



PERSONNEL POLICY

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Wadena County Subscribes to Federal Merit System Principles.

TABLE OF CONTENTS

GENERAL POLICY DEFINITIONS.....	3
EMPLOYEE CLASSIFICATIONS.....	7
INTRODUCTION	8
ARTICLE 1. GENERAL	8
ARTICLE 2. SCOPE OF PERSONNEL POLICY AND PROCEDURES.....	9
ARTICLE 3. COUNTY BOARD AND DEPARTMENT HEAD RESPONSIBILITIES.....	10
ARTICLE 4. EMPLOYEE'S RESPONSIBILITY	10
RECRUITMENT POLICIES	11
ARTICLE 5. EMPLOYEE SELECTION	11
ARTICLE 6. RECLASSIFICATION.....	15
ARTICLE 7. TRANSFER.....	15
EMPLOYMENT POLICIES	16
ARTICLE 8. WAGE ADMINISTRATION.....	18
ARTICLE 9. PROBATION PERIOD.....	17
ARTICLE 10. HOURS OF WORK	19
ARTICLE 11. TELEWORKING.....	21
ARTICLE 12. ORIENTATION.....	24
LEAVES OF ABSENCE	25
ARTICLE 13. GENERAL UNPAID LEAVE OF ABSENCE.....	25
ARTICLE 14. FAMILY AND MEDICAL LEAVE ACT (FMLA).....	25
ARTICLE 15. PREGNANCY AND PARENTAL LEAVE ACT LEAVE.....	27
ARTICLE 16. BONE MARROW, BLOOD, AND ORGAN DONATION LEAVE.....	29
ARTICLE 17. JURY DUTY	29
ARTICLE 18. SCHOOL CONFERENCE AND ACTIVITIES LEAVE	30
ARTICLE 19. TIME OFF TO VOTE	29
ARTICLE 20. MILITARY LEAVE OF ABSENCE.....	29
ARTICLE 21. FUNERAL LEAVE	29
ARTICLE 22. WORKER'S COMPENSATION LEAVE BENEFITS.....	291
ARTICLE 23. ACCOMMODATIONS	30
SAFETY	31
ARTICLE 24. SAFETY	31
EMPLOYEE DATA AND RECORDS.....	32
ARTICLE 25. DATA PRIVACY	32
ARTICLE 26. PAYROLL DOCUMENTATION	33
ARTICLE 27. WAGE DISCLOSURE RIGHTS.....	33
BENEFITS.....	33
ARTICLE 28. PAID HOLIDAYS.....	33

ARTICLE 29. PAID VACATION.....	35
ARTICLE 30. PAID SICK LEAVE AND PERSONAL LEAVE TIME.....	36
ARTICLE 31. DONATION OF PAID TIME LEAVE	39
ARTICLE 32. UNUSED EMPLOYEE LEAVE BENEFIT AND COMPENSATORY TIME BALANCES.....	40
ARTICLE 33. INSURANCE	39
ARTICLE 34. COBRA INSURANCE.....	41
ARTICLE 35. EXPENSE REIMBURSEMENTS	42
ARTICLE 36. TRAINING AND DEVELOPMENT.....	45
EMPLOYEE CONDUCT	47
ARTICLE 37. CODE OF ETHICS FOR WADENA COUNTY	47
ARTICLE 38. TOBACCO PRODUCTS USE	49
ARTICLE 39. INFORMATION SYSTEMS/ELECTRONIC DEVICE/CELL PHONE USE POLICIES	50
ARTICLE 40. DATA BREACH.....	54
ARTICLE 41. CODE OF CONDUCT	55
ARTICLE 42. DRUG FREE WORKPLACE AND DRUG TESTING.....	59
ARTICLE 43. DISCIPLINE AND DISCHARGE	63
ARTICLE 44. GRIEVANCE AND APPEALS PROCEDURE	64
RETIREMENT, RESIGNATION, AND LAY-OFF	65
ARTICLE 45. RETIREMENT	65
ARTICLE 46. RESIGNATION.....	66
ARTICLE 47. LAY OFFS.....	66
ARTICLE 48. EXIT INTERVIEW	66
PERSONNEL POLICY ACKNOWLEDGEMENT.....	67

GENERAL POLICY 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.

Business - 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.

Class - one or more positions sufficiently similar with respect to duties and responsibilities so that the same general performance qualifications are applicable and/or so 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.

Confidential Information - 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.

County Board - the Wadena County Board of Commissioners.

Department Head - a director of a specific County Department as designated by the County Board or elected to a county office by the public.

Department Policies – sets of rules and/or guidelines that are non-personnel related.

Discharge - termination of employment initiated by the county due to performance deficiency, misconduct, policy violation or other unacceptable behavior who are not eligible for reinstatement.

Employee - a person who holds a paid position within the County, other than members of appointed commissions and committees or persons engaged under contract to supply expert, professional, or technical services.

Exempt Employee - all bona fide professional, administrative, and executive employees as defined under the law.

Flex Time – an arrangement with the employee's supervisor or department head that allows an employee to alter the starting and/or end time of the

employee's workday. Employees still work the same number of scheduled hours as they would under their regular schedule for that week.

Former Employee – an employee who no longer works within the County and who did not retire from employment at the County

General Unpaid Leave of Absence - an unpaid leave of absence which is not mandated by law and is not covered by any other leave in the Personnel Policy, and is granted only after all sick, comp time, and vacation benefits have been exhausted.

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.

Immediate Family - spouse, child, parent, siblings, grandparent, grandchildren, step-parent, step-child, step-sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, and spouses of such persons.

Job Analysis - the systematic process of gathering information about jobs typically accomplished 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 any special working conditions.

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

Last Chance Agreement – a disciplinary action agreement between an employee and their supervisor and/or department head in which terms are discussed and agreed upon in order for the employee to maintain employment with the County.

Layoff - an action to terminate the employment of a full-time or permanent part-time employee whose service has been interrupted or ended due to lack of work, elimination of position or lack of funds unrelated to performance deficiency or misconduct on the part of the employee.

Layoff List - a list of employees who have been placed on layoff within the preceding twelve months who are eligible for reinstatement.

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

Misconduct – a deliberate and willful violation of a rule, regulation, policy, or statute of the employer or other governing unit where the violation harmed the employer or other employees, or has been repeated by the employee despite a warning or other explicit instruction.

Mobile Worker – (this is not telework) - primary job functions of mobile workers are completed in the field generally requiring an employee to meet and work on-site with clients/customers who are located throughout the County (e.g., social workers and building inspectors). Mobile workers are not considered teleworkers but are responsible for providing proper equipment control, maintenance and data security privacy of work product. This definition does not include positions where driving is a continuous task (i.e., Sheriff's patrol, maintenance workers, and highway maintenance worker).

Non-exempt - employees who do NOT qualify as exempt under the Fair Labor Standards Act and are eligible for 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 the County's defined seven-day workweek.

Occasional at Home Worker - Employee who works at home on a short-term or intermittent basis. Occasional at home work must comply with all terms and conditions of the Teleworking policy and must meet all requirements of the Fair Labor Standards Act (FLSA). These employees are not required to fill out a telework request.

Overtime - all actual time worked in excess of forty (40) hours in the defined seven-day workweek. Prior approval of the Department Head or supervisor is required before working overtime. Application of holiday, sick, vacation, and personal leave do NOT count as hours worked towards the forty (40) hour threshold. Compensatory time or overtime will only be earned on actual hours worked as defined and in accordance with article 10.02. A labor agreement may also determine when overtime is to be paid for certain employees.

Performance Improvement Plan – a non-disciplinary agreement between an employee and their supervisor and/or department head in order to improve the employee's job performance.

Position - a group of duties and responsibilities assigned or delegated by the managing authority, requiring full-time or part-time employment.

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.

Probationary Period - a period during which a new employee, transfer, demotion, promotion is required to demonstrate satisfactory performance of the position. Probationary periods may be extended with written notice to the employee in advance of the probation period completion.

Reclassification – an update to the job description duties that may or may not cause a grade change to the job description.

Remote Work or Telecommuting – working electronically from an alternative work site, not a regularly assigned work site, using: the internet, email, and telephone. Direct supervisor and/or Department Head approval is needed prior to working remotely.

Resignation - the voluntary termination of employment of an employee.

Retiree – an employee who retires from Wadena County and begins collecting a pension or retirement

Retirement - the time when an employee withdraws from active employment and is eligible to be paid a retirement annuity by the Public Employee Retirement Association (PERA).

Seniority - the length of continuous service as a full-time employee of the County, beginning with the most recent date a person was hired for a regular position with the County. Interns, temporary and seasonal employees are excluded from the seniority calculations. Permanent part-time seniority shall be determined based on hours of work, with 2080 hours per year used in calculating one full year of employment for permanent part-time employees' seniority determination.

Suspension - a forced leave of absence with or without pay which may be issued for disciplinary purposes or pending investigation of specific charges made against an employee or other related events.

Telework - Teleworker is an employee in good standing that performs telework pursuant to a Telework Arrangement between the County and the employee. Telework means "working at a distance." Telework is defined as work performed at an alternative work location linked electronically to Wadena County. Telework is an arrangement between Wadena County and the employee entered into when supported by business justifications and provided solely at the employer's discretion. It is based on the needs of the job, department, and Wadena County.

Telework Location - A work location alternative away from a centrally located or main business/office site. Examples of an alternative work site can be a home office, a work center, or an assigned office in a remote location.

Tennessee Warning- Those rights communicated to an individual asked to supply private or confidential data concerning him or herself.

Transfer - a change of an employee from one position to another position, in the same department or different department, within Wadena County.

Vacancy - 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 of an existing County employee.

Workweek - the County's seven-day workweek runs from (Saturday at 12:00 am through Friday at 11:59 pm).

EMPLOYEE CLASSIFICATIONS

Casual - an employee who does not have a set schedule and works less than an average of twenty (20) hours in a pay period. Casual employees are not eligible for benefits with the exception of sick leave.

Full-Time - an employee who regularly works standard work week of forty (40) hours and was hired for a service duration anticipated to be in excess of twelve months. Full time employees are eligible for benefits.

Part-Time - an employee who works a regular schedule of less than an average of a twenty (20) hour work week and was hired for a service duration anticipated to be in excess of twelve months. Part time employees are not eligible for benefits with the exception of sick leave.

Permanent Part-Time Employee - An employee who is regularly scheduled to work at least twenty (20) hours per week, but less than forty (40) hours per week, on an ongoing basis. Permanent part time employees are eligible for benefits, other than sick leave, after a year of working 1040 hours and/or with supervisor/Department Head approval. Permanent part time employees are eligible for prorated sick leave after 80 hours of work.

Seasonal Employee - An employee hired to perform temporary work on a seasonal basis and is not eligible to receive county benefits except sick leave. Employment terminates automatically upon completion of the seasonal assignment with no continuing right to employment.

Temporary Employee - a full-time or part-time employee whose employment is limited in duration (less than sixty-seven (67) working days unless extended by the County Board). Temporary employees are not eligible for benefits except sick leave.

Intern - an individual in a training program that does not exceed the maximum hours or days specified for the internship. Interns are not eligible to receive benefits except sick leave as it is intended for internships to be temporary and to provide a training opportunity for students that are seeking degrees in a particular field.

INTRODUCTION

ARTICLE 1. GENERAL

1.01 Purpose. The Personnel Policy establishes guidelines for all employees employed by Wadena County (hereinafter “The County”). This policy is not all inclusive and is intended to set guidelines. The County Board of Commissioners (hereinafter “County Board”) reserves the right to change, modify, eliminate, or deviate from the Personnel Policy at any time, at its sole discretion.

1.02 Contract Disclaimer. Neither this Personnel Policy nor any policy contained herein is intended to, nor does it, constitute a contract of employment. The County Board reserves the right to change any policy, procedure or rule in this Personnel Policy at any time, with or without notice. The County Board approves the Personnel Policy and any changes, additions, deletions, amendments or the like, shall supersede any prior Personnel Policy. Only the County board has the authority to establish a contractual agreement with an employee. The County Board will only establish such a contractual agreement in writing with the employee, as the Personnel Policy does not constitute such an agreement.

