

WADENA COUNTY

PERSONNEL POLICY

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DEFINITIONS

Unless otherwise indicated, the following words and terms shall have the meanings indicated below:

Appointing Authority - official, employee, board or commission or the person or group of persons empowered by statute, ordinance or resolution to make an appointment to positions within the County service.

Appointment - a decision to employ a person to a paid position within the County service.

Class - one or more positions sufficiently similar with respect to duties and responsibilities; that the same descriptive title is applicable or that the same general performance qualifications are applicable or that the same level of compensation can be applied.

Confidential Employee – a non-union employee who by nature of their job duties has access to labor relations and confidential information not made public by statute or law.

County Board - the Wadena County Board of Commissioners.

Demotion - a change of an employee's status from a position in one class to a position in another class with a lower salary range.

Department Head - a Director of a County Department as designated by the County Board.

Employee - a person who holds a paid position within the County service for more than 67 working days per year and part-time employees whose service regularly exceeds 14 hours per week.

Exempt Employee - all bona fide professional, administrative and executive employees qualified exempt under the Fair Labor Standards Act who do not receive overtime pay or compensatory time off except where prior approval is granted by the appropriate authority in accordance with these Personnel Rules and Regulations.

Grievance - a dispute or disagreement as to the interpretation or application of these regulations with respect to disciplinary action taken.

Hours Worked – actual hours worked

Intern - an individual in a training program who has no status as an employee.

Job Analysis - the systematic process of gathering information about jobs by questionnaire, interview, observation of the worker, or daily "diaries" recorded by jobholders. Information gathered is summarized in a job description.

Job Description - written document that identifies the purpose, duties, responsibilities, accountability of a job; the knowledge, skill, and abilities necessary to satisfactorily perform the job, and special working conditions, if any.

Job Evaluation – using the job description, the systematic process of comparing and grading the relative value of the job to other jobs in our organization. Job evaluation is used to determine job salary levels and range.

Layoff List - a list of former employees who have been separated from County Service in accordance with the layoff procedures of these regulations.

Military Leave - the leave of absence granted to employee entering active duty in the armed forces of the United States.

Non-exempt - employees who are subject to the wage and hour laws of the State of Minnesota and do NOT qualify as exempt under the Fair Labor Standards Act shall receive overtime pay or compensatory time off at a premium rate of one and one-half (1 ½) times the regular hourly rate as required for all approved time in excess of forty (40) hours worked in any workweek (Saturday through Sunday)

Overtime - all actual hours worked with approval of the Department Head or supervisor in excess of 40 in a workweek. Holiday, sick, vacation, personal leave do NOT count as hours worked in overtime calculation. Labor agreement and Merit System may determine when overtime is calculated.

Position - a group of duties and responsibilities listed by job description requiring full-time or part-time employment.

Planned Work Time - time that is scheduled as an employee's regularly scheduled working hours. Planned work time may be scheduled outside the normal office hours.

Probationary Period - a period during which a new employee, transfer, demotion, promotion is required to demonstrate fitness by performing the essential functions of the position. Probationary periods may be extended.

Promotion - a change in job classification, title, and an increase in compensation, as applied to a present Wadena County employee of a given department

Professional Employee - employees engaged in work: predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment; output produced or result accomplished cannot be standardized; and requiring advanced knowledge in a field of science or specialized intellectual instruction and study in an institution of higher learning.

Seniority Date - the most recent date a person was hired for a permanent position. This date is used for determination of eligibility in all benefit programs. This will be adjusted in accordance with Unpaid Leave of Absence policy, labor agreements, Merit System.

Supervisory Employee – an employee who customarily and regularly directs the work of other full-time or part-time employees, and has the authority to hire, transfer, suspend, promote, discharge, assign, reward, discipline or recommend such change of status of other employees.

Transfer - a change of an employee from one position to another position of the same class or grade.

EMPLOYEE CLASSIFICATIONS:

Permanent Full-Time - an employee who works standard work week of 40 hours and was hired for a service duration in excess of twelve months.

Permanent Part-Time - an employee who works less than the standard work week and was hired for a service duration in excess of twelve months.

Temporary Full-Time - an employee who works standard work week of 40 hours but is either seasonal or whose employment is limited by duration of a specific project. Temporary employees serve at the will of the appointing authority and may not be appointed for a period to exceed 67 working days. Temporary appointments may be extended to a maximum of one year by approval of the County Board. Temporary employees are not eligible for County fringe benefits, unless authorized by the County Board.

Temporary Part-Time - an employee who works less than the standard work week but is either seasonal or whose employment is limited by duration of a specific project. Temporary employees serve at the will of the appointing authority and may not be appointed for a period to exceed 67 working days. Temporary appointments may be extended to a maximum of one year by approval of the County Board. Temporary employees are not eligible for County fringe benefits, unless authorized by the County Board.

INTRODUCTIONS

ARTICLE 1. GENERAL

Purpose. The purpose of this Personnel Policy is to establish guidelines for all employees of Wadena County. This Policy is not all inclusive and is only a set of guidelines. The material in this Policy is not comprehensive. This Policy has attempted to cover those matters that commonly occur and have general interest to employees. It does not cover every situation that may arise during the term of employment. In the case of inconsistent language, any labor agreements, Department Policies and Merit System will supersede this Personnel Policy

1.01 Administration. The County Personnel Management System policies shall be administered by the *Department Heads*. The County Board also reserves the right to select and utilize a Personnel Advisory Board on matters of County Personnel Policy.

1.02 Equal Employment Opportunity Policy. It is the policy of the County Government to provide equality of opportunity in employment to all persons. This Policy prohibits discrimination because of race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, genetic information, or activity in a local human rights commission in all aspects of its personnel policies, programs, practices, and operations. This Policy applies to all phases of full-time, part-time, temporary and seasonal employment including, but not limited to, recruitment, hiring, placement, disciplinary action, promotion, demotion, or transfer, lay-off, recall, or termination; rates of pay or other forms of compensation, working conditions, scheduling, benefits and selection for training. Employees who report, in good faith, violations of this policy and employees who cooperate with investigations in alleged violations of this policy will not be subject to retaliation.

1.03 Failure to Comply. Failure of any employee to perform in a manner consistent with this Policy will constitute grounds for appropriate disciplinary action which may include, but is not limited to, reprimand, suspension, demotion, or dismissal from County employment.

ARTICLE 2. SCOPE OF PERSONNEL POLICIES AND PROCEDURES

2.01 Who is Covered. These rules, regulations, and policies shall apply to all employees of the County Government under the direct and indirect jurisdiction of the County Board, unless inconsistent with the provisions of state or federal laws affecting County employment and provisions contained in labor agreements with the County employees. In the case of inconsistent language, any labor agreements, Department Policies and Merit System will supersede this Personnel Policy.

2.02 Consistency. The County Board recommends that all separate boards, commissions, elected and appointed Department Heads strive for consistency with these personnel policies to ensure fair and equitable treatment for all County employees.

2.03 Scope. The current Personnel Policy supersedes any prior policies. Wadena County also reserves the right to revise and rescind the policy unilaterally at any time, superseding prior policy language, based upon the needs of Wadena County and its residents. The County reserves the right to change, modify, eliminate or deviate from any policy or procedure in this policy at any time and to hire, transfer, promote, discipline, terminate, and otherwise manage its employees as it deems appropriate.

ARTICLE 3. COUNTY BOARD AND DEPARTMENT SHARED RESPONSIBILITIES

The County Board has the final authority for decisions relating to the following provisions and all other matters unless assigned or delegated to others. Recommendations by elected and appointed Department Heads are encouraged before a final decision is made.

3.01 Policy. Establishment and interpretation of policies, programs, and functions.

3.02 Budget. Establishment and determination of annual budgets.

3.03 Technology. Utilization of technology.

3.04 Organizational Structure. Establishment of the County organizational structure.

3.05 Delegation. The right to designate a representative to act on its behalf for purposes of these policies.

The following responsibilities are recognized as Department Heads domain:

The County Board hereby delegates the responsibility and authority to Department Heads for Personnel Decisions and their Departmental Structure as outlined below:

3.06 Personnel Decisions. Authority to hire, discipline, and discharge employees, to assign and determine the work to be performed by each employee, within his/her Department.

3.07 Departmental Structure. Establishment of the Departments internal reporting relationships.

ARTICLE 4. EMPLOYEE'S RESPONSIBILITY

The following responsibilities are recognized as a County employee's obligation but are not limited to the following:

4.01 Obligations. Obligation to read, understand, and comply with these Personnel Policies and Procedures. If there is a policy or provision in the Policy that is not understood, the employee will seek clarification from the employee's supervisor or Department Head.

4.02 Work Rules - Supervision. Abide by work rules and direction provided by the employee's supervisor.

4.03 Conduct. Conduct themselves in a professional and dignified manner while on the job. Wadena County considers a consistently positive, cooperative, self-motivated, courteous and professional attitude to be an essential function of every position. Employees must be able to relate to other people beyond giving and receiving instructions.

- Get along with coworkers or peers without exhibiting behavioral extremes
- Perform work activities requiring negotiating, instructing, supervising, persuading, or speaking with others
- Respond appropriately to direction from a supervisor

4.04 Productivity. Work productively to achieve a level of satisfactory performance.

4.05 Maintain Physical Fitness. All employees are required to undergo a medical examination and/or a job fitness evaluation if a department head and/or supervisor determines that an employee may be unable to safely and satisfactorily perform the essential job functions of the position.

4.06 Attendance. Each job is important and regular attendance is a basic requirement of all employees, and a reasonable expectation of Wadena County. Unscheduled absences and tardiness makes it difficult to meet the needs of our public. Employees are expected to adhere to their regularly scheduled working hours. Employees are expected to be here and be ready to begin work on their scheduled time and to work their full planned work time. An employee must notify their supervisor immediately when unable to make a shift.

RECRUITMENT POLICIES

ARTICLE 5. EMPLOYEE SELECTION

5.01 Policy. Persons shall be recruited, appointed, and advanced on the basis of their relative ability, knowledge, and skills. The selection process shall provide an equal opportunity for all qualified persons to enter County employment based upon the merit and fitness of their own capabilities.

- a. Requirement to advertise position vacancies: Any Wadena County position vacancy, which is not filled by promotion within a department as noted in Article 5.01 b. will be opened up to the general public if the County pays any portion of the salary. The position will be advertised in the official County newspaper, and any other newspapers the Department Head feels necessary.
- b. Article 5.01 a. will not deny a Department Head the right to promote from within his/her department, and then advertise the vacancy created by the promotion.

The definition of "promotion" and "vacancy" are in Article 7.01.

5.02 No Denial - County Employee. No interested County employee shall be denied the opportunity to apply for and be included in the selection process for any vacant County position that is open to the general public.

5.03 No Denial - Interested Person. No interested person shall be denied the opportunity to apply for and be included in the selection process for any vacant County position that is open to the general public.

5.04 Selection Criteria. Candidates for County positions shall be selected based upon the following criteria:

- a. Job qualifications that are realistic & related to actual duties of job.
- b. Present and past job performance.
- c. Years of job related experience.
- d. Test scores, if any.
- e. A one hundred (100) point scale shall be used in rating all positions which are subject to Veterans Preference, whether or not a test is required. Veterans Preference points must be added to the scores of all qualified veterans in the following manner: fifteen (15) points for a disabled veteran and ten (10) points for a non-disabled veteran. These points are to be added to the minimum or passing score. If the veteran does not achieve the minimum or passing score, the points cannot be added to bring the score to a

passing level.

The ranking of veterans: An eligible veteran with a rating augmented by veteran's preference points shall be entered on the eligible list ahead of a non-veteran with the same rating. Statutory references are found in MS 43A.11 & 197.46.

- f. Job placement assessment for jobs selected by the appointing authority.

5.05 Selection Tools. Selection tools may include, but are not limited to, phone interviews, oral interviews, objective and valid tests, and a job application form. Job descriptions may be used as a selection tool if they are accurate, and maintained on a regular basis.

5.06 State Employment Service Screening. The Department Head may use the State Employment Service in referring and screening applicants.

5.07 Interviews. The Department Head shall interview as many applicants as practical that meet the prescribed minimum qualifications. All reasonable efforts should be made to interview and consider at least three (3) applicants who achieve or appear to have achieved the prescribed minimum qualifications.

5.08 Interview Records. All applications, resumes, letters of qualifications, selection interview forms and/or documents relating to the selection process shall be retained in good condition for at least twenty-four (24) calendar months.

5.09 Budget Authorizes Position. Authorization to refill an existing position is provided, if the position has been budgeted for as approved by the County Board. This provision is subject to 5.10.

5.10 County Board Authorizes Position. The County Board reserves the right to require prior notification to the County Board for authorization to fill vacancies if budgetary consideration and/or greater management control is needed as determined by County Board Resolution.

5.11 Internal Notification. The Affirmative Action Officer/Human Rights Officer shall be notified of all full-time, part-time, temporary, on-call, and seasonal vacancies as soon as the vacancy occurs.

5.12 Public Agency Notification. The local State Employment Service Office may be notified of all full-time, part-time, temporary, on-call, and seasonal vacancies that are open to the general public.

5.13 Position Vacancy Notice - Content. The position vacancy notice shall contain the following:

- a. Position Title
- b. Position Status (Full-time, Part-time, etc.)
- c. Department
- d. Application Period-Deadline
- e. Starting Monthly or Hourly Salary
- f. Job Description
- g. Education and Skills Required
- h. Where to Apply
- i. The Statement "An Equal Opportunity Employer"

5.14 Applicant's Obligation. All applicants for County employment shall honestly complete and submit whatever application forms, resumes, or statements of interest in a position as may be requested by the appointing authority or designated person responsible for administering the selection process.

5.15 Non Discrimination. Eligibility to take an examination or test shall not be refused on the basis of race, color, creed, religion, national origin, political affiliation, disability, marital status, status with regard to public assistance, sex, age, sexual orientation, genetic information, place of residence, activity in a local human rights commission, or because of failure in a previous examination or test.

5.16 Test Content Validity. Examination or test content shall be confined to measurement of required knowledge, skills, and abilities necessary to perform specifically defined job related tasks.

5.17 Medical Examination and/or Job Placement Assessment. A medical examination and/or job placement assessment may be required for certain County positions. The cost of the medical examination and/or job placement assessment will be paid by the County, only if authorized by the appointing authority.

The employee shall present his/her job description to a certified practicing physician/physical therapist at the time of the physical examination or job placement assessment. The job description will be used by the physician/physical therapist to assist in determining whether the employee or applicant is physically able to perform the job duties.

5.18 Letter of Offer-New Hires. All applicants who are offered a position within the County Government shall be sent a written letter of offer indicating the following:

- a. Starting Salary
- b. Length of Probation Period
- c. Position
- d. Date They Are to Report to Work
- e. Position Status (Full-time, Part-time, etc.)

Those jobs requiring job placement assessment will require a written job offer conditional on passing a job placement assessment.

5.19 Letter to Rejected Applicants. All applicants who are rejected for positions with the County Government shall be sent a letter indicating that the position has been filled.

