Bannock County Personnel Policy

This personnel policy is not a contract. No contract of employment with Bannock County will be valid unless it is expressly approved by the Board of County Commissioners and unless it is signed by and contains the name of the specific employee who would be benefited/obligated by the contract. Despite anything said by a supervisor, no contract of continued employment shall be implied.

Changes to the policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice at the discretion of the Board of County Commissioners. The Board of Bannock County Commissioners may, at its discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

ALL ATTORNEYS employed by Bannock County are not covered by the generally applicable disciplinary provisions of this policy. Pursuant to the Idaho Rules of Professional Conduct, and regardless of different employment status for other employees of Bannock County, employed attorneys serve at the pleasure of the County. Nonetheless, no attorney employed by Bannock County shall be dismissed from employment or demoted with an attendant reduction in pay for unlawful discriminatory reasons as noted in Section VI of this policy. An attorney believing that he/she faces dismissal from employment or demotion with an attendant reduction in pay for unlawful discriminatory reasons or because of allegations requiring the opportunity for a “name-clearing hearing” shall be given an opportunity to be heard regarding these allegations as provided for in Section V(E) of this policy.

PURPOSE

The purpose of this Policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all County employees and to explain benefits provided to County employees. This policy is not to be construed as a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. This policy creates no rights, contractual or otherwise, on behalf of employees of Bannock County.
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APPENDIX “A” .............................................................................................................. 1
I. GENERAL POLICIES

A. THE ORGANIZATION IN WHICH YOU WORK

Bannock County is a political subdivision of the State of Idaho, although it is not a part of state government. The Board of County Commissioners serves as the governing body for Bannock County, carrying out local legislative duties and fulfilling other obligations as provided by law. The Board of County Commissioners is the general policymaker for Bannock County, and has primary authority to establish terms and conditions of employment with Bannock County. As with all elected public officials, the Board of County Commissioners is ultimately responsible to the voters of Bannock County.

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

B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of Bannock County employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, non-job-related disability or any and all other protected classes recognized by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to hiring or other employment practices shall be brought to the attention of the office/department of the elected official or office/department head, or supervisor, or in the case of objection to actions undertaken by that person, to County civil legal counsel and human resources.

C. VETERAN'S PREFERENCE

Bannock County will accord a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-503, or its successor will be employed.

Any qualified veteran who has been restored to his/her position in accordance with Idaho Code § 65-508 shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to an opportunity to be heard prior to termination. Such returning veteran shall also
be considered as having been on a leave of absence during his/her period of military duty per Section IV(B)(12). He/she shall be restored to his/her position without loss of seniority, status or pay classification.

D. NEPOTISM / HIRING OF RELATIVES
No person shall be employed by Bannock County when said employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, I.C. §18-1359 and their successors. Any such employment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited:

1. No person related to a County Commissioner by blood or marriage within the second degree shall be appointed to any office, position, employment or duty; and

2. No public servant, including elected officials and employees, shall appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired.

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

E. PREFERENCE FOR HIRING FROM WITHIN
Qualified employees of Bannock County may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be done prior to seeking outside applicants for the position.

II. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED
The following employment forms must be completed **before the employee begins work**:

1. Employment application form.

2. Commissioner approved Salary Rate Approval Form.

The following employment forms must be completed **on the first day of employment before the employee begins work**:

1. Immigration form (I-9) to be completed no later than the first day of employment.

2. W-4 form.
3. Original Social Security Card is required to add employee to the payroll system.

4. Benefit forms and additional information about dependents (if such coverage is available and selected by the employee).

5. Any other benefit forms necessary for employee information.

B. PAYROLL REPORTING SYSTEM
Reports of hours worked must be completed in a timely manner in accordance with procedures established by the Board of County Commissioners and the clerk’s auditing payroll office. Each report of employee time should be signed by both the supervisor and by the employee and should contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered. Hours worked should not be over or under stated. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to payroll in the clerk’s auditing office as soon as any such concern becomes evident. If the response from payroll in the clerk’s auditing office is unsatisfactory, the employee should address the issue to his/her immediate supervisor, to County civil legal counsel and human resources in order to resolve the stated concerns.

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

D. INTRODUCTORY PERIOD
New employees to Bannock County or current employees promoted or transferred to new job responsibilities are subject to a twelve (12) month introductory period where employees must demonstrate their abilities to handle the responsibilities of their position. Bannock County uses this twelve-month period to determine if the employee meets the expectations for the position for which the employee was hired. At any time during this twelve (12) month introductory period, including any extension of the introductory period, either the employee or Bannock County may end the employment relationship in their respective discretion for any lawful reason, with or without advance notice. During the introductory period, employment is at-will.

An employee’s supervisor may extend the introductory period for up to an additional six (6) months if he/she deems it necessary to work further with an employee who is not meeting the expectations or requirements for his/her position. If a promoted or transferred employee is terminated from a newly assumed position, he/she may be returned to his/her previous position or transferred to another position for which he/she is fully qualified, but only if a qualifying vacancy exists with Bannock County. Any decision to retain a previously
promoted or transferred employee who does not succeed in a new position shall be in the discretion of the appropriate elected official and with consultation from County civil legal counsel.

Any decision to terminate an employee or to terminate or demote a transferred or promoted employee during the introductory period shall be given an opportunity to be heard as provided for in Section V of this policy. In the course of such actions, department heads or direct supervisors shall communicate the contemplated personnel matters to County civil legal counsel and human resources for advice prior to final action. Any employee so aggrieved may address such concerns by seeking a hearing pursuant to the limitations contained within such policy provisions.

This introductory section does not apply to the appointment or removal of Senior/Chief Deputy status, which can be removed at the discretion of the elected official at any time with or without notice.

E. EMPLOYEE PERSONNEL FILES

1. Personnel Records
   The official employee records for Bannock County will be kept by human resources. The employee’s supervisor, elected official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee’s performance. All County departments should contribute to the centralized personnel files according to law. Commissioners may grant exception to the centralized employee records policy, after County civil legal counsel has reviewed the requesting department’s ability to care and control their own personnel files, as well as determine access upon reasonable request as listed in (2) below. The Sheriff’s Department is currently exempt from this centralized Personnel Records/files policy as they appropriately maintain their personnel files and have been reviewed by County civil legal counsel.