1.03 Administration. The County Personnel Policy shall be administered by the Department Heads with support and assistance of the County Administrator. The County Board also reserves the right to select and utilize the Personnel Committee on matters of County Personnel Policy. This Personnel Policy shall be posted on the County website, and a copy will be available upon request from the office of the County Administrator. The Personnel Committee will review the Personnel Policy periodically and seek input from Department Heads and others for changes or additions. The Personnel Policy may be amended upon approval by the County Board. For questions about the guidelines in this Personnel Policy please contact the Department Head, a supervisor, or the County Administrator.

1.04 Equal Employment Opportunity and Affirmative Action. The County provides equality of opportunity in employment to all persons, and prohibits discrimination because of race, color, creed, religion, national origin, political affiliation, disability, marital status, familial status, status with regard to public assistance, sex, sexual orientation, gender identity, gender presentation, age, genetic information, or activity in a local commission, in all aspects of its 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. Retaliation against an employee who in good faith reports a violation of this policy or an employee, who cooperates with an investigation of an alleged violation of this policy, is prohibited.

The County qualified takes affirmative action to employ and advance in employment qualified minority, female, and disabled persons at all levels of employment, including the executive level. Affirmative action must apply to all employment practices, including but not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

1.05 Failure to Comply. Failure of any employee to perform in a manner consistent with this Personnel Policy may 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 POLICY AND PROCEDURES

2.01 Who is Covered. These rules, regulations, and policies shall apply to all employees of the County 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 applicable labor agreement will supersede this Personnel Policy. Those employees who are subject to policies adopted by the Department of the County in which they work are governed by other Department policies. In the event of a conflict between a Department policy and this Personnel Policy, the Personnel Policy shall prevail.

2.02 Consistency. The County Board recommends that all separate boards, commissions, and elected and appointed Department Heads strive for consistency with adherence to the Personnel Policy to ensure fair and consistent treatment for all County employees.

2.03 Scope. The current Personnel Policy supersedes any prior policies. The County Board also reserves the right to revise and rescind the Personnel Policy and any portion of it unilaterally at any time, superseding prior 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 the Personnel Policy at any time and to hire, transfer, promote, discipline, terminate, and otherwise manage its employees as it deems appropriate.

2.04 At-Will Employment. Unless a labor agreement says otherwise, or an employee is a covered veteran with Veteran's Preference Rights, County employees are employed at-will, meaning they may be terminated for any or no lawful reason at any time with or without notice, and employees may resign for any or no reason, with or without notice.

ARTICLE 3. COUNTY BOARD AND DEPARTMENT HEAD RESPONSIBILITIES

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

3.01 Policies. Department Heads may establish inter-departmental policies as long as they comply with all applicable laws and regulations and are not in conflict with County Board policies, negotiated contracts, or the Personnel Policy.

3.02 Budget. Department Heads may establish annual Departmental budgets outlined for Board approval.

3.03 Technology. Department Heads may utilize technology within each Department, subject to County budgetary restrictions and policies.

3.04 Organizational Structure. Department Heads may establish its Departmental organizational structure, including internal reporting relationships, in compliance with County policy.

3.05 Delegation. Department Heads may designate a representative to act on its behalf or purposes of these policies.

3.06 Personnel Decisions. Department Heads may hire, discipline, and discharge employees, and assign and determine the work to be performed by each employee, within their department, consistent with the law, County policy, and any applicable labor contract.

ARTICLE 4. EMPLOYEE'S RESPONSIBILITY

The following responsibilities are a county employee's obligation that include, but are not limited to, the following:

4.01 Obligations. Obligation to read, understand and comply with the Personnel Policy and related procedures. If there is a policy or provision in the Personnel Policy that is not understood, the employee shall seek clarification from the employee's supervisor, Department Head, or Human Resources.

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

4.03 Conduct. Employees shall conduct themselves in a professional and dignified manner. The 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 interact with other people beyond giving and receiving instructions.

4.04 Productivity. Employees shall work productively to achieve a level of satisfactory performance.

4.05 Attendance. Regular attendance is an essential requirement of all employees, and a reasonable expectation of the County. Employees are expected to adhere to their regularly scheduled working hours. Employees are expected to be ready to begin work at their scheduled time and to work their full planned work time. An employee must notify their supervisor immediately when unable to make a shift in accordance with article 30.04.

4.06 Identification Badges. Employees are expected to wear the assigned identification badge at all times while on duty and while on official county business unless otherwise directed by the employee's supervisor.

RECRUITMENT POLICIES

ARTICLE 5. EMPLOYEE SELECTION

5.01 General. 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.

Any County position vacancy shall be posted internally and externally if not subject to a Labor Agreement. A position may be posted internally only with the department head and County Administrator approval. The position shall be advertised on the official County website, on Paycom's internal job page, an all-county email to staff, and may be posted or advertised on any other sources the Department Head feels necessary, in accordance with pertinent Labor Agreements.

Should a department head position become open, the county Administrator shall consult with the county board on back filling the position. As with all hires, the board has final authority and the hiring process for department head level positions will follow the same procedures as noted in this policy. Posting for a department head position may be internally posted only as noted above with the county board and County Administrator approval.

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

- a. Job qualifications that are realistic and related to actual duties of the job.
- b. Present and past job performance.
- c. Years of job-related experience and/or education.
- d. Test scores, if any.
- e. Job placement assessment for jobs selected by the appointing authority.

- f. Notice of potential drug and/or alcohol testing will be given on all vacancy announcements.

5.03 Veteran's Preference in Hiring. The Minnesota Veterans Preference Act provides for specific military veteran's rights for qualified persons in the hiring process. The privileges set forth in the Veteran's Preference Act shall prevail, notwithstanding other provisions of this policy.

Candidates with approved non-disabled veteran's preference shall receive ten (10) points, and candidates with approved disabled veteran's preference shall receive fifteen (15) points that are added to the one hundred (100) point scoring system utilized to determine which applicants are to be interviewed. The County reserves the right to hire the best qualified job applicants as determined by job screening processes while observing the requirements of the Veterans Preference Act.

5.04 Selection Tools. Selection tools may include, but are not limited to, phone interviews, in person interviews, objective and valid tests and assessments, background checks, reference checks, and a job application form.

- a. **Human Services.** Pursuant to MS Chapter 364, Human services employees shall complete a criminal background check. Human services procedure is outline in WCHS Policy VII-7005.
- b. Pursuant to MINN. STAT. §§ 604.20-604.205, Human services shall comply with the requirement related to psychotherapist, as defined by statute.

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

5.06 Interviews. Upon completion of the initial screening of application materials, each Department Head or designee shall make a reasonable effort to interview and consider at least three (3) applicants who achieve or appear to have achieved the prescribed minimum qualifications.

5.07 Internal Preference. The County maintains the right to promote or transfer a qualified individual already working within the county to another position within the county. In the event of only one internal candidate, interviews can be waived at the discretion of the department head and/or hiring manager.

5.08 Interview Records. All applications, resumes, letters of qualifications, selection interview forms, and/or documents relating to the selection process shall be retained for at least twelve (12) consecutive months in accordance with Federal Law.

5.09 Budget Authorized Position. Authorization to initiate recruitment for a vacant position is provided if the position has been budgeted for as approved by the County Board. The County Board reserves the right to freeze the

authorization to fill vacancies if budgetary consideration and/or greater management control is needed as determined by County Board Resolution.

5.10 Internal Notification. The County Administrator and Personnel Committee shall be notified of all vacancies as soon as the vacancy occurs. All vacancies and new positions are subject to review by the Personnel Committee and its chartered duties.

5.10 Posting Content. The posting concerning a vacancy notice should contain the following: position title; position status (full-time, part-time, casual, seasonal, etc.); department; application period-deadline; starting hourly rate of pay or annual salary; job description summary; education, experience, and skills required; where/how to apply; the "An Equal Opportunity Employer" statement; information about who an applicant with a disability may contact to request a reasonable accommodation; Veteran's Preference information

5.11 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.

5.12 Retention of Applications. All applicant materials of internal and external candidates will be kept on file for a period of one year for possible future selection, should their qualifications fit a county employment need.

5.13 Non-Discrimination. Any applicant who believes they have been discriminated against in the hiring process should notify the County Administrator. The County Administrator will respond to the report.

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

5.15 Medical Examination and/or Job Placement Assessment. A medical examination, including a drug/alcohol test, and/or job placement assessment may be required for certain County positions after an applicant has been conditionally offered employment. 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 applicant shall present the 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 applicant is physically able to perform the job duties.

5.16 Setting a Starting Salary. During the hiring process the starting wage will be determined in the following way:

- A. Steps 1-2 may be decided by the Department Head
- B. Steps 3 – 5 requires approval by the Deputy County Administrator
- C. Steps 6-10 requires approval by the County Board

5.17 Notice to New Employee. All applicants who are offered a position within the County shall be sent, mailed or emailed, a written offer of employment including, but not limited to, the following: starting rate of pay, including whether paid by the hour, shift, day, week, salary, etc.; length of probation period; position and employment status (if exempt, the basis for same); date expected to start work position status (Full-time, Part-time, Permanent Part-time, Casual, Seasonal, etc.); description of paid vacation, sick, or other paid-time off accruals and terms of use; the physical address and telephone number of The County's main office; and pay period/payroll schedule, benefits information (for benefit eligible employees), and other new employee information and all other information required by law.

Jobs requiring job placement assessment or medical examination will also include a statement that the job offer is contingent on passing a job placement assessment.

5.18 Notice to Non-Selected Applicants. Applicants who are not selected for a position will be so notified.

5.19 Notification to the County Board. After a vacancy has been filled, the County Administrator shall notify the County Board. Such notification shall include the name of the employee, department, position title, starting pay, total wages and cost to the County, and starting date of employment.

5.20 Employment Verification. The County is required by law to employ only workers eligible to work in the United States. New and re-hired employees are required to provide documentation verifying employment eligibility on or within three days of beginning employment. An exception exists if an employee can provide a receipt that they have applied for the appropriate replacement documents of the document that had been lost, stolen, or damaged. The employee will be required to produce the actual document within ninety (90) days. Failure to provide the required documents verifying eligibility will result in termination of employment.

5.21 Selection Board

- A. **Option.** The Department Head may decide to utilize a Selection Board to assist in the interview and selection process.
- B. **Members.** The Selection Board may consist of the following:
 - The Department Head of the office in which the vacancy exists.
 - At least one (1) but no more than two (2) other elected or appointed Department Heads or Human Resources employee.
 - A supervisor within the department in which the vacancy exists.

- The Affirmative Action Officer/Human Rights Officer (if available).
- Other members appointed by the Department Head who possess a relevant background which would strengthen the selection interviews.

C. **Duties.** Duties of the Selection Board will be to interview and score the applicants from most qualified to least qualified and to document the interview and selection process. It shall then provide its scores to the Department Head.

ARTICLE 6. RECLASSIFICATION

6.01 Process. Employees whose positions are being reclassified shall provide information to the County Administrator. All reclassifications shall be approved by the County Board. A reclassification may increase or decrease a position's grade.

6.02 Wage Adjustment to Higher Grade. Any pay change associated with the reclassification shall be effective on the first day of the next pay period following the effective date of the reclassification approval by the County Board.

- a. A wage adjustment based solely on a reclassification will not decrease an employee's wage whose position has been reclassified.
- b. The employee will move to the new grade at a step that is closest to but not equal to or lower than the current hourly rate of pay.
- c. An employee whose position has been reclassified will get their step increase on their next anniversary date unless they are ineligible (i.e. already at a step 10 or above grid).

6.03 Wage Adjustment to Lower Grade. Any pay change associated with the reclassification shall be effective on the first day of the next pay period following the effective date of the reclassification approval by the County Board.

- a. A wage adjustment based solely on a reclassification will not decrease an employee's wage whose position has been reclassified.
- b. A wage adjustment to a lower grade will freeze the current wage until the pay grid changes and is at or above the wage.
- c. An employee whose position has been reclassified will get their step increase on their next anniversary date unless they are ineligible (i.e. already at a step 10 or above grid).