5.20 Notification to the County Board. After a vacancy has been filled under this Article, the Department Head shall notify the County Board. Such notification shall include at a minimum the name of the employee, position title, salary, and starting date of employment.

ARTICLE 6. QUALIFICATIONS OF INTERNAL CANDIDATES

6.01 Policy. It shall be the policy of the County to encourage present employees to continually upgrade their own job knowledge and skills in order to better serve the public in their current position and to improve their opportunities for future promotions.

ARTICLE 7. PROMOTION

7.01 Defined. "Promotion" is a change in job classification, title, and an increase in compensation, as applied to a present Wadena County employee of a given department. The transfer of a County employee between departments shall not be considered a promotion.

"Vacancy" is defined as a job opening that occurs as a result of an employee vacating a particular position, and it has been determined that the vacated position will be filled by a means other than through promotion.

7.02 Probation. Present employees who are promoted shall serve a probationary period. All fringe benefits accrued from the previous position shall be available to the employee. Full-time permanent employees and part-time permanent employees shall serve a six (6) month probation period, or as stated in labor agreement or Merit System. The probationary period can be extended.

7.03 Effective Date. Salary increases associated with the promotion shall become effective on the date of promotion.

7.04 Demotion following Promotion. If the performance of the employee falls below a minimum standard during the probation period after a promotion, the employee may be demoted to a position he/she is qualified to fill. If a position is not available to which the employee may be demoted, the employee may be reinstated to his/her previous position. If any employee is demoted during a probation period after a promotion, the salary shall be reduced to the appropriate step in the grade for the position which the employee held before the promotion.

ARTICLE 8. DEMOTION

8.01 Defined. A demotion is a change of an employee's status from a position in one class to a position in another class with a lower salary range. Generally demotions are discouraged and should be considered only in unusual circumstances.

8.02 Probation. The Department Head may establish a probation period after a demotion not to exceed six (6) months effective on the date of demotion, or as stated in labor agreement or Merit System. The probationary period can be extended.

ARTICLE 9. TRANSFER

9.01 Defined. A transfer is a change of an employee from one position to another position of the same class or grade.

9.02 Selection Procedure. Employee who desires a transfer shall be considered along with other candidates by utilizing the regular selection procedure.

9.03 Probation Period. Employees who are transferred shall serve a probation period not to exceed six (6) months effective on the date of transfer, or as stated in labor agreement or Merit System. The probationary period can be extended.

ARTICLE 10. SELECTION BOARD

10.01 Option. The Department Head may, at his/her option, decide to utilize a Selection Board to assist in the interview and selection process.

10.02 Members. The Selection Board may consist of the following:

- a. The Department Head of the office in which the vacancy exists.
- b. At least one (1) but no more than two (2) other elected or appointed Department Heads.

- c. A supervisor within the department in which the vacancy exists may be a member of the Selection Board at the Department Head's discretion.
- d. The Affirmative Action Officer/Human Rights Officer (if available).
- e. Other members may be appointed by the Department Head who possess a relevant background which would strengthen the selection interviews.

10.03 Duties. Duties of the Selection Board will be to interview and rank the applicants from most qualified to least qualified and to document the interview and selection process. It shall then provide its ranking recommendation to the Department Head.

10.04 Certification of Applicants. The Department Head of the office in which the vacancy exists shall select from no more than three (3) qualified applicants selecting a first, second, and third choice based on his/her assessment and/or the Selection Board's ranking recommendation. The Department Head shall recommend his/her choice to the County Board for hire.

10.05 Period of Eligibility. The three (3) certified applicants referred to in 10.04 shall be eligible for the vacant position for a period of ninety (90) calendar days (starting from the selected candidate's first day of work). In the event that the selected candidate is separated from County employment during the ninety (90) calendar day period, the Department Head may elect to offer the position to the second certified applicant. If the second certified applicant rejects the position, the third certified applicant may then be offered the position.

EMPLOYMENT POLICIES

ARTICLE 11. PROBATION PERIOD

11.01 Full-Time Employee. All new permanent full-time employees shall serve a six (6) month probation period, or as stated in labor agreement, Department Policies or Merit System, for the purpose of demonstrating their abilities and skills in performing their job duties.

11.02 Part-Time Employees. All new permanent part-time employees shall serve a probation period of six (6) months, or as stated in labor agreement, Department Policies or Merit System.

11.03 Seasonal-Temporary Employees. All temporary or seasonal employees are considered to be on probation for their length of employment.

11.04 Performance Review. Performance of all probationary employees shall be reviewed during the probation period. Above average performance as well as any below average performance shall be communicated to the employee by the employee's supervisor, and documented whenever possible.

11.05 Benefits. Vacation and sick leave benefits shall accrue to the employee during the probation period, but the employee shall not be able to utilize these benefits until successful completion of the probation period.

11.06 Extension. If circumstances warrant and are documented, the Department Head may extend a probationary period, not to exceed an additional ninety (90) days.

11.07 Separation. Any probationary employee who is performing below standard may be separated from County employment at any time.

11.08 Completion. Completion of any Probation Period does not guarantee employment.

ARTICLE 12. HOURS OF WORK

12.01 Work Week. Typically full-time employees shall work a forty (40) hour work week. However, nothing in this Personnel Policy shall be deemed to guarantee any minimum or maximum number of hours to be worked.

12.02 Office Hours. Office hours shall be established by the County Board. Normally, County offices are open for business Monday through Friday, 8:00 A.M. to 4:30 P.M. It is recognized that Department Heads and Supervisors must often deviate from normal office hours to accommodate the needs of the job. In such cases, schedules may be flexible and hours worked over forty (40) per week, or over the employment agreement, excluding lunch breaks, may be accumulated to be redeemed, on an hour for hour basis, as compensatory time off at a later date (if eligible). In no case shall there be any monetary compensation paid for such hours earned by exempt Department Heads or Supervisors without Board approval.

12.03 Rest Periods. All full-time employees shall be allowed two (2) fifteen minute paid breaks, one in the morning, and another in the afternoon, if they so desire. There is also an unpaid meal break in the middle of the scheduled work day. Public needs will determine whether breaks and meals can be taken, and for how long. A break means only one break per person – the maximum is fifteen minutes, this does not mean a total of 2 or more breaks equaling 15 minutes. Wadena County encourages the taking of breaks to allow for a rest period during the scheduled work day. Any unused breaks may not reduce the normal working hours of any employee, nor be carried over to another work day without prior approval from a supervisor or Department Head.

12.04 Nursing Mothers. Wadena County will provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time (paid and unpaid) already provided to the employee. Breaks should not unduly disrupt the operations of the County. A reasonable effort will be made to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in privacy.

ARTICLE 13. ORIENTATION

13.01 Policy. Orientation shall be conducted by the employee's immediate supervisor to explain the overall responsibilities of the employee's position. The orientation shall include at least the following:

- a. A complete review of the Personnel Policies. The employee must sign a statement indicating he/she has read and understood the Personnel Policies. This signed statement shall be placed in the employee's personnel file.
- b. Completion of all necessary insurance, tax, payroll forms, and related documents.
- c. A review of the County's Affirmative Action Plan.
- d. A review of the County's Safety Policies.

13.02 Employee Obligation. Employees are encouraged to bring to their supervisor's attention any problem or questions about the job so that the matter may be handled promptly and fairly. If there is a policy or provision in the Policy that an employee does not understand, the employee will seek clarification from their supervisor or Department Head.

LEAVES OF ABSENCE

Leave of Absence in cases where an employee is unable to work due to physical injury or illness shall be limited to one year. This shall be inclusive of all legally mandated leave of absences, including leave authorized by the Family and Medical Leave Act.

ARTICLE 14. GENERAL UNPAID LEAVE OF ABSENCE

14.01 Defined. A general unpaid leave of absence is a leave of absence from work for personal, educational, or child care reasons, or after exhausting all sick or vacation benefits, not included in any other mentioned Leave.

14.02 Written Notification/Request. Unless exceptional circumstances exist, all general unpaid leave of absences greater than ten (10) working days must be requested in writing thirty (30) calendar days in advance. The County Board shall approve or disapprove the request based on the relevant criteria which shall include the potential impact the leave of absence would have on the Department's operations. Each leave request shall be determined on a case-by-case basis and in advance with the employee's supervisor or Department Head.

14.03 Re-instatement. An employee who is granted a leave of absence without pay shall have an unqualified right to re-instatement to his/her position if such leave is for sixty (60) calendar days or less, except if his/her position is abolished during the leave of absence.

If the leave of absence period is greater than sixty (60) calendar days, the employee MAY be re-instated to his/her previous position or a position in the same grade.

14.04 Benefits. Vacation and sick leave benefits shall stop accruing on the first day the employee is not on the County payroll. The employee may have the option to continue the Health and Life Insurance at his/her own expense during the leave of absence period in accordance with Consolidated Omnibus Budget Reconciliation Act (COBRA) provisions.

14.05 Seniority Date. An employee's seniority date shall be adjusted for salary and benefit purposes according to the unpaid leave of absence period after ten (10) consecutive or nonconsecutive working days in a calendar year, or as stated in labor agreement or Merit System. The seniority date will be reduced back to day one after ten (10) working days in a calendar year of unpaid leave.

14.06 Documentation. All leave of absence request forms shall be placed in the employee's personnel file or employee medical file when a diagnosis is listed.

14.07 Chemical Dependency. Any employee who may be chemically dependent is urged to seek medical assistance. If the employee's chemical dependency interferes with his/her ability to perform on the job, no disciplinary measures will be taken, unless the employee refuses to seek medical assistance, or in accordance with the Americans with Disabilities Act. Referral to a licensed practicing physician is required to identify chemical dependency and/or to prescribe medical treatment.

ARTICLE 15. FAMILY AND MEDICAL LEAVE ACT (FMLA)

15.01 Defined. An unpaid leave of absence for up to twelve weeks during a twelve month period (26 weeks for care of injured service member) if an employee has worked at least 1,250 hours and has been an employee of Wadena County for a total of twelve months, according to federal law.

FMLA leaves cover the following circumstances:

- Birth of a child, or placement of a child with the employee for adoption or foster care
- Employee's own serious health condition
- Employee is needed to care for their spouse, child, parent due to his/her serious health condition
- Qualifying exigency arising out of the employee's spouse, son or daughter, parent is on active duty or call to active duty status in support of contingency operation as member of National Guard or Reserves
- Employee is the spouse, son or daughter, parent, next of kin of covered service member with a serious injury or illness

15.02 Written Request. The employee shall request the unpaid leave of absence in writing to his/her immediate supervisor 30 days in advance except when not possible. Upon application, employees will be informed if their leave is eligible. -Employees will not be retaliated against for requesting or using approved FMLA leaves.

15.03 Medical Certification. The Department Head may require the employee to produce a medical certification from a health care provider within fifteen (15) working days following the request, or face separation from County employment. County does have a statutory right to request that an employee provide medical certification containing sufficient medical facts to establish that a serious health condition exists. Recertification will be required every 30 days while on leave and at least two weeks prior to returning from leave.

15.04 Benefits.

- a. The employee must use all sick leave pay and accrued vacation and personal leave during the FMLA leave except as provided by ~~union-~~ contract labor agreement or Department Policies. If such paid leave available to the employee is less than 12 workweeks, the additional weeks of leave up to 12 workweeks shall be without pay.
- b. The employer must continue health care coverage on the same basis and at the same cost to the person on leave as if the person were still working. The employee will continue to make their share of premium payments while on leave on or before the 10th of every month. The employee shall repay the entire health insurance premiums paid during family leave (both employer and employee share) if the employee fails to return to work from leave for reasons that are under the employee's control.
- c. The employee is to be returned to his or her former position or an equivalent position of like pay, benefits and terms and conditions of employment when he or she returns to work. If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.

- d. The employee shall not continue to accrue seniority, sick leave, or vacation while on family leave, but the employee does not lose any benefits that had been gained before the start of leave.

15.05 Seniority. Provisions contained in 14.04, 14.05, and 14.06 apply to unpaid leave of absences.

ARTICLE 16. PARENTAL LEAVE ACT

16.01 Defined. An unpaid leave of absence for up to six (6) weeks to a mother or father upon the birth or adoption of a child.

16.02 Eligibility. Employee must be employed at least 12 consecutive months prior to request, and work an average number of hours per week equal to one-half time a permanent full-time employee classification.

16.03 Benefits. The Employer must continue to make group insurance coverage available for the employee and any dependents while on leave. An employee returning from leave is entitled to return to his/her former position or one of comparable duties, hours and pay. There will be no retaliation against an employee requesting or obtaining this leave.

16.04 Notification. An employee returning from leave longer than one month must notify a supervisor at least two weeks prior to return from leave.

ARTICLE 17. BONE MARROW AND ORGAN DONATION LEAVE

17.01 Leave for Bone Marrow Donation

A paid medical leave of absence used for the purposes of undergoing a medical procedure to donate bone marrow. The leave is up to 40 hours, and a physician's statement is required verifying the purpose and length of leave requested. If there is a medical determination the employee does not qualify to donate bone marrow, the paid leave prior to that medical determination is not forfeited.

17.02 Leave for Organ Donation

A paid medical leave of absence used for the purposes of undergoing a medical procedure to donate an organ or partial organ to another person. The leave is up to 40 hours, and a physician's statement is required verifying the purpose and length of leave requested. If there is a medical determination the employee does not qualify as an organ donor, the paid leave prior to that medical determination is not forfeited.

ARTICLE 18. JURY DUTY

18.01 Defined. After notice to the appointing authority, an employee shall be granted leave with pay upon providing supporting documentation in

accordance to MN Stat 593.50 and 28 USC 1875 for:

- a. Service upon a jury. An employee on jury duty is expected to report to work any day he/she is excused from jury duty.
- b. Appearance before a court, legislative committee, or other judicial or quasi-judicial body as a witness in action involving the Federal Government, State of Minnesota, or a political subdivision thereof in response to a subpoena or other direction by proper authority.

18.02 Payment. The employee shall turn over to the County any per diem payment received as a result of serving time on a jury or as a witness in the above listed action. Monies received as expenses shall be kept by the employee.

18.03 Non-Payment. Any absence, whether voluntary or in response to a legal order to appear and testify in private litigation, not as an employee of the County, but as an individual, shall be taken as annual vacation leave, as an unpaid leave of absence, or as a deduction from authorized accumulated overtime.

18.04 Court Attendance Leave, Crime Victims or Witnesses. Victims or witnesses, who are subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, shall be given reasonable time off from work to attend criminal proceedings related to the victim's case. Victims of a violent crime and their spouse or immediate family members will be given reasonable unpaid time off from work to attend criminal proceedings related to the victim's case. At least 48 hours advance notice must be given to employee's supervisor unless impracticable, and supporting documentation will be required.

ARTICLE 19. SCHOOL CONFERENCE AND ACTIVITIES LEAVE

An unpaid leave of up to sixteen (16) hours during a twelve month period to attend school conferences or school-related activities for employee's child which cannot be scheduled during non-work hours. Employee must provide reasonable prior notice to employee's supervisor or Department Head.