2. Access to Personnel Files
   Only human resources, the employee’s supervisor(s), the Board of County Commissioners when acting as a Board in the course of its official business, attorneys for the County, the elected official for the employee’s office/department, and the employee him/herself are authorized to view materials in a personnel file. Access of others to such files shall be allowed only with authorization of the supervising official after consultation with County civil legal counsel. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by County civil legal counsel or pursuant to Court order or a proper subpoena. The County reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier’s agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct. Copies of materials in an employee’s personnel file are available to that employee without charge, subject to exceptions provided by statutes.
3. Management of Information in Personnel Files
Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with County civil legal counsel, any offending material may be removed upon a finding by Bannock County that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee’s written objection and explanation to provide a complete employment history. Any such approved removal of information shall be documented in writing, and maintained in the employee’s personnel file.

III. RULES OF EMPLOYEE CONDUCT
Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is illustrative and not all inclusive; and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of the employment. The most important of these rules are those addressing attitude and cooperative behavior.

Each employee is expected to conduct himself/herself in a manner that is helpful and productive and that does not reflect adversely upon Bannock County. Public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon Bannock County and its officials.

A. GENERAL CONDUCT – Public Employee’s Code of Ethics
A public employee:

1. Shall perform all duties impartially and efficiently, without favor or affection or ill will, and without unlawful discrimination or harassment of a member of the public, or of an employee on the basis of race, color, religion, national origin, sex, age (40 and over), disability or any and all other protected classes recognized by law.

2. Shall have no interest, financial or otherwise, direct or indirect, nor engage in any business or transaction or professional activity that may present a conflict of interest or that might reasonably be expected to impair objectivity and independence of judgment in the exercise of official duties.

3. Shall not undertake any employment or service, whether compensated or not, which might reasonably be expected to impair objectivity and independence of judgment.

4. Shall not use or attempt to use official position to secure unwarranted privileges or advantages.

5. Shall not accept any gift, favor, service, or anything of value, under circumstances
from which it might be reasonably inferred that such gift, favor, service, or other thing of value was given or offered for the purpose of influencing the discharge of official duties. See I.C. §18-1309 and §18-1352.

6. Shall not knowingly act in any way that might reasonably be expected to create an impression or raise suspicion among the members of the public that said acts violate the public trust.

7. Shall not engage in criminal behavior or such behavior that would violate the public trust and/or bring disrepute.

8. Will cooperate with all legally authorized agencies and their representative in the pursuit of integrity and maintenance of the public trust. Will be forthright in answering all questions and providing information to authorized investigators.

This Code of Ethics is intended to augment but not replace existing professional code of ethics. A violation of this Code of Ethics shall be cause for removal, suspension, demotion or other disciplinary action. Criminal charges may be brought should actions dictate.

B. GENERAL CONDUCT – Public Employee

In order to accomplish this, each employee shall:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. **THIS IS THE FIRST PRIORITY FOR ALL EMPLOYEES.**

2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.

3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.

4. Not engage in criminal conduct of any kind while on or off duty. County employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.

5. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the County or its officials or otherwise impair the employee’s ability to perform.

6. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the County and related agencies.

7. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of $50), I.C. Chapter 4
of Title 74 (Ethics in Government Act of 2015), I.C. §74-501 (Prohibitions Against Contracts with Officers) and I.C. §18-1359 (Using Public Position for Personal Gain).

8. Not accept gifts or gratuities in any personal or professional capacity that could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.

9. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board of County Commissioners or the elected official or the office/department for whom he/she works.

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

11. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.

12. Abide by all office/departmental rules whether written or oral. No employee shall be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.

13. Perform such obligations as are necessary to carry out the work of the County in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

14. Not sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.

15. Not engage in malicious gossip, spread rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee’s work output or encourage others to do the same.

16. Not unlawfully harass a fellow employee or member of the public, as outlined in Section VI of this policy.

17. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability, national origin or any and all other protected classes recognized by law.

18. Not engage in abusive conduct to fellow employees or the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud, threatening or harassing speech.

19. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
20. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. Should the employee be prescribed a lawful substance that may impair the employee’s ability to safely do his/her job, the employee is required to provide a physician’s note explaining the possible effects of the medication on the employee’s ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.

21. Follow the rules regarding the reporting of work hours and comply with the County’s procedures for approval of time-keeping records.

22. Follow rules and schedules for breaks and lunch periods including supervisor’s authority to adjust them to accommodate the completion of necessary work.

23. Report all accidents that occur or are observed on the job, or are on or involve County property, and cooperate as requested in the reconstruction of any such accident.

24. Follow all workplace safety rules whether established formally by the office/department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.

25. Maintain a current appropriate driver's license when work for the County requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.

26. Not serve on any board or commission that regulates or otherwise affects the official duties or personal interests of the employee in a way that could create disadvantage for other members of the public or advantage for the employee.

27. Not have non-County employment that conflicts with duties performed for the County in any meaningful way. Individual offices/departments may determine permissible examples of outside employment, self-employment or other business interests.

28. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record. The official shall consult with County civil legal counsel regarding ALL public records requests or any court orders pertaining to the release of public records. All written public records request shall be legally reviewed under Idaho Code §74-103, including all relevant exceptions before releasing any such records.

29. Maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.

30. Not use work time for personal business, including the selling of goods or services to
the general public.

31. Adhere to any code of ethics in his/her profession.

32. Not engage in political activities while on duty. This rule shall not apply to elected officials.

33. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.

34. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. §§ 18-3201 and 18-3202).

35. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace activities.

36. Not abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with County policy.

37. Not violate rules concerning absence from the workplace without proper authorization.

38. Not engage in prolonged visits with co-workers, children, friends or family members that interfere with work in the office/department in which the employee serves.

39. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.

C. RELATIONSHIP POLICY

Personal relationships are a vital part of most people’s lives. When personal relationships intersect with employment, an employer may become entangled with the consequences of the choices that employees make. The County has no desire to become involved in such matters. Accordingly, these rules serve as a basic guide to family and romantic relationships in the County’s workplace:

1. No person related to a county commissioner by blood or marriage within the second degree shall be a paid employee of the County, except if the employee was employed before election of the commissioner.

2. No employee of the County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor by blood or marriage within the second degree.

3. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. After consulting with County civil legal counsel, efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a
subordinate. Employees involved in such relationship bear a responsibility to the County to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

D. CANDIDACY FOR ELECTIVE OFFICE

While Bannock County recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the County’s interest in promoting the efficiency of the public services it performs through its employees.

If an employee initiates candidacy against an incumbent elected official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that official’s office, the employee must immediately resign or face possible termination.