6.04 Anniversary Date. Any reclassification will not change an employee's anniversary date, unless directed by a collective bargaining agreement.

ARTICLE 7. TRANSFER

7.01 Selection Procedure. A non-probationary employee who desires a

transfer shall submit a letter of intent in order to be considered for a position. A qualified internal applicant may be given preference over external candidates. During the selection process all employees will be allowed to negotiate their starting wage with the supervisor or Department Head.

7.02 Probation. Employees who are transferred within the county shall serve a 6-month probationary period. The department head can extend a probationary period upon their discretion for not more than an additional 3 months.

7.03 Paid Time Off Balances. Employees will be allowed to carry over their paid time off balances to their new department or position. Time off shall be available to be used immediately upon accrual, even during a transfer's probationary period.

7.04 Wage Adjustment. Any pay changes associated with the inter department transfer will become effective the first day of the new position. Employees transferring between departments shall be effective first day of the pay period.

- a) **Exception to 7.04**. If an inter department transfer will change an employee's state mandated PERA plan, their new position shall be effective first day of the pay period.

7.05 Anniversary Date. Any transfer will not change an employee's anniversary date, unless directed by a collective bargaining agreement.

7.06 Completion. Completion of any probation period does not guarantee employment.

EMPLOYMENT POLICIES

ARTICLE 8. Wage Administration

8.01 Wage Grid. The county utilizes a wage schedule for the purposes of grade classifications.

8.02 Step Increases. Step increases will be issued on an employee's anniversary date for those employees that have not reached the maximum step and who are not subject to disciplinary action.

8.03 Above Grid. Any employees whose hourly rate is above their pay grade will receive \$1,000 on their anniversary date (this provision is effective through December 31, 2024).

8.04 Performance Evaluations. Every employee shall receive an annual performance evaluation by their direct supervisor and/or dept. head 30 days prior to their anniversary date. As a result of the evaluation process if there are any corrective actions or performance improvement plans, that will be given to the employee in writing. If such corrective actions or performance

improvement plans are not remedied satisfactorily, they may be subject to disciplinary procedures as outlined in article 43.

- An employee's annual step increase may be withheld at the discretion of their supervisor and department head if subject to disciplinary process in article 43.

8.02 Position Descriptions:

- a. **Review.** an employee and supervisor and/or department head shall review an employee's position description any time there are significant changes in duties and/or a vacancy in the position. Upon such review, if there are any changes to be made to the position description, the department head shall forward a request for review to human resources for any changes to the position description that may result in a reclassification.
- b. **Appeal.** If a reclassification occurs as a result of the position description review, an employee may appeal the reclassification by obtaining an appeal form from human resources within 14 days of having been notified of the change. The supervisor or department head shall indicate whether they support the basis for the appeal. All forms must be returned to human resources for final determination.
- c. **Approval.** Any changes made to position descriptions will be submitted to county board for final approval.

ARTICLE 9. PROBATION PERIOD

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

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

9.03 Seasonal, Temporary, Intern Employees. All temporary and seasonal employees and interns are considered to be on probation for the length of their employment.

9.04 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.

9.05 Accrued Paid Leave. Employees shall accrue applicable leave benefits during the probation period and, with the exception of sick leave, the employee will not be able to utilize these benefits until successful completion

of probation unless approved by the Department Head.

9.06 Extension. If circumstances warrant and are documented, the Department Head may extend a probation period, after consultation with the County Administrator.

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

9.08 Completion. Completion of any probation period does not guarantee employment.

ARTICLE 10. HOURS OF WORK

10.01 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.

a. **Working Additional Time** – If a non-exempt employee is asked, or an employee requests, and is approved to work on a regularly scheduled day off, the employee is able to take the extra hours as either hourly wage on the current pay period or earned straight compensatory time. If the extra hours exceed eight (8) hours in a day or forty (40) in a week, the employee is eligible for either paid overtime on the current pay period or earned compensatory time at time and a half as applicable to labor contracts and job classification.

10.02 Overtime and Compensatory Time. Non-exempt employees receive pay for all hours actually worked. Occasionally, employees may need to work more than 40 hours in the defined work week (“overtime”). Employees either need to be directed to work overtime by their supervisor, or they need to receive prior approval to work overtime.

For non-exempt employees, overtime is paid at one and one-half (1 ½) times the regular rate of pay. Upon the advance mutual agreement of the employee and the employee’s Department Head, the employee may receive compensatory time in lieu of overtime pay. Compensatory time, is accumulated at a rate of one and one-half (1 ½) hours for each overtime hour worked. Employees request use of compensatory time, the same as it would another paid leave benefit.

Non-exempt employees who have earned approved compensatory time may accrue up to a maximum compensatory balance of eighty (80) hours (53.3333 hour worked). Employees shall be given the opportunity to cash out up to 100% of their accumulated compensatory time balance with supervisor approval each year in July and December. An employee choosing to cash out their compensatory time balance shall complete the request form for each distribution. The completed form must be supervisor approved and submitted to the Human Resources Department no later than one pay period prior to when the employee would like the cash out. Incomplete forms will not be processed for a cash-out.

Non-exempt employees will also be paid out all accumulated and unused compensatory time upon termination of employment for any reason. Additionally, non-exempt employees will be paid out all accumulated and unused compensatory time at the end of each calendar year. This will require a period of time during which compensatory time can neither be used or accrued.

Exempt employees, shall have a rundown period to use up large compensatory accrual balances. At the end of the 2024 calendar year, exempt employees will have a maximum rollover amount of one hundred and twenty (120) hours into 2025. The maximum compensatory time balance in calendar year 2025 shall not exceed one hundred and twenty (120) hours. Any time worked in excess of this, shall be forfeited. By December 31, 2025, all comp balances must be at, or below eighty (80) hours. Any hours in excess shall be forfeited going into 2026.

Exempt employees, beginning January 1, 2026, may have a maximum compensatory time balance of eighty (80) hours earned as straight time only for hours worked in excess of 40 hours in a week. In the event that an employee's compensatory time bank has reached the eighty (80) hours maximum, any hours worked shall not accrue any excess time and shall forfeit those compensatory time accruals. Employees shall carry over their compensatory time accrual balances into the following calendar year, with a maximum rollover amount of eighty (80) hours.

Exempt employees are not eligible for compensatory time payouts at any time and will forfeit any unused compensatory time upon termination of employment for any reason.

Employees not covered under a bargaining unit agreement will not earn compensatory time in conjunction with sick/ vacation/ PLT used in the same pay period unless the hours worked are greater than the employees regular scheduled number of work hours. The compensatory time earned will default to the flexible schedule referred to in 10.03 and 10.06, before the use of sick/vacation/ PLT.

The County Board reserves the right to increase the maximum accruals to exceed eighty (80) hours for extenuating circumstances for any employee or department. Any temporary increases shall have a new defined maximum and a clear end date.

The Human Resources Department will report compensatory time balances to the Board at a minimum of 1 time per year or as requested by the board.

10.03 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 FLSA-exempt employees may need to 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 additional compensation paid for such hours worked by exempt employees without Board approval.

10.04 Rest Periods. All full-time FLSA exempt and non-exempt 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 any scheduled eight-hour work day. Public needs will determine when breaks and meals may be taken during the day, and for how long. Wadena County encourages the taking of breaks to allow for a rest period during the scheduled work day. Any unused paid 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.

10.05 Nursing Mothers Breastfeeding employees are allowed to breastfeed or express milk during work hours pursuant to Minn. Stat. §181.939 Subd. 1 and Subd. 2 and any modifications thereof. A private room (not a toilet stall or restroom) shall be available for employees to express milk. The room provided will have an electrical outlet, a comfortable chair, and be within close proximity to a sink with running water for washing hands and rinsing out breast pump parts. Each employee is responsible for proper storage of expressed milk using a County provided refrigerator if available or a personal cooler. Employees are expected to provide their own breastfeeding equipment and supplies; and to leave the area used clean. Public Health will provide education materials and support to employees as requested. It is expected that all County employees will assist in providing a positive atmosphere of support for breastfeeding employees. Employees shall not be retaliated against, or subject to any negative or disciplinary action for exercising their rights under this policy or Minn. Stat. §181.939. Employees who believe their rights have been violated can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief.

10.06 Flex Time. All requests to use flex time will be discussed with the employee's supervisor or Department Head prior to the employee altering their work schedule. All flex time requests will be considered on a case-by-case basis taking into account the following factors:

- a. Operational coverage of the department
- b. Regular work schedule/hours
- c. Employee's reason for needing an altered schedule
- d. Any other business reason that may affect the department or County as a whole

Department Heads reserve the right to grant or deny requests at its sole discretion. This arrangement is a temporary agreement to alter work hours and is a benefit to the Wadena County employees. Employees will return to their regular schedule once the agreement is completed.

The County Board Reserves the right to change, modify, eliminate or deviate from this Wadena County Personnel Policy at any time, at its sole discretion.

ARTICLE 11. TELEWORKING

The County Board recognizes the importance of providing options to the normal work environment that utilizes technology to increase employee productivity, improve employee satisfaction, reduce employee absenteeism, and provide greater employee opportunity throughout the County. To accomplish that, the County Board of Commissioners supports remote access as an alternative work arrangement for County employees. The County's telework policy is intended to be an innovative option that benefits the County, constituents, and employees.

The telework policy is entirely within the discretion of the County Board. A Department Head may approve or deny a telework arrangement with any employee for any reason or no reason at all. A Department Head can discontinue a telework arrangement at any time and for any reason.

Telework is not:

- A viable work arrangement for all positions or well-suited to all employees.
- A substitute arrangement for dependent care (child, adult and/or elder) or an accommodation of personal, business or other non-County endeavors.
- Considered a contract or guarantee of continued employment.
- A benefit.
- An extension of the work day.

Telecommuting does not change the basic terms and conditions of employment or other policies of Wadena County including WCHS policy VII-7145.

The following criteria needs to be met for consideration of telecommuting arrangement.

11.01 Job Compatibility. To be considered for a telecommuting arrangement, the employee's job must consist of duties that can be fulfilled while telecommuting, including, but not limited to, the following:

- a. Does not require face-to-face contact with clients at a primary worksite.
- b. Does not result in decreased internal or external customer service if conducted through telecommuting.
- c. Cannot result in excessive additional work for staff at the work site.
- d. Consist of duties that can be fulfilled while telecommuting.

11.02 Employee suitability. To be considered for a telecommuting arrangement, the employee must meet the following requirements:

- a. Be employed with Wadena County for a minimum of 12 continuous months. An exception to this requirement may be considered, subject to approval by the Department Head.
- b. Be in compliance with all Wadena County policies.
- c. Have a satisfactory performance record, including meeting or exceeding expectations of their job, documented in part on the employee's most recent performance appraisal.

- d. Any loss of efficiency, performance issues, and/or documented disciplinary action may result in the loss of telework ability.

11.03 Technology requirements. To be considered for a telecommuting arrangement, the employee's proposed telecommuting worksite technology must meet the following requirements:

- a. Internet connection speed must allow teleworker to perform duties at the same or greater capacity as workers in the office. Recommended minimum internet connection speed of 10 Mbps per second. This is furnished and maintained at employee's expense.
- b. If using home wireless access, it must be password protected.
- c. If using a county phone configured for telework, a wired Ethernet connection is required in the employee's telework location.
- d. Required to connect to Wadena County's network using VPN to ensure secure data transmission. Teleworkers will connect/disconnect in accordance with their scheduled work day.
- e. Wadena County IT will not provide onsite technical support. If issues arise that cannot be resolved remotely, the employee will need to bring equipment into the office.
- f. IT will provide hardware components necessary to work from a telework site. Personal equipment cannot be used.
- g. The use of equipment, software, and data supplies when provided by Wadena County for use at the remote work location is limited to authorized persons and for purposes relating to Wadena County business and is subject to all Wadena County policies and procedures.
- h. If a County owned computer or related equipment used for remote access is damaged, lost, or stolen, the authorized user will be responsible for notifying their Department Head and Wadena County's IT Department immediately.

11.04 Work schedule. Telecommuting itself does not alter an employee's work schedule. Telecommuting employees are expected to work their normal working hours unless agreed upon and approved by the department head. Rather, any changes to a work schedule are handled in accordance with the work schedule policy.