ARTICLE 20. TIME OFF TO VOTE

Employee's Time Off To Vote. Refer to MN Statutes 204C.04. Employees are encouraged to vote and will be permitted the necessary time off. If eligible to vote, employees will be allowed a reasonable period of time to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without deduction from salary or wages because of the absence.

ARTICLE 21. MILITARY LEAVE OF ABSENCE

21.01 Refer to Statutes. There are several laws and provisions for employees in military service, employees called to active military service, reserve members and immediate family members of those mobilized to active duty or injured or killed while engaged in active service. Wadena County supports military service and Uniformed Services Employment and Reemployment Rights Act (USERRA), Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), Veterans' Benefit Improvement Act (VBIA) and Minnesota Statute 181.947, etc.

21.02 Leave for Family of Military Personnel. An unpaid leave up to ten (10) working days for an immediate family member (parent, child, grandparent, sibling or spouse) who is injured or killed while on active duty in the armed services. Employees should contact their supervisor to request time to attend a send-off or homecoming ceremony for the mobilized service member.

21.03 Notification. If this time is found necessary, this must be discussed on an individual basis with the employee's supervisor or Department Head. Supporting documentation will be required.

ARTICLE 22. FUNERAL PAY

22.01 Defined. All full-time permanent employees shall be allowed to use up to five (5) days of accumulated sick leave pay, or personal leave time (if applicable) in the event of the death of any member of the employee's immediate family. Immediate family means employee's spouse, children, grandchildren, grandparents, mother, father, brother, sister, mother-in-law and father-in-law, foster, adopted or step-children, brother-in-law, sister-in-law, son-in-law, and daughter-in-law. Probationary employees may debit their sick leave account for purposes of this provision only. A two (2) day extension may be allowed, upon approval, if extensive travel is required.

ARTICLE 23. WORKER'S COMPENSATION LEAVE BENEFITS

- A.** Any employee who by reason of sickness or injury received Worker's Compensation benefits shall keep the Worker's Compensation benefits and receive from the County any earned additional differential benefits available from the accumulated sick leave, vacation leave, or other accumulated leave time; the total weekly compensation including leave and Worker's Compensation benefits shall not exceed the weekly base pay wages of the Employee. If an employee does not wish to receive the difference between his/her normal paycheck and Worker's Compensation, he/she may take leave without pay.
- B.** The Employee will continue to earn all fringe benefits as per the Personnel Policy/Union Contract while using his/her accumulated sick leave, vacation leave or other accumulated leave time. When the Employee has

exhausted said leaves and is only drawing Worker's Compensation, fringe benefits shall cease to be earned, except that the Employer will continue payment of the County contribution towards insurance benefits for a maximum period of six (6) months. Thereafter, the Employee shall be allowed to stay in the group insurance consistent with State and Federal law, provided he/she pays the premiums. A leave, under this section shall not in any event, exceed two (2) calendar years from the date of injury or the date that this leave, pursuant to Worker's Compensation, starts. This imposes a maximum on Employer responsibility, notwithstanding any other provisions of this Agreement.

ARTICLE 24. AMERICANS WITH DISABILITIES ACT

24.01 Scope. The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Wadena County to comply with all Federal and state laws concerning the employment of persons with disabilities. Employees who have questions or believe they may require an accommodation should discuss these needs with their supervisor and/or Department Head.

24.02 Definition. Wadena County will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

SAFETY

ARTICLE 25. SAFETY

25.01 Policy. Safety on the job is the mutual responsibility of the employer and employee. Safety information will be provided to employees by their supervisor or Department Head. All employees are encouraged to suggest ways to improve and maintain a safe working environment. Wadena County's success depends on the alertness and personal commitment of all employees.

25.02 Prompt Reporting Essential. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe conditions to the appropriate supervisor or Department Head. An employee who is injured on the job must notify his/her supervisor immediately. It is imperative that any accident/injury be reported and documented immediately within 24 – 48 hours for insurance and risk management purposes. All necessary forms shall be completed and signed as soon as practicable.

25.03 Disciplinary Action. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or remedy (if appropriate) any such situation, may be subject to disciplinary action up to and including termination.

25.04 Snow Days Policy. In the event of inclement weather, County offices will remain open. Employees may be excused with the authorization from their respective Department Head, provided such time off is taken as leave without pay, vacation time or comp time, if available.

25.05 Emergency Closing. The County Board may close the County Offices at their discretion. In an emergency that would affect the health and safety of employees, the decision to evacuate the courthouse may be made by the Safety Officer. The decision to evacuate other county buildings may be made by the Department Head that is using the building.

25.06 Storm Safety Policy. When the severe weather alarm is sounded through the fire alarm system, or by the Safety Officer, any person within a County building will report to the designated storm shelter in the County building they are in at the time of the alarm.

- a. The Safety Officer(s) will have the authority to detain all employees in the shelter until the “all clear” is sounded. All employees include elected and non-elected employees.
- b. If Court is in session, Court Administration will insure that all citizens awaiting their Court appearance are directed to the Courthouse Auditorium.
- c. Any employee refusing to follow the directives of the Safety Officer(s) will have their name and a written explanation of the incident submitted to the County Board for whatever action is deemed appropriate.
- d. Emergency personnel acting in their official capacity and authority are exempt from this policy.

DISCIPLINE

ARTICLE 26. DISCIPLINE

26.01 Disciplinary Actions The Employer shall have the right to impose disciplinary action on employees for just cause only. Wadena County will take whatever disciplinary action it determines is appropriate in response to the circumstances of any situation, which at its sole discretion may add, modify or omit any or all the following in any situation. Disciplinary action by the Employer shall include only the following actions:

- A. Oral warning;
- B. Written warning and/or Performance Improvement Plan;

- C. Suspension;
- D. Demotion, or
- E. Discharge.

26.02 Discharge. Employees who are to be discharged will first be suspended for up to five (5) scheduled work days without pay prior to the discharge becoming effective, or as stated in labor agreement or Merit System. The appeal of a discharge may be initiated at Step 3 (see Article 27) of the grievance procedure (if applicable).

26.03 Questioning. Employees who are to be questioned concerning behavior or an act which would lead to a suspension, demotion or discharge, shall be given an opportunity to request that a representative be present at such questioning or as stated in labor agreement or Merit System.

26.04 Approval. All written warning, performance improvement plan, suspension, demotion, discharge must have Department Head approval.

26.05 Honorably Discharged Veterans. Most honorably discharged veterans working for Wadena County are entitled to the protections of the Veterans Preference Act. If a demotion or removal from office of a veteran is contemplated, advice of the County Attorney or the County's labor attorney should be obtained prior to initiating any such action. For a general overview, see Minnesota Statute 197.46.

ARTICLE 27. GRIEVANCE AND APPEALS PROCEDURE

27.01 Definition of a Grievance. A grievance is defined as a dispute or disagreement as to the interpretation or application of disciplinary measures taken as provided in these policies or procedures.

27.02 Procedure: Grievances, as defined by Section 27.01, shall be resolved in conformance with the following procedure:

- Step 1. An employee claiming a violation concerning the interpretation or application of disciplinary measures applied shall, within sixteen (16) calendar days after such alleged violation has occurred, present such grievance to the supervisor. The supervisor will discuss the alleged grievance with the employee and give an answer to such Step 1 grievance within ten (10) calendar days following the discussion. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of this policy allegedly violated and the remedy requested. Any grievance not appealed in writing to Step 2 within ten (10) calendar days following the Step 1 answer shall be considered waived.

- Step 2. If appealed, the written grievance shall be presented and discussed with the supervisor. The supervisor shall give the employer's Step 2 answer in writing within ten (10) calendar days following the Step 2 discussion. Any grievance not appealed in writing to Step 3 within ten (10) calendar days following the Step 2 answer shall be considered waived.
- Step 3. If appealed, the written grievance shall be presented and discussed with the Board or its designee. The Board or its designee shall give the employer's Step 3 answer in writing within ten (10) calendar days following the Step 3 discussion. Any grievance not appealed in writing to Step 4 within ten (10) calendar days following the Step 3 answer shall be considered waived.
- Step 4. A grievance unresolved in Step 3 and appealed to Step 4 shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act (PELRA) of 1971 as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances", as established by the Bureau of Mediation Services (BMS).

27.03 Arbitrator's Authority.

- A. The Arbitrator shall have no right to amend, modify, nullify, ignore, add to or subtract from the terms and conditions of this Personnel Policy. The Arbitrator shall consider and decide only the specific issue(s) submitted in writing by the employer and the employee and shall have no authority to make a decision on any other issue not so submitted.
- B. The Arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules or regulations having the force and effect of law. The Arbitrator's decision shall be submitted in writing within thirty (30) calendar days following close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on the employer and the employee and shall be based solely on the Arbitrator's interpretation or application of the express terms of this Personnel Policy and the evidence and testimony presented.
- C. The fees and expenses for the Arbitrator's services and proceedings shall be borne equally by the employer and the employee, provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both

parties desire a verbatim record of the proceedings, the cost shall be shared equally.

27.04 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the employer's last answer. If the employer does not answer a grievance or appeal thereof within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual written agreement of the employer and the employee in each step.

27.05 Exclusive Remedy: This procedure shall be the sole and exclusive means of processing a grievance as defined by Section 27.01.

TERMINATION

ARTICLE 28. RETIREMENT

28.01 Defined. Retirement is when the employee permanently terminates employment with the County and is eligible for retirement benefits such as PERA, OASIS, etc.

ARTICLE 29. RESIGNATION

29.01 Policy. All employees who intend to resign are encouraged to notify their supervisor as soon as possible. All resignation notices shall be stated in writing indicating the last day of employment. Employees who resign and notify their supervisor according to provisions contained in 29.01 through 29.03 are considered to have resigned in good standing.

29.02 Notification. All employees who intend to resign are encouraged to notify their supervisor at least thirty (30) calendar days before their final date of employment. Supervisor or Department Head will respond with acceptance letter.

29.03 Vacation Used. All non-exempt and exempt employees who intend to resign are encouraged not to take vacation during the thirty (30) calendar day period to assist their department during the transition period.

29.04 Vacation Accrued. Employees who resign in good standing shall be accorded all accrued vacation payable on the last day of employment.

29.05 Due to Absence. Any employee who is absent from work for three (3) consecutive scheduled days without notification is considered to have resigned from County employment.

ARTICLE 30. LAY OFFS

30.01 Policy. In the event that it is determined that a reduction in staff is required because of budgetary considerations, or other reasons, the following policies shall apply:

- a. Seniority shall be utilized in determining the lay-off status of employees. Seniority shall be applied on a departmental or job classification basis.
- b. All reasonable efforts shall be directed toward transferring affected employees to vacant positions for which they qualify.
- c. Employees on lay-off status shall be considered for vacant positions based on seniority and qualifications.
- d. Employees on lay-off status shall have a right to recall to their previous position and classification for a period of one (1) year from their date of lay-off, when a recall is initiated by the employer.
- e. If a lay-off may be potentially long term, then a rotating basis for lay-offs may be used with disregard for seniority, which would reduce the number of working hours available to the affected employees.

If applicable, Wadena County will abide by provisions of MN Layoff statute 116L.976 and Worker Adjustment and Retraining Notification Act (WARN.)

EMPLOYEE RECORDS

ARTICLE 31. TRAINING AND DEVELOPMENT

31.01 Policy. All supervisors and employees shall recognize the need for continuing education and training. Identifying training needs and pursuing knowledge to upgrade or maintain a productive competency level is an obligation of all employees.

31.02 Need Defined. The County government may financially assist permanent employees in their pursuit to upgrade their skills. A determination to provide financial assistance will be based on budgetary considerations, and whether the training is directly related to the employee's job.

ARTICLE 32. DATA PRIVACY

32.01 Policy - Employees. The following personnel data is considered public for all current and former employees, except for current employees or applicants as undercover law enforcement officers:

1. Name; ID number; Actual gross salary; Salary range; Terms and conditions of employment relationship; Contract fees; Actual gross pension; The value and nature of employer-paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
2. Job title and bargaining unit; Job description; Education and training background; and Previous work experience;
3. Date of first and last employment;
4. Existence and Status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
5. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
6. The terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement
7. Work location; work telephone number; badge number; work-related continuing education; and honors and awards received.
8. Payroll time sheets, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data

32.02 Policy-Applicants. Except for applicants to undercover law enforcement officer, the following personnel data on current and former applicants for employment by the County is public:

1. Veteran's status;
2. Relevant test scores;
3. Rank on eligible list;
4. Job history;
5. Education and training;
6. Work availability.

Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the employer to be finalists for a position in public employment. *(For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the employer prior to selection.)*

32.03 Examination. Personnel examinations and answer keys are confidential data, except pursuant to a valid court order.

ARTICLE 33. REVIEW OF PERSONNEL POLICIES

33.01 Policy. These Personnel Policies and Procedures shall be reviewed regularly. Department Heads, supervisors and employees shall have an opportunity to express their opinion regarding any provisions contained herein. Amendment or changes to these policies require the approval of the County Board.

33.02 Hearings. The County Board or its designated representative may establish and conduct a hearing to comply with policy contained in 33.01.

ARTICLE 34. PAYROLL DOCUMENTATION

34.01 Policy. Copies of completed forms and documentation relating to hours worked, vacation time, sick leave, and periods for leaves of absence shall be maintained by the Department Head, subject to periodic audit by the County Board or its designated representative. All records shall be maintained on forms approved by the Personnel Committee.

ARTICLE 35. ACCESS TO PERSONNEL RECORDS

Personnel Record: Wadena County maintains a personnel record on each employee, which may include: the employee's application for employment, wage or salary history, notices of personnel action, authorizations for payroll deductions, fringe benefit information, leave of absence records, salary history, job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations, and retirement records. Personnel records include the *employee personnel file, employee medical file and payroll records*, and are the property of the County.

Right to Review Personnel Record: Employees may review their personnel record as defined by Minnesota law upon submitting a written request to their supervisor or Department Head. Employees may review their personnel record once each six months during their employment. Upon separation from service, former employees may review their personnel record once each year after separation for as long as Wadena County maintains the personnel record.

Right to Review and Copy: Wadena County will make available the personnel record (or an accurate copy, without charge) for review by the employee or former employee during its normal hours of business operation at the employee's place of employment or nearby location, which may or may not be during the employee's working hours. A County representative may be present while the employee reviews his or her personnel record. Wadena County may deny the employee or former employee the right to review his or her personnel record if such individual's request to review is not made in good faith.

Right to Dispute Information and Resolution of Dispute: If an employee disputes specific information in his or her personnel record, Wadena County and the employee may agree to remove or revise the disputed information. If an agreement is not reached, the employee may submit a written statement of no more than 5 pages

specifically identifying the disputed information and explaining the employee's position. Wadena County will include the position statement in the employee's personnel record for as long as the disputed information remains in the employee's personnel record. Wadena County will provide the position statement to any other person who receives a copy of the disputed information from the County after the position statement is submitted.

No Retaliation: Wadena County will not retaliate against any employee for asserting his or her rights or remedies with respect to his or her personnel file.