A “reasonable prediction of disruption” is based upon any of the following factors:

1. The size of the office in which the employee works. The smaller the office, the greater the likelihood of disruption;

2. Whether the employee candidate holds a position of trust and confidence to the incumbent. The closer the ties, the greater the likelihood of disruption;

3. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor. In such circumstances, the likelihood of disruption would be greater; or

4. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another. The greater the amount of contact and interaction, the greater the likelihood of disruption.

Not all of the above factors must be met in order to seek resignation or termination of the employee.

If the official determines that there exists a “reasonable prediction of disruption” should the employee remain employed with Bannock County and the employee refuses to resign, he/she may be terminated. The official should set out in writing the factual basis for finding that there exists a “reasonable prediction of disruption” using the above factors. The written findings should be provided to the employee, placed in the employee’s personnel file and be made a part of the official record. All other applicable procedures that allow an opportunity to be heard as set out in Section V of this policy shall apply.
IV. EMPLOYEE CLASSIFICATION, COMPENSATION AND BENEFITS

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

The procedures for hiring, promotion, and transfer of all regular employees shall be subject to the provisions of this policy. Personnel actions concerning temporary employees are not subject to the procedures set forth herein to address cause as a basis for employee dismissal or disciplinary action unless the policy provisions expressly provide therefore.

With the exception of elected officials, any employee, regardless of classification, may utilize the opportunity to be heard procedures with regard to allegations of unlawful discrimination and “name-clearing hearing” procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination. For Regular Employees, allegations of unlawful discrimination or the right to a name-clearing hearing may only be addressed in the disciplinary process as provided for in this Policy.

The term employee means a directed worker who is an employee under the common-law standard. Under common-law rules, anyone who performs services for Bannock County is generally your employee if you have the right to control/direct what will be done and how it will be done.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

   a. For-Cause Employment

      (i) Regular Employees. Except as otherwise provided in this Policy, regular employees of Bannock County will not be suspended without pay, demoted with an accompanying change in pay, or discharged from their positions for disciplinary purposes except for cause related to performance of their job duties or other violations of this policy. Cause shall be determined by the employee's supervisor/elected official after review by County civil legal counsel and shall be communicated in writing to the employee when the employee’s status is proposed to be changed.

      (ii) Only suspension without pay, demotion with a reduction in pay, or discharge for cause shall be subject to the opportunity to be heard with regard to any disciplinary procedure set forth in this personnel policy. This opportunity is to be administered in a directory manner, allowing flexibility in administration that does not adversely affect the employee’s fundamental opportunity to be heard. It is the responsibility of an employee to show by clear and
convincing evidence that the factual basis for the personnel action is incorrect or that the reasons for the personnel action are contrary to existing law.

(iii) Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings shall not be subject to the hearing procedure set forth herein. Board of County Commissioners retains full authority, without prior notice, to modify the general terms and conditions of employment. Additional information may be obtained from the County civil legal counsel and human resources or by communication with an employee’s supervisor or administrator.

b. Exceptions to For-Cause Employment

(i) Deputy Prosecuting Attorneys & Other Attorneys. Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and his/her client, Deputy Prosecutors (including Senior Deputy Prosecutors) appointed pursuant to I.C. § 31-2601 et seq. and other attorneys employed by the County are considered to be at-will employees, and they serve at the pleasure of the Prosecuting Attorney or the Board of County Commissioners. They can be appointed or removed at the pleasure of the elected official for whom they serve, and the opportunity to be heard with regard to any disciplinary procedure as set out in this policy does not apply. However, any deputy prosecutor or other attorney employed by the County who believes that he/she has been removed from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may be given an opportunity to be heard on these issues as set out in Section V(E) of this policy.

(ii) Senior Deputies (sometimes referred to as “chief deputies”) appointed pursuant to Idaho Code § 31-2006 serve in that role at the pleasure of the elected official for which they serve. The designation can be established or removed at the pleasure of that elected official, and the opportunity to be heard as set out in this policy does not apply to the removal process. An elected official has the right to appoint his/her own Senior Deputy as he/she sees fit. Therefore, at any time a newly elected official takes office or at the discretion of a current elected official, the Senior Deputy may be removed from that position and reassigned to another available position at that position’s current rate of pay or be dismissed from
County employment. In all other respects of this policy, they are considered to be regular employees and shall receive all employee benefits provided by Bannock County as such benefits now exist or may be subsequently changed.

(iii) **Temporary Employees.** Employees who work on an irregular, seasonal or temporary basis are considered to be temporary employees. As such, these employees are not considered to be Regular Employees and the opportunity to be heard with regard to the disciplinary process as set out in this policy does not apply. However, any temporary employee who believes that he/she has been removed from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the procedures set out in Section V(E) of this policy.

(iv) **Veteran’s Rights Following Reinstatement.** Any veteran, who has been restored to his/her position in accordance with Idaho Code §65-512, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled the opportunity to be heard prior to termination. Such returning veteran shall, also, be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay classification.

2. **Employee Classification for Benefit Purposes**

   The classification of the position you hold with Bannock County may affect the status of obligations or benefits associated with your employment. Bannock County Board of County Commissioners by resolution may change “Employee Classification for Benefit Purposes” for any reason deemed appropriate to keep in compliance with Public Employee Retirement System of Idaho (PERSI), Affordable Care Act (ACA), and all applicable state and federal pay acts. The primary classes of employees are:

   a. **Elected Officials**

      Elected officials are not considered regular employees. Elected officials receive employment benefits as approved by official action of the Board of County Commissioners.

   b. **Full-Time Regular Employees**

      Employees whose employment is sustained and continuing and are not part-time or temporary and whose typical work week consists of **at least 30 hours per week and 130 hours per month and are expected to be**
employed for over 120 days are considered full-time regular employees. Full-time regular employees shall be eligible for employee benefits provided by the Board of County Commissioners.

A Full-Time Regular Employee may resume active work as a new hire only after thirteen (13) weeks with no paid hours or 4-12 weeks if no paid-hour time period is greater than time previously worked.

c. **Part-Time/Variable Hour Regular Employees**
Employees whose employment is sustained and continuing and are not temporary and whose typical work week consists of 19 hours or less on a regular basis are considered part-time regular employees. Part-time regular employees will receive no benefits, except those required by federal and state law or those approved by official action of the Board of County Commissioners.

