



# Fall River County Employee Policy Manual

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## **POLICY #1: PURPOSE AND USE**

### **1.1 Purpose of Policies and Procedures**

The policies and procedures for personnel administration are enacted by the County of Fall River in order to further the following goals:

- (1) To provide a uniform and sound personnel administrative system throughout the County of Fall River.
- (2) To inform employees of the general policies and procedures of the county and the benefits and obligations of employment with the county.
- (3) To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and are in compliance with Federal and State law.
- (4) To serve as written documentation of the county's commitment to fair employment practices and equal employment opportunity.
- (5) To assist managers in carrying out sound, equitable and consistent personnel administration and in making effective use of their human resources.
- (6) To promote and encourage communication between the employer or supervisor and the employee.
- (7) To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

### **1.2 Applications**

The personnel policies and procedures shall apply to all county employees and excluded classes as specified in the policy itself. In the event of a conflict between these policies and any collective bargaining agreement or State and Federal law, the terms and conditions of the union contract or law shall prevail.

### **1.3 Revision**

The County of Fall River specifically reserves the right to repeal, modify or amend any of these policies at an aforementioned time upon a majority vote of the governing board.

### **1.4 Disclaimer**

The County of Fall River recognizes that South Dakota is an employment at-will state and the intent of this county is to maintain that employment at-will status of all employees. However, for county employees, due process procedure as specified in Policy #9 will be followed.

### **1.5 Repeal of Conflicting Regulations**

All existing personnel regulations which conflict or are inconsistent with these Fall River County Personnel Practices and Procedures are hereby repealed to the extent necessary to give these Personnel Policies full force and effect.

This manual does not confer a contract of employment nor prohibits the county's right to require an employee to sign a yearly contract as a condition of employment. The policies, procedures, rules, and benefits contained herein are subject to change upon a majority vote by the Commission. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.



## **POLICY #2: GENERAL POLICIES**

### **2.1 Equal Employment Opportunity**

It is the policy of the County of Fall River to recruit, hire, train, promote, discipline and discharge all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, marital or veteran status, or any other basis prohibited by State or Federal law.

Violations of this policy by any county employee may be cause for immediate disciplinary action.

Any employee who feels they have been discriminated against according to this policy should bring this concern to his/her supervisor or higher authority according to the grievance procedure specified in Policy #9 of this manual.

### **2.2 Seat Belt & Cell Phone Policy**

The County of Fall River is committed to doing everything possible to prevent injury to employees, prevent damage to property and to protect the employees and the public from the results of accidents. The county realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that all county employees and their passengers shall be required to use seat belts when driving any county owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official county business. Use of cell phone while driving is prohibited. Failure to comply with this policy may result in disciplinary action.

### **2.3 Smoking**

It is the policy of the County of Fall River that smoking cigarettes, cigars and e-cigarettes shall not be permitted in county buildings and facilities or in county vehicles.

### **2.4 Outside Employment**

Although the county does not forbid off hours employment by employees (unless such employment interferes or negatively impacts the performance of their duties with the county or results in a conflict of interest), no appointive officer or employee, unless officially assigned to special duty, shall be granted sick leave for any injuries or illness resulting from any employment other than that required in the course of his/her assigned duties. Workers' compensation insurance coverage will not be extended to injuries occurring with outside employment.

### **2.5 Performance Evaluations**

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and employee. The performance evaluations will be conducted by the employee's department head. Performance evaluations will be conducted a minimum of twice during the employee's probationary period (at the midpoint and at the conclusion of the training period) and annually thereafter to be completed by December 1<sup>st</sup> of each year, and additional evaluations may be completed as needed.

Performance evaluations of appointed officials (department heads) will be conducted at least annually by the Fall River County Commission.

The performance evaluations are to be structured to each employee's position. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. Evaluations will be conducted in a confidential meeting between the employee and his/her department head. Employees are required to sign their evaluations and will receive a copy. Signing does not imply agreement, but that the contents have been made known or discussed with the employee. A copy will be placed in a sealed envelope and placed in the employee's personnel file.

## **2.6 Personnel Records**

### **2.6.1. General**

It is the policy of Fall River County to maintain accurate and updated information on each county employee in its personnel files.

### **2.6.2. Maintenance Responsibility and Accessibility**

The County Auditor's Office shall be responsible for maintaining all personnel records. All employee records are confidential. Such records shall be accessible only to the individual employee and the decision-making authority affecting the individual employee's employment status. The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the County Auditor. The employer will make the file available to the employee's representative only upon written authorization.

### **2.6.3. Contents**

The general personnel file on each employee may include the following:

- Application and/or resume
- Personal data sheet
- Letters of commendation
- Payroll deduction authorizations
- W-4 form
- Performance appraisals
- Disciplinary actions
- Termination or discharge records
- County work history: positions held, rates of pay, etc.
- Time sheets, work hour records, leave and absence notices, etc.

No written incident report or records of disciplinary action shall be placed in an employee's personnel file unless the county first advises the employee of its intent to enter such document into the file and affords him/her an opportunity to read and sign such material. Signing does not imply agreement, only that the contents have been made known to or discussed with the employee. If the employee shall refuse to sign, such action must be documented by a third individual. The employee shall have the expressed right to submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.



#### **2.6.4. Benefits, Medical and Confidential File**

Fall River County shall also maintain a complete confidential file on each employee. This file may include:

- References and/or background checks
- Exit Interviews
- Injury reports and workers' compensation information
- Necessary medical examinations and records, plus alcohol and drug testing information

Access to this file is limited to the County Auditor and on an absolute need to know basis only as deemed appropriate by the County Auditor, in consultation with the County Commission Chairperson and the State's Attorney, and in compliance with HIPAA.

#### **2.6.5. Changes of Name, Address, Telephone, Withholding Status, Etc.**

It is the employee's responsibility to inform the County Auditor's Office of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes.

#### **2.6.6. Personnel Record Retention**

Personnel records are maintained in accordance with the records retention and destruction manual for counties published by the State Bureau of Administration. The county permanently keeps an employee's name, social security number, and dates of employment, positions held and salary history.