Remedies: If Wadena County fails to follow any of its obligations, an employee may bring a civil action to compel compliance and for violations of the County's duties, the employee may seek actual damages plus costs. In instances of retaliation, the employee may seek actual damages, back pay and reinstatement of other make-whole, equitable relief, plus reasonable attorneys' fees. Any civil action maintained by the employee under this paragraph must be commenced within one year of the actual or constructive discovery of the alleged violation.

No communication by an employee of information obtained through a review of his or her personnel record may be made the subject of any action by the employee for libel, slander, or defamation, unless the employee has requested that Wadena County comply with any employee right under "removal or revision of information" above and the County did not so comply. No communication by Wadena County of information contained in an employee's personnel record after the employee has exercised his or her right to review his or her personnel record may be made the subject of any common law civil action for libel, slander, or defamation unless: (1) the employee disputed the information in the personnel record; (2) Wadena County refused to remove or revise the disputed information; (3) the employee has submitted a written position statement; and (4) Wadena County either (i) has refused or negligently failed to include a copy of the employee's position statement along with the disputed information or thereafter provide a copy of the statement to other persons as required above; or (ii) thereafter communicated the disputed information with knowledge of its falsity or in reckless disregard of its falsity.

A common law civil action for libel, slander, or defamation based upon a communication of disputed information contained in an employee's personnel record is not prohibited if the communication is made after Wadena County and the employee reach an agreement to remove or revise disputed information and the communication is not consistent with the agreement.

The Department of Labor is responsible for the enforcement of Wadena County's obligations and may assess a fine for any violation, which is in addition to any other remedy provided by law.

BENEFITS

Details of these benefits are contained in the plan brochures, summary plan descriptions, certificates of insurance, Department Policies, Merit System, or labor agreements; and in the case of inconsistent language, will supersede this Personnel Policy.

ARTICLE 36. HOLIDAYS

36.01 Holidays. All full-time permanent employees shall receive the following days off with pay:

- a. New Year's Day - January 1
- b. Martin Luther King Day - Third Monday in January
- c. President's Day - Third Monday in February
- d. Good Friday
- e. Memorial Day - Last Monday in May
- f. Independence Day - July 4
- g. Labor Day - First Monday in September
- h. Veteran's Day - November 11
- i. Thanksgiving - Fourth Thursday in November
- j. Friday following Thanksgiving
- k. Noon on Christmas Eve Day – December 24 (when falls on weekday)
- l. Christmas Day - December 25

36.02 To Qualify. In order for a full-time employee to qualify for the holiday provided in this Article, he/she must be on pay status on the last scheduled work day immediately preceding the holiday and the first scheduled work day immediately following the holiday.

36.03 Weekend. When New Year's Day, Veterans' Day, Independence Day, or Christmas Day falls on a Sunday, the following Monday shall be a holiday. If they fall on a Saturday, the preceding Friday shall be a holiday.

36.04 Vacation. Holidays that occur during an employee's vacation shall be considered a Holiday and the employee shall not be charged for vacation on that day.

36.05 Personal Leave Day. There shall be one (1) paid personal leave day each year which shall be designated by the employee, upon advance notification to the employee's supervisor. It shall be used as an 8 hour day, no partial day shall be allowed. No days may be accumulated from year to year and must be used by mid-December. In the case of a 10 hour work day, the 8 hours of Personal Leave Day shall be complemented with 2 hours of vacation or compensatory time. It may be used during an employee's probationary period, at the discretion of the Department Head. (This is already included in Human Services Personal Leave Time.)

ARTICLE 37. VACATIONS

37.01 Policy. All full-time permanent employees shall receive paid vacation leave in recognition of their services so that they may be free of their duties to enjoy a period of rest and relaxation. While all reasonable efforts will be made to give employees the vacation period of their preference, vacation will be scheduled so as not to cause an interruption in the normal operation of the Department. Should a conflict in scheduling occur, it will be resolved on the basis of first request and then seniority at the time of request. Vacation time shall be taken in one half (1/2) hour minimum increments, or in accordance with labor agreement or Department Policies.

37.02 Benefit Schedule. The following vacation benefits are available to a full-time permanent employee:

<u>Years of Experience</u>	<u>Hours Earned Per Pay Period</u>	<u>Hours/Days Earned Per Year</u>
1 through 5	3.70	96 hours; 12 days
6 through 10	4.62	120 hours; 15 days
11 through 15	5.54	144 hours; 18 days
15 plus	6.16	160 hours; 20 days

When the fifth, tenth, and fifteenth year is completed, the increased rate will begin the pay period in which the anniversary falls. For example, employees who reach the fifth year of experience during June pay period 6/14 will begin earning 4.62 hours of vacation beginning that pay period. Human Services staff receives vacation time per pay period.

37.03 Restriction. The maximum accrual of vacation days is thirty (30) days. Human Services staff maximum is 34.375 days or 275 hours.

37.04 Part-time Employees. Permanent part-time employees, whose average work week is twenty (20) hours or more but less than forty (40) hours per week, shall earn prorated vacation benefits based on their actual number of hours worked.

ARTICLE 38. SICK LEAVE PAY

38.01 Accumulation Rate. All full-time permanent employees shall earn sick leave at the rate of 3.70 hours per pay period for 25 pay periods and 3.50 hours for the 26th pay period- to a maximum of 96 hours per year. Sick time shall be taken by employees in a minimum of one half (1/2) hour increments

38.02 Medical Verification. The employer may at its discretion require evidence of personal illness.

38.03 Probationary Employees. New full-time permanent employees shall be credited with sick leave earned during their probationary period after completion of their probation period.

38.04 Application. All permanent full-time employees shall be granted sick leave with pay to the extent of the employee's sick leave accumulation for absences necessitated by the following:

- a. Illness, disability, pregnancy or pregnancy related problems.
- b. Medical, chiropractic, dental, or eye care.
- c. Exposure to contagious disease which would endanger the health of other employees, clients, or the public as determined by a licensed practicing physician.
- d. Illness of a spouse, minor or dependent child, adult child ("child" includes a stepchild and a biological, adopted, and foster child), parent, sibling, grandparent or step parent for such reasonable periods as his/her attendance may be necessary.
- e. Arrangement for necessary nursing care for members of the family or adoption of a child is limited to not more than three (3) days.
- f. Chemical dependency.

38.05 Abuse. Abuse of these sick leave provisions shall result in disciplinary action up to and including termination.

38.06 Notification. Whenever practicable, employees shall submit written requests for sick leave in advance of the period of absence. When advance notice is not possible, employees shall notify their supervisor by telephone or other means at the earliest opportunity. Employees shall complete whatever sick leave forms are necessary and submit them to their supervisor on the first day they return to work. Wadena County does have a right to request that an employee provide medical certification containing sufficient medical facts to establish that an illness exists.

38.07 Holiday. Holidays that occur during paid sick leave periods will be

paid as a holiday and not charged as a sick leave day.

ARTICLE 39. INSURANCE

39.01 All insurance benefits defined in this article shall be available:

- 1) If appropriate application is made during the time frame specified between the Insurance Company and the County.
- 2) Employee meets other minimum eligibility definitions that may be specified by the Insurance Company.
- 3) The County Insurance Committee shall review all of the insurance coverage listed below and make recommendations to the County Board of Commissioners regarding changes or deletions that should be made based on a review of costs and benefits.

39.02 Life Insurance. All permanent full-time employees shall be provided a term life insurance policy in the amount of twenty thousand (\$20,000.00) dollars.

39.03 Health Insurance. All permanent full-time employees shall receive group health insurance. The premium shall be paid as set by negotiations.

39.04 Income Protection. All permanent full-time employees shall be provided an income protection plan providing four hundred dollars (\$400.00) per month for each regular employee.

39.05 Part-time. Health Insurance and Life Insurance Benefits shall be available on a prorated basis to all permanent part-time employees, whose average work week is twenty (20) hours or more but less than forty (40) hours per week.

ARTICLE 40. DONATION OF VACATION/COMPENSATORY TIME

40.01 Description and Scope. Any employee who accrues vacation or compensatory time may elect to donate a portion of the time to another employee. The donated time will be credited to an account for a specific employee (recipient) and cannot be retrieved for any reason. This account will be administered by the Auditor's Office.

40.02 Purpose.

- 1) An employee with earned vacation or compensatory time may voluntarily donate up to sixteen (16) hours of their accrued vacation or compensatory time per calendar year to another employee. Hours may be donated in 2 hour minimum increments.
- 2) Once time is donated it cannot be retrieved and will be banked for the recipient's specific medical situation. Donated time can only be utilized after the sick leave, vacation or comp time of the recipient

has been exhausted.

- 3) No solicitation of hours directly from any employee will be allowed. In an effort to reduce pressure employees might feel if they choose not to participate, donations will remain confidential.

40.03 Procedure.

- 1) The Auditor's Office will provide memorandums for posting and for department supervisors to advise them of a request for donated hours. Such posting will occur when the sick leave, vacation or comp time of the recipient has been exhausted.
- 2) A sick leave donation authorization form will be available from the Auditor's Office and must be signed and returned to that office before a donation can be effective.

ARTICLE 41. HEALTH INSURANCE AFTER RETIREMENT

41.01 Participation By Former Employees. Wadena County shall allow any former employee to participate in the employer sponsored health insurance group until becoming eligible for Medicare, subject to all of the conditions of Minnesota Statute 471.61 provided that all costs and expenses are the full responsibility of the former employee.

41.02 Conditions of Eligibility. Minnesota Statute 471.61 details the following conditions of eligibility:

- a) The continuation requirement of this subdivision applies only to a former employee who is receiving a disability benefit or an annuity from a Minnesota public pension plan other than a volunteer firefighter plan, or who has met age and service requirements necessary to receive an annuity from such a plan.
- b) Until the former employee reaches age 65, the former employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical and dental insurance.
- c) A former employee may receive dependent coverage only if the employee received dependent coverage immediately before leaving employment. This subdivision does not require dependent coverage to continue after the death of the former employee. For purposes of this subdivision, "dependent" has the same meaning for former employees as it does for active employees in the unit of local government.
- d) Coverage for a former employee and dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left.

- e) The former employee must pay the entire premium for continuation coverage, except as otherwise provided in a collective bargaining agreement or personnel policy. A unit of local government may discontinue coverage if a former employee fails to pay the premium within the deadline provided for payment of premiums under federal law governing insurance continuation.
- f) An employer must notify an employee before termination of employment of the options available under this subdivision, and of the deadline for electing to continue to participate.
- g) A former employee must notify the employer of intent to participate within the deadline provided for notice of insurance continuation under federal law. A former employee who does not elect to continue participation does not have a right to reenter the employer's group insurance program.
- h) A former employee who initially selects dependent coverage may later drop dependent coverage while retaining individual coverage. A former employee may not drop individual coverage and retain dependent coverage.
- i) This subdivision does not limit rights granted to former employees under other state or federal law, or under collective bargaining agreements or personnel plans.
- j) Unless otherwise provided by a collective bargaining agreement, if retired employees were not permitted to remain in the active employee group prior to August 1, 1992, a public employer may assess active employees through payroll deductions for all or part of the additional premium costs from the inclusion of retired employees in the active employee group. This paragraph does not apply to employees covered by Section 179A.03, Subdivision 7.
- k) Notwithstanding Section 179A.20, Subdivision 2a, insurance continuation under this subdivision may be provided for in a collective bargaining agreement or personnel policy.

ARTICLE 42. UNUSED EMPLOYEE BENEFIT BALANCES

42.01 Distribution. Since there is no tax advantage for delaying the distribution of unused employee benefit accounts to eligible terminating or retiring employees, Wadena County shall pay the former employee all eligible unused balances as soon as practical upon the termination. This includes vacation, compensatory time and portions of sick leave balances that may qualify for reimbursement. In the case of inconsistent language, any labor agreements, Department Policies and Merit System will supersede this Personnel Policy.

42.02 Negotiation Concerning Closure. The processes followed for the accumulation and closure of sick leave balances and/or personal leave balances should continue to be determined through the negotiation process with each bargaining unit.

ARTICLE 43. MEAL REIMBURSEMENT

Outstate:	Breakfast	\$ 6.00
	Noon Meal	\$ 8.00
	Evening Meal	\$14.00
*Metro	Breakfast	\$ 8.00
	Noon Meal	\$12.00
	Evening Meal	\$16.00

**denotes Hennepin, Ramsey, Anoka, Carver, Scott, Dakota and Washington Counties and the cities of Duluth, St. Cloud and Rochester.*

Receipts are required for reimbursement of all meals, and meals cannot be banked. Breakfast Meal is allowed if leaving prior to 7:00 a.m., and Evening Meal is allowed if returning after 7:00 p.m. Continue to follow the 1982 Meal Tips Reimbursement Policy of "no allowance for reimbursement for tips outside of the meal allowance."

EMPLOYEE CONDUCT

ARTICLE 44. CODE OF ETHICS FOR WADENA COUNTY

44.01 Definitions. For the purpose of this policy the following definitions shall apply:

- 1) "Business" means any corporation, partnership, proprietorship firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages either in non-profit or profit-making activities.
- 2) "Confidential information" means any information obtained under government authority which has become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affects the competitive position of any individual or a business.
- 3) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption, or advantage from the action of the County

employee that is not available to the general public.

- 4) "Immediate Family" means spouse, child, parent, grandparent, and spouses of such persons.
- 5) "Employee" shall include elected officials and all County employees, including department heads.

44.02 Acceptance of Gifts or Favors.

- 1) Employees of the County of Wadena in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift reward, gratuity, favor, service, or promise of future employment or other future benefit from any source, except the County for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be in violation of this section:
 - a. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
 - b. Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the County of Wadena and which have been approved in advance by the employee's supervisor as part of the work assignment; or
 - c. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the County of Wadena.

44.03 Use of Confidential Information. An employee of the County of Wadena, shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business activity that will require the employee to disclose or use confidential information.

44.04 Use of Property. An employee shall not use or allow the use of County time, supplies, or County owned or leased property and equipment for the employee's private interest or any other use not in the interest of the County, except as provided by law.

44.05 Conflicts of Interest. The following actions by an employee of the County of Wadena shall be deemed a conflict of interest and subject to disciplinary action as appropriate:

- 1) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions, or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;
- 2) Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in exercise of official duties; or
- 3) Actions as an agent or attorney in any action or matter pending before the County of Wadena except the proper discharge of official duties or on the employee's behalf.

44.06 Determination of Conflicts of Interest. When an employee believes the potential for conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee or the employee's supervisor determines any one of the following conditions to be present:

- 1) The use for private gain or advantage of County time, facilities, equipment, or supplies, or badge, uniform, prestige, or influence of County office or employment;
- 2) Receipt or acceptance by the employee of any money or other things of value from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course or hours of County employment or as part of the duties as an employee;
- 3) Employment by a business which is subject to the direct or indirect control, inspection, review, audit, or enforcement by the employee; or
- 4) The performance of an act other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee.

If uncertain whether a conflict or potential conflict of interest exists, the employee and/or supervisor must seek clarification from Department Head, who may seek counsel from County Attorney.

