

**MEETING ROOM PURPOSE AND USE**

The primary use for the community room is to support county meetings, events and programs. When the community room is not needed for county events, the space may be used by governmental, non-profit and community organizations located in Pine County or with regular operations in Pine County.

**BUILDING MANAGER**

The county Health and Human Services Director or designee shall be the building manager and is authorized to manage the use of the building under this policy and ensure that all uses support the needs of Pine County. The County Administrator is authorized to resolve any issues relate to this policy.

**NO SMOKING POLICY**

The use of tobacco products, E-cigarettes, and similar products is prohibited.

**SCHEDULING**

Scheduling for non-business hour usage shall be done through the building receptionist and ordinarily may be done up to sixty (60) days in advance. The user shall designate a key holder who will check out a key-card prior to the usage and sign the Facility Use Agreement. Non-county use during the business day may be allowed on a space available, case-by-case basis by the building manager.

The county may cancel any event at any time for any reason and shall not be liable for any cost or damages caused by such cancelation.

**COST**

The room is provided at no cost. The user accepts financial responsibility for any damages, extra cleaning, and repair that may be necessary. Users may not charge a fee to attendees or sell any service or product at the event without the prior written approval of the building manager.

**USE OF AUDIO/VISUAL EQUIPMENT**

Use of the room's audio/video equipment is limited to those who are trained and approved by the county IT Manager.

**RULES FOR USE**

- No cooking is permitted. Prepared food and beverages may be served. No alcohol may be brought into the facility.
- Facility users may set the room up as desired with the available tables/chairs and must return the room to the same arrangement as found or as otherwise approved.
- Normal vacuuming and trash removal are provided. Users are responsible to ensure the space is picked up. If the room requires additional (beyond normal) cleaning, the user will be charged.
- During non-business hours, the key holder is responsible to ensure the building is locked after the event.
- Users will comply with all ordinances, Minnesota state statutes, federal laws, and established rules.
- The user must provide competent adult supervision at all times.
- Misuse of the room will result in loss of room use.

User organization: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone number: \_\_\_\_\_

Primary contact: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Key card # (if issued): \_\_\_\_\_

A/V usage requested?  Approved by IT Manager

I agree to be responsible for my organization’s use of the NPGC and will ensure the use conforms to this policy.

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

Adopted by the Pine County Board of Commissioners – May 21, 2019