#### **2.6.7. Employment References**

In compliance with the Federal Privacy Act, the county is required to protect the privacy rights of all employees. In following this Act, it is the county's policy to provide only the following information on both present and past employees:

- Dates of Employment
- If an individual is Eligible for rehire

All employment information is given solely at the discretion of the County Auditor and authorized Deputy Auditor on a need to know basis only.

Due to the potential liability for the release of employment information, only the County Auditor or other individual authorized by the county commission shall give out such information. The county commission also reserves the right to instruct such authorized individuals that no additional information be released on certain employees. All requests for information on an individual's employment shall be immediately directed to the County Auditor.

Providing employment references, including off-the-record remarks, without county commission authorization is in violation of the above stated policy and may result in disciplinary action.

#### **2.7. Executive Session – Personnel Discussion**

It is the policy of the County Commission to recess into executive session to discuss personnel issues such as employee qualifications, competence, performance, and character or fitness. However, in accordance with South Dakota's Open Meeting Law, no official action will be taken

except in an open official meeting. Such sessions are called to protect the employer/employee relationship

### **2.8. Fair Labor Standards Act Covered and Non-Covered Employees**

The following employees of the county are considered exempt from the Fair Labor Standards Act:

- Elected Officials;
- Highway Superintendent;
- Director of Equalization;
- Weed Department Supervisor;
- Emergency Management Director;
- Veterans Service Officer;
- Building Maintenance Supervisor

All other employees of the county are covered under FLSA regulations.

## **POLICY #3: RECRUITMENT AND HIRING**

### **3.1. General Policy**

It is the fundamental policy of Fall River County to provide equal opportunity to all of its employees and applicants for employment and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental disability, marital status or political beliefs unless related to a bona fide occupational requirement. Fall River County will take steps to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity – minority group members, women, the handicapped and all protected classes; and Fall River County recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with Fall River County will be recruited from the available labor market evaluated on each person's individual qualifications and abilities. All employees shall be afforded equal employment opportunity during their term of employment, and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure right to equal employment or testifying on behalf of someone else doing so.

All administrators and supervisors are responsible for and shall be committed to achieving and promoting equal employment opportunity in Fall River County.

The Chairman of the Board of County Commissioners is the equal employment opportunity officer and shall be responsible for coordinating the equal employment opportunity program.

It is the policy of Fall River County to recruit and fill job vacancies with the most qualified individual for the position. The county has four methods of recruiting qualified applicants to fill job vacancies in county employment. These are: (1) promotion from within; (2) transfer from

within the department; (3) transfer from another department; or (4) open announcement and advertisement.

If in the best interest of the county, promotions or transfers of individuals already employed with the county shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment. The county commissioners in employing an individual, has the prerogative to consider training, experience for position to be filled when setting an appropriate wage.

### **3.2. Responsibilities of County Commission**

All appointed and elected department heads shall notify the County Commission once a candidate is selected for employment. The selection shall be reviewed by the Board of County Commissioners prior to the notification of the prospective employee. The purpose of the review shall be to determine if county policies have been followed in selecting the employee.

### **3.3. Job Announcements**

Announcements for all vacancies shall include the job title, a brief job summary, if the position is exempt or non-exempt from the Fair Labor Standards Act, the minimum qualifications, the deadline for filing an application, and location to send applications. All announcements and advertisements shall state that Fall River County is an "Equal Opportunity Employer."

Public announcements of employment opportunities will be advertised in the official newspapers, listed with the South Dakota One Stop Career Center, and posted in a visible location at the county courthouse for anyone to read.

### **3.4. Applications for Employment**

Individuals interested in applying for a specific position with the county, including those already employed by the county, must fill out the county approved application for employment form (and submit a resume detailing their employment history, education and other relevant experience or pertinent information. A separate application must be submitted for each position for which the individual wishes to be considered. An application and resume will be required for all county positions. Applications will not be maintained on file for the purpose of aiding applicants in applying for future job vacancies with the county. Applicant shall disclose whether they are required to register as a sex offender.

### **3.5. Eligibility**

To be eligible for employment with Fall River County an individual must be legally eligible to be employed in the United States and provide documentation as required on the I-9 form.

### **3.6. Qualifications**

Fall River County maintains a job description on each position. This description establishes the minimum required levels of education and experience necessary to qualify for employment. Each description may also detail desired skills or qualifications, which are preferred by the county and will be given foremost consideration. The job description will be attached to each application. Upon a job offer, a signature acknowledging the ability to perform the duties described in the job description will be required and added to the personnel file.

### **3.7. Veteran's Preference**

In accordance with SDCL 3-3-1, 3-3-7, and 3-3-8, preference in employment, appointment, and promotion shall be given to honorably discharged veterans, the un-remarried spouse of a deceased veteran, and the spouses of disabled veterans, provided they possess the qualifications and capacity to perform the duties of the position. Any veteran who possesses said qualifications shall be granted an interview for the position. Veteran disabled due to a service connected cause shall be given preference over a non-disabled veteran. To gain veteran preference rights, the applicant must make known at the time of application by submitting a copy of a DD-214 form that he/she is an honorably discharged veteran. Veteran's preference is only afforded to those as defined in SDCL 33-17-1 and 33-17-2.

Preference in employment will be given to veterans who have served on active duty and have been honorably discharged from the armed forces of the United States during the following periods:

1. September 1, 1939 to December 31, 1946
2. June 25, 1950 to May 7, 1975
3. August 1990 through such time that the President of the United States declares the end of hostility.

### **3.8. Disqualification**

An applicant is disqualified from employment by the county if he/she: (1) does not meet the minimum qualifications/eligibility for appointment; (2) knowingly has made a false statement on the application form or resume; or (3) has committed fraud during the selection process.

### **3.9. Selection and Employment of Relatives (Nepotism)**

The county department head and/or applicable county advisory board shall take applications, conduct interviews, and make a recommendation for employment to the County Commission. When hiring a non-elected department head, the County Commission shall be responsible for the entire process. During the interview process the job description for the position must be reviewed with the applicant.

Selection to fill a job vacancy is to be made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. Thus, to avoid circumstances of favoritism and discrimination, the employment of immediate family members within the same department or other areas where an immediate family member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. This selection and employment of relatives applies to regular full-time and permanent part-time employees.

