GEM COUNTY
PERSONNEL POLICY

Approved by the Board of County Commissioners

Date: December 17, 2019
WELCOME
It is our privilege to welcome you to Gem County. We wish you every success in your new job, and we hope that you quickly feel at home. This Personnel Policy was developed to describe some of the expectations we have for all of our employees and what you can expect from us. We hope that your experience here will be challenging, enjoyable, and rewarding.

Again, welcome!

Gem County Board of County Commissioners
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I. THE ORGANIZATION FOR WHICH YOU WORK

The County is a political subdivision of the state of Idaho, though it is not a part of state government. The Board of County Commissioners serves as the governing body of the County, carrying out local legislative duties and fulfilling other obligations as required by law. The Board of County Commissioners is the general policymaker for the County and has primary authority to establish terms and conditions of employment with the County.

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terms and conditions set forth in this Policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official, without the express written agreement of the Board of County Commissioners.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

II. YOUR EMPLOYMENT RELATIONSHIP WITH THE COUNTY

This Policy is designed to introduce you to the County, familiarize you with various policies, practices and procedures currently in effect at the County, and help answer many of the questions that may arise in connection with your employment. This Policy is not a contract of employment and does not create a contract of employment. This Policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the County.

All employees of the County are at-will and are employed at the discretion of the Elected Official for whom they serve. Only a written contract expressly authorized and signed by the Board of County Commissioners can alter the at-will nature of employment regardless of anything written or spoken by an Elected Official or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Elected Official and the Board of County Commissioners. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

The County reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this Policy, at any time, without prior notice to, and consent of, county employees. Changes may be made in the sole discretion of the Board of County Commissioners.
III. EMPLOYEE CODE OF CONDUCT

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. County employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of employment or limit the reasons for which an employee may be disciplined.

A. EXPECTED CONDUCT

Each employee is expected to conduct him/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.

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

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

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

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

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

7. Follow all workplace safety rules whether established formally by the office/department or by outside agencies.

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

9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the County and related agencies.
10. Adhere to any code of ethics in the employee’s profession.

B. Prohibited Conduct

Employees are expected to refrain from behaviors that reflect adversely upon the County. Employees shall:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee’s ability to do his/her job.

2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.

3. Not engage in conduct at or away from work that may reflect adversely upon the County or its officials or otherwise impair the employee’s ability to perform.

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

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

6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.

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

8. Not have non-County employment, or serve on any board or commission, that conflicts with duties performed for the County in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.

9. Not knowingly make any false report or complaint regarding behavior of others, or participate in such report or complaint.

10. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record or his/her designee and in accordance with the Idaho Public Records Act.

11. Not use any substances, lawful or unlawful, that will impair the employee’s ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee’s ability to safely do his/her job, the employee is required to provide a physician’s note explaining the possible effects of the medication on the employee’s ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
12. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. §§ 18-3201 and 18-3202).

13. Not engage in political activities while on duty. This rule does not apply to Elected Officials.

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

15. Not violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the Gem County policy for use of vacation, sick, bereavement, or other types of leave granted by this personnel policy.

16. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of $50), I.C. §74-401 et seq. (Ethics in Government Act), I.C. §74-501 et seq. (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).

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

18. Not engage in criminal conduct of any kind while on or off duty.

**IV. WORKPLACE VIOLENCE**

The County seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The County will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor or Elected Official. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.
V. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

The County strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the County prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

**Legally protected class** means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.

**Participation in the workplace** includes all aspects of being an employee at the County, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

A. Workplace Discrimination

Workplace discrimination is when one or more persons in a **legally protected class** are treated adversely with respect to their **participation in the workplace**. Adverse employment actions usually involve decisions made by supervisors, department heads, or Elected Officials that affect the workplace status and benefits of employees.

Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

B. Workplace Harassment

Workplace harassment is unwelcome conduct that is directed to one or more persons in a **legally protected class** that interferes with their **participation in the workplace**. The offensive conduct must be **severe or recurring** such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

C. Workplace Sexual Harassment

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical
harassment of a sexual nature that is so severe or recurring such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, elected officials, or customers of the County.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

D. Hostile Work Environment

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a legally protected class, unreasonably interferes with participation in the workplace. To a reasonable person, the comments or conduct must be severe or recurring such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

E. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation
can result from employment action taken by a supervisor, office/department head or Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

**F. RESPONSIBILITIES**

1. **Employee Responsibilities**

   Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:

   - Designated Official
   - Supervisor
   - Office/Department Head
   - Human Resource Clerk
   - Legal Counsel for the County

   If the employee’s supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed officials. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, vendor, visitor or customer.

2. **Supervisor Responsibilities**

   All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

   - Encourage employees to report any violations of this policy before the harassment becomes *severe or recurring*.

   - Make sure the Human Resources Clerk is made aware of any inappropriate behavior in the workplace.

   - Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
• Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.

• Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Designated Official.

3. The County designates the County Clerk, or his/her designee, as the Designated Official who will be responsible for directing the procedures of this policy.

G. PROCEDURE FOR REPORTING AND INVESTIGATING

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report it to the Designated Official, his/her supervisor, office/department head, Elected Official, Human Resource Officer or legal counsel for the County. The individual receiving the report must then forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to legal counsel for the County.

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

3. The Designated Official should promptly review the complaint and consult with legal counsel for the County and the Human Resource Clerk.

4. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.

5. The Designated Official, in consultation with legal counsel for the County, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.

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

7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Designated Official, who will then route it as appropriate.

8. The Designated Official and/or the appropriate supervisors and legal counsel for the County will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Officials and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.

10. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the County, a decision will be made as to what action, if any, should be taken by the Elected Official or department head.

11. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

H. DISCIPLINARY ACTION

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the County. The action will depend on the following factors:
   a. The severity, frequency and pervasiveness of the conduct;
   b. The conduct of the respective employees;
   c. Prior complaints made against the person alleged to have committed the offenses; and
   d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).

2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County’s insurer may also be engaged to assist in all phases of any proceeding or investigation.

VI. GENERAL POLICIES

A. ATTENDANCE AND PUNCTUALITY

It is important for you to report to work on time and to avoid unnecessary absences. The County recognizes that illness or other circumstances beyond your control may cause
you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your co-workers and can have a negative impact on the success of the County.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor or the designated manager. If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with your Elected Official or his/her designated representative. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

B. SUBSTANCE ABUSE

The County recognizes alcohol and drug abuse as potential health, safety and security problems. The County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or discharge. Gem County Drug Testing Policy is attached hereto as Appendix C.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on County premises or at any time and any place during working hours. While we cannot control your behavior off the premises on your own time, we certainly encourage you to behave responsibly and appropriately at all times. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. You may inform your immediate supervisor, Elected Official, or the Human Resources Office for assistance in seeking help, including possible coverage under the County’s medical insurance plan, to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the County.