The Bannock County Board of Commissioners has approved that Part-Time/Variable Hour Regular Employees shall not work more than 120 hours in a calendar month; and that any departments wishing to exceed the 120 hours and under no circumstances exceed 129 hours shall seek prior approval by a quorum of the Board of County Commissioners pursuant to open meeting laws; and that each department shall monitor hours worked by its employees and held accountable for any and all related liabilities for non-compliance.

If a part-time variable hour regular employee works 130 hours or more in a calendar month, their classification may be changed effective the first of the following month to a full-time regular employee eligible for employee benefits provided by the Board of County Commissioners.

d. **Temporary Employees**
Employees who work on an irregular, temporary basis, and whose work consists of less than 120 hours for each calendar month for less than five (5) months are classified as temporary employees. Temporary employees will receive no benefits, except those required by federal and state law or those approved by official action of the Board of County Commissioners.

The Bannock County Board of Commissioners has approved that Temporary Employees shall not work more than 120 hours in a calendar month; and that any departments wishing to exceed the 120 hours and under no circumstances exceed 129 hours shall seek prior approval by a quorum of the Board of County Commissioners pursuant to open meeting laws; and that each department shall monitor hours worked by its employees and held accountable for any and all related liabilities for non-compliance.

If a temporary employee works 130 hours or more in a calendar month, their
classification may be changed effective the first of the following month to a full-time regular employee eligible for employee benefits provided by the Board of County Commissioners.

e. **Independent Contractors**

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

f. **Volunteers**

Volunteers who do not receive compensation for services they provide to the County are not considered employees of the County. Employees of the County may be considered a volunteer in addition to their paid status provided they receive no compensation and such volunteer service is not the same type of service as the employee’s regular paid duties. Employees of the County may not “volunteer” time for the purpose of avoiding compliance with this policy. As such, this Policy does not apply to volunteers except for Section VI.

g. **Interns**

Unpaid interns must meet the below criteria as defined by the Fair Labor Standards Act (FLSA):

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment.

2. The internship experience is for the benefit of the intern.

3. The intern does not displace regular employees, but works under close supervision of existing staff.

4. The employer that provides the training derives no immediate advantage from the activities of the intern and on occasion its operations may actually be impeded.

5. The intern is not necessarily entitled to a job at the conclusion of the internship.

6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If the role of your intern does not meet all six of these requirements, then the law requires their position to be paid. Paid internships have certain recordkeeping standards under the FLSA, including capturing specific
personal information from the intern and an accurate work schedule. If paid internship, see above for employee classification.

B. COMPENSATION POLICIES

1. Establishment of Employee Compensation
   Employees are compensated in accordance with, and subject to, decisions of the Board of County Commissioners as annual budgets are set and are subject to increase, reduction, or status quo maintenance for any time period. The elected official or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of County Commissioners. The Board of County Commissioners reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require change in County expenditures.

2. Compliance with State and Federal Pay Acts
   Bannock County shall comply with all state and federal pay acts governing compensation of its employees.

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

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

4. Right to Change Compensation and Benefits
   The Board of Bannock County Commissioners may change compensation for any reason deemed appropriate by resolution. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent county budget. Hours worked may be reduced or employees may be laid off by the Board of County Commissioners or by elected officials within their office/departments as necessary to meet budgetary constraints or work needs change and only after review by the County civil legal counsel and human resources.

5. Overtime Compensation - Compliance with Fair Labor Standards Act
   In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law which governs the obligation of employers to pay overtime compensation. Exempt employees perform work that qualifies for the
professional, executive or administrative exemption and do not qualify for overtime compensation. Employees who serve as sworn law enforcement officers may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Please contact your department supervisor, the clerk’s auditing office, County civil legal counsel and human resources for further clarification of your FLSA status.

Actual hours worked is used for the calculation of overtime in compliance with FLSA.

6. **Compensatory Time Policy**

The Board of County Commissioners has set a maximum accumulation of 50 hours of compensatory time. It is the intent of the Board of County Commissioners that when compensatory time is accumulated that it will be used down to zero in the near future and not used as a leave bank. Overtime for non-exempt, hourly employees over 50 hours of accumulated compensatory time will be allowed only when requested by the appropriate supervisor and solely by approval of the Board of County Commissioners when absolutely necessary in an emergency or hardship situation. Compensatory time shall be computed at 1½ hours for each additional actual hour worked in excess of 40 hours per week, or in excess of the 14 day work period interval established for law enforcement officers pursuant to 29 U.S.C. §207(k).

Elected officials/department heads may establish a lower limit as they see fit for the orderly operations of their department. Compensatory time must be scheduled and used down to zero prior to the use of accrued vacation leave. Compensatory time may be used whenever designated by a supervisor or when requested by an employee with approval of their supervisor.

7. **Reporting and Verifying Time Records**

Each employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Board of County Commissioners and the clerk’s auditing payroll office. All time sheets should be submitted by Monday at noon to payroll in the clerk’s auditing payroll office in order to be paid on a timely basis. These records shall be retained as required by the records retention policy of the County, consistent with state law.

Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his supervisor or County civil legal counsel and human resources as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee’s personnel file.

**Exempt employees** should record all paid leave used on their time sheet. Paid leave can be taken in ½ day increments. Exempt public employees who have exhausted all accrued leave may be docked pay for full day absences. Each time sheet must be
signed manually or electronically by both the supervisor and the employee, and must contain a certification that it is a true and correct record of the employee’s time worked and benefits used for the time period covered. Exempt employees may be required to document time worked for accountability and benefit purposes.

**Non-exempt employees** should record all time worked and paid leave used on their time sheet. Each non-exempt employee time sheet must be signed manually or electronically by both the supervisor and the employee, and must contain a certification that it is a true and correct record of the employee’s actual time worked and benefits used for the time period covered.

**Elected Officials** are not required to submit time sheets.

**On-Call Time** will not be considered as actual hours worked provided the employee is not required to remain at a specific place. Actual hours worked commences once the employee arrives at work after being called into service and begins actual work duties.

**Hours worked** is time spent in actual performance of assigned duties at the employee’s assigned work location and recognized County Holiday Pay. Other paid leave (i.e. sick leave, vacation leave, compensatory time, administrative leave, etc.) and unpaid leave (i.e. leave of absence without pay, disciplinary suspension, etc.) shall not be considered as actual hours worked for overtime purposes. In the event that an employee has overtime on his/her timesheet that includes sick leave, vacation leave, or compensatory time; these other paid leave hours should be reduced to bring the employee hours to 40 hours per week or 86 hours for 207(k) employees. Hours worked begin when the employee reports to work and ends when the employee leaves when scheduled. Commuting from one job site to another job site shall be considered hours worked.

