

# KANDIYOHI COUNTY EMPLOYEE HANDBOOK

## TABLE OF CONTENTS

|  |    |
|--|----|
| <b>I. PURPOSE AND INTENT</b> .....                     | 1  |
| <b>II. EQUAL EMPLOYMENT OPPORTUNITY POLICY</b> .....   | 1  |
| <b>III. EMPLOYER AUTHORITY</b> .....                   | 2  |
| <b>IV. DEFINITIONS</b> .....                           | 2  |
| <b>V. RECRUITMENT, APPOINTMENT AND VACANCIES</b> ..... | 3  |
| <b>VI. TRANSFERS</b> .....                             | 4  |
| <b>VII. PROBATION PERIOD</b> .....                     | 4  |
| <b>VIII. HOURS OF WORK</b> .....                       | 4  |
| <b>IX. VACATION TIME</b> .....                         | 5  |
| <b>X. SICK LEAVE</b> .....                             | 6  |
| <b>XI. HOLIDAYS</b> .....                              | 7  |
| <b>XII. LEAVES</b> .....                               | 8  |
| A. MILITARY LEAVE.....                                 | 8  |
| B. JURY DUTY.....                                      | 8  |
| C. EDUCATIONAL LEAVE.....                              | 8  |
| D. EXTENDED EDUCATIONAL LEAVE.....                     | 8  |
| <b>XIII. COMPENSATION / JOB CLASSIFICATION</b> .....   | 8  |
| <b>XIV. EMPLOYEE INSURANCE</b> .....                   | 9  |
| <b>XV. RESIGNATION</b> .....                           | 9  |
| <b>XVI. WORKERS' COMPENSATION</b> .....                | 10 |
| <b>XVII. FORMAL COMPLAINT PROCESS</b> .....            | 10 |
| <b>XVIII. DISCIPLINE</b> .....                         | 11 |
| A. DISCIPLINE POLICY.....                              | 11 |
| B. DISCIPLINARY ACTION STEPS.....                      | 12 |
| C. HEARING.....  | 12 |
| <b>XIX. CONFLICT OF INTEREST POLICY</b> .....          | 12 |
| A. OUTSIDE EMPLOYMENT.....                             | 12 |
| B. ACCEPTANCE OF GIFTS.....                            | 13 |
| C. USE OF CONFIDENTIAL INFORMATION.....                | 13 |
| D. USE OF PROPERTY.....                                | 13 |
| E. VOLUNTEER ORGANIZATIONS.....                        | 13 |
| F. REVIEW OF POTENTIAL CONFLICTS OF INTEREST.....      | 13 |
| G. RESOLUTION OF CONFLICT OF INTEREST.....             | 14 |

|  |    |
|--|----|
| <b>XX. EMPLOYEE ASSISTANCE PROGRAM</b> .....   | 14 |
| A. PURPOSE.....  | 14 |
| B. UTILIZATION OF THE PROGRAMS IS GOVERNED BY.....   | 14 |
| C. PROGRAM.....  | 15 |
| D. ACCESS TO THE PROGRAM.....  | 15 |
| E. COST.....   | 15 |
| F. CONFIDENTIALITY.....  | 15 |
| <b>XXI. PUBLIC RELATIONS / IDENTIFICATION BADGE</b> .....                                    | 15 |
| <b>XXII. OFFENSIVE CONDUCT, HARASSMENT AND VIOLENCE POLICY</b> .....                         | 16 |
| A. GENERAL STATEMENT OF POLICY.....  | 16 |
| B. OFFENSIVE CONDUCT, HARASSMENT, AND VIOLENCE DEFINED.....                                  | 16 |
| 1. Sexual Gender Based Offensive Conduct or Harassment.....                                  | 16 |
| 2. Sexual Violence.....  | 17 |
| 3. Race/National Origin Based Offensive Conduct/Harassment and Bias.....                     | 17 |
| 4. Racial/National Origin Violence.....  | 18 |
| 5. Religion Based Offensive Conduct/Harassment and Religious Bias.....                       | 18 |
| 6. Religious Violence.....   | 18 |
| 7. Disability Based Offensive Conduct/Harassment and Disability Bias.....                    | 18 |
| 8. Age Based Offensive Conduct/Harassment and Disability Bias.....                           | 19 |
| 9. Marital Status Based Offensive Conduct/Harassment and Marital Status Bias.....            | 19 |
| 10. Status With Regard to Public Assistance Based Offensive Conduct/Harassment and Bias..... | 20 |
| 11. Sexual Orientation Based Offensive Conduct/Harassment and Bias.....                      | 20 |
| 12. Sexual Orientation Based Violence.....   | 21 |
| 13. Assault.....   | 21 |
| 14. Applicability.....   | 21 |
| C. REPORTING PROCEDURES.....   | 21 |
| 1. In Each County Department.....  | 21 |
| 2. County-Wide.....  | 22 |
| D. INVESTIGATION.....  | 23 |
| E. COUNTY ACTION.....  | 23 |
| F. REPRISAL.....   | 24 |
| G. DISCIPLINE.....   | 24 |
| H. DISSEMINATION OF POLICY.....  | 24 |
| <b>XXIII. EMPLOYEE SAFETY POLICY</b> .....   | 24 |
| A. POLICY STATEMENT ON SAFETY.....   | 24 |
| B. DEFINITION.....   | 24 |
| C. RESPONSIBILITIES.....   | 24 |
| 1. Safety Director.....  | 24 |
| 2. Managers and Supervisors.....   | 24 |
| 3. Employees.....  | 25 |
| <b>XXIV. ALCOHOL AND DRUG POLICY</b> .....   | 26 |
| A. <b>PURPOSE</b> .....  | 26 |
| B. <b>DEFINITIONS</b> .....  | 26 |
| 1. Work-Related Alcohol and Other Drug Abuse.....  | 26 |
| 2. Adversely Affects Work Performance and Under the.....                                     | 26 |

|  |  |                  |
|--|--|------------------|
| Influence.....   |  |                  |
| 3. Controlled Substances.....                                      |  | 26               |
| 4. Mood-Altering or Alter.....                                     |  | 26               |
| <b>C. SCOPE.....</b>   |  | <b>26</b>        |
| <b>D. PROHIBITED ACTIVITIES.....</b>                               |  | <b>27</b>        |
| 1. Reporting to Work Under the Influence.....                      |  | 27               |
| 2. Operation of Machinery Under the Influence.....                 |  | 27               |
| 3. Controlled Substances.....                                      |  | 27               |
| 4. Disciplinary Action Related to Controlled Substances.....       |  | 27               |
| 5. Notification.....   |  | 27               |
| 6. Disciplinary Action Related to Alcohol.....                     |  | 27               |
| <b>E. EMPLOYEE ASSISTANCE PROGRAM.....</b>                         |  | <b>28</b>        |
| <b>F. EDUCATION DRUG FREE AWARENESS.....</b>                       |  | <b>28</b>        |
| <b>G. EMPLOYEE REPORTING REQUIREMENTS.....</b>                     |  | <b>28</b>        |
| <b>H. NON-DISCRIMINATION.....</b>                                  |  | <b>28</b>        |
| <b>I. EMPLOYEES ON CALL.....</b>                                   |  | <b>28</b>        |
| <b>J. EMERGENCY CALL IN.....</b>                                   |  | <b>29</b>        |
| <b>K. CONSEQUENCES OF VIOLATIONS.....</b>                          |  | <b>29</b>        |
| <b>L. DRUG/ALCOHOL TESTING.....</b>                                |  | <b>29</b>        |
| 1. Probable Cause.....   |  | 29               |
| 2. External Applicants.....  |  | 29               |
| <b>XXV. FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY.....</b>        |  | <b>29</b>        |
| <b>A. SCORE.....</b>   |  | <b>29</b>        |
| <b>B. ELIGIBILITY.....</b>   |  | <b>30</b>        |
| <b>C. QUALIFYING REASONS.....</b>                                  |  | <b>30</b>        |
| <b>D. SERVICE MEMBER CARE.....</b>                                 |  | <b>30</b>        |
| <b>E. QUALIFYING EXIGENCY.....</b>                                 |  | <b>31</b>        |
| <b>F. SUBSTITUTION OF OTHER PAID LEAVE.....</b>                    |  | <b>31</b>        |
| <b>G. EMPLOYMENT RESTORATION.....</b>                              |  | <b>32</b>        |
| <b>H. BASIC CONDITIONS OF LEAVE.....</b>                           |  | <b>32</b>        |
| <b>I. NOTIFICATION AND REPORTING REQUIREMENTS.....</b>             |  | <b>33</b>        |
| <b>J. STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE.....</b> |  | <b>33</b>        |
| <b>K. CANCELLATION OF LEAVE OF ABSENCE.....</b>                    |  | <b>33</b>        |
| <b>L. PROBLEM RESOLUTION.....</b>                                  |  | <b>33</b>        |
| <b>M. PROCEDURES.....</b>  |  | <b>34</b>        |
| <b>XXVI. WEATHER CLOSING POLICY.....</b>                           |  | <b>34</b>        |
| <b>XXVII. DRESS / PERSONAL APPEARANCE.....</b>                     |  | <b>35</b>        |
| <b>XXVIII. HEALTH AND WELLNESS POLICY.....</b>                     |  | <b>35</b>        |
| <b>XXIX. COMPUTER AND ELECTRONIC COMMUNICATIONS USE.....</b>       |  | <b>35</b>        |
| <b>Date of Approval - Signature page.....</b>                      |  | <b>No Number</b> |

# **KANDIYOHI COUNTY EMPLOYEE HANDBOOK**

## **I. PURPOSE AND INTENT**

This handbook is presented as a matter of information only for all Kandiyohi County employees. The policies and procedures described in this handbook are not conditions of employment. The language in this handbook is not intended to create a contract (expressed or implied) between Kandiyohi County and its employees.