C. RELATIONSHIP POLICY

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the County to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.
D. NO SMOKING POLICY

The County buildings and facilities are non-smoking in accordance with Gem County, state and federal requirements. Use of tobacco products of any kind or e-cigarettes is not allowed within all indoor spaces of the County’s buildings and facilities or in County vehicles. Smoking is only permitted outside of County buildings and facilities at least 20 feet away from entrances. Gem County Resolution Number 2015-05.

VII. EMPLOYEE DISCIPLINE

A. PERFORMANCE/DISCIPLINE FRAMEWORK

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee’s employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The County may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline.

B. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:

   a. Oral warning
   b. Written warning or reprimand
   c. Suspension without pay
   d. Demotion
   e. Dismissal

2. A Performance Improvement Plan (“PIP”) that relates to particular performance/behavior issues may be established in conjunction with any of these actions.

C. OPPORTUNITY TO BE HEARD—NAME-CLEARING HEARING

1. All employees are at-will. However, an at-will public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.

3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.

4. The procedure for the hearing is as follows:
   a. Within 14 days of his/her termination or demotion, the employee may submit to the Board of County Commissioners a written request for a name-clearing hearing and state the basis for it.
   b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
   c. An employee granted a hearing will meet with the Board of County Commissioners. The hearing will not exceed 1 hour in duration.
   d. An audio recording of the hearing will be made and maintained as part of the personnel record.
   e. The employee’s supervisor may provide a brief written statement at least 24 hours prior to the hearing. The Board of County Commissioners may require the supervisor to participate in the hearing.
   f. The employee will be provided an opportunity to present evidence upon which the claims are based.
   g. The Board of County Commissioners may ask questions during this process.
   h. The Idaho Rules of Evidence do not apply to this hearing.

5. After the hearing, the Board of County Commissioners will consider the information submitted, and other information as might be in the County’s records, to arrive at a decision and will issue a written statement setting forth the reasons for the decision.

VIII. HIRING POLICIES

A. EMPLOYMENT START-UP

The following pre-employment forms must be completed before the employee may begin work for Gem County:

1. Employment application form.

2. Drug screening. Drug screening is required at the commencement of employment and any lapse of employment exceeding one (1) year.
3. Background check. Background check requires release from the employee and will be required at commencement of employment and any lapse of employment exceeding one (1) year.

B. EQUAL EMPLOYMENT OPPORTUNITY

1. All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.

2. All objections to hiring or other employment practices will be brought to the attention of the Elected Official, office/department head or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the County.

3. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

4. The County will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the supervisor or Elected Official if he or she requires an accommodation to enable the employee to perform the essential tasks of the job.

5. The County will also endeavor to make reasonable accommodations for its employees’ religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the supervisor or Elected Official if he or she requires accommodation for religious reasons.

B. PREFERENCE FOR HIRING FROM WITHIN

Qualified County employees may be given preference over outside applicants to fill vacancies in the work force without following traditional notice and selection procedures for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

C. VETERAN’S PREFERENCE AND RIGHTS

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

2. Employees who are qualified veterans returning to employment with the County following qualified military leave shall have the rights and responsibilities provided by Idaho Code §65-508 and the Uniformed Services Employment and Reemployment
Rights Act, 38 U.S.C. §4301, et seq. The returning veteran will be restored to his/her position with the same seniority, status and pay that he/she would have had if there had been no military leave. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from his/her position without cause for a period of 1 year after the restoration of his/her employment with the county.

D. NEPOTISM/HIRING OF RELATIVE

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

   a. No person related to a County Commissioner by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty (consanguinity/blood: grandparent, brother/sister, or grandchild; affinity/marriage: parent-in-law, daughter/son-in-law; step relationships are considered to be the same as blood relationships); and

   b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.

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

IX. EMPLOYEE PERSONNEL FILES

A. Personnel Records

1. Employee records for the County are kept in the Human Resource Office/department or by the County Clerk. Additional records may be kept by the employee’s supervisor or Elected Official responsible for the supervision of the employee(s).

2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee’s service with the County.

3. The employee’s supervisor, Elected Official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee’s performance.
B. Access to Personnel Files

1. The employee and the employee's supervisor(s), manager(s), department head(s), legal counsel for the County and Elected Officials may view the personnel files of employees in their line of supervision. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the County.

2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the County, or pursuant to a Court order or a proper subpoena.

3. The County reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier’s agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.

4. Copies of materials in an employee’s personnel file are available to that employee without charge, subject to exceptions provided by statutes.

C. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the Elected Official, after consultation with legal counsel for the County, any offending material may be removed upon a finding by the County that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee’s written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee’s personnel file.

X. EMPLOYEE CLASSIFICATION

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

A. Employee Classification for Employment Status

1. All employees of the County, including part-time and temporary employees, are at-will employees, except as otherwise required by law or pursuant to a written contract approved by the Board of County Commissioners.

2. Deputy Prosecuting Attorneys and Other Legal Counsel.
Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, Deputy Prosecutors (including Senior Deputy Prosecutors) and other legal counsel for the County appointed pursuant to I.C. § 31-2601 et seq. are considered to be at-will employees, and they serve at the pleasure of the Prosecuting Attorney. They can be appointed or removed at the pleasure of the Elected Official for whom they serve.

3. Senior Deputies.

Senior deputies (sometimes referred to as “chief deputies”) appointed pursuant to Idaho Code § 31-2006 serve in that role at the pleasure of the Elected Official for whom they serve, and are at-will employees.

B. Employee Classification for Benefit Purposes

The classification of the position an employee holds with the County may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are:

1. Elected Officials

   Elected Officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the Board of County Commissioners.

2. Full-Time Regular Employees

   Employees whose employment is sustained and continuing and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the County.

3. Part-Time Regular Employees

   Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the Board of County Commissioners and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

4. Part-Time Not Regular Employees

   Employees whose work schedule calls for less than twenty (20) hours of scheduled work during each seven (7) calendar day payroll period. Employees in this category are not eligible for employee benefits, except those required by law or authorized by the Board of County Commissioners.
5. Temporary Employees

Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the Board of County Commissioners.

XI. COMPENSATION POLICIES

A. Establishment of Employee Compensation

Employees are compensated in accordance with, and subject to, decisions of the Board of County Commissioners as annual budgets are set and are subject to increase, reduction, or status quo maintenance for any time period. The Elected Official or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of County Commissioners.

B. Compliance with State and Federal Pay Acts

The County will comply with all state and federal pay acts governing compensation of its employees.