11.05 Employee availability. The employee is expected to be available at their telecommuting worksite by phone, video-conference, and email during scheduled work hours unless conducting business elsewhere on behalf of Wadena County as appropriate or on approved paid or unpaid leave.

The employee is also expected to be at the main business/office worksite or other designated location as necessary to attend meetings, training sessions, and as designated by the supervisor, including being called in to work at the main business/office worksite in special circumstances as deemed necessary by the supervisor, manager, or Department Head.

11.06 Equipment malfunction. In the event of an equipment malfunction or internet connectivity weakness, the employee will notify their supervisor and the IT department immediately. If the malfunction or connectivity situation precludes the

employee from working on assigned work at their telecommuting worksite, the employee will be assigned other work, and/or report to their main business/office worksite, or be assigned by their supervisor to another worksite pending the repair of equipment or resolution of the connectivity weakness. Repeated circumstances of equipment failure or connectivity weakness may be cause for review of continued suitability of the telecommuting arrangement.

11.07 Weather Emergencies or Other Extenuating Circumstances. If loss of electrical power, heat, or other circumstances preclude the employee from safely and effectively working at their telecommuting worksite, the employee shall consult with their supervisor immediately and report to their main business/office worksite unless other appropriate arrangements are made with their supervisor (including reporting to an alternative business/office worksite or other approved location or taking PTO, vacation, or sick leave in accord with those policies) until the situation is remedied. If the County facilities close due to a natural or human-made emergency, any employee scheduled to telework is expected to work as normally scheduled at his or her functioning telework site.

11.08 Other requirements.

- a. Work uninterrupted, (telework cannot be a substitute for child care or sick time).
- b. Secure all County property
- c. Secure non-public, protected, and sensitive data from sight and sound by other parties in compliance with federal and state requirement.
- d. Employees utilizing remote work from a telework worksite must comply with state and federal laws and Wadena County policies, procedures, and processes including the Wadena County Information Systems Use Policies. Failure to comply may result in disciplinary action.
- e. A telework arrangement must be approved by the Department Head.
- f. Seniority is not a factor in determining eligibility to telecommute.
- g. Wadena County is not responsible for the costs associated with the telecommuting worksite, including utilities, internet connection, cell phone, remodeling, furniture, lighting, repairs, or modifications to workspace, etc. Printing documents from non-county equipment is not allowed.
- h. The employee is expected to maintain their home workspace in a safe manner, free from safety hazards. Telecommuting employees are responsible for notifying the employer of injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.
- i. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Wadena County's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting arrangement.
- j. The employee may not conduct any client meetings in their telework worksite. Doing so will be cause for discontinuing telecommuting.

- k. The employee will use Wadena County equipment and supplies for Wadena County business only. Use of equipment by others is prohibited.
- l. Smoking is prohibited in the vicinity of Wadena County property. This includes the room in which equipment is located.
- m. Wadena County will maintain equipment provided by Wadena County. Employee-owned equipment will not be maintained, or repaired by Wadena County.
- n. Upon termination of the telecommuting arrangement or employment, the employee will return all Wadena County property in acceptable working condition to the organization via arrangements made with the supervisor no later than their last day of employment. Failure to return this property or returning property in damaged condition may result in the employee being required to reimburse Wadena County for the cost of repair or replacement of such.
- o. An employee may not take Wadena County funds in the form of cash or checks to their telework worksite.
- p. Employees are to contact their supervisor in a timely manner in the event of any theft or criminal activity related to Wadena County property.
- q. An employee is obligated to provide prompt notice of an injury while telecommuting in accordance with Wadena County's worker's compensation procedure.

At any time, the telecommuting arrangement may be terminated by the Department Head. In the event this telework arrangement no longer meets the needs of the County; the employee will be asked to return to the work site in a timely manner.

The terms of this policy are subject to change by the Wadena County Board of Commissioners at any time. The employee will be notified and agrees to be bound by these changes.

For employees working under this arrangement, a copy of the Department Head approval will be retained in the employee's personnel file.

ARTICLE 12. ORIENTATION

Orientation shall be conducted by the employee's immediate supervisor to explain the overall responsibilities of the employee's position and to develop any necessary training plan according to Department requirements. A member of the Human Resources Department will also meet with the new employee. The orientation shall include at least the following:

- a. A review of the Personnel Policy. The employee must e-sign a statement indicating they have received, read and understands the Personnel Policy. This signed statement shall be kept in the employee's personnel file in the Human Resources software.
- b. Completion of all necessary insurance, tax, payroll forms, and related documents online in the employee's Human Resources software.

- c. A brief review of the benefits available to the employee (if applicable), as well as the pay grid.
- d. Training on the employee portion of the online Human Resources software including, but not limited to: submitting time cards, requesting time off, editing contact or other personal and tax information, and viewing employee documents (including the Personnel Policy)

LEAVES OF ABSENCE

ARTICLE 13. GENERAL UNPAID LEAVE OF ABSENCE

13.01 Written Request. Unless exceptional circumstances exist, all general unpaid leaves of absences must be requested in writing thirty (30) calendar days in advance. General leaves of up to 10 work days may be approved by the Department Head; general leaves of more than 10 work days need to be approved by the County Administrator after a review of 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 with consultation of the employee's supervisor or Department Head and Human Resources.

13.02 Reinstatement. Reinstatement to the same or equivalent position following a general leave of absence will be decided on a case-by-case basis by the County Administrator and Human resources, depending on the needs of the County.

13.03 Benefits. Vacation, sick, and personal leave time (PLT) will begin to be prorated on the first day the employee is not on the County payroll. The employee will have the option to continue the insurance benefits at their own expense during a leave of absence period in accordance with COBRA (Consolidated Omnibus Budget Reconciliation Act) provisions beginning after the first unpaid pay period and will continue into subsequent unpaid pay periods. Once back on paid status the employee's cafeteria dollars and insurance benefits will be reinstated to the enrollments prior to the unpaid leave.

13.04 Seniority Date. An employee's seniority accumulation is suspended during any general leave of absence.

13.05 Documentation. All leave of absence request forms shall be placed in the employee's personnel file except that if any medical information or diagnosis is included on the form then it shall be placed in a medical file and a redacted version shall be placed in the personnel file.

ARTICLE 14. FAMILY AND MEDICAL LEAVE ACT (FMLA)

FMLA Leave is an unpaid, job-protected leave of absence for up to twelve weeks* during a defined 12-month period available to eligible employees who have worked at

least 1,250 hours and have been an employee of Wadena County for a total of twelve months, as required by 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 that makes the employee unable to perform the functions of their job
- Employee is needed to care for their spouse, child, or parent due to their serious health condition
- Qualifying exigency arising out of the employee's spouse, son or daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active-duty status
- Employee is the spouse, son or daughter, parent, or next of kin of covered service member with a serious injury or illness
- For leave regarding the employee's or a family member's serious health condition, the employee shall provide written medical certification containing sufficient medical facts to establish that a serious health condition exists to support the leave. Recertification may be required.

* The unpaid leave of absence may be for up to twenty-six weeks if used to care for an injured service member.

14.01 Request for Leave. The employee shall request the unpaid leave of absence by notifying Human Resources thirty (30) days in advance except when the leave is not foreseeable. Upon application, employees will be informed if they are FMLA eligible. Employees will not be retaliated against for requesting or using approved FMLA leave. Employees are responsible for notifying their immediate supervisor regarding schedule and/or amount of time off requested.

In the event of unforeseeable circumstances, the employee can choose to contact their immediate supervisor or designate a representative to contact the employee's supervisor or Human Resources.

14.02 Return to Work. A fitness- for-duty (also known as a return-to-work notice) may also be required, depending on the type of leave.

14.03 Benefits.

- a. The employee will be able to use accrued paid time off (sick, vacation, PLT, personal leave day) during the FMLA leave according to applicable labor agreement or Department Policies. Employees on FMLA are able to use accrued paid time off in increments of fifteen (15) minutes to cover some or all of their leave. The County requires employees to use paid time off each pay period equivalent to the employee's payroll deductions in order for the employee to retain their benefits. After the first unpaid pay period, subsequent unpaid pay periods will result in loss of cafeteria dollars. An employee may also receive pay during an FMLA leave if the leave is covered by Workers Compensation or the employee is enrolled disability policy. If such paid leave available to the employee is less than 12 work weeks (or 26 weeks for leave to care for a service member), the

remaining weeks of leave shall be without pay.

- b. An employee on FMLA will continue to have health care coverage with The County the same as if the employee were on active work status so long as the employee continues to pay their share of insurance premiums during their leave status. The employee paid premiums need to be paid prior to the 10th day of every month during FMLA.
- 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 within the FMLA time period.
- d. § 825.209 of FMLA Federal Regulations states the employee shall be treated the same as any other employee while on paid leave or unpaid leave. If on paid leave the employee will accrue prorated paid time off according to the hours of paid time used and will continue to accrue seniority. Employees using paid leave will receive holiday pay according to the paid holiday policy. Unpaid leave used during FMLA will result in no accrued paid time off, no holiday pay, and no accrued seniority.

14.04 Twelve Month Period Defined. For purposes of calculating an employee's 12 week leave entitlement, the 12-month period is measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period. For example, if 6 weeks of FMLA leave is used beginning May 1, 2018, and an additional 6 weeks is used beginning October 1, 2018, the next 12-week period for FMLA leave availability would begin on May 1, 2019.

ARTICLE 15. PREGNANCY AND PARENTAL LEAVE ACT LEAVE

Wadena County follows Minnesota law related to Pregnancy and Parental Leave Act (PPLA) as directed by Minn. Stat. §181.941 and any statutory amendments to the same.

15.01 Eligibility. An employee must have worked for The County part time for 12 months and must have worked for The County at least 12 months.

15.02 Benefits. PPLA leave is unpaid; however, employees are required to use enough accrued time off to cover all deductions, except as provided by the applicable labor agreement or Department Policies. If such paid leave available to the employee is less than 12 work weeks, the remaining weeks of leave shall be without pay. An employee on PPLA will continue to have health care coverage with The County the same as if the employee were on active work status so long as the employee continues to pay their share of the insurance premiums during their leave status. The employee paid premiums need to be paid prior to the 10th day of every month during PPLA.

15.03 Notification. Employees must request a PPLA Leave from their Supervisor at least thirty (30) days before the start of the leave or as soon as they become aware of the need for a leave. PPLA leave taken for the birth or adoption of a child must begin within 12 months of the birth or adoption of the child. In the case where the child must remain in the hospital longer than the mother, the leave begins within twelve months after the child leaves the hospital.

15.04 Concurrent Application. If an employee is eligible for both FMLA leave and PPLA leave, the two leaves will run concurrently.

ARTICLE 16. BONE MARROW, BLOOD, AND ORGAN DONATION LEAVE

Wadena County follows Minnesota law related to Bone Marrow Leave as directed by Minn. Stat. §181.945 and any statutory amendments to the same. Wadena County follows Minnesota law related to Organ Donation Leave as directed by Minn. Stat. §181.9456 and any statutory amendments to the same. Wadena County follows Minnesota law related to Blood Donation Leave as directed by Minn. Stat. §181.9458 and any statutory amendments to the same.

ARTICLE 17. JURY DUTY

After notice to the Department Head or supervisor, an employee shall be granted leave with pay upon providing supporting documentation for:

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

17.01 Notice. An employee shall notify their Department Head or Supervisor of their jury duty summons and/or subpoena. An employee shall be granted paid leave upon providing supporting documentation for service upon a jury. Additionally, an employee that appears before a court, legislative committee, or other judicial or quasi-judicial body as a witness in response to a subpoena in an action involving the Federal Government, State of Minnesota, and/or a political subdivision of the same, shall be granted paid leave.

17.02 Payment. The employee shall remit to the County any per diem payment received as a result of serving time on a jury or as a witness in conjunction with leave under Section 18.01. Monies received as expenses shall be kept by the employee.