It shall be the responsibility of each department head to administer the laws and policies as set forth by the Kandiyohi County Board of Commissioners, or as otherwise set forth in State and Federal law. In cases of emergency, department heads shall have the power to act outside the established procedures within the jurisdiction of their authority. The Kandiyohi County Board of Commissioners reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or part, at any time, with or without notice.

In general, all County employees are expected to perform their respective duties in a competent and efficient manner. Each employee shall be courteous, tactful, and considerate in dealing with the public. It shall be understood that each position within County government exists for the purpose of providing services to the public. In so doing, each employee shall respect that responsibility and present a neat and clean appearance in conformance with accepted job standards.

These policies shall not be construed to remove, limit, or extend the rights and preferences of veterans as established by Minnesota Statutes 197.45 to 197.46. Nor shall these policies be construed to permit or encourage any action or conduct prohibited by the Minnesota Human Rights Act or any other state or federal law relating to equal employment opportunities, and the provisions of these acts shall continue to apply to County employment generally. Nor shall these policies be construed to affect the rights and obligations of employees and employers under the provisions of the Public Employment Labor Relations Act of 1971, as amended, or the provisions of any contracts or agreement executed pursuant thereto. Professional Employees of the County Attorney Office are excluded from the jurisdiction of policies found in Articles IV, V, VI, VII, and XVIII. It is not the intent of these policies to be all inclusive. Interpretation shall be made by the County Administrator, subject to approval by the County Board.

## **II. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the policy of the County to provide equal employment opportunity to all individuals regardless of race, creed, color, religion, sex, age, national origin, disabilities, veteran status, sexual orientation, marital status, military status, or any other characteristic protected by state or federal law. The County is strongly committed to this policy, and believes in the concept and spirit of the law.

The County believes in and practices equal opportunity and affirmative action. The Human Resources Director or their designee serves as the Equal Opportunity Coordinator and has overall responsibility for ensuring compliance with this policy. All employees are responsible for supporting the concept of equal opportunity and affirmative action and assisting the County in meeting its objectives.

This policy applies to all areas of employment. All personnel actions and programs, including compensation, benefits, County-sponsored training, and education will be administered without regard to race, color, religion, sex, national origin, age, sexual orientation, gender identity, disability, veteran's status, pregnancy, genetic information, or membership in other protected groups.

### **III. EMPLOYER AUTHORITY**

It is recognized that except as expressly stated herein, the Employer shall retain whatever rights and authority necessary to operate and direct the affairs of the County in all of its various aspects, including, but not limited to, the right to direct the working forces; to plan, direct, and control all the operations and services of the County, to determine the methods, means, organization, and number of personnel by which such operations and services are to be conducted; to assign and transfer employees; to schedule working hours and to assign overtime; to determine whether goods or services should be made or purchased or contracted for; to hire, promote, demote, suspend, discipline, discharge, or relieve employees due to lack of work or other legitimate reasons; to make and enforce rules and regulations; and to change or eliminate existing methods, equipment, or facilities. It is also recognized that the Employer shall retain the authority and prerogative to:

- a. operate and manage affairs in all respects in accordance with existing and future laws and regulations or appropriate authorities including County Personnel Policies and Work Rules;
- b. maintain the efficiency of the government operations; and
- c. take whatever actions may be necessary to carry out the missions of the County in emergencies.

### **IV. DEFINITIONS**

- a. *BOARD* means the Kandiyohi County Board of Commissioners.
- b. *CHAIRPERSON* means the Chairperson of the Board of Commissioners.
- c. *POSITION* means a group of duties and responsibilities requiring full or part-time employment.
- d. *FULL-TIME EMPLOYEE* means an employee that works at least forty (40) hours per week on a regular basis.
- e. *REGULAR PART-TIME EMPLOYEE* means an employee who works less than twenty-nine (30) hours per week and is regularly scheduled a minimum of sixteen (16) hours.
- f. *INTERMITTENT PART-TIME EMPLOYEE* means an employee who works less than an average of sixteen (16) hours per week and whose scheduled number of hours to work vary from week to week, depending on work assignments, availability, and client's need; or an employee who works on a seasonal basis.

- g. *PROBATIONARY PERIOD* means a one (1) year working period during which the employee is required to demonstrate his/her fitness for the position.
- h. *TRANSFER* means a change of an employee from one department to another department.
- i. *HOURLY RATE OF PAY* means an employee's annual salary divided by 2080 hours and rounded to nearest whole cent.
- j. *GENERAL WORK DAY* means a work period of time from 8:00 a.m. to 4:30 p.m. that includes two (2) twenty (20) minute rest periods and one (1) forty-five (45) minute lunch period, Monday through Friday. Some County departments require rotating shifts throughout the week in order to accomplish the department work tasks. Scheduled work hours may be eight, ten, or twelve hours daily. In some work areas the employees are unable to leave their work stations for routine breaks. The Employer reserves the right to modify the work day to schedule employees as needed to complete workload in an efficient and safe manner.
- k. *EMPLOYER* means the Kandiyohi County Board of Commissioners.
- l. *IMMEDIATE FAMILY* means the employee or the employee's spouse, and the children, grandchildren, parents, grandparents, brothers, and sisters of the employee or employee's spouse; and any other member of the employee's household living with the employee.
- m. *PAYROLL PERIOD* means a biweekly schedule with paydays every other Friday. Pay periods for the majority of employees start on Saturdays and end on Fridays.

## **V. RECRUITMENT, APPOINTMENT AND VACANCIES**

- a. New positions or vacancies shall be open to all persons who meet with reasonable standards with respect to experience, character, or such other factors which may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position.
- b. Whenever possible vacancies may be filled on a promotional or lateral basis from among the present employees, giving first consideration to qualifications for the job.
- c. An employee who is promoted shall serve a one (1) year probationary period to determine
  - 1. his/her ability to perform the job;
  - 2. his/her desire to remain in the position.

During the probationary period, the employee may have the opportunity to revert back to his/her former position. If the employee is unsatisfactory in the new position, notice and reason shall be submitted to the employee in writing.

- d. The Department Head and the Human Resources Department with the approval of the County Administrator shall be the appointing authority for positions not otherwise delegated by statute. Appointments shall be made on a nondiscriminatory basis and determined by ability.
- e. The employee's salary at the time of employment shall be set in accordance with the County's Comparable Worth Plan or Union Agreement. The employer may give credit for previous experience.

- f. When vacancies occur or when the work load necessitates the creation of a new position, the department head, with the approval of the County Administrator, shall have the authority of placing regular part-time employees on full time status upon two (2) weeks written notice to the employee.

## **VI. TRANSFERS**

- a. For reasons such as shortage of funds, the abolishment of a position, or because of changes in the County organization, the County Administrator may order the transfer of a qualified employee(s) from one department to another department for indefinite periods of time.
- b. When existing conditions necessitate immediate action to carry out the work of the county, department heads that mutually agree shall have the authority to transfer an employee for indefinite periods of time. The practice is strongly encouraged by the Board rather than hiring additional employees.

## **VII. PROBATION PERIOD**

- a. A one (1) year probationary period shall be considered an integral part of employment and shall be utilized for observing the employee's work, for assisting the employee to adjust to the new position, and for rejecting any employee whose performance does not meet the required work standards.
- b. Any employee with probationary status may be terminated at any time during the probationary period.
- c. Vacation time and sick leave shall be earned by the new employee during the probationary period.
- d. In the event an employee is absent for extend periods of time during their probationary period, it may be necessary to extend the probationary period beyond one year.

## **VIII. HOURS OF WORK**

- a. For full time employees the regularly scheduled work week shall be forty (40) hours / 2,080 hours yearly.
- b. Full-time, regular part-time, and intermittent part-time employees shall work as directed by the department head.
- c. During the work day, employees shall be allowed a twenty (20) minute rest period during each four (4) hours worked and a forty-five (45) minute lunch period.
- d. Service to the public may require the establishment of regular shifts other than the normal 8:00 a.m. to 4:30 p.m. day. The employer will give sufficient notice to the employee affected by the establishment of the work day different from the normal work day unless an emergency exists. In cases of emergency such as, but not limited to, fire, flood, snow, or breakdown of equipment or facilities, no advance notice need to be given.
- e. Department heads, supervisory employees, and professional employees shall have reasonable freedom in their hours of work. They shall have no rigid work hours or work weeks, except that their hours shall be such as to best supervise their employees or as directed by the Board.