C. Right to Change Compensation and Benefits

The County may change general compensation for any reason deemed appropriate by the Board of County Commissioners. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent county budget. Hours worked may be reduced or employees may be laid off by the Board of County Commissioners or by Elected Officials within their office/departments as necessary to meet budgetary constraints or as work needs change.

D. Overtime/Compensatory Time Policy

1. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact their office/department supervisor, Elected Official or the Human Resources Office for further clarification of the employee’s FLSA status.

2. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Employees may not work any hours outside of their scheduled work day unless the supervisor has given advanced authorization for the unscheduled work. Employees
may not start work early, finish work late, work during meal breaks or perform any other extra or overtime work unless they are authorized to do so, and it is reported on the employee’s timesheet. Any employee who fails to report, or inaccurately reports, any hours worked will be subject to disciplinary action, up to and including termination.

3. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay, as established by policy adopted by the Board of County Commissioners. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers or firefighters, will be computed at 1½ hours for each additional hour worked. The Board of County Commissioners has set a maximum accumulation of eighty (80) hours of compensatory time. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Board of County Commissioners.

4. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

E. Reporting and Verifying Time Records

1. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Board of County Commissioners and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee’s actual time worked and benefits used for the time period covered. Any changes to the time record made by a supervisor or the payroll office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.

2. Gem County pays in fifteen (15) minute increments, using the 7-8 minute rule. Seven (7) minutes or less will not be deducted from time worked or applied to overtime. Eight (8) minutes or more shall be deducted from time worked or applied to overtime. Employees arriving or leaving early or late must report time accurately.

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

4. Employees may not falsify their own timesheet or alter another employee’s timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if
instructed to do so by a supervisor, Elected Official or other person. If instructed to do so, the employee must immediately report it to the Prosecuting Attorney.

F. Work Periods

1. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.

2. The work period for sworn law enforcement officers and firefighters may be up to the 28-day work period allowed by the FLSA, 29 U.S.C. § 207(k), as adopted by the Board of County Commissioners.

G. Payroll Procedures and Paydays

1. Employees are paid every month throughout the year. Paychecks or direct deposit receipts are issued on the seventh day of each month. Paychecks compensate employees for work performed in the pay period preceding the month in which the check is issued.

2. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the Board of County Commissioners, the policy will prevail. Employees are obligated to call to the County's attention any such errors, whether to the advantage or disadvantage of the employee. When mistakes are made and are called to the County's attention, the County will correct the mistake as soon as possible.

H. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

1. The County encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided to employees called to serve as a court witness in matters specifically related to County operations, or called to serve on jury duty.

2. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.
I. Military Leave

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

J. Payroll Deductions

No payroll deductions will be made from an employee’s paycheck unless authorized in writing by the employee, or as required by law (Idaho Code § 45-609).

K. Travel Expense Reimbursement

An employee on approved County business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts, itemized when possible, for any expenses for which reimbursement is requested (Idaho Code § 31-1501). Alcohol, tobacco products and entertainment will not be reimbursed.

Authorized travel by private vehicle will be reimbursed at the rate established by the Board of Commissioners. Employees required to travel on county business will be paid actual cost of expenses for meals and lodging. Travel will be accomplished by the most economical means.

L. On-the-Job Injuries

1. Employees are covered by worker’s compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee’s supervisor as soon as practicable so that a worker’s compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund, and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.

2. The County will handle worker’s compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

3. Gem County has designated Black Canyon Family Medical Center as a Preferred Provider for Worker’s Compensation cases. In the event of an on-the-job injury, employees shall seek medical attention at Black Canyon Family Medical Center. In the case the injury occurs after regular hours or on weekends, employees shall seek medical attention at Valor Health Urgent Care. All emergencies will be handled at the Valor Health Emergency Room. Exceptions to the Preferred Provider Program would include injuries occurring outside of Gem County in which case employees should seek medical attention from a medical provider in the area the injury occurred. Other exceptions may be obtained through the Clerk’s office who will consult with the State Insurance Fund to determine exception approval. If the on-
the-job injury was caused from a vehicle accident in which the employee was driving, employees will follow the Drug/Alcohol Testing Policy Post-Accident section of the Personnel Policy.

XII. EMPLOYEE BENEFITS

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

A. Vacation Leave

1. Vacation leave is available to full-time and part-time regular employees who have completed the equivalent of 12 months of full-time employment.

2. Vacation leave accrues on the anniversary date of years of service as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Vacation Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>After 1 year</td>
<td>40 hours/year</td>
</tr>
<tr>
<td>After 2 years</td>
<td>80 hours/year</td>
</tr>
<tr>
<td>After 6 years</td>
<td>120 hours/year</td>
</tr>
<tr>
<td>After 13 years</td>
<td>160 hours/year</td>
</tr>
<tr>
<td>After 25 years</td>
<td>200 hours/year</td>
</tr>
</tbody>
</table>

3. Vacation leave can only be accrued up to the maximum of forty (40) hours more than the employees’ annual accrual. Any excess over the maximum accrual will be forfeited, without right of compensation. The Board of County Commissioners may approve additional carryover after written request and after consideration of the individual employee’s circumstances.

4. Vacation leave for part-time regular employees will be prorated with assigned hours of work and applicable to accrual, carryover and forfeiture.

5. Vacation leave is to be scheduled with consent of the responsible Elected Official or office/department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected office/departments. Upon separation from employment, unused vacation leave up to the maximum allowed accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

B. Sick Leave

1. Sick leave benefits are provided to regular full-time employees at the rate of 8 hours per month. Part-time regular employees accrue sick leave in proportion to their hours worked. Sick leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when
an immediate family member’s (spouse, child, parent) illness presents no practical alternative for necessary care. Sick leave must be requested at least within one hour of the time the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice or at the discretion of the Elected Official. Elected Officials or office/department supervisors may require the employee to provide a doctor’s note, or require, at the County’s expense, an independent review of reported illness by a competent medical authority.

2. Sick leave can only be accrued up to the maximum of 1000 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee’s accrued hours are reduced below the maximum.

3. Employees may sell, for deposit into a deferred compensation account, any or all accrued sick leave in excess of 320 hours at the rate of \( \frac{1}{4} \) of their current hourly rate of pay for each hour of sick leave benefits sold. Application to sell sick leave hours must be submitted to the Clerk in the month of August for distribution into a County authorized deferred compensation account in September.

4. Employees who have accrued sick leave in excess of eighty (80) hours may be allowed to donate accrued sick leave days to another Gem County employee who has exhausted all vacation time, paid sick leave, holiday leave, and compensatory time. Sick leave donation forms must be in writing and are available in the Clerk’s office. The donated sick leave will be paid based upon the receiving employees’ pay rate. Once transferred, donated hours are forfeited and will not be returned to the donor.