17.03 Non-Payment. An absence of an employee in response to a legal order to appear and/or testify in private litigation (not as part of their duties as a County employee), shall take paid time utilizing the employee's accrued paid time off or

compensatory time. If the employee does not have any leave time available, the employee shall take the time as unpaid.

ARTICLE 18. SCHOOL CONFERENCE AND ACTIVITIES LEAVE

Wadena County follows Minnesota law related to School Conference and Activities Leave as directed by Minn. Stat. §181.9412 and any statutory amendments to the same. Employees may take unpaid to attend school conferences or school-related activities for employee's child which cannot be scheduled during non-work hours. Employees must provide reasonable prior notice to their supervisor or Department Head.

ARTICLE 19. TIME OFF TO VOTE

Wadena County follows Minnesota Law related to time off to vote as directed by Minn. Stat. §204C.04 and any statutory amendments to the same.

ARTICLE 20. MILITARY LEAVE OF ABSENCE

20.01 Military Service Leave. Wadena County fully complies with both state and federal law related to military service of employees that are called to active military services and service associated with reserve members.

20.02 Leave for Families of Mobilized Military Members. Wadena County follows Minnesota law related to an employee's immediate family member that is injured or killed as directed by Minn. Stat. §181.947 and any statutory amendments to the same. Wadena County follows Minnesota law related to military ceremonies as directed by Minn. Stat. §181.948 and any statutory amendments to the same.

20.03 Notification. The leave must be discussed on an individual basis with the employee's supervisor or Department Head. Supporting documentation may be required.

ARTICLE 21. FUNERAL LEAVE

All full-time employees shall be allowed to use up to five (5) days of accrued paid leave in the event of the death of any member of the employee's immediate family. 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. Department Heads may approve more leave usage over five (5) days.

Employees may use up to one (1) day of accrued paid leave for all other funerals unless an extension is approved by their Department Head.

ARTICLE 22. WORKER'S COMPENSATION LEAVE BENEFITS

Any employee who by reason of sickness or injury receives Worker's Compensation benefits shall keep the Worker's Compensation benefits and be

able to apply any earned accrued paid 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 their normal paycheck and Worker's Compensation, they may take leave without pay.

The Employee will continue to earn all benefits per the Personnel Policy/Union Contract while using their accumulated sick leave, vacation leave or other accumulated leave time. When the Employee has exhausted said leaves and is only drawing Worker's Compensation, benefits shall cease to be earned, and the employee will be offered COBRA (if applicable).

Where applicable, leave associated with a Worker's Compensation leave will run concurrently with an FMLA leave.

ARTICLE 23. ACCOMMODATIONS

23.01 Qualified Individuals with a Disability. The Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act require employers to reasonably accommodate qualified individuals with disabilities unless to do so would cause an undue hardship. It is the policy of Wadena County to comply with all Federal and state laws concerning the employment of persons with disabilities.

Applicants for employment or employees who have questions or believe they may require an accommodation should discuss these needs with the County Administrator, or the employee's supervisor and/or Department Head. An employee or applicant seeking an accommodation is expected to engage in an interactive dialogue to determine whether an accommodation exists which will allow the applicant or employee to meet the essential functions of the job and which will not create an undue hardship on the County. In certain circumstances, the applicant or employee may also need to provide documentation of the disability.

23.02 Sincerely Held Religious Beliefs/Practices. Title VII requires employers to reasonably accommodate the sincerely held religious beliefs and practices of employees and applicants, unless to do so would cause an undue hardship. An employee or applicant seeking an accommodation is expected to engage in an interactive dialogue to determine whether an accommodation exists which will allow the applicant or employee to meet the essential functions of the job and which will not create an undue hardship on the County. In certain circumstances, the applicant or employee may also need to provide documentation of the religious belief or practice.

23.03 Pregnancy. Pregnant employees who have worked for the County for at least 12 months, and who worked at least 20 hours per week in the 12 months prior to any request, are to be accommodated for health conditions related to pregnancy or childbirth, unless the accommodation would impose an undue hardship on the County. It is not an undue hardship where an employee seeks: increased restroom use, food, and water breaks; seating; and limits on lifting over

20 pounds.

Accommodations required upon request of the employee's licensed health care provider or certified doula (labor coach) should be forwarded to the employee's supervisor or Department Head, and in consultation with the County Administrator, the employee will be expected to engage in interactive dialogue with the County to review the request for a reasonable accommodation.

SAFETY

ARTICLE 24. SAFETY

24.01 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.

24.02 Anti-Violence. All employees and visitors should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee or visitor will not be tolerated. County resources may not be used to threaten, stalk, or harass anyone at or outside the workplace. The County treats threats coming from an abusive personal relationship as it does other forms of violence.

Employees should promptly inform the HR department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The County is committed to supporting victims of intimate partner violence by providing referrals to the company's employee assistance program and community resources and providing time off for reasons related to intimate partner violence.

24.03 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, including any indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities, to the appropriate supervisor or Department Head. When reporting an unsafe condition or threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident. An employee who is injured on the job must notify their 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.

24.04 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.

24.05 Inclement Weather. In the event of inclement weather, if County offices remain open, employees may be excused from work with the authorization from their respective Department Head. Such time off will be taken as leave without pay, or accrued sick leave, vacation leave, or compensatory or flex time, as available, may be applied. Remote work will be allowed with Department Head authorization.

24.06 Emergency Closing. The County Administrator, in consultation with the County Sheriff and the Board Chair (or Vice Chair in the absence of the Chair), may close non-essential County operations in case of dangerous or hazardous weather or other conditions that would affect the health and safety of employees. In the event of an emergency closing, employees will be compensated for the time missed from work due to the closing.

24.07 Storm Safety Policy. When the severe weather alarm is sounded through the fire alarm system, or by the Safety Officer/County Administrator, 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.
- b) If Court is in session, the Sheriff’s Office will ensure 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 Administrator for potential disciplinary action.
- d) Emergency personnel acting in their official capacity and authority are exempt from this policy.

EMPLOYEE DATA AND RECORDS

ARTICLE 25. DATA PRIVACY

Wadena County follows Minnesota law related to an employee’s personnel data as outlined in the various provisions in Minn. Stat. §13.43 and any other applicable statutes under Chapter 13 and any statutory amendments to the same.

25.01 Personnel File. Employee’s personnel file shall include, at a minimum, the following employment records:

1. Letter of application
2. Reference materials
3. Resume or curriculum vitae (CV)
4. Letter of offer, assignment, or promotion
5. Letters of acceptance of employment
6. Letters of resignation or retirement

7. Position descriptions
8. Title changes records
9. Decisions on leave of absence requests
10. Performance reviews
11. Performance improvement plans (PIP)
12. Notices of investigations
13. Disciplinary action

ARTICLE 26. PAYROLL DOCUMENTATION

26.01 Copies of completed forms and documentation, including but not limited to, hours worked, vacation time, sick leave, periods for leaves of absence, and position description shall be maintained by the Human Resources Department. All records shall be maintained on forms approved by the Personnel Committee.

26.02 Written Notification of Change in Information. The County will provide employees written notice of any changes to their information provided in section 5.16.

ARTICLE 27. WAGE DISCLOSURE RIGHTS

Wadena County follows Minnesota law related to employee's wage disclosure rights as directed by Minn. Stat. §181.172 and any statutory amendments to the same.

BENEFITS

Details of benefits are contained in the plan brochures, summary plan descriptions, certificates of insurance, Department Policies, and/or labor agreements. In the absence of language in the aforementioned documents, the Personnel Policy shall supersede.

ARTICLE 28. PAID HOLIDAYS

28.01 Holidays. All full-time employees shall receive Holiday pay for certain Holidays as described below, and permanent part-time employees shall receive a pro-rated Holiday pay. For full day Holidays, the maximum pay is 8 hours; for half day Holidays, the maximum pay is 4 hours. Paid holidays must be taken as pay on the payroll in which it falls and will not be allowed to be earned as compensatory time.

New Year's Day - January 1

Martin Luther King Day - Third Monday in January

President's Day - Third Monday in February

Good Friday

Memorial Day - Last Monday in May

Juneteenth – June 19

Independence Day - July 4

Labor Day - First Monday in September

Veteran's Day - November 11

Thanksgiving - Fourth Thursday in November

Friday following Thanksgiving

December 24 (when it falls on a weekday) County offices close at 12 pm (for all non-essential workers, this means the employee who would have typically worked that afternoon are paid up to a maximum of 4 hours holiday pay as determined by the amount of time from noon to the regularly scheduled end of the employee's shift)

Christmas Day - December 25

28.02 To Qualify. In order for a full-time employee to qualify for the holiday provided in this Article they must be on paid status, through work hours or using paid time off hours, on the last scheduled work day immediately preceding the holiday and the first scheduled work day immediately following the holiday.

28.03 Weekend. Holidays that fall on a Sunday will be observed the following Monday, and Holidays that fall on a Saturday will be observed the preceding Friday, unless otherwise designated by the County Board.

28.04 Vacation and Paid Holidays. 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. A Holiday occurring during an employee's unpaid leave shall not be paid.

28.05 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 a full day (8 hours maximum); no partial day shall be allowed. No days may be accumulated from year to year and must be used no later than December 15 of each calendar year. An unused Personal Leave will not be paid out at termination of employment. A Personal Leave Day may be used during an employee's probationary period, at the discretion of the Department Head. The personal leave day does not apply to Human Services and Transit employees.

28.06 Subject to Change. The County Board reserves the right to change, modify, eliminate or deviate from the Paid Holidays policy at any time, at its sole discretion.

ARTICLE 29. PAID VACATION

29.01 Policy. All full-time employees shall receive paid vacation leave in recognition of their tenure. 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 fifteen (15) minute increments, or in accordance with the applicable labor agreement. Employees are only allowed to utilize time that has been earned in previous pay periods and will not be allowed to go into a negative balance.

29.02 Benefit Schedule. The following vacation benefits are available to a full-time employee, except Human Services and Transit staff:

<u>Years of Experience Per Pay Period</u>	<u>Hours Earned</u>	<u>Hours Earned Per Year</u>
1 through 5	3.69	96 hours
6 through 10	4.62	120 hours
11 through 15	5.54	144 hours
15 plus	6.15	160 hours

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 and Transit staff shall accrue vacation time as follows:

<u>Years of Experience Per Pay Period</u>	<u>Hours Earned</u>	<u>Hours/Days Earned Per Year</u>
1 through 5	3.7	96.2 hours
6 through 10	4.6	119.6 hours
11 through 15	5.5	143 hours
16 through 20	6.2	161.2 hours
20+	6.5	169 Hours

29.03 Restriction. The maximum accrual of vacation days is 240 hours, except Human Services and Transit staff.

Human Services and Transit staff has an accrual maximum of vacation days of 275 hours.

29.04 Permanent 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.

29.05 Probationary Employees. New full-time employees shall earn vacation time during their probationary period but will not be able to utilize until after completion of their probation period, unless authorized by their Department Head.

29.06 Subject to Change. The County Board reserves the right to change, modify, eliminate or deviate from the Paid Holidays policy at any time, at its sole discretion.

ARTICLE 30. PAID SICK LEAVE AND PERSONAL LEAVE TIME

30.01 Accumulation Rate. All full-time employees who work at least 80 hours per year shall earn sick leave at the rate of .0462 hours for every hour worked, up to a maximum of 96 hours per calendar year. For purposes of this policy and sick leave accrual, exempt employees are presumed to work 40 hours per week. Part-time employees who work at least 80 hours per year shall earn sick leave on a prorated basis based on the number of hours worked. Sick time shall be taken by employees in a minimum of fifteen (15) minute increments. Employees are only allowed to utilize sick time that has been accrued and will not be allowed to go into a negative balance unless authorized by The County Board.

The Human Services and Transit departments do not earn sick leave but earn personal leave time (PLT) instead. PLT time can be used for absences outlined in this policy as well as other personal leave. All full time employees will earn PLT at a rate of .05 hours for every hour worked, up to a maximum of 104 hours per calendar year. Part time employees shall earn personal leave time on a prorated basis based on the number of hours worked.

30.02 Medical Verification. The employer may, at its discretion, require medical verification of the employee's or family member's illness if an employee is gone three (3) consecutive days or more.