Immediate family is defined as parents, stepparents, spouse, children, stepchildren, brothers, sisters, stepbrothers, stepsisters, brothers-in-law, sisters-in-law, grandparents or grandchildren.

Above is prohibited unless waived by the County Commission.

### **3.10. Employment Offers**

After an individual has been selected for employment, the individual will be notified of their selection in writing by the department head (county commission if hiring department head). The offer will be extended and, with a copy of the job description. The offer may be contingent upon a post-offer, pre-employment physical at the county's expense. The county shall pay for only the minimum physical required by the county. The offer shall also include the beginning date of employment.

When selection has been made, the individual selected must be made fully aware that his/her employment relationship may be terminated with or without cause, with or without prior notice, by either the county or the employee during the probationary period except for reasons illegal under State or Federal law. The individual must also be notified that after the probationary period is completed, employment is still at-will and the above will continue to apply. However, due process requirements (and grievance procedures) will be followed. In addition, a two-week notice will be required prior to the employee voluntarily leaving their job. In extenuating circumstances, the county may waive this two-week notice. The county may require the employee to sign an agreement of employment as a condition of employment.

### **3.11. Acceptance of Employment**

After an individual has accepted employment with the county, the county auditor shall ensure that necessary and proper paperwork is filed within the employee's personnel file. This will include a signed statement from the employee that he/she has read the job description for which he/she has been hired and fully understands the conditions set forth. Further that he/she agrees to abide by the personnel policies of Fall River County. Failure to sign any such agreement constitutes refusal to serve and terminates any employment or offer with the county.

### **3.12. Residency Requirement**

Residency within the county for non-elected positions shall not be a condition of employment, provided, however, that such residency does not interfere or hamper the employee from fulfilling the duties of his/her position or cause the employee to often miss or be late for work.

### **3.13. Employment-In-Probation Period**

During this probation training period, an employee who normally would be eligible for vacation, personal days, sick and holiday leave shall accrue such leave as follows: employees are not eligible for vacation time during probation period, but probationary hours worked will count towards vacation accrual if employed past probation period. Should the employee leave or be terminated during the probationary period of service, all vacation and sick otherwise earned will be forfeited. A probationary employee who would be eligible for Holiday Pay is entitled to paid holidays as observed by the county.

Employees receiving transfers, promotions, etc., must complete a 90 working day probationary period for assessing his/her ability to perform the duties of the new position assigned. If the employee is not meeting the required standards of performance, he/she may be restored to his/her original position or to a comparable position, or may be dismissed if his/her position has been filled. All accrued benefits, including longevity pay, will transfer with the employee as long as

there is continual service; thus, he/she shall continue to receive and utilize benefits as previously earned.

A new employee's probation shall be one thousand forty (1040) hours, including overtime hours, from date of hire, and within that time the employee may be terminated at will and without cause. However, a former employee who has been employed by Fall River County the equivalent and continuous time of one thousand forty (1040) hours, and who returns to work for the County after the absence of up to eighteen (18) months, shall be free from serving a new probationary period, in the same or similar position.

### **3.14 Dress Code**

As per April 5, 2011 Commission decision, the following policy for office attire will be implemented:

The County expects Courthouse and Extension office employees to dress in appropriate, professional attire when conducting the business of the County. It shall be the responsibility of all supervisors to ensure that employees of their respective departments are dressed appropriately for work for which they are assigned.

The following types of clothing or apparel shall NOT be worn during work hours:

- Sweat clothes, tube tops, exercise clothes or beach clothes
- Thong or casual flip-flop sandals
- Clothing with inappropriate logos
- Cut-off shorts, play shorts or other short shorts (Dress or tailored shorts, capris and skorts are allowed provided that the length and style are appropriate)
- Jeans that are tattered, torn or excessively worn
- Bare midriff, backside and showing excessive cleavage are not allowed.

Supervisors have the authority to further restrict attire standards as appropriate for work activities.

### **3.15 CDL Drivers and Drug Testing**

DOT drug and alcohol tests include:

- Pre-employment – An employer must receive a negative drug test result before permitting a CDL driver to operate a CMV. (§382.301).
- Post-accident – Drug and alcohol tests may be required after crashes.
- Random – CDL drivers must be randomly tested throughout the year (§382.305); an employer who employs only himself/herself as a driver, who is not leased to a motor carrier, shall implement a random testing program of two or more covered employees in the random testing selection pool as a member of a consortium (see §382.305 interpretation 11)
  - Reasonable suspicion – Drivers who appear to be under the influence of drugs or alcohol can be immediately tested (§382.307). Employers must train CDL driver supervisors to detect the symptoms of driver impairment (§382.603).
  - Return-to-duty – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties (§382.309 and §40.305).

- Follow-up – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of 6 directly observed tests in 12 months, but can be extended an additional four years (§382.311 and §40.307).

## **POLICY #4: HOURS OF WORK**

### **4.1. General Policy**

It is Fall River County's intent to create a standard workweek within which an employee is expected to perform county services. The County Commission also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is Fall River County's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

### **4.2 Flex Time**

The department head reserves the right to authorize flexible work hours within the 40-hour work week in situations where it is appropriate or necessary, is subject to review by the County Commissioners. Employees must still adhere to the standard 40-hour workweek unless comp time or overtime has been approved by their supervisor. Work at home will not be considered for comp time unless approved by the Fall River County Commission.

### **4.3. Exemptions to Overtime**

The following employees are exempt from the overtime standards as mentioned in the above sections:

- 1) Elected officials
- 2) Appointive officers and other employees (if determined to be FLSA exempt)
- 3) Sheriff's department personnel (if less than 5 within the department)

### **4.4. Attendance**

All county employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their department head prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible.

Except in cases of an emergency, if an employee is absent three (3) or more consecutive days without giving proper notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from county service. For extenuating circumstances, reinstatement is at the discretion of the department head with County Commission concurrence, or if a department head, at the discretion of the County Commission.

Failure to observe this policy may result in disciplinary action.