5. Sick leave benefit recipients will receive their normal compensation when using sick leave. All unused sick leave will be forfeited without compensation upon separation from employment. Sick leave will not accrue while an employee is on an approved leave without pay, such as leave under the FMLA.

6. All unused sick leave will be forfeited without compensation upon separation from employment. Upon retirement from Gem County, for employees meeting PERSI retirement qualifications, an amount equal to one-half (1/2) of the monetary value of an employee’s unused sick leave, up to the maximum of three hundred twenty (320) hours, calculated at the regular rate of pay at the time of retirement, will be paid to the employee. To receive this benefit, the employee must provide not less than twelve (12) months written notice of intent to retire to his or her supervisor, for budgetary considerations. Employee retains the right to change his or her mind at any time.

C. Holidays

Ten official holidays are provided for full-time regular employees. Full-time regular employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the preceding Friday. Those which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of County Commissioners.
Full-time regular employees who work on holidays will be scheduled to receive a substitute holiday (limited to an eight (8) hour period) with pay to be used within 60 days of the date of the holiday they worked. Full-time regular employees who work on holidays will receive regular wages for actual hours worked and one half (1/2) times the regular rate of pay for each hour worked paid out in compensatory time. Part-time regular employees holiday pay is prorated in proportion to hours worked. Part-time regular employees who work less than twenty (20) hours per week are ineligible for holiday pay.

Recognized Holidays:

New Year's Day
Martin Luther King, Jr./Human Rights Day
Presidents' Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

For employees who work shifts and weekends in a twenty-four (24) hours-a-day, seven (7) days-a-week operation, the County-declared holiday will be the observed holiday.

D. Bereavement Leave

Up to twenty four (24) hours of paid leave of absence will be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws, as well as the listed relationships with the prefix or suffix of “in-law,” “step,” or “half”). Employees have the right to use accrued sick leave beyond the leave of absence allowed by this section.

Employees who wish to take leave from work for the death of other relatives or friends may take accrued vacation leave, comp time, or leave without pay, at the discretion of the department head or elected official.

E. Leaves of Absence

Up to two hundred forty (240) hours of unpaid leave of absence can be granted by the Elected Official for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of two hundred forty (240) hours may require written approval of the Board of County Commissioners.
F. Benefits for Temporary and Part-Time Not Regular Employees

All temporary and part-time not regular employees will receive benefits as required by law, including worker’s compensation insurance. Temporary and part-time not regular employees receive no benefits provided to regular employees, except those required by law or authorized by the Board of County Commissioners.

G. Insurance Coverage Available to Employees

Various insurance benefits are available to employees and family members in accordance with the terms and conditions of the County’s contract for such services. The Human Resource Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available at employee or shared expense.

H. Retirement Program Offering

The County participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the County to withhold a percentage of an employee’s gross salary for pension purposes, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

I. Transfer of Benefits with Employee Transfer

Accrued benefits continue when the employee transfers from one office/department to another within the County. However, upon such transfer, the employee is only eligible for those benefits authorized for the particular position and employment status.

XIII. Family Medical Leave Act (FMLA)

This section contains a summary of FMLA rights and responsibilities and is not intended to be a complete statement of all FMLA issues that may arise. Please check with the Human Resource Office in identifying FMLA leave issues. The US Department of Labor has published resources for both employees and employers which can be found on the US Department of Labor website.

A. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. must have worked for the County for at least 12 months, which in some circumstances may include separate periods of employment with the County;

2. must have actually worked at least 1,250 hours for the County during the previous 12 months; and

3. the County must employ at least 50 employees within 75 miles of the employee’s workplace measured by using available transportation on the most direct route.
B. FMLA Rights

1. An eligible employee is entitled to job-protected, unpaid leave for the following reasons:
   a. birth and care of the eligible employee's child;
   b. placement for adoption or foster care of a child with the employee;
   c. care of an immediate family member (spouse, child, parent) who has a serious health condition; or
   d. care of the employee's own serious health condition.

2. A “serious health condition” is a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any subsequent period of incapacity or treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider.

3. The employee may request up to 12 weeks of leave during a 12-month period in which the County will continue the employee's benefits (employer portion only). The 12-month period is determined using a “rolling” 12-month period measured backward from the first day of the employee’s FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the County may recover from the employee the premiums that were paid for the employee’s medical coverage during the FMLA leave period.

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

C. Concurrent Use of Accrued Leave and Worker's Compensation Required

1. Employees are required to use any accrued paid vacation and sick [PTO] leave and compensatory time off (“comp time”) concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick [PTO] leave and comp time to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave.

2. If the employee is on worker's compensation leave, such leave will also run concurrently with any FMLA leave.

D. Employee Obligations

1. Employees are required to give 30 days' advance notice, or as much time as practical, when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the FMLA qualifying medical condition. The County may also require second or third opinions at the County’s expense.
2. Employees who are on FMLA leave for their own serious illness for are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the County's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.

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

4. To request FMLA leave, the employee must contact the Human Resources Office indicating the reason for requesting FMLA leave and the expected duration of leave.

5. Employees eligible for FMLA protected leave may decline the use of such leave, but will then be subject to the attendance and leave policies of the County.

E. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee’s supervisor or when "medically necessary." Intermittent leave may not be used for the birth or placement of a child for adoption or foster care without the written approval of the Elected Official.

F. Employer’s Rights and Obligations

1. The County has the duty to notify employees of the availability of the right to FMLA leave and to determine whether the employee is or is not an “eligible employee” under the Act.

2. The County may require periodic notices of the employee’s FMLA status and his/her intent to return to work.

3. The County will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

G. The National Defense Authorization Act

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

2. FMLA also now provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the County may require certification that the service member has actually been called to active duty.

3. The allowed length of FMLA military leave is measured from the first day of leave taken and ends 12 months later. FMLA time already taken may be deducted from the 26 weeks of leave in some circumstances. See the Human Resource Office to determine available leave.

4. Employees are required to provide prior notice when the need for this type of FMLA military leave is foreseeable.

XIV. AMERICANS WITH DISABILITIES ACT

A. Eligibility

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

B. Reasonable Accommodation

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:

1. doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or

2. the accommodation creates an undue hardship to the County.

3. Employees should contact their supervisor or the Human Resources Office with any questions or requests for accommodation.

XV. FITNESS FOR DUTY EXAMS

A. Safe Work Environment

The County is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform his/her job in a safe, appropriate and effective manner.