30.03 Application. Sick leave may be used for absences necessitated by the following:

- a. Illness, injury, 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 or injury of a "family member" for such reasonable periods as their attendance may be necessary or the time needed to make arrangements for or attend funeral services or a memorial, or to address financial or legal matters that arise after the death of a "family member." For purposes of this section, "family member" is defined by Minn. Stat. Statute

181.9445, subd. 7.

- 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. Substance use related issues and psychiatric issues.
- g. Safety leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking, for the employee, or the employee's "family member" as defined by Minn. Stat. 181.9445, subd. 7.
- h. Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of cares has been closed due to weather or other public emergency. However, because the preassigned or foreseeable work duties during a public emergency or weather event require certain employees to respond to a public emergency or weather event, the following employees are not allowed to use leave provided for under this section absent approval of their respective supervisor: the Chief Deputy, Sergeant Investigator, Jail Administrator/PSAP Supervisor, Jailer/Dispatchers, Deputy's and County Maintenance Workers with a commercial driver's license when the employee is needed to maintain minimum staffing requirements as determined by the supervisor. This section is intended to comply with the statutory provisions detailed in Minn. Stat. statute 181.9447, subd. 1, clause (4).
- i. The employee's inability to work or telework because the employee is:
 - 1) Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - 2) Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and
- j. When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or a family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

A public emergency shall include a declared emergency as defined in Minn. Stat.

30.04 Notification. Employees shall submit written requests for any leave in

advance of the period of absence. When advance notice is not possible due to extraordinary circumstances, employees shall notify their supervisor by telephone or other means at the earliest opportunity. After more than three consecutive days of absence, Wadena County may request that an employee provide reasonable documentation to establish that the absence is for a qualifying purpose.

30.05 Restriction. Unused sick leave may be carried over at the end of the calendar year provided that maximum accrual is not exceeded. The maximum accrual of sick days is one hundred and twenty (120) days (or 960 hours).

Human Services and Transit has a maximum accrual of 600 hours of personal leave time.

30.06 Holiday.-Holidays that occur during paid sick leave or personal leave time periods will be paid as a holiday and not charged as a sick leave or personal leave time day.

30.07 Subject to Change.-The County Board reserves the right to change, modify, eliminate or deviate from the Paid Sick Leave policy at any time, at its sole discretion.

30.08 Employee Rights and Remedies. Employees who believe their rights regarding sick leave have been violated can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief.

ARTICLE 31. DONATION OF PAID TIME LEAVE

31.01 Description and Scope. Any employee may elect to donate up to 16 hours (in 2-hour minimum increments) of accrued vacation, PLT, comp or sick time per calendar year to another employee to assist the recipient because of a medical emergency or natural disaster. 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 Human Resources department.

The donated time will be banked for the recipient's specific situation. Donated time can only be utilized by the recipient after the sick leave, PLT, vacation and/or comp time of the recipient has been exhausted. Recipients may receive a maximum of eighty (80) hours of donated time during their employment at Wadena County.

No recipient may directly solicit hours from other employees. Donations shall be confidential.

31.02 Procedure. Upon receiving a request from an employee in need of donated time, the Human Resources department will provide postings and communicate with Department Heads to advise them of a request for donated hours.

A leave donation authorization form will be available from Human Resources department and must be signed by the donor and returned to the HR office before a donation can be effective. Likewise, a request form will be completed by the employee requesting donated leave before any communication about the need is made.

ARTICLE 32. UNUSED EMPLOYEE LEAVE BENEFIT AND COMPENSATORY TIME BALANCES

32.01 Payout on Termination. Upon termination of employment in good standing, as defined below in 32.02, employees will be paid 100% of earned, unused and accrued vacation leave and 25% of earned, unused accrued sick leave. An unused Personal Leave Day is not paid at termination.

32.02 Good Standing. Is defined as:

- a. An employee voluntarily resigning from employment who gives the County at least fourteen (14) calendar days advance written notice of the resignation or;
- b. An employee who is involuntarily terminated from employment for something other than misconduct and is not terminated due to a Last Chance Agreement.

32.03 Subject to Change. The County Board reserves the right to change, modify, eliminate or deviate from the Payout on Termination of Unused Employee Leave Benefit Balances policy at any time, at its sole discretion.

32.04 Unused Compensatory Time Balances. All accumulated compensatory time balances are paid to non-exempt employees upon termination of employment regardless of whether the termination is in good standing.

ARTICLE 33. INSURANCE

33.01 Health Insurance. All full-time employees shall be eligible to participate in group health insurance. The premium shall be paid as set by negotiations with the insurance company. New hires are benefit eligible on the first of the month following one full calendar month of employment.

- a. **Cafeteria Dollars** – All benefit eligible employees who enroll in health insurance shall receive cafeteria dollars (employer/County contribution) towards their health insurance monthly costs. The amounts will be set by the Wadena County Insurance Committee. The information is available by request at the Human Resources office.

- b. **Waiving Wadena County Health Insurance** - All benefit eligible employees who elect to waive Wadena County group health insurance must provide proof of insurance obtained or currently held elsewhere in order to remove liability from The County. Proof of insurance is to be provided to Human Resources no later than one week after eligibility for benefits begins – the first of the month following the full calendar month after the first date of employment.
- c. All County employees who waive health insurance during an open enrollment period will provide Human Resources proof of the insurance held elsewhere as soon as they receive identification cards for the new calendar year.
- d. **Health Reimbursement Accounts** – Any employee enrolled in a Health Reimbursement Account (HRA) and resigns or is terminated before the end of the calendar year will pay back the appropriate prorated amount of the HRA in which they enrolled at the beginning of their benefit period. The prorated amount will be calculated by Human Resources and the amount will be deducted from their last paycheck. If the paycheck does not cover the entire amount, an invoice will be sent to the former employee along with a due date of the payment to be made.

33.02 Life Insurance. All full-time employees are offered to enroll in and pay for a term life insurance policy in the amount of twenty thousand (\$20,000.00) dollars.

33.03 Disability Insurance. All benefit eligible employees are offered to enroll in and pay for a short term disability income protection plan providing four hundred dollars (\$400.00) per month for each benefit eligible employee.

33.04 Changes to Insurance and Qualifying Events. Any and all changes are required to be reported to the Human Resources department no more than thirty (30) calendar days after the qualifying event date. Should the Human Resources department be made aware of a requested change after the thirty (30) calendar days, the change will not take place and the employee will have to remain with the same insurance unless another qualifying event occurs or the open enrollment period begins.

- Qualifying Events include, but are not limited to:
- Loss of health coverage – eligibility for Medicare, Medicaid, or CHIP; changing employers
- Household changes – marriage; divorce; birth; adoption; death
- Residence changes – moving to different zip code or county; a student moving to or from the place they attend school
- For a comprehensive list of qualifying events, visit <https://www.healthcare.gov/glossary/qualifying-life-event/>
- In the event of changes being backdated, employees will be responsible for reimbursing the County for any and all funds that

are required to be paid. If the funds to be reimbursed are to be directed to the employee, the County will do so no later than on the payroll following the effective date of the requested change. Funds examples include:

- Cafeteria dollars
- Insurance premiums

33.05 Permanent Part-time. Health Insurance cafeteria 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 thirty-two (32) hours per week.

- Employees who average twenty (20) hours of work per week, but less than thirty-two (32), will be eligible for prorated cafeteria dollars pending an extension of benefits in their initial hire letter. The hire letter will specify the percentage of proration. Current employees must be extended the offer of benefits by their Department Head and Human Resources must receive notice of the status change at least two (2) weeks in advance of the status change effective date.
- Prorated cafeteria dollar benefits will be reevaluated by the Department Head, or a designee, each year during the first week of October for permanent part-time employees who are eligible for benefits. Adjustments to benefits will be reported to Human Resources and will take effect the first day of the next calendar year.

33.06 Waived Medical Insurance. Employees hired prior to January 1, 2013 at a benefit's eligible status, and have remained the same, are eligible to receive \$300.00 cash in-lieu of enrolling in Wadena County group medical insurance.

33.07 Subject to Change. The County Board reserves the right to change, modify, eliminate or deviate from the Insurance policy at any time, at its sole discretion.

ARTICLE 34. COBRA INSURANCE

34.01 Participation By Former and Retired Employees. Former employees and/or retirees, that are eligible, may participate in the employer sponsored health, dental, vision, and life insurances at their own expense, as long as the employee is currently enrolled in the insurance they intend to carry after leaving employment.

34.02 Conditions of Eligibility. Wadena County follows Minnesota law related to eligibility of officers, employees, or retired employees pursuant to Minn. Stat. §471.61 and any statutory amendments to the same.

34.03 COBRA Insurance and Insurance Continuation for Former

Employees

- a. **COBRA Length of Coverage:** Former employees – (For health, dental, vision and life) Up to 18 months as long as premiums are paid before the grace period expiration date.
- b. **Insurance Continuation Length of Coverage** – (For hospital, medical and dental) Indefinitely as long as premiums are paid before the grace period expiration date.

ARTICLE 35. EXPENSE REIMBURSEMENTS

The County Board reserves the right to change, modify, eliminate or deviate from the policy at any time, at its sole discretion.

35.01 Expense Reimbursement. Authorization from a supervisor must be granted prior to incurring expenses. Out of state travel requires prior approval from the County Board. Grantees may be reimbursed for the expenses described below in the amounts actually incurred; itemized receipts are required. Travel must be outside of Wadena County. Reimbursement may not exceed the maximum amounts listed below.

<u>Expense</u>	<u>Allowable Amount</u>
Mileage	Current IRS mileage rate
Parking/Tolls Commercial Transportation	Actual parking fees and toll charges Such as air, taxi, airport shuttle, rental car, baggage handling, etc. No air transportation by first class unless approved by the County Board
Breakfast (leave home prior To 6 am or away overnight)	\$12
Lunch (If travel status is outside Wadena County, away from Normal office or away Overnight)	\$15
Dinner (if grantee cannot Return home until after 7 pm or Away overnight)	\$23
Lodging	Hotel and motel accommodations provided that employees exercise good judgment in incurring lodging costs and that charges are reasonable and consistent with the facilities available

All maximum rates for meals include tax and a reasonable gratuity.

When in travel status for two or more consecutive meals, grantees shall be reimbursed for actual costs of the meals, including tax and a reasonable gratuity

(maximum of 18%), up to the combined maximum amount for the reimbursable meals.

According to IRS regulations, reimbursement of meals not involving overnight lodging is taxable income. For reimbursement of overnight meals, those will be turned into the Administrative Accountant in the Auditor's Office and for non-overnight meals will be turned into the Payroll Coordinator in the Human Resources Office.

35.02 Cell Phone Stipend. Employees whose work require the use of a cell phone and who have been designated to receive a cell phone stipend will receive a monthly stipend in the amount determined by the department head up to the maximum plan stipend set by the County Board. Employees receiving a stipend are responsible for:

1. Providing proof of purchase/lease of cell service at intervals to be determined by the Department Head as documented on the Cell Phone Stipend Authorization form via the payroll office.
2. Signing the Cell Phone Stipend Agreement form that delineates the expectations and responsibilities of the stipend funded cell phone users.
3. Replacement or repair of the phone will normally be the responsibility of the employee. If the cell phone is lost or damaged as a direct result of work environment, the department head may approve reimbursement to the employee.

The cell phone stipend is intended to cover most of the costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee. The employee will pay any costs exceeding the amount of the cell phone stipend. No stipend will be paid when an employee is an unpaid leave status.

If the employee's monthly bill for work-related charges frequently exceeds the stipend, the department head may request an increase in the monthly allowance to cover a plan with more airtime or reevaluate the employee's use of the cell phone. Reimbursement of work-related costs exceeding the cell phone stipend will require documentation of supporting the excess such as unusual usage, out of state or roaming charges, etc.

The Cell Phone Stipend is intended to provide payment toward cost of monthly service and associated taxes incurred by business related use of the cell phone. Reimbursement, as approved by the Department Head, will be taxable and will be for the amounts listed below. The stipend amounts stipulated in this policy will be evaluated periodically.