#### **4.5. Time Clocks or Cards**

Each employee's time clock punches is record of his/her regular hours worked, overtime worked, comp time used, vacation, sick leave, etc., used for the purpose of calculating and issuing pay checks. The time clocks are located outside the Auditor's office, at the Jail and (TBD) the Highway shop. Employees are required to punch in at a time clock everyday or online with a digital punch. Every employee and their department head must sign their time sheet/time card to verify that all entries are accurate. Incomplete or falsification of time sheets/time cards may result in disciplinary action. The time sheets/time cards shall be turned in to the County Auditor's office by the 21<sup>st</sup> of each month. County approved time sheets can be found in the appendices section.

#### **4.6 Death of County Employee**

Upon the death of a current county employee, all county offices will be closed during the hours of the funeral service out of respect for the employee. This will allow employees to attend the funeral. Up to two (2) hours of paid leave may be granted when attending the funeral. Those employees not attending the funeral will be required to stay at their job.

### **POLICY #5: COMPENSATION**

#### **5.1. General Policy**

On an annual basis, the Fall River County Commissioners shall review the compensation plan under which the county pays its employees. New employees shall begin at the minimum rate of pay on the schedule for the job classification hired, unless approved by the County Commission. The County Commission shall approve all step and job classification changes for employees. The Fall River County Commission sets the salaries for elected and appointed officials.

#### **5.2 Pay Period and Pay Day**

The county does not grant early pay to employees under any circumstances. Pay is made to employees by direct-deposit and all employees will be required to provide account information to the Auditor to facilitate the deposit.

#### **5.3 Time Sheets**

Each employee responsible for submitting their hours on time sheets must ensure that his/her time sheets are correct and submitted on time. All time sheets shall be provided monthly to the County Auditor's office by 5pm on the 21<sup>st</sup> of each month. If time sheets for employee(s) are not in on time, it may result in non-payment to that employee(s) until the next pay period. Any misrepresentation of time worked or falsification of any time sheet may result in disciplinary action.

#### **5.4 Payroll Deductions**

The county is required to withhold Federal Income Tax, Medicare, and Social Security (FICA) from each employee's paycheck. Changes employees want must be provided to the County Auditor's office by the first working day of the month. Other deductions may include:



- 1) Employee contribution to the Retirement System;
- 2) Employee contribution to Health, Eye or Dental Insurance;
- 3) Court ordered payments;
- 4) Any other benefits approved by County Commissioners as eligible for payroll deduction.

### **5.5 Changes of Employee Status & Address**

It is the employee's responsibility to inform the County Auditor's office of any changes in name, address and telephone number. An employee must immediately report any of the above changes. Failure to report or the intentional withholding of such information may result in disciplinary procedures.

### **5.6 Travel and Reimbursement of Expenses**

It is the policy of the county that employees be reimbursed for necessary and reasonable job related travel expenses. County approved expense reimbursement forms can be found in the Auditor's Office and all receipts must be attached.

### **5.7 Travel Approval Required**

All travel outside the County, which includes an overnight stay, must be approved by the County Commission and recorded in the official county commission minutes prior to the date of travel except in emergency instances where the department head and County Commission Chairperson may approve the travel.

### **5.8 Travel Expenses**

Meals will be paid for only when employees are traveling outside of Fall River County on overnight trips. Day trip meals are the responsibility of each individual employee. Lodging will only be paid for when traveling outside of a 50-mile radius of Hot Springs, unless approved by the County Commission.

### **5.9 Mileage Rate**

Mileage shall be paid at the state mileage rate based on actual mileage, unless otherwise set by the County Commissioners. In order to control travel costs, all employees and elected officials are encouraged to share rides or use a county vehicle. If multiple employees are traveling to the same location for the same event as few as possible vehicles are to be used.

### **5.10 Other Travel Expenses**

Registration fees and commercial air, train, or bus fares shall be reimbursed on actual costs (receipts required) when not billed or paid by the County directly. Car rentals shall be reimbursed on actual expenses (receipts required), and the County Commission, except in emergency situations, must approve such use in advance. Receipts are required for taxis. Intra-city bus or shuttle bus service shall be reimbursed at actual cost (receipt required when obtainable). Parking ramp/parking lot fees are reimbursable and receipts are required.

Laundry, excessive tipping, movies, parking meters, personal telephone calls and other miscellaneous costs are not reimbursable travel expenses. Telephone calls conducted for county business purposes are reimbursable (receipts/statements required). Falsification of telephone calls is grounds for disciplinary action.

## POLICY #6: BENEFITS

### 6.1. Definitions:

**County Commissioner** – An individual elected to serve a four-year term or appointed to a vacancy on the county's governing board.

Benefits: Optional Health Insurance and or Dental.

**Elected Official** – An individual elected to serve a four-year term.

Benefits: Health Insurance, Retirement and Dental.

**Appointed Official** – An individual who is appointed by the County Commissioners and holds a full-time and/or part-time supervisor's position and is salaried.

Benefits: Health & Dental Insurance, Retirement, and all leaves of absences described in Policy

### 6.2. Employment type Definitions

**Regular Full-Time** – An individual who is employed by the county to work a predetermined schedule of at least 40 hours per week, year round.

**Benefits:** Health Insurance, Retirement, and all leaves of absences described in Policy 6.2.

**Permanent Part-Time** – An individual who is employed by the county to work at least 20 hours, but less than 40 hours per week, year round.

**Benefits:** Retirement and health insurance at the discretion of the County Commissioners.

**Seasonal/Temporary** – An individual who is employed by the county on a salaried or hourly basis for a particular purpose or for a specific period of time. Students who work during the summer or other persons employed for seasonal job functions such as flag persons, mower operators, weed sprayer, etc are examples. These employees work as needed to meet peak workload and/or seasonal needs but normally work less than 1,000 hrs in a given calendar year and less than 120 consecutive days.

**Benefits:** No benefits.

### 6.3. Leaves of Absence

#### 6.3.1. General Policy

Leaves of absence are considered a benefit and privilege offered by Fall River County. Leaves are not granted automatically, and should be requested, when possible, two weeks in advance by the employee to their department head. Every effort will be made to ensure that all employees are treated equally and fairly. In some instances, it may not be possible to grant all leaves requested during busy times or emergency situations; however, every effort will be made to grant requests.

An employee anticipating a leave of absence is encouraged to apply for such leave as soon as possible.