8. **Work Periods**
The work week for all non-law enforcement, non-exempt employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Saturday of each week and concludes at 11:59 p.m. of the succeeding Friday. (The Solid Waste Department’s workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.)

The work period for sworn law enforcement officers may be up to the twenty-eight (28) day work period allowed by the FLSA 29 U.S.C. § 207(k).

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

10. **Payroll Procedures and Paydays**
Employees are paid biweekly throughout the year. Paychecks are issued by the clerk’s auditing payroll office every other Thursday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.

Each employee must monitor the accuracy of compensation received. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Board of County Commissioners with the assistance of the clerk’s auditing office, the policy shall prevail. Employees are obligated to call to the County’s attention to any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

11. **Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding**
Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to County operations or called to serve on jury duty. County employees whose name is called for jury selection should immediately report to their supervisor and to work after they are released from Jury Duty or as a Witness in a Court Proceeding.

12. **Military Leave**
Use of accrued vacation leave, earned compensatory time or unpaid leave of absence, will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 409, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

13. **Payroll Deductions**
No payroll deductions will be made from an employee’s paycheck unless authorized in writing by the employee or as required by Idaho Code § 45-609 or its successor.

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

15. Closed Facility
On occasion, inclement weather or some other unforeseen occurrence will necessitate the closing of a County facility during a workday. If the Board of County Commissioners declares the facility to be closed, employees will be paid their regular work hours for that day.

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

If the closure occurs during work hours, those employees at work who are sent home will be paid their regularly scheduled work hours for that day. Employees who are on vacation leave, sick leave or compensatory time during the closure, will not be eligible for closed facility regular pay.

16. On-the-Job Injuries
All employees are covered by worker’s compensation insurance for on-the-job injuries. On-the-job injuries should be reported to the employee’s supervisor as soon as practicable so that a worker’s compensation claim can be filed.

See Idaho Code, Title 72, Chapter 11, for sworn law enforcement officers’ worker’s compensation claims.

For each on-the-job injury, whether medical attention is needed or not, the supervisor and employee should complete an accident report, which should be forwarded to human resources. When medical attention is accessed, employees must also complete a State Insurance Fund “First Report of Injury” form. When human resources receives the employee’s “First Report of Injury,” it will be filed with the State Insurance Fund.

Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. The employee must provide an appropriate written release from the attending physician before the employee is allowed to return to work. The County may require a second release from a physician selected by the County. Concerns associated with injured worker status may be brought before the appropriate elected official for review.

The employee is responsible for seeking a release from his physician to work light duty and also to inquire with the elected official/department head/supervisor if light duty is available. When an injured employee receives a limited-duty statement from his physician, the employee is expected to return to work, if light duty is available, to
perform duties as assigned. The temporary reassignment may be in another department and may include a change in the employee’s regular duties. Refusal to accept bona-fide limited-duty work may be cause for the State Insurance Fund to discontinue worker’s compensation benefits and will be subject to disciplinary action from the County.

Failure to report an on-the-job injury and/or to follow the procedure in this section may result in disciplinary action per Section V of this policy.

C. EMPLOYEE BENEFITS

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

Every Bannock County employee is responsible to report change of address, name, telephone number, marital status, number and names of dependents or other required information for the official personnel records of Bannock County, benefits eligibility, payroll, direct deposit, etc. Within 30 days of a qualifying life event, benefit forms need to be updated in human resources to avoid Late Enrollee provisions of benefit plans.

1. Vacation Leave

Vacation leave is available to full-time regular employees. Vacation accrues from the start of employment in the following manner:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Vacation Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5 years</td>
<td>4 hours per pay period if paid for at least 56 hours</td>
</tr>
<tr>
<td>5 years to &lt;10</td>
<td>5 hours per pay period if paid for at least 56 hours</td>
</tr>
<tr>
<td>10 years to &lt;15</td>
<td>7 hours per pay period if paid for at least 56 hours</td>
</tr>
<tr>
<td>15 years to &lt;20</td>
<td>8 hours per pay period if paid for at least 56 hours</td>
</tr>
<tr>
<td>20 years or more</td>
<td>9 hours per pay period if paid for at least 56 hours</td>
</tr>
</tbody>
</table>

Vacation leave can only accrue to an absolute 240 hour maximum. Any excess over the maximum accrual not used during the year in which it accrues will be forfeited, without right of compensation, on December 31 of each year. Vacation leave is to be scheduled with consent of the responsible elected official or office/department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected office/departments. Upon separation from employment unused vacation leave up to the maximum allowable accrual will be compensated by lump-sum payment at the then-current hourly rate.

Vacation leave shall not accrue to any employee on any kind of leave of absence without pay, suspension without pay or layoff.
2. **Sick Leave**

Sick leave benefits are provided to regular full-time employees at the rate of four (4) hours per pay period that the employee is paid for at least 56 working hours. Sick leave is a benefit to provide relief to the employee in the event of illness or injury to the employee or his/her immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time when the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Elected officials or office/department supervisors may require the employee to provide a doctor’s note, or require at Bannock County’s expense an independent review of reported illness at any time by a competent medical authority.

Sick time may also be used for doctor, dental, and vision appointments and for bereavement.

Sick leave can accrue to a maximum of 720 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee’s accrued hours are reduced below the maximum. Sick leave benefit recipients will receive their normal compensation when using sick leave.

One sick day may be traded for the employee’s birthday off, if the employee has at least 80 hours accumulated sick time. The day off must be taken on the birthday or in the month of the birthday.

If an illness or medical procedures cause an employee to be absent in excess of three (3) consecutive days or the absence is covered under the family medical leave policy, Bannock County may also require a doctor's fitness for duty report prior to returning to work. The decision to allow an employee to return to work will be solely Bannock County's. In the event a doctor does not find the employee fit to return to duty, the employee will not be allowed to return to work. All medical fitness for duty reports must be submitted to the employee’s elected official/department head for proper custodial maintenance of personnel files.

Sick leave shall not accrue to any employee on any kind of leave of absence without pay, suspension without pay or layoff.

At separation of employment the employee will be paid for their accrued sick leave hours at their existing rate of pay as follows:

- Upon resignation with 14 calendar days’ prior written notice - paid 20% of sick leave hours accumulated.
- Upon resignation without 14 days prior written notice, job abandonment or dismissal - not eligible for any payment for accrued sick leave hours.
- Upon reduction in force - paid 50% of accrued sick leave hours.
Upon PERSI Retirement - paid 100% of accrued sick leave hours accumulated to a maximum of 720 hours.