The County Administrator or designee reserves the right to restrict or revoke the flexibility of freedom of department head, supervisory employees, and professional employees work hours if abuse is suspected or as business dictates.

## **IX. VACATION TIME**

- a. Full-time employees shall accumulate vacation time on the following basis:
1. Employees with less than three (3) years full-time employment shall earn vacation at the rate of 3.70 hours per pay period (bi-weekly).
  2. Employees with more than three (3) years but less than five (5) years of service shall earn vacation at the rate of 4.31 hours per pay period.
  3. Employees with more than five (5) years but less than seven (7) years of service shall earn vacation at the rate of 4.92 hours per pay period.
  4. Employees with more than seven (7) years but less than ten (10) years of service shall earn vacation at the rate of 5.54 hours per pay period.
  5. Employees with more than ten (10) years but less than fifteen (15) years of service shall earn vacation at the rate of 6.47 hours per pay period.
  6. Employees with more than fifteen (15) years of service shall earn vacation at the rate of 7.39 hours per pay period.
  7. Employees with more than twenty (20) years of service shall earn vacation at the rate of 8.0 hours per pay period.

Changes in the rate of accumulation shall be effective on your anniversary date.

- b. Regular part-time employees shall accumulate vacation time on a prorated basis of the above vacation rate for full-time employees. The rate of accumulation shall be computed by dividing the number of hours worked per week by forty (40) hours. For instance an employee working thirty-two (32) hours per week shall earn 80% of the full time rate. Regular part-time employees, when assigned to work forty (40) hours per week for four (4) weeks or more, shall receive full-time accumulation of vacation time during that time period.
- c. Intermittent part-time employees shall not earn vacation time.
- d. Accumulated vacation time shall not exceed two hundred sixty-four (264) hours.
- e. Employees shall request vacation time from their department head in advance of the leave; however under no circumstances shall the request include time not earned. Vacation requests shall be considered on a seniority basis until May 1 of each year, after May 1 requests shall be on a first notice basis. The department head shall avoid concurrent vacation leaves within the department and shall allow vacation at his/her discretion, considering the needs and work schedule of the County.
- f. In the event of an emergency, the department head may cancel vacations or call back employees on vacation leave.
- g. Any employee who is separated from County employment by layoff, resignation, leave of absence, or death shall be paid for the working hours of unused vacation leave accumulated to his/her credit. The payment shall be computed by multiplying the employee's current hourly rate of pay by the number of accumulated vacation hours. Payment of vacation time shall not exceed two hundred fifty two (252) hours.



- h. Employees that do not or cannot report to work because of weather related conditions shall deduct an equal amount of vacation time or compensatory time.
- i. Employees who have accumulated a total of at least 120 vacation hours may cash in 40 hours when using 40 consecutive hours, or 5 consecutive days, for vacation and retain a minimum of 40 hours, once per year.

## **X. SICK LEAVE**

- a. Full-time employees shall be granted 3.70 hours of sick leave with pay for each pay period of service. Sick leave not used shall be carried forward from one year to the next year. Sick leave benefits shall accrue only when an employee is on compensated payroll status or approved military leaves.
- b. Regular part-time employees shall have sick leave accruals prorated by dividing the number of hours worked by forty (40) hours, then multiplied by the above sick leave rate.  
Regular part-time employees, when assigned to work forty (40) hours per week for four (4) weeks or more, shall receive full-time accumulation of sick leave during that time period.
- c. Intermittent part-time employees shall not receive sick leave with pay.
- d. The employer may request a doctor's certificate for sick leave absences.
- e. Employees using sick leave shall notify the department of his/her inability to report to work as soon as practical, but no later than the time scheduled to work. Employees must provide reason for use of sick leave. Employee must state whether or not the sick leave is for their use, and if not, who it is for, and if it is not for a minor child, employee must explain the circumstances in detail in order to obtain approval.
- f. Sick leave shall be used primarily by the employee. Upon prompt notice to the department, accrued sick leave may be used when an employee cannot perform work duties due to the following:
  - Personal illness, injury, or disability;
  - Necessity for medical, dental, optical, or chiropractic care that cannot be scheduled outside of work hours;
  - Isolation to minimize threat or spread of contagious disease;
  - Disability of the employee due to pregnancy or childbirth.Sick leave is authorized for emotional, psychological and mental disorders as diagnosed and verified in writing by a specialist of that field. The verification shall include the nature of the problem and a projected date of return to work.  
Sick leave may also be used in cases of acute sickness, emergency, or accident in the employee's immediate family or household. Sick leave shall not be used for the care of a healthy minor child or infant. The maximum allowed per incident shall be three (3) working days. The County Administrator may at his/her discretion grant leaves in excess of three (3) working days in cases of unusual circumstances or in cases where employee is ineligible for other forms of leave. If an employee is absent for three days, the County can, under the Family Medical Leave Act (FMLA), ask for more information as to the reason for the illness to determine if it is FMLA qualifying. Employees must use FMLA concurrently if eligible under this policy.

- g. Employees may be allowed up to three (3) working days with pay, per incident, as funeral leave for a death in the immediate family. Consideration shall be given by the department head to closeness of kin and distance of travel. (Vacation hours are to be used for attending funerals of persons other than immediate family.)
- h. Employees using not more than 25 percent of their yearly accumulated sick leave during the span of time between first payroll periods of the year to the final payroll period of the year, shall be credited with sixteen (16) additional hour's vacation time. Vacation time transfers for regular part-time employees shall be prorated.
- i. Upon resignation, employees with 15 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$8500.00, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.  
Upon resignation, employees with 20 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$12500.00, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.  
Upon resignation, employees with 25 years continuous service shall be eligible for severance pay by multiplying the employee's current hourly rate by the number of unused accumulated sick hours, but not to exceed 800 hours, or \$18000, whichever is less. In case of death of the employee, severance pay shall be paid to the legal heirs.
- j. Statutory Officers shall be eligible for severance pay under the same conditions as described under "i" above based on length of service, or using sick hours accumulated before being elected into office. Severance paid to statutory officers under this paragraph shall be paid into a health care savings account established pursuant to Minnesota statutes.

**XI. HOLIDAYS**

- a. Full-time and regular part-time employees shall be entitled to the following holidays with pay:
  - New Year's Day
  - Labor Day
  - Martin Luther King Day
  - Veterans Day
  - Presidents Day
  - Thanksgiving Day
  - Day after Thanksgiving Day
  - Memorial Day
  - Independence Day
  - Christmas Day

Any scheduled holiday falling on Saturday will be celebrated the preceding Friday. Any scheduled holiday falling on Sunday will be celebrated the following Monday. If the holiday falls on a full-time employee's shift schedule, he/she shall be granted another day off. The last four hours of the Christmas Eve work day shall also be considered a holiday when Christmas Eve falls on a Monday, Tuesday, Wednesday, or Thursday.

- b. A full-time or regular part-time employee required to work on paid holidays shall receive another day off within thirty (30) days thereafter as the department head determines considering work schedules.
- c. Intermittent part-time employees are not eligible for holiday pay.
- d. After being employed one (1) full year, employees shall be granted during the calendar year from the first full pay period in January through the last full pay period of the year one (1) personal leave day. Personal leave days shall not be carried forward from one calendar year to the next and must be used before last payroll period of December. Part-time employees shall earn personal leave on a prorated basis.

## **XII. LEAVES**

- A. **MILITARY LEAVE:** An employee shall be entitled to a maximum of one hundred twenty (120) working hours off with pay during the calendar year for reserves, national guard, or military duty as outlined in M.S. §192.26. An employee who engages in active service in time of war or other emergency shall be granted a leave of absence without pay according to M.S. §192.261.
- B. **JURY DUTY:** An employee shall be granted a leave of absence with pay for service on a jury. The employee shall turn over to the County any per diem received. Payment for expenses shall be retained by the employee. When not impaneled for actual service and only on call, the employee shall report to work.
- C. **EDUCATIONAL LEAVE:** An employee shall be granted leave with pay for educational purposes if such education is required by the employer, department head, or by statute.
- D. **EXTENDED EDUCATIONAL LEAVE:** An employee may be granted an extended educational leave, without pay, for educational purposes at the discretion of the Board, based upon recommendation of department head. Extended educational leave shall be requested in writing at least sixty (60) days in advance of the requested commencement date. The employee shall state the date on which the leave is to commence and the date on which the leave is to terminate. The employee may request to return to work prior to the termination date, however, it shall be the sole discretion of the employer to grant such a request.

## **XIII. COMPENSATION / JOB CLASSIFICATION**

- a. It is the policy of the County to establish compensation classification and ranges for each position based on job requirements, responsibilities, affordability, and what similar Counties in size, region, and population pay for comparable positions (market trends). The compensation ranges are reviewed as needed, and adjustments are made based on the County budget and market trends.

Any salary so established shall be the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for conducting official County business. Unless approved by the Board, no employee shall receive pay from the County in addition to the salary authorized for the position to which he/she has been appointed.