44.07 Resolution of Conflict of Interest. If the employee or the employee's supervisor determines that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

44.08 Acceptance of Advantage by County Employee. No employee of the County in direct contact with suppliers or potential suppliers of the

County, or who may directly or indirectly influence a purchased product, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:

- 1) Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale, or furnished to the County; or
- 2) Accept directly or indirectly from a person, firm, or corporation to whom a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation, or contract for future reward.

44.09 Violation of the provisions of this policy shall be grounds for disciplinary action against an employee.

ARTICLE 45. TOBACCO USE POLICY

45.01 Purpose. To provide a healthier working environment for Wadena County employees and citizens.

45.02 Source. Minnesota Clean Air Act, House file #79, Chapter 221, Laws, 1975, enacted August 1, 1975, and Minnesota Statutes 144.411 to 144.417 as amended, regarding smoking in public places.

45.03 Expanded Scope.

1. There will be no use of tobacco products on the property of Wadena County. Property is defined as any location owned, leased or maintained by Wadena County; including buildings, grounds, sidewalks and parking lots. Tobacco products refer to any and all uses of tobacco including, but not limited to smoking and chewing. Also prohibited is the use of electronic cigarettes.
2. There will be appropriate signage placed to indicate tobacco free areas; to inform employees and the public.
3. Employees shall not smoke in county owned vehicles, except those exempted by statute; or personal vehicles used for work purposes when more than one user present. Users include employees and members of the public.
4. Items 1 – 3, shall also apply to individuals or employees of agencies contracting space or utilizing county owned property.

45.04 Enforcement.

1. Enforcement of the policy on county property and multi-user vehicles is delegated to the individual department heads, both elected and appointed.
2. Members of the public who use tobacco in an area where prohibited shall be informed of the policy and asked to refrain; and if they do not comply, they may be asked to leave. If the person refuses to leave, a person in charge shall handle the situation consistent with lawful methods.
3. Employee violations of the policy will be addressed through existing discipline

procedures.

ARTICLE 46. INFORMATION SYSTEMS POLICIES

Section 46.01 Purpose and Source of Authority

The purpose of this policy is to provide guidance regarding the acceptable use of the County's computers, network systems, and electronic information systems, including acceptable Internet use and access to and disclosure of electronic information such as electronic mail (e-mail) and other computer files which are sent, received, stored, or processed by means of any County computer, network system, or electronic information system.

Like any tool, information technology can be used or misused. By adopting this policy, the County seeks to maximize the benefits of modern technology by striking an appropriate balance between the efficient use of electronic communications and the protection of County assets and interests.

Section 46.02 Definitions

- A. **Computer Systems:** For the purposes of this policy, the term "computer system" means any and all (1) computer hardware or machinery owned or leased by the County including, but not limited to, desktop computers, laptops, mobile and central computers, modems, printers, computerized facsimile systems, connectors, switches, computer wires, routers, and servers; (2) internal and external network systems owned, leased, operated, or utilized by the County or its employees including, but not limited to, e-mail, other electronic information systems, and any system which allows Internet access; and (3) any software or operating system that is owned, leased, or utilized by the County.
- B. **Computer System Data:** For purposes of this policy, the term "computer system data" means any and all information or data that are received, sent, stored, processed, transferred, or communicated in any way by or through and County computer system including, but not limited to, computer files, e-mail, and Internet access information.
- C. **User:** For purposes of this policy, the term "user" means any person, including an employee, who directly uses any County computer system in any manner, accesses any information sent, received, stored, or processed by any of those systems, or directs another to use a County computer system to access data on such a system.
- D. **Employee:** A person who holds a paid position within the County service for more than 67 working days per year and part-time employees whose service regularly exceeds 14 hours per week.
- E. **Person:** For purposes of this policy, the term "person" means any user or employee as defined herein, and does, in the appropriate circumstance, include natural persons or individuals, corporations, partnerships, associations, government agencies and other governmental entities, and/or any other form of legal entity. It also includes any representative or agent of a person.
- F. **Government Data:** For purposes of this policy, the term "government data" shall have the definition set forth in Minnesota Statutes section 13.02, subdivision 7. Thus, government data includes, but is not limited to, all data collected, created, received, maintained, or disseminated by any agent or employee of Wadena

County.

- G. **Internet:** For purposes of this policy, the term “Internet” means the network of systems including, but not limited to, the World Wide Web, Gopher, FTP, external e-mail, Internet Relay Chat, and Telnet, which connect computers in various locations around the world and provide users with the ability to access information and online services.
- H. **Singular/Plural:** For purposes of this policy, the singular form of any word shall include the plural, and the plural form shall include the singular.

Section 46.03 Scope

The County owns and provides access to a variety of computers, network systems, electronic information systems, and software. These tools are collectively referred to as computer systems. The County’s computer systems and computer system data are the exclusive property of the County. Users have no expectation of privacy in using these systems. No communication or data used or maintained through these systems should be considered private or personal.

This policy governs all access to use of the County’s computer systems and computer systems data. This policy also applies to equipment that is the property of another entity, but is used by County employees in the course of their employment with the County.

Union Use: In the interest of maintaining effective labor-management relationships and efficient use of County time and resources, County e-mail systems may be used by employee representatives of the union for certain union activities. Approved uses include posting of meeting notices, investigation and administration of grievances, contract interpretation questions, union election results, and notification of arbitration and unit determination decisions. County owned property or services including the e-mail system may not be used for political activities, fund-raising, campaigning for union office, union organizing activities, or solicitation of employees for union membership. Union use of electronic communication technology is subject to the same conditions as employee use of such technology, as set forth in the policy.

Although elected officials and department heads may adopt policies that are more restrictive than this policy, this policy establishes the minimum standards for use of any County computer system and any information sent, received, stored, or processed by a County computer system. In the event of a conflict between this policy and another policy, this policy controls.

Section 46.04 Individuals Who Are Subject To This Policy

This policy applies to any user of the County’s computer systems or computer system data for any purpose. Such individuals may include, but are not limited to, County Board Members, elected officials, department heads, supervisors, employees, agents of the County, independent contractors doing work for the County, volunteers, and members of the public. By using any of the County’s computer systems, user agrees to be bound by the terms and conditions of this policy. Each individual user is responsible for complying with this policy.

Each individual department head and elected official shall make a copy of this policy

available to every employee in his or her department. In addition, each department head or supervisor is required to conspicuously post a copy of this policy in at least one location within the department. Additionally, upon request, a copy of this policy shall be made available within a reasonable period of time to any employee or member of the public. A copy of this policy will be posted to the County's web site.

Section 46.05 County's Right to Inspect and Monitor its Computer Systems and Computer Systems Data

The County is the sole and exclusive owner of the computer systems it provides and all computer system data. Use of the County's computer systems is a privilege, not a right. Accordingly, without further notice, the County and its individual department heads or supervisors reserve the right to use any means available to access, inspect, review, and monitor its computer systems and computer systems data including, but not limited to, computer files, e-mail, and Internet access information. In exercising this right, the County, its individual department heads and supervisors reserve the right to override any passwords and access codes that are on any of its computer systems. The County and its individuals department heads or supervisors, and their designees, may also use software that assists in monitoring its computer systems and data on those systems.

Employees and other users do not have a reasonable expectation of privacy in any computer systems data including, but not limited to, e-mail, and Internet access data. By using any of the County's computer systems, employees and other users consent to and understand that the County may access, monitor, and inspect any data that are received, sent, processed, stored, transferred, or communicated by means of any county computer system.

Users should consider e-mail and all other computer systems data to be a shared filing system which may be accessed by and reviewed by the applicable department head at any time and without further notice. The County reserves the right to track and recover any computer systems data despite any attempt by a user to delete such data. Users are advised that nearly all data can be tracked and recovered. For example, the County can generally track which websites a user has visited, the time of day when the visits occurred, and how long each visit lasted. This information can generally be recovered even when the user has attempted to delete the information. The County may use any computer system data for any purpose directly or indirectly related to County business, including ensuring compliance with this policy and other professional and job related duties. Such data may also be used in deciding whether to impose discipline, and in disciplinary proceedings and civil and criminal litigation.

Section 46.06 System Integrity

A. Password Security. All employees are required to take reasonable precautions to protect the security of their passwords. Employees may not share passwords or user names, or use another person's password or user name when using a County computer system or accessing computer system data, unless prior permission has been received from the individual department head or supervisor, or the IT Manager. Absent prior permission, no employee may knowingly permit another individual to use the employee's password to log onto or use any County computer system.

If a Department Head or IT Staff directs an employee to provide his or her passwords or

access codes, the employee must immediately provide current passwords and access codes. Reasonable precautions will be taken to keep the passwords and access codes secure. **DO NOT give out your password to ANYONE over the phone.**

Passwords are required to meet the following guidelines:

- 1) passwords will be 6 to 12 characters in length,
- 2) passwords will use 3 of the 4 possible types of characters to include lower or upper case alphabetical characters, numbers, and special characters(\$%&@!),
- 3) Users will not use simple passwords that can be easily guessed, such as names of family or dates. Passwords will expire every 120 days.

B. Modification of User Names and Default Setting. Employees may not modify assigned user names without prior permission from the IT Manager. Users may not modify any default settings on any county computer system (including hardware and software) without prior consent from the IT Manager. Personal settings, such as background colors and schemes (screen savers) are permitted. Screen savers must be password protected.

C. Installation of Software. Employees may not install any software on a county computer system without prior written consent from the IT Manager. Before any software is installed, it will be scanned for viruses. Users may not download any executable software from Internet Sites. The County reserves the right to remove unauthorized software at any time and without prior notice. Software required by other government agencies is allowed.

D. Scanning for Viruses. Without exception, every employee must scan every computer file he or she receives from an outside source such as in the mail, including, but not limited to, diskettes, USB drives, DVDs and CDs from outside organizations. Software is in place to help with incoming emails and websites.

E. Approved Commercial Access Providers/Internet Service Provider (ISP). Particular use of an outside commercial access provider/Internet service provider must be approved by the IT Manager. If an employee has been granted permission to use and outside commercial access provider, the employee must:

- 1) disconnect his/her computer from all AS/400 sessions throughout the duration of the commercial connection;
- 2) disconnect his/her computer from any network session throughout the duration of the commercial connection;
- 3) scan his/her computer hard drive for computer viruses prior to re-connecting to the network or AS/400.

F. End of Day Procedure. All users/employees will shut down their personal computer/workstation when they leave for the day.

Section 46.07 Electronic Mail ("E-Mail")

Application of Government Data Practices Act. All e-mail messages and attachments that are sent, received, or accessed by means of any County computer system, including any e-mail system, are County property and are subject to federal and state laws, such as the Minnesota Government Data Practices Act, which govern the

collection, creation, storage, maintenance, dissemination, and access to data created or maintained by the County. All employees must exercise care in addressing messages to ensure that they are sent to the proper addressee.

Section 46.08 Personal Use of County Computer Systems by Employees

A. Limited Personal Use Permitted. The County's computer systems are provided to support County business and, accordingly, are intended to be used primarily for business related purposes. Unless prohibited by the applicable department head, employees may engage in incidental and occasional personal use of the County's computer systems. Individual department heads or supervisors may determine when an employee's personal use becomes excessive or otherwise violates this policy. All personal use must be limited such that it:

- 1) is done on the employees' personal time, and not on County time;
- 2) does not interfere with County business or the use of its computer systems;
- 3) does not interfere with the employee's job performance or activities;
- 4) does not interfere with the job performance or activities of any other employee;
- 5) is not for personal financial gain or other promotional activities;
- 6) is not for political or religious purposes that could suggest endorsement by the County;
- 7) does not damage any of the County's computer systems;
- 8) does not result in the unreasonable consumption of County resources;
- 9) does not result in any expense, financial loss, or obligation to the County;
- 10) does not violate any rule set forth in this policy;
- 11) does not violate any federal, state, or local law.

B. No Expectation of Privacy. Employees who use any County computer system for personal use have no expectation of privacy in any information that is stored, processed, or transferred by any County computer systems, including but not limited to e-mail and information from Internet access. Like any other data stored on the County's computer systems, data created from an employee's personal use is subject to periodic inspection and monitoring. By engaging in personal use of any County computer system, employees and other users consent to such inspection and monitoring.

Section 46.09 Unacceptable Uses of the County's Computer Systems

- 1) **Threatening or Fraudulent Messages.** No person may use any County computer system to intentionally threaten or offend another person or to send a fraudulent message.
- 2) **Harassment and Discrimination.** No person may use any County computer system to harass or discriminate against another person on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or age. County computer system may not be used to transmit, display, or distribute information of hate groups. All County policies on harassment and discrimination apply to conduct performed using any County computer system.
- 3) **Pornographic, Obscene, Vulgar, Lewd, and Sexually Explicit Material.** No person may use any County computer system to seek out, access, upload, download, store, transmit, display, or distribute pornographic, obscene, vulgar, lewd, or sexually explicit language or material.

- 4) **Harm to Reputation.** No person may use any County computer system to defame another or in a manner that harms the reputation of the County.
- 5) **Disruption.** No person may use any County computer system in a manner that damages, disrupts, or interferes with any County operation, service, equipment, or the job performance of an employee. Such disruption or interference includes, but is not limited to, distribution of unsolicited or personal advertising and excessive downloading or transmission of programs or data.
- 6) **Vandalism.** No person may use any County computer system to directly or indirectly vandalize, damage, or disable the personal, real, or intellectual property of another person or organization, or to make unauthorized modifications to the property of another (including information owned by the County). By way of example, this rule prohibits “hacking” into a County computer system or a private party’s system, as well as the propagation of computer worms or viruses.
- 7) **Unauthorized Interception or Access.** No user may override another person’s passwords or access codes or take any other action to intercept or access another person’s materials, electronic information, or files (including e-mail) without the prior permission of that person. The exception to this rule is that a department head, supervisor, IT Manager, or a person acting at the request of a department head, supervisor, or IT Manager, may override passwords and may access, inspect, and monitor computer systems data including, but not limited to, e-mail and information on Internet access.
- 8) **Copyright Infringement.** No person may use any County computer system to violate any copyright law or otherwise use the intellectual property of another person or entity without prior authorization. The unauthorized duplication of computer software constitutes copyright infringement and is strictly prohibited by this policy. Many software companies will allow a single copy of the software to be made for backup or archival purposes. Before making such a copy, employees must verify that such action is permitted under the term and conditions of the software license.
- 9) **Commercial Use and Private Causes.** No person may use any County computer system for private commercial use, for personal financial gain, to promote any private cause (including but not limited to political or religious causes), or to enter into any contractual relationship without obtaining prior written permission from the department head or supervisor. Similarly, no person may use any County computer system in a manner that could reasonably result in any expense, financial loss, or obligation for the County. The County hereby disclaims any liability for any unauthorized financial obligation incurred by unacceptable use of its computer systems in violation of this rule.
- 10) **Gambling.** No person may use any County computer system to gamble or engage in a game of chance for money or other valuable consideration.
- 11) **Disguising Identity.** No person may disguise or attempt to disguise their identity while using any County computer system. For example, individuals may not disguise their identity while using a County computer system to send or receive information via e-mail or the Internet.
- 12) **Conducting Job Searches.** Employees may not use any County computer system to conduct job searches for employment with an entity other than Wadena County.
- 13) **Violating the Law.** No person may use any County computer system in a manner that violates any local, state, or federal law.