Upon death - paid 100% of accrued sick leave hours accumulated to a maximum of 720 hours.

Sick Leave During Vacation – In the event a major illness or accident occurs while an employee is on vacation, the employee may request the vacation time be changed to sick leave. Upon return to work, the employee must make a request in writing, accompanied by a doctor’s statement outlining the days the employee was ill and the nature and extent of the illness. This request should be directed to the employee’s elected official/department head/supervisor with a copy to payroll in the clerk’s auditor’s office and to human resources.

3. Holidays

Ten official holidays are provided for full-time regular employees. Employees who have regular full-time active status on the date of any holiday and who have worked or received paid leave (vacation, sick leave or compensatory time) for their scheduled hours for the week preceding and for the week following the holiday shall receive compensation for the holiday. All full-time regular County employees will receive holiday leave equal to their normal scheduled shift. Compensation for the holiday will not be paid if there is any unpaid leave in either week. Holidays which fall on Saturday shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed by resolution by the Board of County Commissioners at any time.

Recognized Holidays:

1. New Year's Day - January 1st
2. Martin Luther King, Jr./Human Rights Day - Third Monday in January
3. Presidents' Day - Third Monday in February
4. Memorial Day - Last Monday in May
5. Independence Day - July 4th
6. Labor Day - First Monday in September
7. Columbus Day - Second Monday in October
8. Veteran's Day - November 11th
9. Thanksgiving Day - Fourth Thursday in November
10. Christmas Day - December 25th
4. **Leaves of Absence**
Up to thirty (30) days unpaid leave can be granted by the elected official for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of thirty days shall require written approval of the Board of County Commissioners.

See Family Medical Leave Act for all FMLA related eligible leave for the approval procedures.

5. **Family Medical Leave Act (FMLA)**
   a. **Eligibility Requirements**
      
      _To be eligible for FMLA benefits, prior to any leave request, the employee:_

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

   b. **FMLA Rights**

      An eligible employee is entitled to job-protected, unpaid leave for the following reasons:

      1. The birth of a child, or placement of a child with you for adoption or foster care;
      2. Your own serious health condition;
      3. Because you are needed to care for your spouse, child, or parent due to his/her serious health condition.
      4. Because of a qualifying exigency arising out of the fact that your spouse, son, daughter or parent is on covered active duty or called to covered active duty status with the Armed Forces.
      5. Because you are the spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. (Up to 26 weeks of unpaid leave during a “rolling” 12-month period.)

      If all eligibility requirements are met, the employee is covered under FMLA. The employee may request up to 12 weeks of leave during which Bannock County will continue the employee's benefits (employer portion only). The 12-month period is determined using a “rolling” 12-month period measured...
backward to the date an employee first uses any FMLA leave. If the employee does not return to work for reasons other than continued serious health condition of the employee or eligible family member, Bannock County may recover from the employee the premium(s) that were paid for the employee’s medical coverage during the FMLA leave period.

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

c. **Use of Accrued Leave and Worker’s Compensation Required**

Employees are required to use any accrued paid vacation and sick leave concurrently with any intermittent FMLA leave. If paid leave accruals are less than 12 weeks, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue leave while utilizing their paid sick and vacation leave. They will cease to accrue vacation and sick leave during the unpaid portion of their leave per this personnel policy.

If the employee is on Worker’s Compensation leave, such leave will also run concurrently with any FMLA leave.

d. **Employee Obligations**

Employees are required to give 30 days’ advance notice or as much time as practical when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the employee’s or family member’s FMLA qualifying medical condition. The County may also require second or third opinions at Bannock County’s expense.

Employees who are on FMLA leave for their own serious illness are required to provide a medical practitioner’s fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely Bannock County's in compliance with the provisions of the Family and Medical Leave Act. If a doctor finds the employee is not fit to return to duty, the employee will not be allowed to return to work.

Employees should contact human resources to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

To request FMLA leave, please contact human resources indicating the reason for requesting FMLA leave and the expected duration of leave.
e. **Intermittent Leave Requests**

FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee’s supervisor. In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the elected official.

g. **The National Defense Authorization Act**

The FMLA also provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member, a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty which renders that person unfit to perform his or her duties in the Armed Forces. Bannock County may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition and that it was incurred in the line of duty.

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

Bannock County employees shall provide prior notice when the need for this type of FMLA leave is foreseeable.

If you have any questions about your rights under FMLA please contact the
6. **Change in Benefits**
Bannock County, through its Board of County Commissioners, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

7. **Benefits for Part-Time, Temporary or Seasonal Employees**
All employees shall receive benefits as required by law to include Worker’s Compensation insurance. All other benefits are to be determined by the discretion of the Board of County Commissioners.

8. **Benefits Available to Employees**
Benefits are available to employees and family members in accordance with the terms and conditions of the County’s contract for such services. Other benefit offerings, including health benefits, life insurance, disability insurance, and supplemental income protection may be available at employee and/or County expense. Any such offerings are subject to change at any time. Human resources should be contacted to learn of additional information, sign-up and claims procedures.

9. **Retirement**
Bannock County participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI mandates withholding a percentage of an employee’s gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and Bannock County matches this with an additional larger contribution. Contact human resources for further information.

10. **Miscellaneous Benefits**
In addition to the benefits listed on the previous pages, the following are examples of miscellaneous benefits, subject to change at the sole discretion of the Board of County Commissioners, and may be available to employees for participation in accordance with the terms of their respective policy or agreement:

   a. Deferred compensation plans handled by payroll deduction.

   b. Credit union participation.

   c. Employee requested deduction programs subject to County policy.

   d. Provision of uniforms, cell phone, etc. allowances.

   e. Parking privileges, use of the lunchroom and kitchen facilities, locker, etc.
f. Further job related training requested by Bannock County.

11. Transfer of Benefits with Employee Transfer
Accrued benefits for each employee continue when the employee transfers from one office/department to another within Bannock County. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by similarly situated employees. Any compensatory time on the books will be paid before transfer to the new department. All vacation and sick time accrued will transfer with the employee and thus becomes a liability to the new department.

V. EMPLOYEE PERFORMANCE AND DISCIPLINE

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

B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK
The following framework guides the processes to be taken when an employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. Bannock County reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step.