- b. Compensation for intermittent and part-time shall bear the same relationship to a full-time rate for the position as the time actually worked bears to the time required for full-time service.
- c. Employees who work in excess of the normal work week will be compensated at one and one-half (1 ½) times the actual work time Department heads and professional employees that are exempt by the Fair Labor Standards Act shall not be compensated for overtime.
- d. All cost of living increases shall be effective on the first of January or the last full payroll period in December.
- e. Employees promoted to a new classification shall receive a minimum of four (4) percent increase and placement to the next highest salary step in the new salary range. Employees may be placed higher than first step if there is a newly hired employee who is at the same step and range in a similar position. A new position date shall be established on the date that the employee was promoted. Any salary increase will be as of date promoted. Anniversary date increases on the pay schedule will be made according to the new position date in the new classification.
- f. When a classification is re-graded, employees in that classification are given the salary under the new pay grade which is closest to their present salary. If the salary of the employee falls under the "base" heading of the pay schedule, the employee will not receive a six month pay adjustment. The next salary adjustment will be on the anniversary date.

#### **XIV. EMPLOYEE INSURANCE**

- a. Employees working thirty (30) hours or more per week shall be provided the following insurance:
  - 1. Group Medical Insurance for the employee.
  - 2. Life Insurance.
  - 3. Disability Insurance.
  - 4. Dental Insurance.

An employee may at his/her option purchase additional or dependent coverage through payroll deductions. Temporary full-time employees shall not receive health coverage.

- b. Employees that retire before age sixty-five (65), or employees that retire at age 65 or older, may continue under the group health coverage and dental coverage by paying the total cost for the monthly coverage in advance. An employee on an approved leave of absence may continue his/her group health and dental coverage by paying the total cost of insurance in advance.

#### **XV. RESIGNATION**

- a. An employee may resign in good standing by tendering his/her resignation in writing. Employees are encouraged to give at least thirty (30) calendar days prior to the effective date, and at least three (3) weeks is required.

Failure to comply with the three (3) week notice requirement may result in the forfeiting of all accumulated fringe benefits due the employee and normally otherwise paid to the employee as severance pay, except in cases of emergency or unusual circumstances.

- b. Absence from work for three (3) consecutive days without notification may constitute a resignation.

## **XVI. WORKERS' COMPENSATION**

If you become ill or are injured on the job, you must contact your supervisor immediately. If your supervisor is not available, you should contact your department head or Human Resources. Failure to report any accident, illness, or injury could result in disciplinary action. The employee shall receive Workers' Compensation benefits as provided by law as it applies. The employee's regular pay shall be reduced by an equal number of hours. Under no circumstances shall a department head or supervisor submit a "First Report of Injury" to the insurance company on his/her own behalf or sign the report on behalf of the employer.

## **XVII. FORMAL COMPLAINT PROCESS**

It shall be the policy of the Board insofar as possible to prevent the occurrence of complaints and disputes and to deal promptly with those which occur. The County provides a Formal Complaint Process for all employees to voice concerns, problems, and/or complaints. Any formal complaint brought to the attention of management through this process will be investigated thoroughly and resolved. The Formal Complaint Process is intended to be used for issues such as conflicts with supervisors or co-workers, concerns about policies or discipline, and so on. You do not need to follow this process to report discrimination, harassment or illegal activity.

### **Procedures**

The Formal Complaint Process is outlined below.

#### **Step 1**

Employees – Submit your complaint in writing, to your immediate supervisor. If the conflict involves the immediate supervisor, you may begin the complaint process with Step 2.

Immediate Supervisor – Within 5 workdays, notify the employee in writing of the decision, or notify the employee of additional time needed to investigate further.

#### **Step 2**

Employees – If unsatisfied with the immediate supervisor's response, add remarks and send the report within 5 workdays to the next higher level of management in the area (department head).

Department Head – The department head should involve supervisor and Human Resources in working to resolve the complaint.

### Step 3

Employees – If unsatisfied with the department head's response, add remarks and send the report within 5 workdays to the County Administrator for review and response.

County Administrator – The employee and department head will receive a copy of the form with the reply.

### Step 4

Employees – If unsatisfied with the reply from the County Administrator, request that the issue be forwarded to the Board.

The Board or designee will render a decision in writing. The decision reached at this step is final. All parties will be fully informed of the final action taken.

### Additional information

Formal Complaints must be written and signed to be officially considered.

In cases of extenuating circumstances and in the interest of adequate answers or solutions, time limits may be extended.

Should the complaint be used to express disagreement with a policy or practice, you will be expected to comply with the disputed policy or practice until the disagreement is resolved or the policy or practice is changed.

If you feel uncomfortable presenting a matter at a particular step because the person responsible for receiving complaints at the step is directly involved in the matter, you may bypass that step.

You will not be penalized for properly using the Formal Complaint Process. The complaint process must not be used for unfounded complaints, or as a means to harass a co-worker or supervisor.

## **XVIII. DISCIPLINE**

A. *DISCIPLINE POLICY:* County employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the Board. It is the policy of the Board to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause and the employee may request a hearing or use the formal complaint process of Article XVII with respect to any disciplinary action which he/she believes is either unjust or disproportionate to the offense committed. The supervisor or department head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

**B. DISCIPLINARY ACTION STEPS:**

The County of Kandiyohi hereby reserves the right to take any disciplinary action at any time, depending on the severity of the infraction. Except for severe infractions, disciplinary action against any employee will be progressive and follow the steps listed below:

1. First Offense - Oral Reprimand.
2. Second Offense - Written Reprimand.
3. Third Offense - Suspension without Pay.
4. Fourth Offense - Dismissal.

Other forms of discipline, including but not limited to, demotion, forced transfer, or withholding a salary increase may be imposed as well.

- C. HEARING:** In any case of suspension, recommendation for dismissal, or demotion, the employee shall be granted a hearing before the Board if the employee submits a written request for such a hearing to the County Administrator within five (5) working days of notification of the action taken. The hearing shall be held within ten (10) working days from the date the request is filed unless the Board and the employee agree on a later date. If a request for a hearing is submitted, the dismissal shall be stayed until the hearing is completed and the Board renders its decision. Any period following the recommended date of dismissal shall be without pay, unless otherwise determined by the Board, or the employee is a veteran who requests a hearing under Minnesota Statutes 197.46.

**XIX. CONFLICT OF INTEREST POLICY**

It is understood that the avoidance of all conflicts of interest is not humanly possible, however, when situations occur, they shall be disclosed immediately to the department head. Conflict of interest situations shall be guided by the following statements. No employee shall have a direct or indirect interest in any contract, agreement, work, labor, or business in which the County is a party or in which the County is or may have an interest. No employee shall furnish any article or property, real or personal, to the County, for which the consideration, price, or expense is directly paid by the County. No employee shall use or attempt to use their position to secure or accept benefits, privileges, exemptions, or advantages for themselves or their immediate family.

- A. OUTSIDE EMPLOYMENT:** The County does not encourage outside employment. However, employees may be permitted to engage in such employment subject to the above conflict of interest policy and the following restrictions:

1. The outside employment shall not interfere with the employee's regular County duties.
2. Outside work is secondary to County employment.
3. Outside employment shall not require the use of County equipment, facilities, material, or supplies.



4. Outside employment shall not be for any contractor, person, or company which has a contract or agreement with the County.
- B. ACCEPTANCE OF GIFTS:** Employees of the County of Kandiyohi 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. The acceptance of the following shall not be a violation of this section:
1. Gifts of nominal value;
  2. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
  3. Payment of reimbursement expenses for travels or meals in accordance with Kandiyohi County's travel and meal policy.
  4. 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.
- C. USE OF CONFIDENTIAL INFORMATION:** An employee of the County of Kandiyohi shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that may require the employee to disclose or use confidential information.
- D. USE OF PROPERTY:** Employees 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 related to the business of the County, except as provided by law.
- E. VOLUNTEER ORGANIZATIONS:** The County encourages its employees to become active members of the community by participating in volunteer organizations such as fire departments, rescue squads, ambulance squads, service clubs, and other non-profit organizations that contribute to the overall good and quality of life in Kandiyohi County.
- F. REVIEW OF POTENTIAL CONFLICTS OF INTEREST:** When an employee believes there is a potential for a conflict of interest, it is the employee's duty to have the situation reviewed. A conflict of interest shall be deemed to exist when a review of the situation by the employee and the employee's supervisor results in a determination that any one of the following conditions are present:
1. The use for private gain or advantage of agency time, facilities, equipment, supplies, prestige or influence of Kandiyohi County office of employment.
  2. Receipt by the employee of any money or other things of value, except as allowed by subparagraph B above, from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course of business of County employment or as part of his or her duties as an employee.
  3. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee, or by the County or an agency of the County.
  4. The performance of an act in 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, or by the County or an agency of the County.



**G. RESOLUTION OF CONFLICT OF INTEREST:**

1. If the employee or the employee's supervisor determines that a conflict of interest exists or that there is a potential conflict of interest, County policy must be followed, and the employee must cease all activities in violation thereof.
2. If the employee believes that there is an unfair determination of a conflict of interest, the grievance policy may be followed.