B. Conditions for Exam

The County may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee’s physical, mental and emotional readiness to
perform the essential functions of his/her job with efficiency and safety for himself/herself and others. Fitness for duty evaluations may be done in the following circumstances:

1. following a conditional offer of employment;
2. prior to return to work following a leave related to injury or illness;
3. when an employee expresses concern about his/her ability to perform the functions of his/her job; or
4. when there is reasonable belief that the employee cannot safely perform the functions of his/her job.

XVI. IDAHO WHISTLEBLOWER PROTECTION

A. Scope

Idaho Code, Title 6, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the County, state of Idaho or the United States of America.

B. Reporting

Any such report must be made at a time, and in a manner, which gives the County a reasonable opportunity to correct the waste or violation.

C. Protection

The County may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

D. Enforcement of Rights

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

XVII. CANDIDACY FOR ELECTIVE OFFICE

A. First Amendment

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

1. If an employee initiates candidacy against an Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that official's office, the employee must resign or face possible employment action, including being placed on an unpaid leave of absence or termination.

2. A reasonable prediction of disruption is based upon any of the following factors:
   a. The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption;
   b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
   c. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or
   d. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the likelihood of disruption.
   e. Not all of the above factors must be met to find a reasonable prediction of disruption.

C. Evaluation and Action

1. The Elected Official should consult with legal counsel for the County in determining whether there exists a reasonable prediction of disruption and the appropriate employment action to take.

2. The Elected Official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors and his reasoning for taking the specific action. The written findings should be provided to the employee and placed in the employee’s personnel file.

3. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

XIII. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the County may reduce forces in such manner as it deems necessary to maintain the effective functioning of the County services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Board of County Commissioners and/or Elected Officials may make any changes in the workforce or assignment of resources deemed to be in the County’s best interests.
B. COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Officer.

C. EXIT INTERVIEW

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

D. RESIGNATION POLICY

1. Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Elected Official or office/department head. Evidence of the written or oral resignation should be provided to the employee and placed in the employee’s personnel file.

2. Employees who have an unexcused or unauthorized absence of 3 or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee’s words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of 3 or more working days in a row, the County will consider the employee as having resigned and immediately notify him/her of such.

ADOPTED this ____ day of ______________, 20____.

Board of Gem County Commissioners:

________________________________
Bryan Elliott, Chair

________________________________
Bill Butticci, Commissioner

________________________________
Mark Rekow, Commissioner

________________________________
Shelly Tilton, Clerk

Attest:
APPENDIX “A”
ACKNOWLEDGMENT OF RECEIPT OF THE GEM COUNTY PERSONNEL POLICY

I, ___________________________________ acknowledge receipt of the __________________ Personnel Policy, adopted on December 17, 2019.

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

☐ I understand that I am an at-will employee of the County, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.

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

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

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

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

DATED this ______________ day of __________________, 20____.

________________________________
(Employee)

I, ___________________________________, provided a copy (either electronically or by paper) of the Gem County Personnel Policy, as adopted by the Board of County Commissioners on December 17, 2019 to ________________________, on this ________ day of ________________________, 20____.

________________________________
(Name - Title - Office/department)
APPENDIX “B”

Gem County
Vehicle Use Policy
1. PURPOSE

A. This Policy outlines the use of vehicles for work used on behalf of Gem County.

B. Operators of Gem County owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both Gem County owned property and public trust.

C. Employees are expected to operate vehicles safely. It is the policy of Gem County to provide a safe working environment that protects our employees and our citizens from injury and property loss. Gem County considers the use of vehicles part of the working environment. Gem County is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.

D. This policy applies to all employees and Gem County volunteers* who operate Gem County vehicles. These drivers will be referred to as “employee drivers.”

*Volunteers are those that volunteer on a regular basis, not one-time volunteers. All reference to employees in the Vehicle Use Policy also includes volunteers.

2. USE

A. Vehicles owned or leased by Gem County are to be used for the functions of Gem County. Personal use or any other type of use must be authorized by the BOCC.

B. The Board of County Commissioners is entrusted with the care and keeping of the vehicles and may assign that responsibility to an office, department or employee.

C. Some employees may be assigned a County vehicle that is driven home; such personal use, if allowed, shall be a taxable benefit unless specifically exempt by IRS regulation.

D. Employees must be authorized by their supervisor to operate a Gem County vehicle.

E. Driving any vehicles over 26,000 gross vehicle weight, Buses, and Vans over 15 passengers require a commercial driver’s license (CDL) with appropriate endorsements and medical certificate in accordance with Federal Regulation.

F. Personal Vehicles on Gem County Business: Employees who drive their personal vehicles on Gem County business are subject to the requirements of this policy including:
   1) Maintaining auto liability insurance with minimum state limits and, upon request, provide proof of liability insurance to the Clerk’s Office or Department Head.
2) Maintain vehicle in a safe operating condition when driven on Gem County business.

3. **ASSIGNED OR PERMISSIVE DRIVERS**

A. Each employee assigned to a Gem County vehicle or employees who operate a Gem County fleet vehicle are required to have a valid driver’s license. Should an employee’s Driver’s License expire, be revoked or suspended, the employee shall immediately notify his or her supervisor. At the time of the suspension, the employee’s Gem County vehicle-use privileges will be suspended until the employee’s Driver’s License has been fully reinstated and proof provided to Gem County.

B. Each employee assigned or permitted to operate a Gem County vehicle shall be responsible for the following:
   1) Proper and safe operation of the vehicle.
   2) Check that vehicle is in good operational order (eg. no fluid puddles below, adequate tire pressures, fluid levels, etc).
   3) Service and maintain the vehicle in accordance with the manufacturer’s recommendations.
   4) Maintain vehicle registration, license plates and inspections.
   5) Participate in vehicle safety and defensive driving training as required by Gem County.

C. Pool Vehicles shall remain the responsibility of the Board of County Commissioners or as assigned per this policy.

4. **DRIVER EVALUATION**

Driving ability may be considered depending upon the employees job requirements. To evaluate employees as drivers, management may:

A. Review past driving performance and work experience through reference checks with previous employers.

B. Review the employee’s Driver’s License Record (DLR).

C. Ensure the employee has a valid driver’s license.

D. Ensure the employee is qualified to operate the type of vehicle he/she will drive.

5. **SEATBELT USE**

Except as authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety (Idaho Code 49-673(2)(b)).

6. **MOBILE COMMUNICATION DEVICE, CELL PHONE AND COMPUTER USE**

The driver of a Gem County vehicle, or any other vehicle being used for Gem County business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion. Drivers must be safely parked before using phone or mobile computer equipment. A mobile communication device is defined as “a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text
communication”. This does not include voice-operated or hands-free devices that allow the user to review, prepare and/or transmit calls or messages without the use of either hand except to activate, deactivate or initiate a feature or function. This does not apply to Gem County work-related two-way radios. Exception: Sworn law enforcement officers may use mobile communication devices in specific tactical situations.