- 14) **Conduct Unbecoming.** No person may use any County computer system to engage in conduct unbecoming a County employee.
- 15) **Chat Rooms.** Engaging in chat room discussions IS NOT permitted, unless required and approved by the department head to accomplish County work.
- 16) **Disclosing Confidential Information.** All employees must guard against the disclosure of confidential information through the use of social media, email, news groups, or others.

Section 46.10 Consequences for Violation of this Policy

The IT Manager and the individual department head or supervisor will review alleged violations of this policy on a case-by-case basis. Any employee's failure to comply with any part of this policy may result in disciplinary action up to and including termination of employment with the County, subject to Wadena County Personnel Rules and Regulations and any applicable collective bargaining agreement. In addition to any penalty or discipline imposed, any user's failure to comply with this policy may result in loss of the privilege to continue using the County's computer systems and, if the violation is criminal in nature, referral to law enforcement.

Section 46.11 Questions Regarding this Policy

Employees who have questions about this policy or the acceptable use of the County's computer systems are required to present their questions to their department head or supervisor. If the department head or supervisor cannot answer the question, then the question will be submitted to the IT Manager for resolution.

In consultation with the involved department head or supervisor, the IT Manager will answer any questions about this policy and the acceptable use of the County's computer systems. Until the question is answered, the questionable use should be considered inappropriate and unacceptable. The Wadena County Board of Commissioners has final authority regarding the implementation and interpretation of this policy.

ARTICLE 47. ELECTRONIC DEVICES/CELL PHONE USE POLICY

47.01 Personal Electronic Devices/Cellular Phones. While at work employees are expected to exercise the same discretion in using personal electronic devices and cellular phones as is expected for the use of County devices and phones. Excessive personal calls, texts, posts, e-mail, etc. during the work day, regardless of the device or phone used, can interfere with employee productivity and be distracting to others. Unless prohibited by the applicable department head, employees may engage in incidental and occasional personal use of personal electronic devices/cellular phones. Individual department heads or supervisors may determine when an employee's personal use becomes excessive or otherwise violates this policy.

All personal use must be limited such that it:

- 1) is done on the employees' personal time, and not on County time;
- 2) does not interfere with County business;
- 3) does not interfere with the employee's job performance or activities;
- 4) does not interfere with the job performance or activities of any other employee;
- 5) does not result in the unreasonable consumption of County resources;

- 6) does not violate any rule set forth in this policy;
- 7) does not violate any federal or state data privacy laws and that violations of the same are subject to both criminal and/or civil sanctions;
- 8) does not violate any additional federal, state, or local law.

Wadena County will not be liable for the loss of personal electronic devices and cellular phones brought into the workplace.

47.02 Distracted Driver Safety. While engaged in work related travel, all employees are expected to follow applicable state or federal laws or regulations regarding the use of electronic devices and cellular phones at all times, including but not limited to driver refraining from using any wireless electronic devices or cellular phones to compose, read or send an electronic message while the vehicle is in motion or a part of traffic. These restrictions do not apply in emergency situations including obtaining emergency assistance, reasonable belief that life or safety in immediate danger, or for authorized emergency vehicle while in performance of official duties.

ARTICLE 48. WADENA COUNTY POLICY AGAINST OFFENSIVE CONDUCT, HARASSMENT AND VIOLENCE

ARTICLE 48.01. GENERAL STATEMENT OF POLICY

It is the policy of Wadena County (hereinafter "County") to maintain an environment that is free from offensive conduct, harassment, and violence based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission. The County prohibits any form of race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission discrimination, harassment, and violence.

It shall be a violation of this policy for any employee, agent, officer, commissioner, or other elected official of the County to engage in offensive or harassing verbal or physical conduct of a sexual nature or regarding race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission towards any County employee, officer, agent, or member of the public seeking public services or public accommodation.

It shall be a violation of this policy for any County employee, agent, officer, commissioner, or other elected official to inflict, threaten to inflict, or attempt to inflict sexual violence or violence based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission upon any

employee, agent, officer, or member of the public seeking services or accommodation from the County.

The County will act to investigate all written complaints of offensive, harassing or violent conduct of a sexual nature or based upon race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission, and to discipline or take appropriate action against any employee, agent, officer, commissioner, or other elected official who it found to have violated this policy.

ARTICLE 48.02. OFFENSIVE CONDUCT, HARASSMENT, AND VIOLENCE DEFINED

A. Sexual/Gender Based Offensive Conduct or Harassment: Definition.

Sexual/Gender based offensive conduct/harassment includes unwelcome physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender biased nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, public services, or public accommodations.
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services, or public accommodations; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creating an intimidating, hostile, or offensive employment, public service or public accommodations environment.

Examples of sexual/gender harassment may include but are not limited to:

1. Unwelcome verbal remarks, jokes, or innuendoes of a sexual nature or based upon gender;
2. Unwelcome pressure for sexual activity;
3. Unwelcome, sexually motivated or inappropriate patting, pinching, or other physical contact;
4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning

an individual's employment or access to public services or public accommodations;

5. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;
6. Any sexually motivated unwelcome touching;
7. Distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature;
8. Other unwelcome behavior or words directed at an individual because of gender.

B. Sexual Violence: Definition.

Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts including the genital area, groin, inner thigh, buttocks or breasts, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. Coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
3. Coercing, forcing, or attempting to coerce or force a sexual act on another; or
4. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

C. Race/National Origin Based Offensive Conduct/Harassment & Bias: Definition

Racial/national origin harassment and/or bias occur when:

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

origin by an individual is used as a factor in decisions affecting that individual's employment or access to public services or public accommodations; or

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

D. Racial/National Origin Violence: Definition

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

E. Religion Based Offensive Conduct/Harassment and Religious Bias: Definition

Religious harassment/bias occurs when:

1. Submission to conduct or communications of a religiously derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodation;
2. Submission to or rejection of conduct or communications of a religiously derogatory, harassing, or biased nature by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
3. The conduct or communications of a religiously derogatory, harassing, or biased nature has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile or offensive employment or public service/accommodation environment.

F. Religious Violence: Definition.

Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

G. Disability Based Offensive Conduct/Harassment and Disability Bias: Definition.

Disability based harassment and/or bias occurs when:

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

H. Age Based Offensive Conduct/Harassment and Age Bias: Definition.

Age based harassment and/or bias occurs when:

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

I. Marital Status Based Offensive Conduct/Harassment and Marital Status Bias: Definition.

"Marital status" means whether a person is single, married, remarried, divorced, separating, or a surviving spouse, and in employment cases includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Marital status based harassment and/or bias occurs when:

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

J. Status With Regard to Public Assistance Based Offensive Conduct/Harassment and Bias: Definition.

"Status with regards to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, housing subsidies, AFDC, or general assistance.

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

1. Submission to conduct or communications of a derogatory, harassing, or biased nature which is based on an individual's status with regard to public assistance, as defined above, which is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/ accommodations;
2. Submission to or rejection of conduct or communications of a derogatory, harassing, or biased nature based on an individual's status with regard to public assistance, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or

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

K. Sexual Orientation Based Offensive Conduct/Harassment and Bias: Definition.

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

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

1. Submission to conduct or communications of a derogatory, harassing, or biased nature which is based on an individual's sexual orientation, as defined above, is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;
2. Submission to or rejection of conduct or communications of a derogatory, harassing or biased nature based on an individual's sexual orientation, by an individual is used as a factor in decisions affecting that individual's employment or access to public services/accommodations; or
3. The conduct or communication of a derogatory, harassing or biased nature based on an individual's sexual orientation has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile, or offensive employment or public services/accommodations environment. See also Section II A, Sexual Harassment.

L. Sexual Orientation Based Violence: Definition.

Sexual orientation violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, that individual's actual or perceived sexual orientation.

M. Assault: Definition.

Assault is:

1. An act done with intent to cause fear in another of immediate bodily harm or death;
2. The intentional infliction of or attempt to inflict bodily harm upon another; or
3. The threat to do bodily harm to another with present ability to carry out the threat.

N. Applicability: Definition.

Offensive conduct, harassment or bias may occur:

1. Between a supervisor and an employee;
2. Between co-employees;
3. Between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;
4. Between a commissioner or other elected official and an employee or member of the public receiving or seeking public services/accommodations;
5. Between an agent of the County and an employee, supervisor, elected official or member of the public.

ARTICLE 48.03. REPORTING PROCEDURES

Any person who believes he or she has been the victim of offensive conduct of a sexual nature, sexual harassment, or harassment, or bias based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission by an employee, agent, official, commissioner, or other elected official of the County, or any person with knowledge or belief of conduct which may constitute such harassment or bias toward an employee, official, or member of the public seeking or receiving public services or accommodations is encouraged to report the alleged conduct immediately to an appropriate County official designated by this policy in order to be effectively investigated and resolved.

The County encourages the reporting party or complainant to use the report form available from the County Auditor's office or available department head of any County department. Complaints shall be in writing; however, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities who need accommodation. Interpreters shall be made available for those with limited competence of

the English language. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the County Human Rights Officer.

The reporting party shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.

A. In Each County Department

1. The department head of each department is the person responsible for receiving reports of all types of offensive conduct, harassment and bias described in Section II, at the department level.
2. Any supervisory employee, whether or not the person is a department head, who receives a written report of harassment, bias or violence as defined in this policy, shall inform the department head immediately without screening or investigating the report, unless the department head is involved in the alleged harassment, bias, or violence. In the event that the department head is involved, a copy of the report shall be forwarded to the County Human Rights Officer or Alternative Human Rights Officers as described below. Failure of a supervisory employee to forward such a report to the appropriate party shall be grounds for discipline, including immediate discharge of employment.
3. Upon receipt of a report, the department head must notify the County Human Rights Officer immediately. A written statement of the facts alleged will be forwarded as soon as practicable by the department head to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the department head.
4. If the complaint involves the department head, the complaint may be made or filed directly with the County Human Rights Officer by the reporting party or complainant.

B. County-Wide.

1. The County Board hereby designates Affirmative Action Officer, Wadena County Courthouse, 415 Jefferson Street South, Wadena, MN 56482, (218) 631-7650, as the County Human Rights Officer(s) to receive reports of sexual harassment and of offensive conduct, harassment, and violence based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission.
2. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with one of the Alternative Human Rights

Officers.

3. The County shall conspicuously post the name of the Alternative Human Rights Officer, including mailing address and telephone number.
- C.** Submission of a good faith complaint of offensive or harassing conduct of a sexual nature or offensive conduct, harassment, bias, or violence based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission shall not affect the reporter's future employment or access to public services or public accommodations.
- D.** Use of formal reporting forms is not mandatory.
- E.** The County will process complaints made under this policy as discreetly as possible, consistent with the County's legal obligations and the necessity to investigate allegations of discriminatory harassment and violence and take disciplinary action when the conduct has occurred.

ARTICLE 48.04. INVESTIGATION

- A.** By authority of the County Board, the Human Rights Officer or alternative Human Rights Officer, upon receipt of a written complaint of offensive or harassing conduct of a sexual nature or offensive conduct, harassment, bias, or violence based on race, color, creed, religion, national origin, place of residence, political affiliation, disability, marital status, status with regard to public assistance, sex, sexual orientation, age, or activity in a local human rights commission, shall authorize an investigation promptly and thoroughly. The investigation may be conducted by County officials agreed upon between the County Human Rights Officer and the department head if that department head is not the subject of the investigation, or by a third party designated by the County Board.
- B.** The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and other who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other lawful methods and documents deemed pertinent by the investigator. Respect for the privacy of all parties will be adhered to as much as possible. However, because an individual's right to confidentiality must be balanced with Wadena County's obligation to investigate and take necessary action to resolve a complaint, Wadena County retains the right to disclose the identity of any of the parties in appropriate circumstances and only to those with a need to know.

- C.** In determining whether alleged conduct constitutes a violation of this policy, the County shall consider but is not limited to the surrounding circumstances, the nature of the behavior, past incidents, or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and the surrounding circumstances.
- D.** In addition, the County may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation. Wadena County has a compelling interest in protecting the integrity of its investigations. In every investigation, Wadena County has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. Wadena County may decide in some circumstances that in order to achieve these objectives, the County must maintain the investigation and its role in it in strict confidence. If the County reasonably imposes such a requirement and an employee and/or witness does not maintain such confidentiality, they may be subject to disciplinary action up to and including immediate termination.
- E.** The investigation authority shall make a written report to the County Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

ARTICLE 48.05. COUNTY ACTION

- A.** The County will take such action as appropriate based on the results of the investigation. In the event that the investigation establishes that a violation of this policy has occurred, disciplinary action may be taken.
- B.** Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes 13.01 et. seq., the results of the County's investigation will be made available to the complainant.

ARTICLE 48.06. REPRISAL

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

or harassment. Such retaliation and intimidation not only violates this policy, but also violates state and federal law.

ARTICLE 48.07. DISCIPLINE

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

- A.** Applicable Collective Bargaining Agreements;
- B.** County Policies;
- C.** State and Federal Law.

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

ARTICLE 48.08. DISSEMINATION OF POLICY

- A.** This policy shall be conspicuously posted in each County building in areas accessible to employees and members of the public.
- B.** This policy shall be distributed to all employees upon its adoption and to all new employees upon hire.

ARTICLE 49. WADENA COUNTY NOTICE OF DRUG FREE WORKPLACE

A Drug Free Workplace Policy exists and employees can inspect the policy during regular work hours in the Auditor's Office.

If you have a drug or alcohol abuse problem, help is available. Please review the Drug Free Workplace Policy for resources available to you.
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**60 DAY NOTICE TO APPLICANT AND EMPLOYEES OF
DRUG FREE WORKPLACE PROGRAM**

The County has established a Drug Free Workplace Program. Employees are prohibited from using illegal drugs (including the non-prescribed use of prescription medication) on or off the employer's premises. Employees are also prohibited from possessing or transporting alcohol or illegal drugs on the premises. Employees may only possess or transport alcohol onto the employer's premises if it is part of the employee's job responsibilities. Possession of paraphernalia used in connection with the use of any drug is evidence of violation of this rule.

Drugs mean alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs or metabolite of any of these substances or any substances listed in **Section L** of the County drug free workplace policy. Non-prescribed use of prescription medication is also prohibited.

The County will require all applicants for employment and all existing employees, under certain circumstances, to be tested for the presence of drugs and/or alcohol as part of the County's policy prohibiting drug or alcohol use. An employee violates the Drug Free Workplace Program by testing positive in a confirmed test for drugs. Refusal to cooperate in the drug testing procedure is an independent violation of this rule and accordingly, will be treated as a positive confirmed test for drugs. Upon conviction for violating any State or federal drug law, each employee of the County is required to notify his or her immediate supervisor of such conviction within five business days thereof. This "notification of drug conviction" requirement applies whether the conviction resulted from conduct performed while in the course and scope of employment or off duty. Employees are required to report any drug related criminal charge brought against them, whether the result of on-duty or off-duty conduct.