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

- Oral warning
- Written warning or reprimand
- Suspension with pay
- Suspension without pay should be narrowly construed and used only after the appropriate elected official(s) and County civil legal counsel have been consulted.
- Probation, with the same terms and conditions of employment as that of an Introductory Employee as set out in Section II(D) of this policy.
- Demotion
- Dismissal
• Or any other actions that may be appropriate.

Conditions of maintaining employment that related to particular performance/behavior issues may be established in conjunction with any of these actions.

D. OPPORTUNITY TO BE HEARD CONCERNING PROPOSED DISCIPLINE OR FAILURE TO PERFORM

The personnel policy of Bannock County establishes the right of regular employees (but not introductory employees, temporary employees, seasonal employees or attorneys employed by the County) to be heard in the event of contemplated demotion with a reduction in pay, suspension without pay or dismissal from employment. The opportunity to be heard is designed to be informal, allowing the employee to discuss with his/her supervisor or elected official the facts surrounding the proposed disciplinary action or performance-based personnel action and to provide any additional documentation that the employee believes would be helpful in explaining his/her actions, attitude or behavior.

The following steps should be followed at the direction of the supervisor or elected official (“Bannock County”):

1. The employee shall be provided with a written notice of the reasons for the proposed personnel action that would affect him/her, along with an explanation of the County’s supporting information and the proposed personnel action.

2. The written notice will include a date, time and place for the employee to be heard to discuss the proposed personnel action.

3. The notice should state whether the employee is being placed on suspension pending the outcome of the opportunity to be heard, and whether any such suspension will be with or without pay.

4. If the employee is unable to participate in the scheduled opportunity to be heard, s/he may request an alternate date and time. Any approved alternate date that falls after the scheduled date and time may be without pay, if any has been provided by the County.

5. The employee must notify Bannock County within five (5) business days of the date of the notice that s/he desires to be heard as scheduled in order to discuss the reasons for the proposed personnel action. If notice of acceptance of the opportunity to be heard is not received within five business days, the opportunity to be heard will be vacated and deemed waived.

6. As an alternative to an opportunity to be heard, the employee may choose to provide a written response to the bases for the proposed personnel action. This written response must be submitted no later than the scheduled date and time initially set for the opportunity to be heard.

7. The opportunity to be heard, if chosen, will last no longer than one hour, unless otherwise approved by Bannock County, and will be limited to discussion of the issues contained in
the notice and to any allegations by the employee of unlawful discrimination in employment.

8. The employee will not be prohibited from having an attorney assist him/her at the employee’s own expense.

9. The employee will be allowed to present oral testimony from his/her witnesses (or provide written statements) about the issues contained in the notice.

10. Bannock County may ask the employee’s witness’s questions for clarification purposes should that be necessary during the discussion.

11. The employee shall not have the opportunity to question the supervisor, unless the supervisor introduces a new basis for the personnel action during the discussion.

12. The Idaho Rules of Evidence shall not apply to the opportunity to be heard.

13. Unlawful discrimination allegations must be raised during this process, or they will be deemed waived by the employee.

14. There will be a record maintained, including a recording of the discussion that constitutes the opportunity to be heard.

15. Bannock County will render a written decision after considering employee’s responses, if any, to the allegations set out in the notice.

FAILURE TO PARTICIPATE IN THE OPPORTUNITY TO BE HEARD ALLOWED HEREIN SHALL CONSTITUTE A FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS POLICY.

E. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND “NAME-CLEARING HEARING”

The personnel policy of Bannock County establishes the right of introductory employees, temporary employees, seasonal employees and attorneys employed by the County to be heard in the event of a contemplated demotion with a reduction in pay, suspension without pay or dismissal from employment, if the employee asserts that this demotion, suspension or dismissal is actually the consequence of alleged unlawful discrimination by the County; or if the allegation involves dishonesty, immorality or criminal misconduct, the employee would be entitled to a “name-clearing hearing” when one is requested.

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin, disability or any and all other protected classes recognized by law that is not a bona fide occupational qualification. Bannock County does not condone discrimination on the basis of the foregoing unlawful categories.

FAILURE TO SEEK AN OPPORTUNITY TO BE HEARD PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.
Issues of job performance or employee attitude, without allegations of dishonesty, immorality or criminal misconduct, are not the proper subject of this opportunity for a name clearing hearing and will not be heard.

Any regular employee entitled to an opportunity to be heard as a result of a disciplinary action that concerns job performance or behavior must raise allegations of unlawful discrimination or the need for a name-clearing hearing in the course of that disciplinary process, with such issues to be addressed as provided by Section V(D) of the policy.

The procedures for the opportunity to be heard or name-clearing hearing at the direction of the Board of County Commissioners or its designated official, unless waived by the employee, are as follows:

1. Within fourteen (14) days of his/her termination or demotion, the employee may submit a written allegation of unlawful discrimination or the basis for entitlement to a “name-clearing hearing,” stating with particularity the basis for the requested opportunity to be heard. Written allegations that are submitted untimely or that fail to state a particular, legally recognized basis for this opportunity will not be heard. An employee will be promptly notified if a requested hearing is denied.

2. An employee alleging unlawful discrimination or who is legally entitled to a name-clearing hearing will meet with the Board of County Commissioners or designated official. The hearing shall not exceed one (1) hour.

3. An audio recording of the hearing will be made and maintained as part of the personnel record.

4. The employee’s supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges involving dishonesty, immorality or criminal misconduct. The Board of County Commissioners or designated official may require the employee’s supervisor to participate in the hearing.

5. The employee will not be prohibited from having an attorney assist him/her at the employee’s own expense.

6. The employee will be provided an opportunity to present evidence upon which the entitlement to a name-clearing hearing or claim of discrimination is based.

7. The Board of County Commissioners or designated official may ask the employee’s witnesses questions during the process.

8. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Board of County Commissioners or designated official to consider.

9. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.

After the hearing, the Board of County Commissioners will consider the information
submitted and such other information as might be in the County’s records to arrive at a decision concerning the employee’s allegations. The decision shall set forth in writing the reasons for the Board of County Commissioner’s determination.

If, as a result of this opportunity to be heard, the Board finds fault with the basis for the County’s action, remedial action may be prescribed, including restoration of employment and payment of back pay.

VI. WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION POLICY AND COMPLAINT PROCEDURE

A. PURPOSE
This section establishes Bannock County’s commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor, office/department head and elected official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts the workplace, or has the potential to impact the workplace, will not be tolerated.