7. SMOKING PROHIBITED IN VEHICLES

Smoking is expressly prohibited in all Gem County vehicles.

8. IMPAIRED DRIVING

The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.

The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

9. PROOF OF INSURANCE

Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.

10. ACCIDENT REPORTING

A. In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic.

B. Drivers shall always have a police officer investigate any accident that involves a Gem County vehicle. This will help ensure that Gem County is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from ICRMP or an authorized representative of Gem County.

C. Drivers shall notify their supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved. Refer to Personnel Policy regarding drug testing.

D. Drivers shall cooperate fully with ICRMP Claims Department in the handling of the claim.

11. TRAFFIC VIOLATIONS

All fines and other criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any Gem County vehicle. These costs are not reimbursable by Gem County.
ACKNOWLEDGMENT OF RECEIPT OF VEHICLE USE POLICY.

I, ______________________________________, acknowledge receipt of the Gem County Vehicle Use Policy, adopted on December 17, 2019.

Please initial each statement below if it is true.

_____ I understand that it is my responsibility to read and understand the contents of this Policy.

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

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

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

DATED this __________day of ______________________, 20____.

____________________________________
(Employee)

I, ______________________________________, provided a copy (either electronically or by paper) of the Gem County Vehicle Use Policy, as adopted by the governing Board on December 17, 2019 to ______________________________________, on this ________day of ______________________, 20____.

____________________________________
(Name - Title - Department)
APPENDIX “C”

Gem County
Drug-Free Workplace Policy
Appendix C

Gem County

Drug-Free Workplace Policy

Statement of Purpose:

To establish a Drug-Free Workplace for the safety and health of Gem County’s employees, customers and the general public; to increase employees’ productivity and work quality; enhance a competitive marketplace position; to meet the Department of Transportation (DOT) 49 CFR Parts 40 and 382, et al. mandates and other regulations where applicable.

Scope:

All employees and prospective employees, are subject to the conditions and terms of this policy, subject to it’s limitation. In addition, “CDL holder” employees include all individuals who operate commercial motor vehicles and who are required to obtain a commercial drivers license as part of their job duties.

Policy:

In keeping with Gem County’s objective to provide a safe and healthy work environment, it is this County’s policy that:

1. The possession, sale, transfer, attempt to sell or use of prohibited drugs while on the job, on County time, on County property and/or non County property where work is taking place, or in any other circumstances which might adversely affect Gem County’s operation or safety is strictly prohibited. Any illegal substance and/or paraphernalia that is found in the possession of an employee or on the premises will be turned over to appropriate law enforcement agency and may result in criminal prosecution.

2. Employees will not be permitted to work with a detectable level of prohibited drugs in their system. Prohibited drugs include both illegal and legal substances, including alcohol or prescription drugs that have not been specifically prescribed and/or used as prescribed by a licensed physician (or other appropriate healthcare professional) for specific treatment purposes of the employee at that time. Appropriate use of prescription drugs that may pose a significant risk or harm to anyone, as a result of the employee’s inability to perform the essential functions of his or her job, must be reported by the employee to his or her supervisor.

3. The basis for determining “under the influence” and/or “detectable level” is, for the purposes of this policy, a positive test result for drugs and/or alcohol. A positive test for alcohol shall be a result of a .02 alcohol concentration or more.

4. All employees must report any drug, alcohol, or traffic related citations or other violations occurring on or off the County’s premises while conducting County business also, at anytime that a citation is received while driving a County owned vehicle. A report of a citation must be made to Gem County within the same work period of receiving the citation.
5. When supervisory personnel determine there is reasonable suspicion to believe an employee is under the influence of, or an employee’s property contains prohibited drugs and/or paraphernalia by these standards or is otherwise in violation of this policy, the County may:

   a. When supervisory personnel have reasonable suspicion to believe prohibited drugs may be found, the County retains the right to search County property at anytime by an appropriate supervisor or law enforcement official.

   b. Require that the employee submit to appropriate tests to determine the existence of prohibited substances within his or her system.

Violations of this Policy:

Any of the following situations shall be considered work-related misconduct, resulting in the denial of unemployment benefits, and grounds for disciplinary action, up to and including termination:

1. A confirmed positive test for drugs and/or alcohol. For the purposes of the alcohol test, a positive result shall be .02 alcohol concentration or more.

2. An employee’s refusal to provide a sample or submit to testing.

3. An employee adulterates, substitutes or dilutes a sample.

Right Not To Be Tested:

An employee does have the right to refuse to be tested or for reasonable suspicion to have personal property searched. However, refusal to submit to a search or a physical test is grounds for disciplinary action up to and including termination.

Substance Testing:

To support the objectives of a Drug-Free Workplace, testing for drugs and/or alcohol may, unless otherwise prohibited by applicable law be done under the following circumstances:

Pre-employment:

After a conditional offer of employment has been extended to an applicant, he or she must test free of drugs and alcohol as a condition of employment. No applicant will be employed until a negative drug and/or alcohol test is reported to Gem County.

Post-accident:

All “CDL holder” employees, in accordance with the DOT requirements of 49 CFR Part 382.303, will be required to submit to both a drug and alcohol test as soon as practicable when the reportable motor vehicle accident involved either: (a) a human fatality, or (b) bodily injury with immediate medical treatment away from the scene, and a citation is issued to the commercial motor vehicle (CMV) driver, or (c) disabling damage to any motor vehicle requiring tow away and a citation is
issued to the CMV driver. A driver subject to post-accident testing must remain available for testing. If the driver does not remain available, this action is considered refusal to submit to testing. A driver will be considered available for testing if he or she leaves the accident scene for verifiable medical treatment of anyone involved in the accident.

**Gem County** with reasonable suspicion may test any employee whose performance either contributed to any accident or injury or cannot be completely discounted as a contributing factor to an accident. The option to test responsible employee(s) for drugs and/or alcohol will be based upon the following conditions:

1. If the accident caused injuries resulting in medical treatment being provided by a physician or his or her designee (other than first-aid); or
2. Accidents resulting in significant property damage.

**Reasonable Suspicion:**

Any employee will be required to submit to a drug and/or alcohol test when at least one designated/trained supervisor has reasonable suspicion to believe that an employee is under the influence of prohibited drugs. These beliefs will be based upon specific physical behavior or performance indicators. A second trained supervisor may observe and/or concur to make the decision to test. The employee will be taken to the collection site and not be allowed to drive after the test.