Any violation of this rule will result in discipline, up to and including discharge and possible forfeiture of workers' compensation medical and indemnity benefits.

This notice is given on December 20, 2013. Drug testing may begin 60 days after the date of this notice.

/s/ David W. Hillukka, Board Chairperson
Wadena County Board of Commissioners

Date: December 19, 2013

ARTICLE 49.01. STATEMENT OF POLICY

A. INTRODUCTION

Today, millions of Americans struggle with substance abuse-related issues, both at home as well as in the workplace. **Wadena County** (The County) values its employees and customers and recognizes the adverse effects that substance abuse—including the use of illegal drugs, the abuse of alcohol, and misuse of prescription drugs and over-the-counter medications—can have on the work environment. Employees who use drugs and abuse alcohol are less productive, less reliable, and pose a direct threat to the safety and well-being of others.

The County has adopted a drug-free workplace policy to ensure the safest possible workplace, reduce accidents, and eliminate the costs associated with workplace substance abuse, as well as to comply with State and Federal requirements.

The County will require all employees and job applicants to participate in, consent to, and comply with the provisions of this policy as a condition of employment and continued employment. For those who fail to cooperate fully with the terms and conditions of this policy, the County will respond appropriately to address the situation promptly and directly. The County will not tolerate substance abuse in the least degree.

B. AUTHORITY

Employees with questions or information pertinent to the County Drug-Free Workplace Program should review **Section M** of this policy for the Name and contact information of persons with responsibility for administering the County's drug-free workplace program.

C. COVERAGE

Covered Employees

The County's drug-free workplace policy covers all hired and appointed part-time and full-time employees. Employees include any person including an independent contractor or person working for an independent contractor, who performs services for compensation. Employees who are already part of a federal drug testing program due to the nature of their job are excluded.

Applicants

All job applicants also are covered by this policy inasmuch as the County has extended a conditional offer of employment. A job applicant is any person who has applied for work with an employer and anyone who has a job offer contingent upon passing a drug or alcohol test.

D. NON-DISCRIMINATION

In accordance with the Americans with Disabilities Act (ADA) and State law, the County does not discriminate against any qualified individuals with a disability who are not currently using illegal drugs and who have either successfully completed rehabilitation or who may be currently participating in a supervised rehabilitation program and are no

longer using illegal drugs. Individuals who are currently using illegal drugs are not protected under the ADA. A current disability of any kind, however, does not entitle an employee and/or job applicant to violate any provisions of this policy.

E. EDUCATION & TRAINING

To help employees and supervisors better understand the nature of the substance abuse problem and how it affects the workplace, as well as the terms and conditions of this policy, the County makes available educational materials and training sessions on an as-needed basis. Please inquire with the County's Drug-Free Workplace Program administrator listed in **Section M** for more information.

ARTICLE 49.02. DEFINITIONS

Accident A covered accident is one that takes place during work time or on County property and involves: 1) a fatality, or 2) a reportable injury (an injury that requires medical attention or results in lost work time), 3) damage to County property, including vehicles owned or leased by the County or being used for County purposes, or 4) an incident that is reportable to workers compensation insurance.

Alcohol Liquids containing ethyl alcohol (ethanol), including, but is not limited to, beer, wine and liquor.

Alcohol test The analysis of a bodily specimen used to determine the presence and specific level of alcohol in a person's system. Methods of testing may include but not limited to breath, blood and urine.

Alcohol use The consumption of any beverage or mixture of beverages that includes alcohol. For purposes of this policy that can include any medication containing alcohol.

BAC An abbreviation for blood alcohol content, a measurement of how much alcohol an individual has in his or her system.

Chain of custody A systemized process involving a "custody & control form" (CCF) used to track the journey of a bodily specimen, usually urine, hair or oral fluid, from the donor to a lab for analysis.

County property Includes all buildings, parking lots, vehicles owned or leased by the County or used for County purposes, work facilities and plants, warehouses, equipment, or land used by the County or its customers or suppliers.

Confirmation test A second analytical process conducted following an initial or screening test for the purpose of confirming the result of the first test. In the case of alcohol testing, this would typically involve the use of an Evidentiary Breath Test (EBT) following a non-evidentiary breath or saliva screen. In the case of a drug test it would typically involve the use of gas chromatography/mass spectrometry technology (GCMS).

Drugs For a complete list of substances that are considered drugs under this policy see **Section L**.

Drug paraphernalia Any device used to assist in the use, transfer, manufacture or storing of illegal drugs or controlled substances.

Drug test The analysis of a bodily specimen, usually urine, hair or oral fluid, to determine the presence and level of a drug or drugs in an individual's system. This included an initial screening test and if necessary GC/MS confirmation testing.

Employee Anyone hired or appointed by the County who is covered by workers' compensation insurance obtained by the County.

Employer Wadena County

Illegal drug use The illegal use of illicit drugs, prescription drugs, over-the-counter medications, alcohol, or any other substance (such as glue, aerosols, etc.) being used in a way other than in its intended manner.

Medical Review Officer (MRO)

A licensed physician certified to review laboratory drug test results. This individual must have knowledge of substance abuse disorders and the necessary training to evaluate a confirmed positive drug test result in order to verify the result.

Medications Prescription and non-prescription substances obtained and used legally to combat illness and injury or for other therapeutic reasons.

Reasonable suspicion Suspicion that an employee is using or has used drugs or alcohol in direct violation of the County drug-free workplace policy. Such suspicion will be based on specific facts and inferences either observed by or made known to the County supervisory personnel.

The County may require an employee to take a test if there is a reasonable suspicion that the employee is under the influence of drugs or alcohol; has violated the employer's written rules on drug or alcohol use, possession, sale, or transfer while on the job, at the job site, or while operating the employer's vehicle, machinery or equipment; has sustained a personal injury or caused another employee to sustain a personal injury; has caused a work-related accident; or was operating a vehicle or other equipment involved in a work-related accident.

Refusal Refusal or refusing to cooperate with the terms and conditions of this policy includes, but is not limited to:

- a. Refusal to be tested,
- b. Failure to provide an adequate sample (urine, hair, oral fluid, blood, breath) without a valid medical excuse,
- c. Refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, and chain of custody forms),

- d. Failure to show up at an assigned collection site to provide a urine, hair or oral fluid (urine, blood, breath or oral fluid in the case of an alcohol test) specimen,
- e. Failure to be reasonably available to be tested following an accident, and
- f. Switching, tampering with or adulterating any specimen or sample collected under the County's policy for the purpose of testing for drugs or alcohol, or attempting to do so.

Safety-sensitive position

Occupations, as designated by the County, in which an employee's inability to safely function in his/her job could place the safety and health of the worker and/or others at risk.

Screening test An initial drug or alcohol test conducted to determine the presence and level of drugs and/or alcohol in an individual's system. A positive screening test will often be verified by conducting a confirmation test.

Under the influence

Drugs—for purposes of this policy, an employee or job applicant who produces a verified positive drug test result will be deemed to be under the influence of drugs. Also, any employee who is observed to be acting in a way that raises reasonable suspicion of drug use may be deemed to be under the influence of drugs.

Alcohol— for purposes of this policy, an employee who produces a confirmed positive alcohol test result will be deemed to be under the influence of alcohol. Any alcohol test that exceeds a 0.00 blood alcohol content (BAC) will be considered positive. Also, any employee who is observed to be acting in a way that raises reasonable suspicion of alcohol use in violation of the County's policy may be deemed to be under the influence of alcohol.

Use(ing) As pertains to drugs, alcohol and medications; to drink, smoke, apply topically, inject, possess, solicit, distribute, dispense, manufacture or transfer. Exceptions to these rules regarding the definition of "use" will be allowed only with Management's written permission.

Work(ing) Performing any activity under any conditions during any period of time that an employee is covered by the Employer's Workers' Compensation insurance (i.e. driving on duty, on call or performing any tasks as a part of employment duties; lease and contract employees included).

Work time Any time for which an employee is being paid or is representing the County. This includes all breaks and meal times.

ARTICLE 49.03. POLICY WORK RULES

A. DRUGS

Employees shall not use or be under the influence of drugs illegally at any time, whether working or not working. This includes the use of illegal drugs and the illicit use of prescription or over-the-counter drugs

For purposes of this policy, an employee or job applicant who produces a verified positive drug test result will be deemed to have violated this County's policy. Also, any employee who is observed to be acting in a way that raises reasonable suspicion of drug use may be deemed to be under the influence of drugs.

B. ALCOHOL

Employees shall not use or be under the influence of alcohol while working.

For purposes of this policy, an employee who produces a confirmed positive alcohol test result will be deemed to be under the influence of alcohol and to have violated the County's policy. Any alcohol test that exceeds a 0.00 blood alcohol content (BAC) will be considered positive. Also, any employee who is observed to be acting in a way that raises reasonable suspicion of alcohol use in violation of the County's policy may be deemed to be under the influence of alcohol.

C. MEDICATIONS

Employees shall not use or be under the influence of medications while working if the medications have the potential to alter or to adversely affect their judgment, motor skills, to induce sleepiness or to otherwise detract from their safe job performance. Prohibited use of prescription drugs includes exceeding the recommended prescribed dosage or using others' prescribed medications.

Exceptions can, of course, be made in work areas and activities of decreased safety sensitivity where the potential for accident and injury is minimal and where the effect of the medication on the employee is judged to be no factor by medical authority. It must also be acceptable to management for the employee to continue work. Exceptions to this rule (**Section C**) will be made at least one level of supervision above the concerned employee's immediate supervisor. Employees will report their use of medications to their supervisor before beginning work; those sensitive to the disclosure of their use of certain medications may call or visit the County official (see Name and telephone number in **Section M**) in charge of the Drug Free Workplace Program, in confidence, to resolve their unique work situation.

The County prohibits employees from reporting for work with an illegal drug, including marijuana (medical, recreational or otherwise), in his or her system. The County enforces this policy consistently with respect to all drugs, including medical marijuana, as the law allows the County to do.

OTHER PROHIBITED CONDUCT

- Testing positive for drugs or alcohol;
- Bringing illegal drugs, alcohol (unless otherwise authorized), controlled substances or drug paraphernalia to work and/or storing illegal drugs, alcohol, controlled substances or drug paraphernalia on County property.
- Possessing, using, manufacturing, distributing or attempting to distribute, selling or dispensing drugs or drug paraphernalia.
- Possessing, using, manufacturing, distributing or attempting to distribute, selling or dispensing drugs or controlled substances off County property that may adversely affect the County, the worker's job performance, or place at risk the safety and health of the worker or others.
- Being convicted of or entering a guilty plea to a criminal drug- or alcohol-related offense. Employees are required to notify the County in writing within 5 days of a criminal substance abuse conviction or pleading guilty to a criminal drug or alcohol offense.
- Switching, tampering with or adulterating any specimen or sample collected under the County's policy for the purpose of testing for drugs or alcohol, or attempting to do so.
- Disclosing information related to a drug or alcohol test and/or treatment referrals, and test results, except as required by this policy or by law.
- Failing to consent to, cooperate with, participate in, and/or successfully complete all recommendations or conditions set forth in an authorized substance abuse treatment program, including return-to-work and post-rehabilitation drug and alcohol testing.
- The County prohibits employees from reporting for work with an illegal drug, including marijuana (medical, recreational or otherwise), in his or her system. The County enforces this policy consistently with respect to all drugs, including medical or recreational use marijuana, as the law allows the County to do.
- Refusing to cooperate with the terms and conditions of this policy. Failure to cooperate includes, but is not limited to:
 - a. Refusal to be tested,
 - b. Failure to provide an adequate sample (urine, hair, oral fluid) without a valid medical excuse,
 - c. Refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, and chain of custody forms),
 - d. Failure to show up at an assigned collection site to provide a urine, hair or oral fluid (urine, breath or oral fluid in the case of an alcohol test) specimen,
 - e. Failure to be reasonably available to be tested following an accident, and

- f. Switching, tampering with or adulterating any specimen or sample collected under the County's policy for the purpose of testing for drugs or alcohol, or attempting to do so.

Note: The employee has a right to refuse a drug or alcohol test. The consequences of a refusal are the same as the consequences of a confirmed positive test as outlined in the policy.

D. DRUG FREE WORKPLACE PROGRAM MONITORING (DRUG & ALCOHOL TESTING)

The County reserves the right to drug and alcohol test job applicants and employees in order to achieve a safe and productive work environment. The County will conduct drug and alcohol testing within the parameters of any applicable State and federal laws. The County reserves the right to analyze bodily samples such as urine, hair, oral fluids, or blood using scientifically valid methods and procedures.

The County reserves the right to test for alcohol and any or all of the substances listed in **Section L** of this policy using cut-off levels established by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the of U.S. Department of Health & Human Services (DHHS).

To measure the success of, and to aid in enforcing our Drug Free Workplace Program, the following types of drug screening tests will be administered to detect the presence of illegal drugs:

1. *Job applicant testing.* If a job applicant has received a conditional job offer, the employer may require or ask that all applicants undergo testing.
2. *Random testing.* An employer may require employees to submit to random testing *only* if they are employed in safety-sensitive positions, defined in the statute as jobs in which an impairment caused by drug or alcohol usage would threaten the safety or health of any person.
3. *Reasonable suspicion testing.* The County will require an employee to take a test if there is a reasonable suspicion that the employee is under the influence of drugs or alcohol; has violated the employer's written rules on drug or alcohol use, possession, sale, or transfer while on the job, at the job site, or while operating the employer's vehicle, machinery or equipment; has sustained a personal injury or caused another employee to sustain a personal injury; has caused a work-related accident; or was operating a vehicle or other equipment involved in a work-related accident. This is also called Post Accident Testing when the testing is conducted in conjunction with an on the job accident.
4. *Treatment program testing.* If an employer has referred an employee to a chemical dependency treatment or evaluation program or if the employee is participating in chemical dependency treatment under the employee's benefit plan, the employer will request or require the employee to submit to testing without notice during the evaluation or treatment period and for two years after the end of any prescribed treatment. This is also commonly called Return to Duty or Follow-up testing.

A copy of documentation supporting a reasonable suspicion drug and alcohol test will be completed within seven (7) days after testing, will be provided to the employee upon request, and will be retained confidentially by the County for at least one (1) year.

Notice of Drug Testing will be given on all vacancy announcements. In addition to testing illegal drugs, a test for the presence of alcohol may be administered as a result of the conditions stated in Section D.2, D.3 and D.4 above.

NOTE:

A covered accident is one that takes place during work time or on County property and involves: 1) a fatality, or 2) a reportable injury (an injury that requires medical attention or results in lost work time), or 3) damage to County property, including vehicles owned or leased by the County or being used for County purposes. All specimens for alcohol testing must be provided by the employees as soon as possible but not later than 8 (eight) hours after the incident. Specimens for drug testing must be provided by the employees as soon as possible but not later than 32 hours after the incident.