- Human Services Phone Application – \$10.00 per month
- Cell Phone – Voice Calls Only up to \$15.00 per month
- Cell Phone – Voice & Text up to \$35.00 per month
- Cell Phone, Text, & Data up to \$70.00 per month

Stipends will be based on the amount of the monthly bill that the employee provides to their Department Head for initial approval, and annually thereafter.

At time of termination from employment, eligibility for reimbursement of the cell phone stipend will occur only if users have worked their regularly scheduled hours during the first 15 calendar days of the month. Reimbursement will not occur if the employee has resigned or retired prior to the 15th of each month.

Cell Phone User Responsibilities and Expectations

Employees receiving a County-purchased/leased cell phone or a cell phone stipend will be responsible for the following:

1. Retrieving messages on voice mail if telephone calls are missed on the cell phone where applicable.
2. Having the cell phone available for use during all hours of work and when the employee is subject to call.
3. For safety reasons, use of the cell phone shall not be allowed while driving a motor vehicle as prescribed by the law.
4. Caring for the phone in a responsible manner, minimizing the chance of loss or damage.
5. Providing adequate security for the phone to prevent unauthorized users from finding client/work-related telephone numbers stored in the cell phone memory.

Department Cell Phone Guidelines

1. Departments may establish criteria for determining work-related need for assignment of cell phone.
2. Department Heads will ensure departmental procedures are not in conflict with this countywide policy.
3. If the stipend method is used, these rules should establish criteria to determine what level of reimbursement will apply. The Department must also determine the cost benefit to the County before providing an allowance.
4. If the lease/purchase method is used, the Department Head must determine the cost effectiveness and work-related needs of the lease/purchase of cell phone and how continued service benefits the County.

Cell Phone Stipend Activation

For an employee to receive a cell phone stipend, the allowance and allowance amount must be authorized by the Department Head. A completed Cell Phone Stipend Agreement, Cell Phone Stipend Authorization, and a copy of the employee's service agreement must be sent to the Payroll Department for Stipend activation.

Employees receiving a Cell phone stipend must notify their Department Head immediately if they terminate their phone service. Likewise, if a Department Head Determines that an employee no longer needs a phone allowance or the allowance amount should be adjusted, they must immediately notify the payroll

office to make the necessary change

Cell Phone Stipend Annual Renewal

All County employees who receive a cell phone stipend must submit a cell phone bill to their Department Head each year. Any employee who does not resubmit a bill for the current year will not receive the cell phone stipend until they resubmit their bill.

Personal Phones Receiving Stipends

From Personal phones for which an employee receives a stipend, an employee may highlight the business calls on the phone bill, and the direct charges for the personal calls and pro-rata share of the monthly fees and services for those call will not be included as wages for the employee. Without documentation, the stipend amount will be considered wages for IRS purposes.

Privacy: Personal cell phone statements are considered private data. IF an employee submits a bill to substantiate business use, all or part of the employee's cell phone bill may be public data. Billings associated with the County purchased cell phone service are considered public data.

35.03 Personal Protective Equipment. Personal Protective Equipment for Employees not covered by a bargaining agreement. State Statute Section 182.655, Subdivision 10(a) that requires the employer to provide approved personal protective equipment. Wadena County will provide an annual clothing and safety allowance of \$200.00. Employees will be reimbursed for steel toe/puncture resistant work boots.

ARTICLE 36. TRAINING AND DEVELOPMENT

The County is committed to the professional development of its employees. The County encourages formal education pursuits which enhance an employee's present job performance or potential for increased responsibility. The County also supports employees in their pursuit of certification(s), skill-building and required Continuing Education requirements. Employees who leave employment within 12 months of receiving reimbursement for education and licensures are responsible for repayment of educational reimbursement monies received on a pro-rata basis. Repayment shall be withheld from final pay if not paid by the employee prior to departure.

The County Board reserves the right to change, modify, eliminate or deviate from this Training and Development policy at any time, at its sole discretion.

Reimbursement for Education and Training

The following criteria will be used for the determination of reimbursement or funding of educational course work, which will be at the discretion of the Department Head and budgetary provision.

- The educational activity is relevant to the employee's job description.
- Participation is warranted to keep an employee abreast of continuing

developments in their professional field or specific area of employment, and is important to the operation and function of their department. Regarding mandated physicals and commercial driver's license medical certifications: employees will submit their physical invoices to their Department Head.

Required Continuing Education and Licensure Requirements

- Wadena County will provide full funding of books, tuition and travel costs for educational pursuits which are required of an employee to fulfill Continuing Education and Licensure requirements for their position. (Out of state travel requires Board approval).
- This required education can be pursued on County time.

Formal Education

Upon the successful completion of a pre-approved course, with a grade or evaluation equivalent to a "C" or better, reimbursement will be made as follows:

- The County may financially assist full-time employees in their pursuit to upgrade their skills. A determination to provide financial assistance will be based on budgetary considerations, whether the training is directly related to the employee's job duties, and Department Head approval. Reimbursement is limited to 50% of the costs of books and tuition, not to exceed \$600 annually.
- Transcripts and itemized receipts are required as evidence of grades and expenses and must be provided with the reimbursement request.
- if it is determined any of these criteria have not been met after County monies have been expended for such purposes the employee shall be responsible for full restitution of these funds.

Conferences, Workshops, Certification(s) and Seminars

Attendance at job-related conferences, workshops, or seminars requires prior approval by the Department Head. Out of state travel requires prior approval by the County Board. The criteria to be used in selecting outside training is as follows:

- Topic is relevant to the employee's job duties.
- Attendance is warranted to keep an employee abreast of continuing developments in their professional field or specific area of employment and is important to the operation and function of the department.
- Requirements for the maintenance of professional or technical licenses.
- Any reasonable necessary cost incurred for outside training requested by the County shall be reimbursable.

EMPLOYEE CONDUCT

ARTICLE 37. CODE OF ETHICS FOR WADENA COUNTY

For the purpose of this policy "Employee" shall include elected officials and all County employees, including department heads.

37.01 Acceptance of Gifts or Favors. 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:

- Gifts of nominal value having wide distribution.
- Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
- 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
- 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.

37.02 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.

37.03 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.

37.04 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:

- 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;

- Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in exercise of official duties; or
- 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.

37.05 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:

- 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;
- 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;
- Employment by a business which is subject to the direct or indirect control, inspection, review, audit, or enforcement by the employee; or
- 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.
- In the event that there is a conflict of interest involving the individual serving as the HR Director and/or County Administrator, those conflicts will be directed to the County Attorney to be addressed accordingly.
- 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.

37.06 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.

37.07 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:

- 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
- 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.

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

ARTICLE 38. TOBACCO PRODUCTS USE

38.01 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.

38.02 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, as well as 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.

38.03 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 39. INFORMATION SYSTEMS/ELECTRONIC DEVICE/CELL PHONE USE POLICIES

39.01 Expanded Scope. 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.

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.

39.02 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. 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.

39.03 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 individual 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 an expectation of privacy in any computer systems 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.

39.04 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 Director. 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.
- b. 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.
- c. **Modification of User Names and Default Setting.** Employees may not modify assigned user names without prior permission from the IT Director. Users may not modify any default settings on any county computer system (including hardware and software) without prior consent from the IT Director. Personal settings, such as background colors and schemes (screen savers) are permitted. Screen savers must be password protected.
- d. **Installation of Software.** Employees may not install any software on a county computer system without prior written consent from the IT Director.
- 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 Director.

39.05 Personal Use of County Computer Systems by Employees

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.

39.06 Unacceptable Uses of the County's Computer Systems

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.

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, familial 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.

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.

Harm to Reputation. No person may use any County computer system to defame another or the County.

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.

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.

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, except that a department head, supervisor, IT Director, or a person acting at the request of a department head, supervisor, or IT Director, may override passwords and may access, inspect, and monitor computer systems data including, but not limited to, e-mail and information on Internet access.

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.

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.

Gambling. No person may use any County computer system to gamble or engage in a game of chance for money or other valuable consideration.

Violating the Law. No person may use any County computer system in a manner that violates any local, state, or federal law.

Chat Rooms. Engaging in chat room discussions IS NOT permitted, unless required and approved by the department head to accomplish County work.

39.07 Consequences for Violation of this Policy

The IT Director 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.

39.08 Personal Electronic Devices/Cellular Phones

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.

39.09 Personal Device Policy

Written authorization from the Wadena County IT Director is required before any employee of the County is authorized to access the County's electronic system(s) using any personal electronic device.

39.10 Wadena County Cell Phone Policy

Based on business need, the Department Head will determine which positions(s) in their department require a cell phone and whether the needs are best served through the allocation of county-purchased/leased cell phone or through a cell phone stipend.

To be considered eligible for a cell phone, the employee must meet at least one of the following criteria for authorization:

1. Must be responsible for making major decisions within a department.
2. Must spend a considerable amount of time in transit or in the field.
3. Prompt administrative decisions are required on projects in progress.
4. Responsible for dealing with natural disasters or other emergencies.
5. Communication is needed to assess in solving problems and staff safety.
6. Utilizes cell phones for transmitting electronic data where landlines and other primary radio/telephone communications are not available.

County Purchased/Leased Cell Phones

An employee assigned a cell phone/wireless device chooses not to use the County-purchased phone for any personal calls. Purchase and utilization of these devices assumes that all use must be county business related only. Emergency phone calls and "de minimus" personal use is permitted.

Employee-Owned Phones

Employees whose work require the use of a cell phone and who have been designated to receive a cell phone stipend will refer to the Expense Reimbursement Article (Article 35)

ARTICLE 40. DATA BREACH

This policy requires communication regarding security breaches in order to protect individuals from potential harm arising from the unauthorized acquisition

of private information about them, and promotes compliance with state and federal privacy and data security laws. The County will provide timely and appropriate notice to affected individuals when there has been a breach of security of private data about them.

40.01 Report to County. County employees must report all known or suspected breaches of security of private data to the IT Director or the County Administrator, to enable the IT Director to determine whether notification is required.

40.02 Notification to Individuals. The IT Director, in consultation with the County Administrator and County Attorney and appropriate compliance officers, will be responsible for reviewing incidents to determine whether notification is required and directing responsible departments in complying with the notification obligation.

ARTICLE 41. CODE OF CONDUCT

41.01 General Statement. The intent of this policy is to provide general guidelines about conduct that is offensive, harassing, or violent, or otherwise not appropriate, in the workplace and other work-related settings. To be clear, the County prohibits unlawful discrimination, harassment, and retaliation. However, the County is also committed to providing a work environment that promotes respectful interactions and professionalism.

- a. **Applicability**. Maintaining a respectful public service work environment is a shared responsibility. This policy is applicable to all County employees, members of boards and commissions and County Commissioners.
- b. **Types of Disrespectful Workplace Behavior**. Violent behavior: includes the use of physical force, harassment, bullying, or intimidation.

Discriminatory behavior: inappropriate remarks about or conduct related to a person's protected class, which include race, color, creed, religion, national origin, disability, sex, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance, and other classes defined by law.

Offensive behavior: may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction.

Protected class harassment: consists of unwanted and unwelcome

behavior directed at or about a person based on that person's protected class status, where such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Protected classes include race, color, creed, religion, national origin, disability, sex, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance, and other classes defined by law.

Sexual harassment: sexual harassment is one kind of protected class harassment. It consists of a wide range of unwanted and unwelcome sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or
- Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, the following:

- Unwelcome or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, making jokes, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others. The harassment policy applies to social media posts, tweets, etc., that are about or may be seen by employees, customers, etc.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

41.02 Reporting Procedures. Employees who believe disrespectful behavior is occurring are encouraged to deal with the situation in one of the ways listed below, whether the behavior is directed towards that employee, or the employee sees or overhears it directed at someone else, or hears about it. PLEASE NOTE: All employees should always feel comfortable calling their supervisor or another manager to request assistance should they not feel comfortable with a current situation. If situations involve violent behavior or the possibility of violence, employees should use their discretion to call 911, and as soon as feasible, a

supervisor.

a. To whom a report should be made.