**Random:**

**Gem County** may require employees that are in testing designated positions (safety-sensitive positions) to submit to a drug and/or alcohol test on a random basis. These random tests will be conducted by selecting employees by chance. DrugFree Idaho, Inc. will make the random selection of employees using a technique that satisfies applicable law (computerized selection process). **Gem County** will not conduct random testing in locations or with respect of employees where such testing is prohibited by law. All employees selected by chance will report to a designated collection site immediately when notified that they were selected for a random drug and/or alcohol test.

“CDL holder” employees will report for a random test while performing work duties that are safety sensitive in accordance with the DOT requirements of 49 CFR Part 382.305.

**Return-to-Duty/ Follow-up:**

As designated under “Return-to-Duty” section later in this policy.

**Testing Procedures:**

1. DrugFree Idaho, Inc. is the third-party administrator for **Gem County’s** Drug-Free Workplace program.
2. All educational/training elements, chain of custody form, sample collection, reporting, testing (at a SAMHSA certified lab), cut-off levels, record keeping, validity, confidentiality, and security for drugs and alcohol tests shall be in accordance with Department of Health and Human Service’s (DHHS), Substance Abuse and Mental Health Services Administration (SAMSHA), DOT, and Idaho Code Section 72-1704 and/or other applicable law.

3. DrugFree Idaho, Inc. will designate a Medical Review Officer (MRO), or designee, to interpret, evaluate and monitor the drug testing program and results. The MRO will be a licensed physician with knowledge of drugs, testing methods and drug abuse disorders in accordance with the DOT requirements of 49 CFR Part 40.33.

4. **Gem County** and/or physician shall determine the drug testing technique (e.g., urine sample, breath sample, blood sample, or as otherwise provided by law) to be administered for the types of substance tests listed.

5. All individuals who are required to be random or pre-employment tested under the conditions of this policy will report to **Gem County**’s designated collection site at the requested time.

6. If the test or retest is negative, the MRO or designee reviews the chain of custody form for completeness and accuracy, and then the results are reported to **Gem County**.

7. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques to ensure reliability and accuracy in accordance with the DOT requirements of 49 CFR Part 40.29.

**Employee Rights and Obligations:**

1. **Gem County** shall pay for the costs of initial drug and/or alcohol tests pursuant to this policy.

2. Any time spent by an employee for drug testing shall be considered work time. Job applicants/prospective employees shall not be paid for any time spent for drug and/or alcohol testing.

3. **Gem County** shall receive a confirmatory test on all positive results before any type of disciplinary action or termination occurs.

4. If an employee or prospective employee tests positive for drugs or alcohol:
   a. Prior to notification of **Gem County**, the Medical Review Officer shall contact the employee so that he or she may discuss and explain the positive drug test result. It is the employee’s obligation to be available to the physician so the situation can be discussed.
   b. **Gem County** or its designee will inform the employee, in writing, of the positive test and the substance for which the employee tested positive.
c. The employee may request additional testing of the same sample at a mutually agreed-upon laboratory. The employee shall bear the cost of any additional testing. The employee must request in writing such retesting within seven (7) working days from the date of the positive test notification or within 72 hours of notification for a DOT retest.

5. If the retest is negative, Gem County may:
   a. Reimburse the employee the cost of the retest.
   b. Compensate the employee for any time suspended without pay.
   c. Reinstate the employee with back pay if the employee was terminated solely for the positive test result that is later determined to be negative.

6. Return to Duty: Gem County has the option of disciplinary action up to and including termination for a positive test for drugs and/or alcohol. When disciplinary action other than termination has been chosen as an option, the employee may return to duty when the following conditions (which may be at the employee’s expense) are met:
   a. The employee shall be subject to an evaluation by a substance abuse professional (SAP)/Employee Assistance Program (EAP) who shall determine what assistance and/or education, if any, the employee needs in resolving problems associated with alcohol misuse and/or drug use.
   b. Any retained employee identified as needing assistance in resolving problems associated with alcohol misuse and/or drug use:
      i. May be required to follow a rehabilitation program prescribed for resolving problems associated with alcohol misuse and/or drug use, and
      ii. May be subject to unannounced follow-up alcohol and/or drug testing, and
      iii. Provide a signed agreement stipulating his or her commitment to the outlined recommendations and/or testing.
   c. The employee shall undergo a return-to-duty test with a verified negative result. The test shall be performed at the employer’s designated collection site, no more than twenty-four (24) hours prior to the employee’s return to work.
   d. For “CDL holder” employees, an evaluation by an SAP does not have to be performed when a DOT required alcohol test result shows an alcohol concentration of .02 or greater, but less than .04. The employer will not allow the employee to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, until the start of the employee’s next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

Gem County Rights and Obligations:
1. All prospective and current employees will be provided a copy of Gem County’s Drug-Free Workplace Policy and procedures prior to any testing being administered. All employees, both current and prospective, will be provided with a copy of this policy and indicate by his or her signature that they received this policy. No current or prospective employee will be tested until this information is provided to him or her.

2. Upon receipt of a confirmed positive test for drugs and/or alcohol or refusal to submit to a test, Gem County may use such test or conduct as a basis for disciplinary action, up to and including termination, or Gem County may refuse to hire a prospective employee.

3. Gem County may suspend an employee with or without pay at the time a reasonable suspicion test is conducted and/or upon receipt of a confirmed positive test for drugs and/or alcohol.

4. Gem County will not permit an employee to operate a motor vehicle or to perform a safety-sensitive job function upon receipt of a confirmed positive drug and/or alcohol test.

5. Upon receipt of a confirmed positive test for drugs or alcohol, Gem County may require that the current employee utilize the return-to-duty procedures as outlined above as a condition of continued employment or reinstatement.

6. Gem County intends to maintain all test results in a confidential manner and to make the results available to other parties only upon specific written consent of the individual tested.

7. This policy shall not in any way create a physician-patient relationship with Gem County and prospective or current employees.

8. If an employee tests positive for drugs or alcohol, such employee shall not be considered disabled by virtue of the test results alone.

Gem County recognizes drug and alcohol dependency as a serious problem. It is also a health, safety, and security threat to the public activities of the County. Employees who need help in overcoming such dependency are encouraged to contact his or her supervisor and/or available alcohol and drug abuse resources within the community, or the County’s Employee Assistance Program. Gem County will maintain a list of resources available to assist an employee who may wish to seek assistance. A voluntary, conscious effort to seek such help might not jeopardize employment.
ACKNOWLEDGMENT OF RECEIPT OF DRUG-FREE WORKPLACE POLICY

I, ______________________________ hereby acknowledge that I have received a copy of Gem County’s Drug-Free Workplace Policy (“Policy”). In conjunction with my receiving a copy of Gem County’s Drug-Free Workplace Policy, I further acknowledge the following:

I have been given an opportunity to read the Policy and have had the opportunity to ask questions about the Policy and the consequences for violating any terms of the Policy.