All employees will be tested for drugs, under the situations noted above, as this policy takes effect after the sixty day notice.

The County reserves the right to conduct drug testing in any of the following ways, including combinations of the following:

LAB-BASED TESTING

Testing for the presence of drugs and alcohol will be performed by a laboratory certified by the federal government utilizing either urine, hair or oral fluid specimen. All positive specimens from the initial screen will be confirmed at the lab using a different technique and chemical principal utilizing the initial sample to ensure the reliability and accuracy of the initial result. All test results will be reported to a Medical Review Officer (MRO) for verification prior to being transmitted to the employee and/or the County.

E. CONSEQUENCES FOR VIOLATIONS OF THIS POLICY

Employees who violate any of the conditions of the County's Drug-Free Workplace Program are subject to discipline which may include termination of employment. The County will not discharge an employee based on a test result that was the first confirmatory positive result unless the employer has first offered the employee the opportunity to participate, at the employee's own expense or under the employee's benefit plan, in a drug or alcohol treatment or counseling program, and the employee has failed to participate in the program or to complete it successfully.

Each employee should understand that certain policy violations will result in immediate termination. Such violations of the policy include, but are not limited to:

- the use of alcohol on County time, unless otherwise approved;
- the possession, sale or use of illegal drugs on County premises or on County time;

Applicants who refuse to take testing which is requested under this policy or who test positive are subject to immediate discharge or withdrawal of the offer of employment.

The consequence of refusing to test or an employee testing positive for alcohol or drugs with a lab confirmation and MRO review is: requirement of a second chance agreement, employee must get assistance for the substance abuse problem, and any future refusal or positive drug or alcohol test will result in immediate termination.

The County may require any employee with a verified positive drug or alcohol test result to submit to an assessment for treatment, counseling or rehabilitation, and to sign a Rehabilitation Agreement, Last Chance Agreement or Return-to-Work Agreement.

In the event under this policy that an employee is required to seek a treatment or assistance plan, it will be at the employee's expense. The employee must provide documentation of the treatment or assistance plan, and will be required to have an unannounced drug and/or alcohol test (also at the employee's expense) at least twice a year for up to two years following the assistance program. A positive confirmed test during or after referral to a treatment or assistance plan will result in termination of employment.

Any employee with a second positive confirmed test will face termination of employment.

Employees involved in post-accident or reasonable suspicion testing may be removed from their positions and receive a non-disciplinary suspension until The County receives the results of the test(s).

Employees arrested, indicted or convicted of violating Chapter 893 or any controlled substance laws who fail to notify the County within five (5) days of the event and if this substance abuse policy was also violated, will be subject to discipline up to and including termination, depending on the circumstances.

DILUTE SPECIMEN

If the MRO informs the County that a negative test was dilute, the County may take the following action depending on County policy and/or guidance provided by the MRO:

- (1) If the MRO directs that a recollection take place (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL), the County will do so immediately. Failure of the employee or applicant to submit for this recollection is classified as a refusal to test.
- (2) Otherwise (i.e., if the creatinine concentration of the negative dilute specimen is greater than 5 mg/dL), the County will for existing employees:
 - a. Accept the result as is
- (3) Regarding a negative dilute (greater than 5 mg/dL on an applicant, the County will:

- a. Require the applicant to retest within 24 hours and provide instructions to applicant on how to avoid a dilute specimen.

NOTE: The County will treat all employees the same for this purpose. The County may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). The County will inform its employees in advance of its decisions on these matters.

When a retest is required after a negative dilute specimen, the employee or applicant will be given the minimum possible advance notice that he or she must go to the collection site. Instructions will be provided on how to avoid a dilute specimen. The result of the retest will be considered the final result, not the result from the first test.

If the employee declines to take a retest required because of a dilute specimen, the action will be considered a “refusal to be tested” and will be treated the same as a confirmed and verified positive result. The offer of employment will be rescinded if an applicant refuses to take the retest because of a dilute specimen.

RETURN TO EMPLOYMENT

Employees who leave the County for substance abuse-related reasons, including being terminated for a positive drug and/or alcohol test, may reapply for employment after one year. Exceptions may be made to allow employees to reapply sooner than one year if they can provide documented proof that they have successfully completed a substance abuse treatment program approved by the County.

F. CHALLENGES TO CONFIRMED POSITIVE TEST RESULTS

An employee who has been notified by the MRO of a verified positive drug test or refusal to test because of adulteration or substitution, has 72 hours from the time of notification to request a test of the split specimen or retest of the original specimen. The request may be verbal or in writing. If the request is made directly to the MRO within 72 hours it will trigger the test of a split specimen or retest of the original specimen. The employee will be responsible for the cost of the test of the split specimen or for the cost of the retest of the original specimen.

The employee will be given written notice of a test result report within three working days of the County’s receipt of the result. The notice will inform the employee of the rights afforded to the employee after a result is received. Upon a positive result on an initial screening test, the employee will be notified of the right to explain the positive result. The County’s Medical Review Officer (MRO) will request that the person disclose any medications that he or she is taking or has recently taken, and any other information that might affect the reliability of the result. Upon a positive result on a confirmatory test, an employee or applicant may submit additional information to the County’s Medical Review Officer (MRO) and/or request a confirmatory retest to be paid for by the employee or applicant.

If, as an employee, you have not requested a test of the split specimen or retest of the original specimen within 72 hours, you may present to the MRO information

documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO (e.g., there was no one in the MRO's office and the answering machine was not working), or other circumstances unavoidably prevented you from making a timely request.

If the MRO concludes from the employee's information that there was a legitimate reason for the employee's failure to request the test of the split specimen within 72 hours, the MRO must direct that the test of the split specimen take place, just as if there had been a timely request.

When the employee makes a timely request for a test of the split specimen or a retest of the original specimen; the MRO will immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen or portion of the original specimen to a second SAMHSA certified laboratory. The MRO will document the date and time of the employee's request and report to the County whether the test confirmed the presence of the drug.

G. CONFIDENTIALITY OF DRUG TESTING INFORMATION

All written reports and related information received by the County, laboratories, employee leasing programs, drug and alcohol rehabilitation programs and their agents will be held in strictest confidence and will not be disclosed except in accordance with Statutes or otherwise legally disclosed. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant unless authorized by law.

Agents of our County and the laboratory conducting a drug test will, however, have access to drug test information when consulting with legal counsel in connection with actions brought against them when the information is relevant to its defense in a civil or administrative matter.

H. CONFIDENTIAL REPORTING OF MEDICATION USE

The County knows that eventually most people need to take medications to combat various illnesses. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or bought over the counter at a pharmacy. Medications known to alter or affect a drug test are listed in **Section L**. The Name of the testing laboratory is listed in **Section M**. Employees who want more technical information about medications may consult the testing laboratory.

To avoid the potential problems created by a false test result, the MRO will contact the employee regarding all positive results to determine the use of medications. You may list the use of medications on the back of your copy of the chain of custody form after your specimen is collected and discuss use of medications only with the MRO. The only prescription drugs considered allowable if found in a drug test are those used prescribed to the individual under the supervision of a doctor.

I. EMPLOYEE ASSISTANCE PROGRAM

The County maintains an Employee Assistance Program (EAP) that consists of referring employees and their families who suffer from alcohol or drug use problems to local drug and alcohol rehabilitation centers. Any costs of outside services are, however, the employee's responsibility. There may be options for additional EAP services under an employee's County policy and/or health insurance coverage.

Any employee who has not previously tested positive for drug or alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol problems before they lead to disciplinary actions.

No employee will be discharged, disciplined or discriminated against solely upon the employee's voluntarily seeking treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

Through the EAP, the County will attempt to provide appropriate referral to drug and alcohol abuse rehabilitation programs.

If an employee wishes to pursue help through the EAP, please contact the person listed in **Section M** for appropriate referral. In addition, **Section N** lists national hotline numbers and other resources for drug and alcohol problems.

J. FEDERAL AND STATE LAWS AND REGULATIONS

Nothing in this statement of policy shall be presumed to override, amend or change any requirements of State and/or Federal law. In the event any of the provisions of this policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control. Additional State laws governing this policy may be listed in the Appendix.

K. AMENDMENT AND SEVERABILITY

The County reserves the right to administer this policy, and interpret, change or rescind the policy in whole or in part, with or without notice or consideration. In addition, changes to applicable State and federal laws or regulations may require the County to modify or supplement the policy.

The policy does not create an employment contract and should not be interpreted or considered as such. This policy does not, in any way, change the nature of the at-will employment relationship on either the part of the employee or the County.

L. SUBSTANCES WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST (BRAND NAMES AND COMMON NAMES)

1. **AMPHETAMINES:** Abetrol, Biphетamine, Desoxyn, Dexedrine, Didrex
2. **CANNABINOIDS:** Marinol (Dronabinol, THC), Marijuana, Hash Pot
3. **COCAINE:** Cocaine HCl topical solution (Roxanne), Crack, Coke
4. **PHENCYCLIDINE:** Not legal by prescription; PCP, Angel Dust
5. **OPIATES:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Lortab, (Hydrocodone) Opium, Morphine , Heroin
6. **METHAQUALONE:** Not legal by prescription
7. **BARBITURATES:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Firoicet, Esgic, Butisol Mebaral, Butabarbital, Butabital
8. **METHADONE:** Dolphine, Methadose
9. **BENZODIAZEPINES:** Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Rohypnol and Centrax
10. **PROPOXYPHENE:** Darvocet, Darvon N, Dolene, Etc.
11. **ALCOHOL:** Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof); Booze, Drink

Other Drugs which may or may not be listed above:

Meperidine (Demerol) Quinine Methamphetamine, Meth Hydromorphone (Dilaudid) Phenothiazines Phenmetrazine (Preludin) Pentazocine (Talwin) Amitriptyline/Nortriptyline (Elavil) Ecstasy, MDMA/MDA Fentanyl	Phenobarbital Imipramine/Desipramine Hydroxyzine (Vistaril) Doxepin (Sinequan/Adapin) Hydrocodone (Hycodan) Phentermine Meperidene Other Barbiturates (specific identity not differentiated, includes: Amobarb, Pentobarb, Secobarb, Butalbital, etc.)	Diazepam (Valium) Ativan and/or Dalmane Clonazepam (Klonopin) Meprobamate (Equanil) Glutethimide (Doriden) Ethchlorvynol (Placidyl) Fenfluramine Tramadol Other Benzodiazepines (specific identity not differentiated, includes: Librium, Larazepam)
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M. DRUG FREE WORKPLACE POLICY - INFORMATION AND REVISION SHEET

This Information and/or Revision Number (original) Dated December 20, 2013

County DFWP Program Administrator:	Sheriff
County Location:	Wadena County 415 So Jefferson St. Wadena, MN 56482 218-631-7600
Your Drug Testing Laboratory is:	Quest Diagnostics 10101 Renner Boulevard Lenexa, KS 66219 866-697-8378
For drug screening collections contact:	USAMDT of NW Minneapolis Call: 763-458-0421
Your MRO is:	Eleanor Gilbert, MD 1430 South Main Street Salt Lake City, UT 84115 888-249-4575 Fax: 801-994-9953
Your Employee Assistance Program (EAP) is:	Northern Pines Mental Health Center 11 Second St. SW Wadena, MN Wayne Schleppebach - Director of Chemical Dependency 218.839.7796

Employees may also speak with the County representative identified above for additional Employee Assistance Program (EAP) information. **Section N** also lists resources for drug and/or alcohol treatment and assistance programs.

N. NATIONAL HOTLINE NUMBERS

Employee Assistance Program

<p>Company Specific Employee Assistance Program: Northern Pines Mental Health Center 11 Second St. SW Wadena, MN Wayne Schleppebach - Director of Chemical Dependency 218.839.7796</p>

The following organizations and resources provide free, confidential assistance to individuals who have, or know someone who has, a problem with alcohol or other drugs.

Substance Abuse Treatment Locator www.findtreatment.samhsa.gov

Phone: 1-800-662-4357 / 1-800-662-9832 (Español) / 1-800-228-0427 (TDD)

This Substance Abuse and Mental Health Services Administration (SAMHSA) Web site and toll-free phone line help individuals locate drug and alcohol abuse treatment programs in their communities.

Other National Hotlines & National Assistance Groups:

Drug & Alcohol Abuse Hotline	1-800-252-6465
Drug Addiction Referral Hotline	1-800-758-5877
Alcoholics Anonymous	1-800-344-2666
Narcotics Anonymous	1-818-773-9999
AL-ANON Family Group Headquarters	1-800-356-9996
Child Help's - National Child Abuse Hot Line	1-800-422-4453
M.A.D.D.	1-800-438-6233
S.A.D.D.	1-508-481-3568
Families Anonymous	1-800-736-9805
Florida Alcohol and Drug Abuse Association	1-850-878-2196
National Runaway Switchboard	1-800-621-4000
National Institute on Drug Abuse (NIDA)	1-301-443-1124
National Suicide Prevention Lifeline	1-800-273-8255
National Council on Alcoholism & Drug Dependence Hopeline	1-800-622-2255
National Clearing House for Alcohol & Drug Information	1-800-729-6686

Employees may also speak with the County representative identified in **Section M** for additional Employee Assistance Program (EAP) information.

DOT regulated employee testing positive, or refusal to test must be referred to a Substance Abuse Professional (SAP):

American Substance Abuse Professionals, Inc. Call 888-792-2727 ext.105 (use code number101)	National Substance Abuse Professionals Network 1-800-879-6428
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PERSONNEL POLICY ACKNOWLEDGEMENT

This Personnel Policy has been prepared for information and understanding of the policies, philosophies, practices, and benefits of Wadena County. Please read it carefully. All employees shall comply with the County policies and rules. This Personnel Policy has attempted to cover those matters that commonly occur and have general interest to employees. It does not cover every situation that may arise during the term of your employment. Please do not hesitate to ask for help from your Department Head if you do not understand a particular policy.

I have received and read a copy of the Personnel Policy that outlines the policies, benefits, and expectations of Wadena County, as well as my responsibilities as an employee. The Personnel Policy contains: Article 45: Tobacco Use Policy, Article 46: Information Systems Policies, Article 48: Wadena County Policy Against Offensive Conduct, Harassment and Violence, and Article 49: Wadena County Notice of Drug Free Workplace.

I have familiarized myself with the contents of this Policy. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Personnel Policy provided to me by Wadena County. I understand this is not intended to cover every situation that may arise during my employment, but is simply a general guide to the goals, policies, practices, benefits and expectations of Wadena County. From time to time, Wadena County may modify or eliminate the policies, practices, benefits outlined in this Personnel Policy.

DRUG FREE WORKPLACE PROGRAM RECEIPT

I hereby acknowledge that I have received a copy of Wadena County's Drug Free Workplace Program. I also acknowledge that I have received a full and complete explanation of the Program, including all policies and the availability of an Employee Assistance Program.

I further state that I have read or will read, or have had or will have read to me, all sections of this Drug Free Workplace Program. I understand that violation of any provision of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my workers' compensation benefits.

Date Received

Employee Signature

Employee Print Name

Date

Witness