**XX. EMPLOYEE ASSISTANCE PROGRAM**

**A. PURPOSE.** The County of Kandiyohi is concerned with an employee's personal problems when they adversely affect job performance or reflect discredit on the organization. The Employee Assistance Program has been developed to provide assistance to employees with problems of a personal nature either on a voluntary basis or when referred by management. The County of Kandiyohi recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate resources. The purpose of the Employee Assistance Program is to provide these services through special arrangements with an outside counseling resource. The program is designed to deal with a broad range of human problems such as alcohol and/or drug, emotional/behavioral, family and marital, financial, legal and other personal problems. The program provides problem assessment, short term counseling and referral. Costs for these services are covered by the Minnesota Counties Intergovernmental Trust. If costs are incurred for other services that are not covered by MCIT, insurance or other benefits, that cost is the responsibility of the employee. The overall objective of the Employee Assistance Program is to maximize the employee's ability to function in personal matter and maximize job performance. The County of Kandiyohi is concerned with an employee's personal problems only when they adversely affect job performance or reflect discredit on the organization.

**B. UTILIZATION OF THE PROGRAMS IS GOVERNED BY THE FOLLOWING:**

< The program applies to all employees of the County of Kandiyohi regardless of job title or responsibilities.

< The program is available to employees and their family on a self-referral basis since problems at home can affect the job. If employees or family members have personal problems that may benefit from assistance, they are encouraged to use this program.

< Participation in the program does not jeopardize an employee's job security, promotional opportunities or reputation, nor will it impair any rights of the employee or impede the organization in effecting disciplinary proceedings against any employee.

< All records and discussions will be treated as confidential information to the fullest extent allowed by the law. In cases referred by supervision or management, confidentiality requires that no information be revealed to supervisors or managers other than on a need to know basis for proper job functioning. All written records will be kept by the designated counseling resource and will not become a part of the employee's personnel file.

< When performance problems are not covered with normal supervisory attention, employees are encouraged to seek assistance to determine if personal problems are causing unsatisfactory performance. If performance problems persist, normal corrective procedures will be followed.

< Sick leave and/or Family Medical Leave may be granted for treatment or rehabilitation on the basis as it is granted for other health problems pursuant to the County of Kandiyohi's leave policies. Consideration may also be given for the use of annual leave or leave without pay if requested.

**C. PROGRAM**

Through the Employee Assistance Program, the County of Kandiyohi employees and their immediate family members obtain free diagnostic screening, brief counseling and referral services.

**D. ACCESS TO THE PROGRAM.** The employee and/or family members should contact **The SandCreek Group, Ltd., 1-800-550-MCIT** to access the program. In the event of a crisis, the individual can call the above number at any time.

**E. COST.** There is no cost to the employee for assessment and counseling sessions that the employee or family member may have with the Employee Assistance Program. Should the EAP participant require additional service beyond the EAP, the Employee Assistance Counselor will refer the participant to an appropriate resource in accordance with the employee's insurance benefits and ability to pay.

**F. CONFIDENTIALITY.** No information about an individual using this EAP will be shared with others without the written consent of the person except in circumstances where disclosure is required by law. Those who seek assistance need only to identify themselves as employees or a family member of the County of Kandiyohi. Before your initial appointment begins, you will be assured of the purpose and intended use of the information you provide; whether you may refuse to supply information or whether supplying it is legally required; any and all potential consequences arising from supplying or not supply the information; and the identity of any person or entities authorized by state or federal law to receive such information, if any.

**XXI. PUBLIC RELATIONS / IDENTIFICATION BADGE**

County employees have a significant public relations responsibility. Employee work attitudes and appearance are all subject to close inspection by County employees, and by the ultimate employer, the County taxpayers, in some cases, a single County employee may be the only County employee known by an individual citizen. Taxpayers may base their total judgment of the efficiency and character of their County's government on the performance of that employee. To them, that employee *is* the County.

If employees take pride in the fact that they are doing their job well, others will catch the same spirit. The reputation, which Kandiyohi County enjoys, depends largely on what employees think and say about it. To publicly disparage another department or employee is inappropriate and will not be tolerated. We are all part of the overall image of County government.

When asked for information, employees should be helpful and friendly. A single employee cannot possibly know all the answers, but the employee can make sure that the person asking the question is referred to the right source.

They should be kind and considerate to each other and to the Public. Together we need to provide prompt, professional service the first time to our internal and external customers.

Any public relation or media requests should be directed to and approved by the supervisor, department head, or the public information officer.

All persons working or conducting business on County property and/or in the community will adhere to the following identification standards for the purpose of providing highest quality service in the safest possible environment:

- ▶ Unless approved by the County Administrator or their designee, all County employees and volunteers are required to display identification provided by the County.

- ▶ All employees will display photo ID at all times while at a County facility. Badges shall be obtained and used when visiting other non-County departments and offices.

- ▶ Employees may use judgment in deciding whether to wear their photo ID while conducting official business that is not on County property if anonymity is a consideration.

- ▶ Badges should be worn using a (preferable breakaway) lanyard or clip-on type of attachment to clothing. Consideration will be given to safety, and exceptions will be made if ID will impede employee safety (i.e., getting caught in machinery).

- ▶ All County property, including ID badges, are required to be turned in upon termination/resignation of employment.

## **XXII. OFFENSIVE CONDUCT, HARASSMENT AND VIOLENCE POLICY**

**A. GENERAL STATEMENT OF POLICY.** It is the policy of Kandiyohi County to maintain an environment that is free from offensive conduct, harassment, and violence based on age, race, color, national origin, religion, disability, veteran's status, pregnancy, status with regard to public assistance, or membership in other protected groups. It shall be a violation of this policy for any employee, agent, officer, commissioner, or elected official of the County to engage in any violent offensive or harassing verbal or physical conduct toward any employee, officer, agent, or member of the public.

The County will act to investigate all complaints, formal or informal, verbal or written, of any offensive, harassing, or violent conduct of a sexual or otherwise nature and will take appropriate action against any employee, agent, officer, commissioner, or other elected official who is found to have violated this policy.

### **B. OFFENSIVE CONDUCT, HARASSMENT, AND VIOLENCE DEFINED**

#### **1. Sexual Gender Based Offensive Conduct or Harassment:**

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

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, public services, or public accommodations;

**b.** submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services, or public accommodations; or

**c.** that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creating an intimidating, hostile, or offensive employment, public service, or public accommodation environment.

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

(1) unwelcome verbal remarks, jokes, or innuendos of a sexual nature or based upon gender;

(2) unwelcome pressure for sexual activity;

(3) unwelcome, sexually motivated, or inappropriate patting, pinching, or other physical contact;

(4) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations;

(5) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;

(6) any sexually motivated unwelcome touching;

(7) distribution or display of written materials, pictures, or other graphics of a sexual or gender biased nature;

(8) other unwelcome behavior or words directed at an individual because of gender.

**2.** Sexual Violence. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts including the genital area, groin, inner thigh, buttocks, or breasts, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

**a.** touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

**b.** coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;

**c.** coercing, forcing, or attempting to coerce or force a sexual act on another; or

**d.** threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

**3.** Race/National Origin Based Offensive Conduct/Harassment and Bias.

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

**a.** submission to conduct or communications of a derogatory, harassing, or biased nature based on race/national origin is made a term or condition, either explicitly or implicitly, of obtaining,

or retaining employment, or of obtaining or retaining access to public services or public accommodations;

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

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

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

5. Religion Based Offensive Conduct/Harassment and Religious Bias.

Religious harassment/bias occurs when:

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

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

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

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

7. Disability Based Offensive Conduct/Harassment and Disability Bias.

Disability based harassment and/or bias occurs when:

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

b. submission to or rejection of conduct or communications of a derogatory, harassing, or biased nature based on an individual's disability,

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

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

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

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

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

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

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

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

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

c. the conduct or communication of a derogatory, harassing, or biased nature based on an individual's marital status has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations

or of creating an intimidating, hostile, or offensive employment or public service/accommodation environment.

**10. Status With Regard to Public Assistance Based Offensive Conduct/Harassment and Bias.** Status with regard to public assistance means the condition of being a recipient of federal, state, or local assistance, including medical assistance, housing subsidies, or general assistance. Public assistance status based harassment and/or bias occurs when:

a. submission to conduct or communications of derogatory, harassing, or biased nature which is based on an individual's status with regard to public assistance, as defined above, which is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining public services/accommodations;

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

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

**11. Sexual Orientation Based Offensive Conduct/Harassment and Bias.**

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

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

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



c. the conduct or communication of a derogatory, harassing, or biased nature based on an individual's sexual orientation has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or of creating an intimidating, hostile, or offensive employment or public service/accommodation environment. See also Section B1, Sexual Gender Based Offensive Conduct or Harassment.

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

13. Assault. Assault is:

a. an act done with intent to cause fear in another of immediate bodily harm or death;

b. the intentional infliction of or attempt to inflict bodily harm upon another; or

c. the threat to do bodily harm to another with present ability to carry out the threat.

14. Applicability: Offensive conduct, harassment, or bias may occur:

a. between a supervisor and an employee;

b. between co-employees;

c. between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;

d. between a commissioner or other elected official and an employee or member of the public receiving or seeking public services/accommodations;

e. between an agent of the County and an employee, supervisor, elected official, or member of the public.