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

B. POLICY
Unlawful discrimination or harassment of an applicant for employment, a member of the public, or an employee by any employee of the County on the basis of race, color, religion, national origin, sex, age (40 and over), disability or any and all other protected classes recognized by law is in violation of state and/or federal law and will not be tolerated by Bannock County.

Employees found to be participating in any form of employment-related, unlawful discrimination, harassment or retaliation against another employee for filing a complaint alleging discrimination or harassment or not cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES
The County: It is the responsibility of the County to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.
County civil legal counsel and human resources are the (“Designated Official(s)”), as the officials who will be responsible for directing procedures for this policy. The officials will be referred to as the “Designated Official(s).”

**Supervisors:** It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees so that the employees know its provisions, and to monitor the workplace for compliance.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consulting with an office/department head, and taking corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor’s area of responsibility or oversight, he/she should notify the office/department head or other appropriate management employee, who should then take prompt steps to address the allegation.

If unlawful discrimination, harassment or retaliation is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of unlawful actions without proving that it was made erroneously.

If a supervisor receives information that unlawful discrimination, harassment or retaliation might be occurring, he/she should follow the Complaint Procedure as set out in this policy below.

**Employees:** It is the responsibility of each and every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. But, satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their supervisor, office/department head, County civil legal counsel and human resources of such actions, recounting specific actions or occurrences whenever possible.

### D. DEFINITIONS

Unlawful harassment includes, but is not limited to, the following behaviors:

1. **Verbal Harassment** – Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over), disability or any and all other protected classes recognized by law whether made in general, directed to an individual, or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” that is oriented towards a prohibited form of harassment.
2. **Physical Harassment** – Assault, impeding or blocking movement, leering at, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over), disability or any and all other protected classes recognized by law. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

3. **Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over), disability or any and all other protected classes recognized by law. This applies to both posted material and material maintained in or on Bannock County equipment or personal property in the workplace.

4. **Sexual Harassment** – Any act that is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

   There are basically two types of sexual harassment:

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

   ii) "**Hostile work environment**," where the unlawful harassment creates an offensive and unpleasant working environment.

   A hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees, or the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcomed physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.
E. COMPLAINT PROCEDURE

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

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against should report it to his/her supervisor, office/department head or County civil legal counsel and human resources as soon as practicable. If a supervisor becomes aware that unlawful discrimination, harassment, or retaliation is occurring in any County office/department as a result of an employee coming forward, the supervisor should immediately report it to a designated official and legal counsel for the County, unless the designated official is the focus of the complaint, in which case the legal counsel for the County should be informed and will have the responsibility to direct the investigation.

2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.

3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the designated official should review the complaint and consult with the County civil legal counsel and human resources.

4. Promptly, upon receiving the complaint, the designated official shall initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy or law has occurred.

5. The designated official, in consultation with legal counsel for the County, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.

6. The investigator will interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether the alleged conduct occurred.

7. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the designated official, who then will route it as appropriate.

8. If it is determined that unlawful discrimination, harassment or retaliation has occurred, the appropriate official will recommend the course of action to be taken by the County. The action will depend on the following factors:

   (i) The severity, frequency and pervasiveness of the conduct;

   (ii) Prior complaints made by the complainant;

   (iii) The conduct of the respective employees;
(iv) Prior complaints made against the person alleged to have committed the offenses; and

(v) The quality of the evidence (firsthand knowledge, credible corroboration, etc.).

9. If the investigation is inconclusive or it is determined that there has been no unlawful discrimination, harassment or retaliation, but some potentially problematic conduct is revealed, corrective action may be taken.

10. Promptly after the investigation is concluded, the designated official and/or appropriate supervisors and County civil legal counsel may meet with the complainant, as well as any person(s) alleged to have committed the offenses, to notify them of investigation findings.

11. The complainant and the person alleged to have committed the offenses may submit statements to the designated officials and/or supervisors challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.

12. Promptly after the designated official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with County legal counsel, a decision will be made as to what action, if any, should be taken.

F. DISCIPLINARY ACTION

If unlawful discrimination, harassment or retaliation is determined to have occurred, the supervisor should take prompt and effective remedial action against the harasser. The action should be commensurate with the severity of the offense, up to and including termination of employment.

G. RETALIATION

Retaliation in any manner against a person for filing or initiating a charge or complaint of discrimination or harassment, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action, up to and including termination. The supervisor, office/department head and elected official should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

H. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County’s insurer may also be engaged to assist in all phases of any proceeding or investigation.
I. FALSE COMPLAINTS
Any complaint of discrimination, harassment or retaliation that is made by an employee that is conclusively proven to be false should result in discipline, including termination if the employee knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that, in good faith, the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

VII. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)
When financial circumstances or changes of workload require, Bannock County may reduce forces in such manner as it deems necessary to maintain the effective functioning of Bannock County services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Board of County Commissioners and/or elected officials may make any changes in the work force or assignment of resources deemed to be in the County’s best interests.

If the employee believes that the reduction in force decision was motivated by reasons that constitute unlawful discrimination, harassment or retaliation, the hearing procedures of that section are available.

B. COBRA BENEFITS
Employees of Bannock County who currently receive medical benefits, who separate from employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment must contact human resources.

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

D. RESIGNATION POLICY
Voluntary resignations will generally be made in writing. If the employee wants their formal
records to indicate "voluntary resignation," they must do so in writing to their supervisor or office/department head. Oral resignations will be documented by the supervisor after consultation with the elected official or office/department head and with County civil legal counsel and human resources.

Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee’s words or actions indicate intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the County will consider the employee as having resigned and immediately notify him/her of such after consulting the County civil legal counsel and human resources.
ADOPTED this 34th day of June, 2015.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Howard Manwaring, Chairman

Steve Hadley, Member

Karl E. Anderson, Member

ATTEST:

Robert Poleki, Clerk

APPROVED as to form and content:

Ian N. Service
Chief Civil Deputy Prosecuting Attorney

Date: 6/24/15
I, _______________________, acknowledge receipt of the Bannock County Personnel Policy, adopted on June 24, 2015.

☐ I understand that it is my responsibility to read and review this Policy.

☐ I understand that this Policy is not a contract and cannot create a contract.

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

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

☐ I understand that should this Policy be modified that I will be provided with a copy of the modifications.

☐ I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this ___________ day of _____________________, 20___.

________________________________
(Employee)

________________________________
(Witness - Title - Department)