#### 6.3.2. Emergency or Severe Weather Leave

The Fall River County Commission chairperson at his/her discretion may close some or all of the county offices in case of emergency or severe weather and each such closing shall be for no more than one business day (SDCL 7-7-2.1). Those individuals called to work to maintain

essential services and who are regular full-time or permanent part time and who are paid on an hourly basis shall be paid at their regular pay rate. Administrative leave is granted with the Courthouse closure. Any individual who wishes to take time-off for inclement weather other than for the time the courthouse is closed must request it of their department head and utilize vacation or personal time.

Notification Policy for Emergency or Severe Weather will start with the Supervisors being contacted by the Auditor. After the Supervisors have been informed, the Supervisors will contact their employees to inform them of the closure of the Courthouse.

### **6.3.3. Voting Leave**

County employees whose work schedule does not enable them time to vote during such time the polls are open shall be allowed actual time up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leave(s). The department head must approve this leave in advance. (SDCL 12-3-5)

### **6.3.4. Military Leave**

Any appointed, regular full-time and permanent part-time county employee called to extended active duty in the military service will be granted a leave of absence without pay and benefits by the county. An employee must submit his/her official orders or other records from the military service to his department head/County Auditor's office prior to the dates of attendance. In order to have re-employment rights, within ninety days of completing such service the employee shall apply for re-employment with the county. He/she will then be entitled to return to county service at his/her former position, or at a level equivalent to the position he/she held at the time of departure.

### **6.3.5. Military Reserve Training Leave**

An employee who is a member of the military reserve or the National Guard shall be granted time off without pay for annual training provided a copy of his/her official orders or other records are provided to the department head in advance of anticipated military leave periods. Regular full-time and permanent part-time employees may use accrued vacation leave to receive pay during periods of military leave training. An employee not reporting back to work as scheduled is subject to disciplinary action.

### **6.3.6. Leave without Pay**

Any employees, including those in their first year of service, may request leave without pay in extenuating circumstances. Such leave, for new employees, of five days and less is at the sole discretion of the department head. Such leave for longer periods for new employees are at the discretion of the department head with the approval of the County Commissioners. For any county employee to take non FMLA leave without pay, they must exhaust their vacation and personal leave before taking leave without pay. One leave per year, for employees with cumulative hours over 2080, of five days and less is at the sole discretion of the department head. For any exceptions the employee must have supervisor approval and have the supervisor and employee meet with the commission.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain benefits. The employee may continue his/her group insurance coverage by pre-paying the entire

premium during the affected period of the leave. Employees must arrange for such continuation of coverage with the county prior to the commencement of the extended leave without pay.

## **6.4. Other Benefits**

### **6.4.1 Workers Compensation**

Employees who are injured on the job must report their injuries to a supervisor or department head immediately (within 24 hours) who in turn shall, as with all accidents, report the incident to the department head/law enforcement agency for investigation. The initial written notice must be filed in accordance with SDCL 62-7-10, as soon as possible, but not more than three days as failure to give notice as required prohibits a claim for compensation. A "First Report of Injury" form will be completed by assigned personnel and forwarded to the insurance company. The county reserves the right to require consulting opinions. For billing purposes, the service provider should be told by the employee that this is a work-related or worker's compensation injury. All bills should be submitted by the doctor to the worker's compensation insurance carrier. Claims for work-related injuries are usually not payable under the county's regular group health insurance plan. If an employee changes doctors without a referral from the doctor providing initial treatment, the insurance company may not be obliged to pay for the subsequent services.

The employee may be compensated by utilizing sick leave available, less the amount received from worker's compensation. In no case will the county and the worker's compensation insurance company make duplicate payments for the same time. It is the employee's responsibility to inform the County Auditor's office of the date and amount received from worker's compensation.

All vacation leave, sick leave, holiday leave earned while on injury leave shall accrue at the employee's regular rate.

No compensation will be paid for willful misconduct, intentional self-inflicted injury, injury related to intoxication or illegal substances, or willful failure or refusal to use a safety appliance or procedure. Injuries received as a result of conduct outside the scope of assigned county duties are not covered by worker's compensation.

### **6.4.2. Health Insurance**

Health & Dental insurance as provided in the Benefit section of this policy manual.

### **6.4.3. Retirement System**

Participating in the South Dakota Retirement System is mandatory for all eligible employees (those who work 20 or more hours per week for more than 6 months). A percentage deduction established by South Dakota Retirement System of the gross monthly salary is made in each payroll period of which is matched by the county toward the retirement of the employee. Other employee options are available under this system, and are the responsibility of the employee via payroll deduction.

All decisions relating to the retirement system shall be in full compliance with South Dakota Codified Law and the provisions of the South Dakota Retirement System.

#### 6.4.4. Payroll Deductions

Dues for membership organizations will be allowed if authorized by the Commissioners.

#### 6.5. Employee Classification Changes/Benefit Status

If a permanent part-time or regular full-time employee changes position within the county system, all accrued benefits and longevity pay status transfers with the employee to the new department/program.

If a permanent part-time, regular full-time, or appointed employee becomes an elected official, then the employee is paid for unused vacation. Unused sick leave is forfeited.

If a permanent part-time, regular full-time or elected official becomes an appointed official, all accrued benefits transfer with the employee to the new department/position.

### POLICY #7: SEPARATION FROM COUNTY SERVICE

Termination of employment, other than due to retirement or death, may occur by an employee's resignation, extended absence without proper notification or termination by the county. An employee may resign their employment at any time for any or no reason. Further, the county reserves the same right to terminate the employment of any employee and under the same conditions. Separation from county service may be voluntary or involuntary.

#### 7.1. Definitions

**Voluntary Separation:** Written resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

**Involuntary Separation:** Lay-off or discharge. Involuntary separation is not initiated by the employee. A written notice will be given by the employer.

#### 7.2. Voluntary Separation

Resignation – An individual may resign from county service by giving his/her department head written notice of his/her resignation at least two weeks in advance. A department head may resign by giving his/her written resignation to the County Commission Chairperson at least one month in advance of their leaving county service. In extenuating circumstances, a resignation may be accepted as taking effect immediately.