**C. REPORTING PROCEDURES.** Any person who believes he or she has been the victim of offensive conduct of a sexual nature, sexual harassment, or harassment or bias based on race, creed, color, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation by an employee, agent, official, commissioner, or other elected official of the County, or any person with knowledge or belief of conduct which may constitute such harassment or bias toward an employee, official, or member of the public seeking or receiving public services or accommodations, shall report the alleged conduct immediately to an appropriate County official designated by this policy.

The County encourages the reporting party or complainant to use the report form available from the County Administrator office or available from the department head of any County department, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the County Human Rights Officer.

1. In Each County Department

a. The department head of each department is the person responsible for receiving oral or written reports of all types of offensive conduct, harassment, and bias described in Section B, at the department level.



b. Any supervisory employee, whether or not the person is a department head, who receives a formal or informal, oral or written report of harassment, bias, or violence as defined in this policy, shall inform the department head immediately without screening or investigating the report, unless the department head is involved in the alleged harassment, bias, or violence, in the event that the department head is involved the report shall be made directly to the County Human Rights Officer or Alternative Human Rights Officer as described below. Failure of a supervisory employee to forward such a report to the appropriate party shall be grounds for discipline, including immediate discharge of employment.

c. Upon receipt of a report, the department head must notify the County Human Rights Officer immediately, without screening or investigating the report. The department head may request, but may not insist upon, a written complaint by the complainant. A written statement of the facts alleged will be forwarded as soon as practicable by the department head to the Human Rights Officer. If the report was given verbally, the department head shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the department head.

d. If the complaint involves the department head, the complaint shall be made or filed directly with the County Human Rights Officer by the reporting party or complainant.

## 2. County-Wide.

a. The County Board hereby designates  
Lynn Travaglio, Human Resources Director  
Health and Human Services Building  
2200 23<sup>rd</sup> Street NE, Suite 2020  
Willmar, Minnesota 56201  
Telephone: 1-320-231-6215

as the County Human Rights Officer to receive reports of sexual harassment and of offensive conduct, harassment, and violence based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation.

b. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Alternative Human Rights Officer:

Larry Kleindl, County Administrator  
Health and Human Services Building  
2200 23<sup>rd</sup> Street NE, Suite 2020  
Willmar, Minnesota 56201  
Telephone: 1-320-231-6215

c. The County shall conspicuously post the name of the Human Rights Officer and Alternative Human Rights Officer, including mailing address and telephone number.

3. Submission of a good faith complaint or report of offensive or harassing conduct of a sexual nature or offensive conduct, harassment, bias, or violence based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation shall not affect the reporter's future employment or access to public services or public accommodations.

4. Use of formal reporting forms is not mandatory.

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

**D. INVESTIGATION.**

1. By authority of the County Board, the Human Rights Officer or Alternative Human Rights Officer, upon receipt of a report or complaint of offensive or harassing conduct of a sexual nature or offensive conduct, harassment, bias, or violence based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, or sexual orientation, shall undertake or authorize an investigation. The investigation may be conducted by County officials or by a third party designated by the County.

2. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

3. In determining whether alleged conduct constitutes a violation of this policy, the County should consider 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 complainant and other employees or members of the public pending completion of the investigation.

5. The County Human Rights Officer shall make a written report to the County Administrator. If the complaint involves the Administrator, the report may be filed directly with the County Board.

The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

**E. 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. Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes § 13.01 et. seq., the results of the County's investigation will be made available to the complainant.

**F. REPRISAL.**

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

**G. DISCIPLINE.**

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

1. Applicable Collective Bargaining Agreements;
2. County Policies;
3. State and Federal Law.

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

**H. DISSEMINATION OF POLICY.**

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

**XXIII. EMPLOYEE SAFETY POLICY**

**A. POLICY STATEMENT ON SAFETY.** The County of Kandiyohi realizes that it has the responsibility to provide a safe work place(s) for its employees and a safe environment for its citizens. Each employee must pursue the highest standards in his or her assigned activities; all County employees must recognize that the wellbeing of persons involved and the protection of our physical resources are as important as the activity and work being performed. The County expects its management and employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible.

**B. DEFINITION.** "A Workplace Accident and Injury Reduction" Act (AWAIR) legislation provides for the establishment of a written work place accident and injury reduction program that promotes safe and healthful working conditions.

**C. RESPONSIBILITIES.**

1. *Safety Director.* The Kandiyohi County Safety Director shall be responsible for the overall implementation of the County Safety Program and for coordination and the continued participation of managers, supervisors, and employees.

2. *Managers and Supervisors.* Managers and supervisors are responsible for implementing methods to identify, analyze, and control new or existing hazards, conditions and operations, and for the communication of said hazards, conditions and operations of all affected employees so that they are informed of work related hazards and controls, for accident investigation and the implementation of corrective action,

for cooperation in an annual review of the injury reduction program, and for the enforcement of safe work practices and rules.

**3. Employees.** Each employee of Kandiyohi County will be responsible for his/her own personal safety and for the safe completion of assigned tasks. He/she shall be required to participate in all safety training and orientation relative to his/her job, and to assist in the overall safety effort by contributing his/her expertise. Except for severe infractions, any employee in violation of established safety standards shall be subject to disciplinary action as outlined in Article XVIII B. An employee's failure to comply with any of the following standards shall be considered a safety violation.

a. The employee is expected to be consistent with OSHA regulations, the rules set forth in this handbook, department safety rules, and specific job training.

b. The employee is expected to work according to good safety practices as posted, instructed, and discussed.

c. The employee must refrain from any unsafe act that might endanger himself/herself or fellow work persons.

d. The employee must use all safety devices provided for his/her protection and for the protection of others.

e. Employees must read all labels before use of a chemical and all chemicals shall be used for their intended purpose only. Do not mix chemicals. Unnecessary contact with chemicals shall be avoided.

f. No smoking shall be permitted in any structure or in areas where there are combustibles, near flammable liquid storage, or while refueling vehicles.

g. Employees shall not be permitted to begin or continue their normal duties while in the possession of, or under the influence of, alcohol or drugs.

h. The employee must report any unsafe condition or act to his/her supervisor or safety representative immediately.

i. The employee must assume his/her share of responsibility for thoughtless or deliberate acts that cause injury to himself/herself or his/her fellow work persons.

j. The employee must report **all** injuries to his/her supervisor.

k. The employee must maintain a clean and safe work area. All tools and equipment shall be kept clean and in good working order. Any malfunction or need for repair shall be reported to his/her supervisor.

l. Employees working on or near machinery or electrical equipment shall not wear long, flowing neckties, finger rings, key chains, identification tags, watch chains, or wristwatches or any other type of accessory that could present a hazard in relation to the equipment in operation.

m. Areas in front of electrical controls or main switches shall be kept clear at all times. Aisles leading to fire extinguishers shall be kept clear of materials that would impede reaching the extinguisher.

Each employee is responsible for knowing the location and operation of the fire extinguisher(s) in his/her work areas(s).

- n. All County vehicles must be operated in a safe, lawful, and defensive driving manner at all times.
- o. Prior to driving, all County vehicles must be checked for proper lights, reflectors, brakes, steering, tires, horn, and wiper blades. Any deficiencies must be reported to the supervisor immediately.
- p. It is recommended that all County vehicles are equipped with first aid kits and fire extinguishers.
- q. Seat belts shall be worn by the driver and all passengers whenever the vehicle is in motion.
- r. The employee is to participate in all safety training provided. Safety training shall be considered a part of the employees normal work schedule and no loss of pay shall result from attendance at any required safety training.
- s. Employees must wear/utilize all required personal protective equipment (PPE) as required or identified by job task, guidelines or procedures.

#### **XXIV. ALCOHOL AND DRUG POLICY**

**A. PURPOSE.** Alcoholism and other drug dependencies are a significant problem in society and that this problem has the potential to cause severe effects in the workplace. Consumption of alcohol at any point during the workday can create a serious work hazard for the employees and the public, and may affect employee performance. In an effort to continue to maintain a drug-free workplace, and in order to comply with the federal Drug-Free Workplace Act of 1988, the County adopts the following policy.

**B. DEFINITIONS.**

1. Work-Related Alcohol and Other Drug Abuse is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.
2. Adversely Affects Work Performance and Under the Influence shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses, or effort; if the employee's condition threatens the safety of the employee or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of Kandiyohi County as an employer as determined by the supervisor or department head or others observing the employee.
3. Controlled Substances means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens, or cannabis.
4. Mood-Altering or Alter means changed behavior which may limit an employee's ability to safely and efficiently perform job duties, or poses a threat to the safety of the employee or others.

**C. SCOPE.** This policy is applicable to all employees of Kandiyohi County and shall be enforced by the County to the fullest extent possible.

**D. PROHIBITED ACTIVITIES.**

**1. Reporting to Work Under the Influence:** No employee shall report to work or be on call under the influence of alcohol, marijuana, controlled substances, or other drugs which affect the employee's alertness, coordination, reaction, response, judgment, decision making, or safety.

**2. Operation of Machinery Under the Influence:** No employee shall operate, use, or drive County equipment, machinery, or vehicles while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under affirmative duty to immediately notify the employee's supervisor if the employee is not in appropriate mental or physical condition to operate, use, or drive County equipment.