1. Employees should report alleged violations under this policy to the Department Head of the department in which they work, or their supervisor. If the employee does not feel comfortable reporting to their supervisor or Department Head, then the employee may report to the County Administrator.
2. Upon receipt of a report, the Department Head or supervisor must notify the County Administrator immediately.
3. If the situation being reported involves the County Administrator, the employee, or the Department Head or supervisor who receives the report from the employee, shall direct the matter to the County Attorney.

b. Form of Report.

1. Submission of a good faith report under this policy shall not affect the reporter's future employment or access to public services or public accommodations.
2. Use of a formal reporting form or written report is not required, although it is helpful.
3. The County will process reports made under this policy as discreetly as possible, consistent with the County's legal obligations and the necessity to investigate allegations and take disciplinary action when the conduct has occurred.

c. Investigation.

1. By authority of the County Board, the County Administrator or the County Attorney, upon receipt of a report of an alleged violation of this policy shall promptly authorize an investigation, and shall determine the scope of the investigation, as well as the appropriate party to conduct the investigation. The investigation may be conducted by County officials, or by a third party designated by the County Board. All investigations will be promptly initiated, and completed as timely as possible.
2. The investigation may consist of personal interviews with the reporting party, the individual(s) against whom the report is made, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the report. 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 report, Wadena County retains the right to disclose the identity of any of the parties in appropriate circumstances.

3. 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.
 4. In addition, the County may take immediate steps, at its discretion, to protect the reporting party 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.
 5. The investigator shall make a written report to the County Board describing the findings to assist the County in determining whether the allegations have been substantiated as factual, and may be asked to render an opinion as to whether any substantiated allegations appear to be violations of this policy.
- d. County Action.
1. 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.
 2. The County will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes 13.01 et. seq., as to requests for data concerning the report, investigation, and any discipline imposed.

41.03 Retaliation. 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 allegations under

this policy, or anyone who retaliates against any participant in an investigation, proceeding, or hearing relating to the report of alleged violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

ARTICLE 42. DRUG FREE WORKPLACE AND DRUG TESTING

42.01 General Statement

- a. 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. The County's drug-free workplace policy covers all hired, appointed part-time and full-time employees, and to any person who has been extended a conditional offer of employment.
- c. 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 controlled substances or abusing alcohol and who have either successfully completed rehabilitation or who may be currently participating in a supervised rehabilitation program and are no longer using controlled substances or abusing alcohol. A current disability of any kind, however, does not entitle an employee and/or job applicant to violate any provisions of this policy.

Any employee who may be chemically dependent or abusing drugs or alcohol is urged to seek medical assistance. If the employee's chemical dependency/abuse interferes with their ability to perform on the job, the employee may be required to seek medical assistance from a licensed practicing physician or similar advanced practice provider of chemical dependency counseling, and to follow the protocol established by the provider; failure to seek medical assistance or follow the protocol may result in disciplinary measures.

42.02 Work Rules.

- a. Drugs and Medications. Employees shall not use or be under the influence of drugs at any time, while working. This includes, but is not limited to, the use of illegal drugs, the illicit use of prescription and/or over-the-counter, and cannabis flower, cannabis product, lower-potency hemp edible, and hemp-derived consumer product. An employee or job applicant who produces a verified positive drug test result will be deemed

to have violated this policy. Prohibited use of prescription drugs includes exceeding the recommended prescribed dosage or using others' prescribed medications.

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

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.

- c. Other Prohibited Conduct.

- Testing positive for illegal drugs or alcohol;
- Possessing drugs, including cannabis, alcohol (unless otherwise authorized), controlled substances (not otherwise prescribed by a license physician), and/or drug paraphernalia at the work place.
- Any prohibited conduct as defined and described in Chapter 152.
- Upon a criminal conviction of a drug or alcohol related offense, the employee shall notify Human Resources within five (5) work days of the conviction.
- Switching, tampering with, and/or adulterating, or an attempt to do the same, any specimen or sample collected for the purpose of testing for drugs or alcohol.
- 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.
- Refusing to cooperate with this policy includes, but is not limited to:
 1. Refusal to be tested;
 2. Failure to provide an adequate sample (urine, hair, oral fluid) without a valid medical excuse;
 3. Refusal to sign required paperwork (including, but not limited to, consent forms, acknowledgement forms, and chain of custody forms);

4. 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;
5. Failure to be reasonably available to be tested following an accident; and/or
6. 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: An 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.

- d. Drug Free Workplace Drug & Alcohol Testing. The County reserves the right to test any applicant to whom an offer of employment has been made and may test employees for alcohol and/or drugs, including cannabis, under the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1.
 1. Job Applicant Testing. If a job applicant has received a conditional job offer, the employer may require or ask applicants to submit to a drug test and/or alcohol or cannabis test, if applicable, among other conditions. The County will not request or require a job applicant to undergo cannabis testing related to "lawful consumable products" pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except when such testing is permitted and/or required by federal or state law.
 2. Random Testing. An employer may require employees to submit to random testing, including drug, alcohol, and cannabis 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 undergo cannabis testing and drug and alcohol testing 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 of drugs or alcohol, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products while the employee is working or while the employee is on the employer's premises or 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.

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 undergo cannabis testing and drug and alcohol testing without notice during the evaluation or treatment period and for two years after the end of any prescribed treatment, as part of the 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.

- f. Lab-Based Testing. Testing for the presence of drugs, including cannabis, and alcohol will be performed by a laboratory certified by the federal government utilizing either urine, hair, or oral fluid specimen.
- g. Consequences for Violations. 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. Where an employee is subject to testing under this policy, the County will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. The County also will not terminate an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the employer unless the following conditions have been met: the employer has first offered the employee the opportunity to participate in, at the employee's own expense or under the employee's benefit plan, either a drug or alcohol treatment or counseling program, whichever is more appropriate, as determined by the employer after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency; and the employee has either refused to participate in the counseling or treatment program or has failed to complete it successfully, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

Applicants who refuse to undergo job applicant testing or who test positive are subject to an immediate withdrawal of the offer of employment.

In the event 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 may 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).

- i. Challenges To Confirmed Positive Test Results. 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 employee will be notified of the right to explain the positive result. The County will request that the person disclose any medications that they are 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 and/or request a confirmatory retest to be paid for by the employee or applicant. Employees and applicants have the right to request and receive a copy of the test result report.
- j. 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.
- j. Federal And State Laws And Regulations. Nothing in this 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.

ARTICLE 43. DISCIPLINE AND DISCHARGE

43.01 Discipline. County employees are expected to demonstrate the personal conduct and performance necessary to ensure a professional, respectful, efficient, productive, and safe working environment. A failure to meet expectations may result in discipline, up to and including discharge of employment. The County will take whatever disciplinary action it determines is appropriate in response to the circumstances of any situation. A disciplinary action may include one or more of the following actions, or as stated in labor agreement:

1. Oral warning;
2. Written warning;
3. Last Chance Agreement;
4. Suspension;
5. Demotion; or
6. Discharge.

43.02 Discharge. Employees who are discharged for misconduct are deemed not to have left the County in good standing and therefore will not be paid their accrued paid time off benefits. The appeal of a discharge may be initiated at Step 3 (see Article 27) of the grievance procedure (if applicable).

43.03 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.

43.04 Approval. All written warning, performance improvement plan, suspension, demotion, and discharge actions must have Department Head approval; Department Heads are advised to consult with the County Administrator prior to approving said actions.

43.05 Honorably Discharged Veterans. If a demotion or removal from office of a veteran is contemplated, advice of the County Attorney or the County's labor attorney must be obtained by the Department Head prior to initiating any such action for an employee in his or her department as protections and procedures under the Veterans Preference Act.

ARTICLE 44. GRIEVANCE AND APPEALS PROCEDURE

The County desires to develop and administer policies and procedures and disciplinary measures in a fair and consistent manner. The County further affirms the obligation of all employees to conform to policies and procedures that are applicable to their assignment. A regular employee subject to these policies and procedures has the right to a review through the grievance procedure any disciplinary action to which he/she is subject. The County reserves the right in its discretion to deviate from these policies. **The existence of these procedures in no way modifies the at-will character of employment.**

Disciplinary actions may be appealed through the grievance procedure outlined below or through the grievance procedure in any applicable Labor Agreements or, if applicable, pursuant to the Veterans Preference Act, but not both. It is not the intention of the County, by establishment of the following grievance procedure, to grant an employee an additional opportunity to litigate an issue, which may be litigated in any other administrative or judicial proceeding.

For purposes of this policy, a grievance does not include the following: investigations into disciplinary issues, prior to action; actions discussed or proposed, but not taken; termination of probationary, seasonal or temporary employees; extension of probationary periods; wage rate or job classification of an employee or class of employees; withholding of merit salary increases due to inadequate performance; or the exercise of managerial rights of the County.

In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and a fair and impartial hearing, the following procedures are to be used.

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

Step Two: An employee may appeal the decision of the Department Head to the County Administrator, or the County Administrator's designee, within ten (10) days from receipt of the Step 1 response. The appeal shall be in writing, setting forth the nature of the grievance, the facts upon which it is based, the provision of the policy allegedly violated, and the relief requested. The County Administrator shall respond in writing to the grievance within ten (10) working days. All grievances presented by a Department Head or by an employee without a Department Head shall be initiated at Step 2 of the Grievance Procedure

Step Three: An employee may appeal the decision of the County Administrator, or the County Administrator's designee, to the County Board within ten (10) working days from receipt of the Step 2 response. The appeal shall be in writing, setting forth the nature of the grievance, the facts upon which it is based, the provision of the policy allegedly violated, and the relief requested. The County Board shall respond in writing to the grievance within a time period not to exceed two (2) regularly scheduled meetings of the County Board plus five (5) working days. The decision of the County Board shall be final and binding.

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

RETIREMENT, RESIGNATION, AND LAY-OFF

ARTICLE 45. RETIREMENT

45.01 Retirement. An employee that ends active employment and is eligible to be paid retirement benefits from PERA.

45.02 PERA Phased Retirement Option. Coordinated PERA members are eligible to have phase retirement if PERA PRO requirements are met, as outlined on the PERA website. An employee may request phased retirement so long as the requirement are met with PERA and at the sole discretion of the Wadena County Board. If eligible and approved by the County Board, the employee will receive

prorated benefits that are calculated and accrued as approved by the County Board until the employee is fully retired.

ARTICLE 46. RESIGNATION

46.01 Notification. All employees who intend to resign are required to notify their supervisor at least fourteen (14) calendar days before their final date of employment. The supervisor or Department Head will respond with an acceptance letter. Employees who give at least fourteen (14) days' notice of resignation are considered in "good standing" for purposes of determining payout of earned leave benefit balances as described in Article 32.

46.02 Due to Absence. Any employee who is absent from work for three (3) consecutive scheduled days without notification may be considered to have abandoned their job and therefore resigned from County employment not in good standing.

ARTICLE 47. LAY OFFS

47.01 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:

- Seniority shall be utilized in determining the lay-off status of employees. Seniority shall be applied on a departmental or job classification basis.
- All reasonable efforts shall be directed toward transferring affected employees to vacant positions for which they qualify.
- Employees on lay-off status shall be considered for vacant positions based on seniority and qualifications.

If applicable, Wadena County will abide by provisions of Minnesota's Early Warning statute and the Federal Worker Adjustment and Retraining Notification Act (WARN).

ARTICLE 48. EXIT INTERVIEW

48.01 Process. Upon notice that an employee will leaving their employment with the county, the department head will coordinate with the HR department to conduct an exit interview with the employee. An employee may decline to participate in the exit interview.

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. It also does not create or constitute an employment contract. Please do not hesitate to ask for help from your Department Head or Human Resources if you do not understand a particular policy.

The County Board Reserves the right to change, modify, eliminate or deviate from this Wadena County Personnel Policy at any time, at its sole discretion.

By signing below, you acknowledge that you have received and read a copy of the Personnel Policy that outlines the policies, benefits, and expectations of Wadena County, as well as your responsibilities as an employee.

By signing below, you agree that you have familiarized yourself with the contents of this Policy, and agree to comply with it, and you understand that Wadena County may modify or eliminate the policies, practices, benefits outlined in this Personnel Policy.

Date Received

Employee Signature

Employee Print Name

Date

Witness