Unauthorized Absence – If an individual is absent from work without proper notification in accordance with the attendance policy, he/she shall be considered to have voluntarily resigned their position in county service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the department head or, in the case of a department head, at the discretion of the County Commission. Any unauthorized absence may result in disciplinary action. Department heads shall notify the chairperson of the County Commissioners if they are going to be absent.

Retirement Age – There is no mandatory retirement age for county employees.

### **7.3. Involuntary Separation**

Any employee may be laid off as a result of lack of work or lack of funds. No employee may be terminated or laid off while on paid leave. Employees may be terminated for misconduct.

Unemployment Compensation: Fall River County follows the State of South Dakota unemployment laws found in SDCL Title 61.

### **7.4. Exit Interviews**

It is the policy of Fall River County for the commissioners or department head, if practicable, to conduct an exit interview prior to an employee's separation from county employment. The exit interview is conducted for several purposes, including: (1) to resolve all outstanding matters between the county and the employee and (2) to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation. With regard to involuntary separation, the department head should be included in the exit interview.

At the time of the exit interview, the employee is expected to return all county property: keys, tools, vehicles, etc. The county reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The county may take further action, if necessary, to recover county property.

### **7.5. Misconduct Defined**

The following is a partial listing of employee and department head misconduct that may result in disciplinary action up to and including immediate termination. This list is not intended to completely list all employee misconduct, but rather is provided as a guideline by which employees/department heads can judge actions that will not be tolerated by Fall River County.

1. Incompetent, inefficient, unreliable, unwilling, or incapable of fulfilling his/her job duties as assigned.
2. Inadequate performance of duties.
3. Neglect of duty.
4. Conviction of a felony or misdemeanor offense which might adversely reflect on or create doubt about the moral character, credibility or reliability of the employee.
5. Theft or misappropriation of county property.
6. Insubordination.
7. Failure to observe drug and alcohol policies of the county, including failure to submit to alcohol and drug testing as required and use of alcohol or illegal drugs on the job.
8. Failure to observe harassment policies of the county.
9. Knowingly or willfully violating county ordinances.
10. Unauthorized absences.
11. Habitual tardiness/leaving early.
12. Abuse of sick leave.
13. Sleeping/loafing during working hours.
14. Disclosure of confidential information.
15. Offensive or inconsiderate conduct while on duty, or use of abusive language in public, or toward the public, county officials, or fellow employees.

16. Personal acceptance or appropriation of any fee, gift, tip or other gratuity or remuneration received solely for the performance of official duties in connection with county employment.
17. Knowing, intentional or repeated, falsification of any application for employment or any county record, report or time sheet.
18. Willful alteration, destruction or waste of county property, facilities, equipment or records.
19. Serious or repeated disorderly conduct.
20. Threatening, intimidating, coercing or interfering with supervisors or other employees.
21. Deliberate attempts to injure another employee or fighting on county property while on the job.
22. Unauthorized possession of firearms, explosives or any dangerous weapons while performing county work.
23. Recklessness which results in a serious accident while on duty, whether on or off county property.
24. Violation of policies or procedures outlined in the employee handbook.

### **7.6 Payment of Final Wages**

As per SDCL 60-11-10 Prompt payment of wages due on separation by employer--Withholding for return of employer's property. Whenever an employer separates an employee from the payroll, the unpaid wages or compensation of such employee are due and payable not later than the next regular stated pay day for which those hours would have normally been paid or as soon thereafter as the employee returns to the employer all property of the employer in the employee's possession.

## **POLICY #8: DISCIPLINARY ACTION AND PROCEDURES**

### **8.1. General Policy**

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion, reassignment or termination as defined below. The county may, but is not required to, apply these actions progressively. Disciplinary action may be instigated for items included, but not limited to, those defined in Separation from County Service, Misconduct Defined.

In all cases below, when the department head is the individual being disciplined, as appropriate, the words "county commission" shall be substituted for "department head".

### **8.2. Oral Reprimand**

The department head may orally reprimand an employee. This informal disciplinary consultation will be documented in an employee's personnel file or referenced in further progressive disciplinary actions.

### **8.3. Written Reprimand**

The department head may discipline an employee by written reprimand. A copy of such shall be placed in the employee's personnel file in the County Auditor's office.

#### **8.4. Suspension Without Pay or With Pay**

The department head, with approval of the County Commission, may temporarily suspend an employee without pay for disciplinary purposes. Suspension shall be for no more than three (3) working days. Notice of such action shall be in writing to the employee with a copy to the County Auditor for payroll and personnel file purposes. In certain instances, i.e., when legal cases are pending, the employee may be suspended with pay.

An employee may be suspended with pay if investigational procedures are taking place before disciplinary action or termination.

#### **8.5. Demotion or Reassignment**

The department head, with the approval of the County Commission, may reduce an employee's pay, assign the employee to a lower position, or change the employee's duties within his/her current position, or use any combination of the above for disciplinary purposes. A copy of such shall be given the County Auditor for payroll and personnel file purposes.

#### **8.6. Termination**

The department head, with the approval of the County Commission, may terminate an employee from county employment for disciplinary purposes.

#### **8.7. Non-Grievable Actions**

Reprimands or termination of an employee during his/her probationary period are not grievable except on the basis of a prohibited form of discrimination.

#### **8.8. Disciplinary Interviews**

Before the following disciplinary actions are taken—suspension without pay, demotion, or termination—the department head shall:

1. Notify the employee in writing of the proposed disciplinary action. The notice shall state the reason(s) for the action, including any prior disciplinary actions and the facts of any other incidents upon which the present disciplinary action is based.
2. Hold a disciplinary interview to give the employee an opportunity to present reasons, orally or in writing, why the action should not be taken.
3. Within five (5) working days of the disciplinary interview, inform the employee in writing of the final decision, effective date of the disciplinary action, and his/her right to appeal such a decision to the County Commission, as follows, by filing a written notice of disagreement with the Chairperson of the County Commissioners within 5 working days of receiving the notice. If the employee fails to appeal the decision within 5 working days, the action shall become final.
4. At the next meeting of the County Commission following the employee's notice of disagreement, the grievant employee shall appear before the County Commission to discuss his/her grievance. After the employee's appearance before the County Commission, the County Commission Chairperson shall, in writing and within (10) ten working days, furnish the decision of the County Commission to the employee. If the grievant employee fails to appear before the County Commission on his/her scheduled date of hearing, he/she shall be deemed to have waived any disagreement with the decision making authority's decision and shall waive all rights to grieve such decision.