**3. Controlled Substances:** During work hours, while on the County's premises, or wherever the County's work is being performed, no employee shall manufacture, distribute, dispense, possess, sell, or use any controlled substance, including marijuana, except as medically prescribed and directed with the following exceptions:

a. when the prohibited act is performed by Sheriff's personnel in accordance with department policy, and such use or possession is necessary in connection with the investigation of illegal activities;

b. when an employee is taking medically authorized drugs or other substances which may affect job performance, as defined in the Definitions above, the employee is under an affirmative duty to notify the appropriate supervisor of the employee's temporary inability or impairment in the ability to perform the job duties.

During an employee's work hours, or while on the County's premises, no employee shall use, possess, or transfer alcoholic beverages, with the following exceptions:

(1) consumption, possession, sale, or purchase of alcohol when authorized by County Administration under separate statutory or executive agency authority;

(2) possession of alcohol while in an employee's personal vehicle on the County's premises in compliance with applicable statutory requirements. Additionally, employees shall not participate in these activities during rest breaks, lunch breaks or during overtime work.

**4. Disciplinary Action Related to Controlled Substances:** Engaging in off-duty sale, purchase, transfer, use, or possession of controlled substances may have a negative effect on an employee's ability to perform the job. In such circumstances, the employee may be subject to discipline in employment in addition to any other criminal, or other, sanctions.

**5. Notification:** Department heads or department head's designee shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in the employee's possession at work or on County premises.

**6. Disciplinary Action Related to Alcohol:** Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the County's business,

any employee whose condition or behavior adversely affects the employee's performance shall be subject to possible discipline up to and including discharge or the requirement or satisfactory participation in a drug assistance or rehabilitation program.

**E. EMPLOYEE ASSISTANCE PROGRAM.**

Kandiyohi County has in place a formal Employee Assistance Program to assist employees in addressing problems such as alcohol or other drug abuse. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment through the Employee Assistance Program before the problem affects their employment status. An employee may choose to voluntarily participate in this program or may be required by their physician.

**F. EDUCATION. DRUG-FREE AWARENESS:**

By this policy, Kandiyohi County has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each Kandiyohi County employee will receive a copy of this policy and will be expected to read it. The Human Resources Office will provide, upon request, information regarding any available drug counseling, rehabilitation, and employee's assistance program that an employee may enter through his or her health insurance program. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment before the problem affects the employment status. The Human Resources Office will keep additional copies of this policy available for employees.

**G. EMPLOYEE REPORTING REQUIREMENTS.**

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all Kandiyohi County employees, as a condition of employment, will agree to abide by the terms of the Policy and will notify the Human Resources Office of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Upon receipt of this notice, Kandiyohi County will, within 10 days after receiving such notice or actual notice, notify the contracting agency of the conviction.

**H. NON-DISCRIMINATION.**

Kandiyohi County's policy on work-related substance abuse is nondiscriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents an employee from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

**I. EMPLOYEES ON CALL.**

No employee who has been put on notice that he/she is "on call" will consume alcohol or drugs. They are to be mentally and physically alert and ready to go to work.



#### **J. EMERGENCY CALL IN.**

In emergency situations employees who are not expecting to work are called in to accomplish the work involved. An employee who has consumed alcohol should use discretion in deciding the personal effects of the alcohol and whether or not to respond. If an employee chooses to respond to an emergency, he/she should report immediately to a supervisor and advise the supervisor that he/she has been drinking prior to the emergency work assignment. It will be determined at that time if and to what the employee will be assigned. Of utmost importance is the fact that anyone who has been drinking and still has alcohol or drugs in their blood should not drive County vehicles, operate power equipment, or operate any equipment which could be dangerous to the employee or to others.

#### **K. CONSEQUENCE OF VIOLATIONS.**

In addition to possible criminal prosecution, violations of this policy will constitute just cause for discipline, including discharge or the requirement of assessment and satisfactory participation in a drug abuse assistance or rehabilitation program. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

#### **I. DRUG/ALCOHOL TESTING.**

1. Probable Cause: Any alcohol and/or drug testing of employees undertaken by the County shall be based on probable cause (reasonable suspicion) and will be in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

2. External Applicants: External applicants for positions with Kandiyohi County may be required to undergo drug testing. Such testing will be done in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

### **XXV. FAMILY AND MEDICAL LEAVE OF ABSENCE POLICY**

**A. SCOPE:** The Family and Medical Leave Act (FMLA) of 1993, as amended, entitles eligible employees to take up to 26 weeks of unpaid, job-protected leave in a 12-month period for specified family, medical, and military-related reasons.

The law was amended by a section of the National Defense Authorization Act for Fiscal Year 2008 (NDAA). The applicable section added two new types of FMLA leave to employees with family members serving in the military:

- ▶ 26 weeks to care for injured/ill service members, and
- ▶ 12 weeks for a qualifying exigency.

The law was amended again on October 28, 2009, (under the National Defense Authorization Act for Fiscal Year 2012) to clarify and expand the leave permitted for employee with family members who serve (or served) in the military.

The law contains provisions for employer coverage; employee eligibility for the law's benefits, entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and



protection for employees who request or take FMLA leave. The law also requires employers to keep certain records.

**B. ELIGIBILITY:** if an employee has worked for the County for at least 12 months and has worked at least 1,250 hours during the 12-month period immediately preceding the leave, the employee is entitled up to 12 work weeks of Family and/or Medical leave within a 12-month period; or generally entitled up to 26 weeks for Military Caregiver Leave.

**C. QUALIFYING REASONS:** A covered employer must grant an eligible employee up to a total of 12 (or 26) work weeks of unpaid leave during any 12-month period for one or more of the following reasons:

- ▶ For the birth and care of the newborn child of the employee (up to 12 weeks);
- ▶ For placement with the employee of a son or daughter for adoption or foster care (up to 12 weeks);
- ▶ To care for an immediate family member (spouse, child, or parent) with a serious health condition (up to 12 weeks);
- ▶ To take medical leave when the employee is unable to work because of a serious health condition (up to 12 weeks);
- ▶ To handle qualifying exigencies (up to 12 weeks);
- ▶ To care for a family member who is a covered service member (up to 26 weeks).

Eligible employees may take up to 12 weeks for birth/placement, to care for their own serious health condition, to care for a family member with a serious health condition, or for qualifying exigencies. To be entitled to take FMLA for birth/placement or to care for a family member, a legal or biological relationship is not needed.

As long as the employee stood, will stand, or is standing *in loco parentis* to the child or family member. To stand in loco parentis, an individual would need to take on the day-to-day responsibilities of caring for a child or providing financial support.

Employees may take a total combined leave of 26 weeks for qualifying reasons during the caregiver leave year – basically, when the two leave years overlap. For example, if an employee were to take 12 weeks of leave for the birth of a child, then he went on leave to care for a covered service member, a new leave year would begin.

Service members care leave must run on a measured forward basis, no matter what leave year is identified for the other reasons for leave.

**D.. Service member care:** A covered service member is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious illness or injury.

A covered service member includes veterans who are undergoing medical treatment, recuperation, or therapy and who were members of the Armed Forces (including the National Guard or Reserves) at any time during the five year period preceding the date on which the treatment, recuperation, or therapy began.

The serious illness or injury is one incurred by the member in the line of duty on active duty that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. A serious illness or injury can result from the aggravation of a pre-existing condition due to active duty, as well as the manifestation of a condition which requires treatment, recuperation, or therapy within five years after the individual leaves the military.

For the purpose of the 26 weeks of leave, an employee must be the spouse, son, daughter, or next of kin of a covered service member. "Next of kin" is the nearest blood relative of the individual.

Next of kin includes the following:

- ▶ Those who had legal custody
- ▶ Siblings
- ▶ Grandparents
- ▶ Aunts/Uncles
- ▶ First Cousins

The service member may specifically designate in writing another blood relative as his or her nearest blood relative. However, when no such designation is made, all next of kin may take leave to provide care to the service member.

**E. *Qualifying exigency:*** Qualifying exigencies are situations that require a rather immediate response as exigencies make urgent demands. Qualifying exigencies include the following:

- ▶ Short-notice deployment (seven days)
- ▶ Military events and related activities
- ▶ Childcare and school activities
- ▶ Financial and legal arrangements
- ▶ Rest and recuperation (five days)
- ▶ Post-deployment activities (90 days)
- ▶ Other agreed upon by employer and employee

Time for child care allows employees to arrange for alternative child care, or to provide childcare on an urgent, immediate need basis, but not on a routine, regular, or everyday basis.

**F. *SUBSTITUTION OF OTHER PAID LEAVE:*** An eligible employee will be required to use accrued paid leave concurrently with the 12 weeks of leave to which the employee may be entitled under this policy. However, the County will not provide paid leave in any situation that it does not normally provide such leave for the purpose requested.

**G. EMPLOYMENT RESTORATION:**

1. Any eligible employee who takes a leave for a purpose authorized by this policy is entitled upon return from such leave to be restored to the same position of employment as held when the leave began, or to be restored to an equivalent position with no adjustments to seniority dates (classification and date of hire), equivalent employment benefits, pay, and other terms and conditions of employment.
2. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the County may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health benefits are maintained. In order to do so the County must:
  - a. notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
  - b. notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
  - c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and,
  - d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.
3. A health care provider's release may be required if the employee is returning from a medical leave of three or more days.
4. In the event of a layoff during the employee's leave, the employee shall be treated as a regular employee of record during the leave and shall be afforded all of the rights as governed by the appropriate bargaining agreement or County policies governing matters involved with a layoff.

**H. BASIC CONDITIONS OF LEAVE:**

1. The County will require medical certification from a health care provider to support a request for leave for an employee's own serious health condition, or to care for a seriously ill child, spouse, or parent.
  - a. For the employee's personal medical leave, the certification must state that the employee is unable to perform the functions of the employee's position because of a serious health condition, the date of onset, and the health care provider's appropriate medical facts concerning the condition. Appropriate medical facts are those facts which are directly relevant to those factors and do not include medical information which involves matters irrelevant to the leave.
  - b. For leave to care for a seriously ill child, spouse, or parent, the certification must state that the employee is needed to provide care for a family member and an estimate of the amount of time needed, including health care provider's statement if there is a need of an intermittent or reduced work schedule. At its discretion, the County may require a second medical opinion and periodic recertification at its own expense. If the first and second medical opinions differ, the County, at its own expense, may require the opinion of a third health care provider, approved by both the County and the employee. If the employee unreasonably,

in the opinion of the County, refuses to agree to a third health care provider, the County may designate the provider. This third opinion is binding on the County and the employee for purposes of this policy.

2. If medically necessary for a serious health condition of the employee or the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced work schedule. If leave is required on this basis, however, the County may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided the position has equivalent hourly pay and benefits.

**I. NOTIFICATION AND REPORTING REQUIREMENTS:** When the need for leave can be planned, such as the birth or placement of a child, or scheduled medical treatment, the employee must provide thirty (30) days' prior notice, and make efforts to schedule the leave to minimize disruption to County and/or Departmental operations. In cases of illness, the employee may be required to report bi-weekly on leave status and intention to return to work. If the need for the leave was not foreseeable, the employee must provide certification within Fifteen (15) working days of the request for leave or as soon as reasonably possible under the circumstances. In this case, the County may require the use of paid leave until proper documentation is received and Human Resources determines eligibility for unpaid leave status under this Policy. If the employee has documented time off for a Family Medical Leave of Absence qualifying event prior to the formal request, the County may include the previous time taken as part of the 12 weeks available through this policy.

**J. STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE.** Employees who are granted an approved leave of absence under this policy may continue their health insurance coverage by arranging to pay their portion of the premium contributions during the period of unpaid absence. Other insurance will continue to be in force only if employees pay the full amount of the premium during the leave. If an employee elects not to return to work upon completion of an approved unpaid leave of absence, the County may recover from the employee the cost of any premiums paid to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control, i.e.

1. the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave to care for a child, parent, or spouse with a serious health condition; or if the employee is unable to perform the functions of the position due to his/her own serious health condition; or,

2. other conditions beyond the employee's control that prevent the employee from returning to work as determined by the County. Sick leave and vacation leave accruals will not accumulate during any unpaid leave of absence; accrued amounts of leave shall remain on the record at the inception of the leave of absence and shall continue upon the return of the employee.

**K. CANCELLATION OF LEAVE OF ABSENCE:** The County may cancel a leave of absence at any time the employee utilizes the leave for purposes other than stated when the leave was granted. An employee may cancel an approved leave of absence and return to work with the approval of the department head.

**L. PROBLEM RESOLUTION:** It is the policy of the County not to discharge or discriminate against any employee exercising their rights under the federal Family and Medical Leave Act or applicable State Statutes.

If an employee thinks he/she has been treated in violation of this Policy or the law, the employee should contact the Human Resources Office or his/her union representative.

**M. PROCEDURES:**

1. The employee must complete the request for Family and Medical Leave of Absence Form, sign it, and submit it to the department head or supervisor. If possible, the form should be submitted thirty (30) days in advance of the effective date of the leave.
2. The department head or supervisor shall sign and submit the request form to the Human Resources Office for determination of initial eligibility.
3. The Human Resources Office will contact the employee for submission of additional required documentation and inform the employee of appropriate procedures under this policy.
4. The Human Resources Office will communicate with the employee's department head or supervisor regarding the status of the employee requesting this leave.

**XXVI. WEATHER CLOSING POLICY**

Except in severe weather emergencies, **COUNTY OFFICES WILL REMAIN OPEN AND OPERATING WITH FULL SERVICES IF AT ALL POSSIBLE.**

- a. The County Administrator is responsible for informing department heads of any County-wide weather emergency condition that may potentially be hazardous to employees. The County Administrator or designee will consult with the Public Works Department and Sheriff's Office in reaching a decision to release County employees. If the release of all County employees, or those in specific facilities, is brought about by an official declaration of a weather emergency condition, the County Administrator or designee will report the release of such employees to the media and/or department heads. If the release of employees occurs prior to the start of work, employees should listen to the local radio stations for announcements concerning County offices. If notice of closings of County facilities has not been broadcast by 7:15 a.m. of the workday, employees may assume that the county offices will be open.
- b. If the County is officially closed prior to the start of a work shift, employees will not be paid for that shift except by utilizing accumulated compensatory time, vacation, or leave without pay, or by making up time by balancing hours within the current pay period as authorized by the department head.
- c. Those employees deemed essential (Sheriff, Public Works/others) and required by job description or work assignments as such, will be required to work and will not be paid a premium for such work (excluding overtime payment premiums).
- d. If the release of employees occurs during a work shift, employees on duty will be paid for hours actually worked and may utilize accumulated compensation time, vacation, or leave without pay for the remainder of that work shift, or make up the time by balancing those remaining hours within the current pay period as authorized by the department head.

- e. If County facilities are not closed and employees choose to stay at home, or to shorten the work day, because of weather conditions, compensatory time or vacation time may be deducted for hours away from the work area.
- f. If an employee is on vacation and County facilities are closed because of weather related conditions, the employee must deduct that time as vacation.
- g. Employees and citizens may be advised not to leave the premises because of severe weather continuing after regular working hours. Remaining on the premises after hours will not entitle employees to overtime compensation or compensatory time off at a later date unless they remain at work because they are required by departments to assist during emergency situations.

**XXVII. DRESS / PERSONAL APPEARANCE**

- a. Employees are expected to maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works.
  - 1. Apparel. Generally, employees should wear appropriate, clean, pressed business attire.
  - 2. Hair. Hair should be clean, combed and neatly trimmed or arranged. This pertains to sideburns, moustaches and beards. Shaggy, unkempt hair is not permissible.
  - 3. Personal hygiene. Good personal hygiene habits must be maintained.
- b. Department Heads and Supervisors will enforce this policy and address any violation on an individual basis. Employees, who are sent home due to lack of adherence to this policy, will do so on their own time, and repeated violations of this policy will be cause for disciplinary action.

**XXVIII. HEALTH AND WELLNESS POLICY**

Because employees' health can affect productivity, health-care costs, morale, motivation, and overall performance at work, Kandiyohi County encourages employees to practice healthy behaviors and make positive lifestyle choices. It is the policy of Kandiyohi County to promote health and wellness for all employees through various means including newsletters, presentations, and programs. Ask your Department Head for more information and for the name of your Wellness Committee Representative.

Smoking and smokeless tobacco are not permitted within County-owned buildings or vehicles, or on County building grounds. Refer to the specific Board Resolution for further clarification.

**XXIX. COMPUTER AND ELECTRONIC COMMUNICATIONS USE**

Kandiyohi County strives to provide the public accurate and timely information, and access to internet, email, and all other electronic methods of communication have been provided to employees for the benefit of the public. Using these methods of communication should be done so in a professional manner, and in accordance with the laws regarding public information, data practices, and per County policy.

Please note that at any time, any use of fraudulent, harassing, obscene, pornographic, or discriminatory messages, sites, or other forms of electronic communication are strictly prohibited and may result in disciplinary action, up to and including termination.

No messages with derogatory or inflammatory remarks about an individual or group's sex, age, race, color, national origin, religion, disability, veteran's status, pregnancy or membership in other protected groups will be tolerated.

To ensure that all County employees are responsible, productive computer and network users, who are protecting the County's public image, Kandiyohi County has established policies and guidelines for computer, network, email, password, and other electronic communication use.

By using County-owned equipment, software, and data, as well as using County e-mail addresses, or representing themselves as a County employee through the means of electronic communications, each employee signifies that he/she understands the policies and guidelines provided to them, and agrees to abide by all parts of the policies. Further, each employee who uses County-owned equipment or County email addresses understands and agrees that violations of the policies and guidelines may result in disciplinary action, up to and including termination of employment.

Dated this 15<sup>th</sup> day of April, 2014

FOR KANDIYOHI COUNTY

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James Butterfield, Chairman  
Kandiyohi County Board of Commissioners

ATTEST:

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Larry Kleindl  
Kandiyohi County Administrator