5. If the grievant employee disagrees with the written decision of the County Commission, he/she may within thirty (30) calendar days after receipt of the decision, initiate an appeal to the State Department of Labor in accordance with the provision of SDCL 3-18-15.2.

### **8.9. Signing Requirements**

In all cases of written disciplinary action, the employee shall be required to sign the written notice of discipline, and such notice shall be dated and placed in the employee's permanent personnel file. If the employee refuses to sign the notice, a notation to that effect shall be made by the department head with another county department head or county official as a witness. The employee may submit a written statement of response to the disciplinary action which shall be attached to and remain with the disciplinary action in his/her permanent personnel file. Documentation of such discipline shall be submitted to the County Commission for review. In all instances in this policy where an employee is required to sign, signing does not imply agreement with the action, only that the contents have been made known to or discussed with the employee.

## **POLICY #9: GRIEVANCE PROCEDURES**

### **9.1. Non-Employee Grievance Procedure**

If a non-employee wishes to file a grievance or a complaint, please follow Steps 1 through 3 as described above in Section 9.2. Grievances believed to be brought about due to the ADA shall first follow Step 1, of Section 9.2. If a satisfactory resolution is not reached, then continue with the ADA procedures described below in Section 9.2.

### **9.2. Americans with Disabilities Act Grievance Procedure**

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that "no otherwise qualified disabled individual shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination" in programs or activities sponsored by a public entity.

Fall River County has adopted this grievance procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual who believes that he/she or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by Fall River County may, by him or herself or by any authorized representative, file a complaint.

Complaints should be addressed to: Fall River County Auditor, c/o Fall River County Courthouse, 906 N. River Street, Hot Springs, SD, 57747, who has been designated to coordinate ADA compliance efforts.

**Step 1** – A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the county of the nature and date of the alleged violation, and

be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

**Step 2** – The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.

**Step 3** – The State's Attorney shall promptly conduct an informal, but thorough, investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.

**Step 4** – A written determination of the validity of the complaint and a description of the resolution shall be issued and a copy forwarded to the complainant no later than 30 working days after completion of this investigation. The finding shall include: findings of fact and conclusion of law, a description of a remedy for any violation found, and a notice of the rights available to both the entity and the complainant, including the complainant's right to file a private suit.

**Step 5** – Files and records of all complaints filed shall be maintained.

**Step 6** – The complainant may request a reconsideration of the complaint in cases where he/she is dissatisfied with the resolution. The request for reconsideration must be made to the County Commission Chairperson within 10 working days of the original finding.

**Step 7** – Nothing in this grievance procedure shall be construed as preventing an individual from pursuit of other remedies including filing the complaint with any federal agency he/she believes is appropriate or with the US Department of Justice. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

## **POLICY #10: DRUG AND ALCOHOL ABUSE POLICY**

### **10.1 County's Commitment to Drug and Alcohol Free Workplace**

The County of Fall River has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective, the county will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance or tends to undermine public confidence in the county's work force. The county's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the County of Fall River by preventing unacceptable behavior by its employees that discredits the County of Fall River and its employees.

There are multiple reasons the County performs drug tests. Refusal to take a drug test for the following any of the following reasons may be grounds for immediate termination.

1. Pre employment screening
2. Promotion of Employee
3. Accident on Site or During the Performance of County Business

#### 4. Reasonable suspicion

While the county has no intention of unreasonably intruding into the private lives of its employees, the county does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that an employee's off-the-job, as well as on-the job, involvement with drugs and alcohol can have an impact on the county's goals.

#### **10.2 Drug and Alcohol Abuse Policies**

Following are the policies of the county regarding drug and alcohol abuse:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the county is proper cause for disciplinary action.
2. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance, as evidence, while acting in the line of duty.
3. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
4. The legal use of controlled drugs or substances prescribed by a licensed health provider is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
5. The illegal use, sale, and possession of controlled drugs or substances while off duty and off county premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related convictions are also unacceptable. They may affect the job performance and the confidence of the public in the county's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

#### **10.3 Testing for Drugs or Alcohol**

The county may require that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- (1) A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- (2) Information provided by a reliable and credible source with personal knowledge.
- (3) Direct observation of drug or alcohol use.
- (4) Presence of the physical symptoms of drug or alcohol use (i.e., glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- (5) Possession of substances in violation of the county's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the county's expense. Prior to

testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the county.

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists shall be subject to disciplinary action.

The proper authority is required to detail in writing the specific facts, symptoms, or observations which led to the reasonable suspicion. This documentation shall be given to the County Auditor and placed in the employee's personnel file only if confirmed by the drug and/or alcohol test.

All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

#### **10.4. Drugs to be tested for**

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under State and Federal law:

- (1) Alcohol, ethyl;
- (2) Amphetamines / Methamphetamines, i.e., speed;
- (3) Barbiturates, i.e., to include, but not limited to, amobarbital, butabarbital, phenobarbital, cecobarbital;
- (4) Cocaine, Cocaine Metabolites;
- (5) Benzodiazepines;
- (6) Opiates, i.e., to include, but not limited to, codeine, heroin, morphine, hydromorphone, hydrocodone; oxycotin, oxycodone
- (7) Phencyclidine (PCP);
- (8) THC (Marijuana) Metabolite.
- (9) Other Designer Drugs or Street Drugs (bath salts, ecstasy, etc.)

#### **10.5 Employee Responsibilities**

- (1) An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on- or off-duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
- (2) An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
- (3) An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which could affect their job/drug test.
- (4) An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Any violation of the above stated may result in immediate disciplinary action.

### **10.6 Management Responsibilities and Guidelines**

- (1) Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- (2) Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the county.
- (3) Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when “reasonable suspicion” has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
- (4) Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the county’s responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee’s right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedure set forth in Policy #9.
- (5) Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.

## **POLICY #11 SEXUAL HARASSMENT POLICY**

It is the policy of Fall River County that all employees are responsible for ensuring that the workplace is free from sexual harassment. Because of Fall River County’s strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting the individual; or (3) the harassment has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers or visitors, should first clearly inform the harasser that his/her behavior is offensive or unwelcome and request that the behavior stop. If the behavior continues, the employee must immediately bring the matter to the attention of his/her supervisor. If the immediate supervisor is involved in the harassing activity, the violation should be reported to that supervisor’s immediate supervisor, the department personnel officer or the States Attorney if the employee is uncomfortable with the other options.

If a supervisor or personnel officer knows of an incident of sexual harassment, they shall take appropriate remedial action immediately. If the alleged harassment involves any types of threats

of physical harm to the victim, the alleged harasser may be suspended with pay. During such suspension, an investigation will be conducted by Fall River County. If the investigation supports charges of sexual harassment, disciplinary action against the alleged harasser will take place and may include termination. If the investigation reveals that the charges were brought falsely and with malicious intent, the charging party may be subject to disciplinary action, including termination. If an employee is dissatisfied with management's response to his/her complaint, he/she may contact the South Dakota Division of Human Rights, Department of Labor and Regulation, Kneip Building, 700 Governors Drive, Pierre, SD 57501, at (605) 773-4493.

## **POLICY #12 HARASSMENT**

Fall River County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the company. For that reason, Fall River County will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

### **Prohibited Conduct Under This Policy**

Fall River County, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

#### **Discrimination**

It is a violation of Fall River County's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

#### **Harassment**

Fall River County prohibits harassment of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Fall River County. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

## **POLICY #13 ROMANCE IN THE WORKPLACE**

### **Employee Relationships**

In order to minimize the risk of conflicts of interest and promote fairness, Fall River County maintains the following policy with respect to romance in the workplace: All romantic or dating relationships between employees are prohibited.

## **POLICY #14 SOCIAL MEDIA POLICY**

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Fall River County, as well as any other form of electronic communication. The same principles and guidelines found in Fall River County policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of Fall River County or Fall River County's legitimate business interests may result in disciplinary action up to and including termination.

### **Be respectful**

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

### **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Fall River County, fellow associates, members, customers, suppliers, people working on behalf of Fall River County or competitors.

### **Post only appropriate and respectful content**

- Maintain the confidentiality of Fall River County trade secrets and private or confidential information. Trades secrets may include information regarding the processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a “tip” on inside information to others so that they may buy or sell stocks or securities.
- Do not create a link from your blog, website or other social networking site to a Fall River County website without identifying yourself as a Fall River County associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for Fall River County. If Fall River County is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Fall River County, fellow associates, members, customers, suppliers or people working on behalf of Fall River County. If you do publish a blog or post online related to the work you do or subjects associated with Fall River County], make it clear that you are not speaking on behalf of Fall River County. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Fall River County.”



### **Retaliation is prohibited**

Fall River County prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Media contacts**

Associates should not speak to the media on Fall River County's behalf without contacting the Public Information Officers. All media inquiries should be directed to them

## **POLICY #15: APPOINTIVE OFFICIALS**

### **11.1. Definition**

An appointed official is an individual who holds a position in a county as specified in SDCL 31-11-1; 10-3-3; 33-16-24; 33-15-27.

### **11.2. Appointive Officials to be appointed**

- (1) Highway Superintendent
- (2) Director of Equalization
- (3) Veterans Service Officer
- (4) Emergency Management Director/Coordinator
- (5) Weed and Pest Supervisor
- (6) Building Supervisor

### **11.3. Appointment of Appointive Officials**

- (1) SDCL 31-11-1
- (2) SDCL 10-3-3
- (3) SDCL 33-16-24
- (4) SDCL 33-15-27

### **11.4. Applicable Policies to Appointive Officials**

- |             |                 |
|-------------|-----------------|
| Policy #1:  | All subsections |
| Policy #2:  | All subsections |
| Policy #3:  | Not applicable  |
| Policy #4:  | All subsections |
| Policy #5:  | All subsections |
| Policy #6:  | All subsections |
| Policy #7:  | All subsections |
| Policy #8:  | All subsections |
| Policy #9:  | All subsections |
| Policy #10: | All subsections |
| Policy #11: | All subsections |
| Policy #12: | All subsections |



I acknowledge that I have received a copy of the Policy and Procedures Manual, which describes important information about Fall River County, and understand that I should consult my supervisor if I have questions. I have entered into employment with Fall River County voluntarily and acknowledge that it is for no specified length of time. Accordingly, either I or Fall River County may terminate the relationship at will, with or without cause, at any time, for any reason or no reason. I understand that neither this Manual nor any other Fall River County policy, practice or procedure is intended to provide any contractual obligations related to continued employment, compensation or employment contract.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the Manual may occur, except to Fall River County policy of employment-at-will. I understand that Fall River County may change, modify, suspend, interpret or cancel, in whole or part, any of the published or unpublished personnel policies or practices, with or without notice, at its sole discretion, without giving cause or justification to any employee. Such revised information may supersede, modify or eliminate existing policies. Any written or oral statement by a supervisor or department director contrary to the personnel policy manual is invalid and should not be relied upon by any employee.

I understand and agree that I will read and comply with the policies contained in this Manual and any revisions, am bound by the provisions contained therein, and that my continued employment is contingent on following those policies.

\_\_\_\_\_  
Employee Name (Printed)

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

\_\_\_\_\_  
Date

## MVR Release Consent Form

In conjunction with my potential employment at Fall River County, I \_\_\_\_\_ consent to the release of my Motor Vehicle Records (MVR) to the County. I understand the County will use these records to evaluate my suitability to fulfill driving duties that may be related to the positions for which I may hold. I also consent to the review, evaluation and other use of any MVR I may have provided to the County. I also affirm that I have a valid Driver's License and Insurance on my personal vehicle in the situation that is be used during the course of company business.

This consent is given in satisfaction of Public Law 18 USC 2721 et. Seq., "Federal Drivers Privacy Protection Act", and is intended to Constitute "written consent" as required by this Act.

Applicant/Employee \_\_\_\_\_

Date \_\_\_\_\_ Drivers License Number \_\_\_\_\_