I understand that my compliance with all terms of the Policy is a work rule established as a condition of my employment with Gem County.

I authorize the lab and/or Medical Review Officer or designee retained by Gem County to release test result information to the County’s designee and DrugFree Idaho, Inc.

I understand that this Drug-Free Workplace Policy does not create a contract of employment. Further, I understand that no contract of employment can be established with the County except in writing executed by an authorized official (i.e. the County Commissioner) of the County.

__________________________________________  __________________________  ____________
Employee’s Name (please print)                    Employee’s Signature      Date

If Employee is Minor: (Parent’s Name)  __________________________  ____________
                                          Parent’s Signature      Date

Witnessed by:
Gem County Representative

__________________________________________  __________________________
Witness Signature      Date
APPENDIX “D”

Gem County
Computer Systems & Internet Use Policy
POLICY

It is the intent of the Gem County Board of County Commissioners to establish a standard for use of the County computer networked systems and Internet.

1.0 PROCEDURE

1.01. The words “the System” as used in this document hereafter refers to the following: any/all county-owned or leased local and wide-area networks; the computers connected to these networks; the use of the system to access the internet and the World Wide Web.

1.02. The words ‘user’, ‘users’, ‘employee’ and ‘employees’ as used in this document refer to all personnel who access and use the System.

1.03. The letters ‘IT’ as used in this document are synonymous with ‘Information Technology’.

1.04. All users and employees that have access to the System are responsible for the Security, Use and Care of the system as outlined below.

2.0 PURPOSE AND FUNCTION

2.01. The county maintains user access to the system for the purpose of improving employee productivity, professional development, and the level of service to the people of our community.

2.02. The System is not a public access service, nor is it a public forum. The county has the right to place reasonable restrictions on the material users access or post through the system. Users may not use the system for commercial purposes. This means users may not offer, provide, or purchase products or services through The System, except for products or services directly related to official duties or as determined by the elected official or department head.

2.03. Users may have access to a selection of Internet functions at their work sites at the discretion of their elected official or department head. Access, whether it is obtained through the county network or through other internet service providers, shall be determined by departments and facilitated by an elected official or department head.

2.04. Before using the Internet, an employee shall sign a form (see below) acknowledging that he/she understands the Computer Systems & Internet - Use Policy. The signed acknowledgement forms will be kept on file. Any Internet usage by an employee on work time or using county equipment shall be done with both knowledge and approval of his/her elected official or department head.
3.0 UNACCEPTABLE USES

The following uses of the county system are considered unacceptable:

3.01. Improper Access or Hacking - User shall not attempt to gain unauthorized access to the county system, or to any other computer system through the county system, or go beyond your authorized access. This includes attempting to log in through another person’s account or access another person's files. User shall not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. User shall not use county system to engage in any other illegal act.

3.02. Inappropriate Language - Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages, including social media. User shall not use obscene, profane, lewd, vulgar, rude, inflammatory or threatening language. User shall not post information that would violate Gem County Personnel Policy V. Unlawful Workplace Discrimination, Harassment and Retaliation.

3.03. Respecting Resource Limits - User shall not post chain letters or engage in "spamming". Spamming is sending an annoying or unnecessary message to a large number of people. Video and audio live streaming use significant amounts of the system’s resources. User shall not use video or audio streaming programs unless it is necessary for the performance of your official duties.

3.04. Copyright - User shall respect the rights of copyright owners. Copyright infringement occurs when a user inappropriately reproduces a work that is protected by a copyright.

3.05. Inappropriate Access to Material – User shall not use the county system to access material that is designated for “adults only” or is profane or obscene (pornography of any kind), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (hate literature). This provision does not apply if the user is authorized by a supervisor to access such material for job-related reasons (e.g., prosecutor or detective). NOTE: The County routinely monitors internet traffic. See the discussion of privacy rights below.

3.06. Unsafe Material - All computers are vulnerable to viruses -- malicious code which destroys data or programming. User should not download anything from any site that cannot be confirmed as safe. User shall not open attachment(s) or click on internet link(s) received in an e-mail from an unknown source that cannot be verified.

3.07. Other Illegal Activity - User shall not take any other action by or through the system or any part of the system which is otherwise illegal, including, but not limited to identity theft, file sharing sites, fraud, gambling, trafficking in narcotics or the making of threats.

3.08. Online Purchases - User shall not take any action using the county system which would result in any charge accruing to the county, without specific authorization from the elected official or department head.

4.0 PRIVACY

4.01. The System and its components are Gem County Property. Anything you create or load on the System becomes Gem County property. Gem County Property is subject to public disclosure pursuant to the Idaho Public Records Act (I.C. § 74-101). The county reserves the right to monitor use of The System and any communications over it, at any time, without prior notice to user. There is no right of privacy.
4.02. The county shall cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through County system.

4.03. In the ordinary course of its business and for legitimate reasons of management or of security, the county may, at its sole discretion and without prior notice:

a) peruse, read, copy, reproduce, print, use, communicate, keep, move, store or destroy, in whole or in part, the information, messages, files or data located in the Internet network access system or emanating therefrom, whether or not such information, messages, files or data have been created, received or kept by the user with the help of said system;

b) monitor, in real or deferred time, using any technical means, access to the Internet network and the use thereof by the user, whether or not the user is aware of being monitored;

c) intercept or record any transmission, communication or work session, whether or not the user is aware such interception or recording is taking place.

5.0 COUNTY & PRIVATE E-MAIL

5.01. County E-mail is for public purposes. The county e-mail system should not be used for purposes of forwarding chain letters, jokes, or other inappropriate material unrelated to County employment.

5.02. County E-mail is maintained on the county system, not simply on individual user’s computer(s). It also may reside on several intermediate systems not under the county’s control, and may be subject to interception by third parties during transmission. Remember, there is no right of privacy regarding e-mail. As such, e-mail communication should be conducted in such a manner as speech in a public place.

5.03. E-mail attachments and internet links within email are the NUMBER 1 SOURCE for infections. Users SHALL NOT open attachments from unsolicited senders. If the sender is unknown or the email is suspicious, User shall DELETE it.

5.04. Private E-Mail refers to personal email such as Gmail, Yahoo, MSN, Outlook.com or other external email services. The system does not have a way to check and verify that private email accounts are free of malicious software or content. User SHALL NOT use the system to access private email services without the express permission of the elected official or department head.

6.0 SOCIAL MEDIA

6.01. Social media i.e. Facebook, Twitter, LinkedIn, Instagram, Snap Chat, YouTube, blogging, and any other forms of social media are historically unsecure. Use of social media shall be at the discretion & approval of the elected official or department head.

7.0 COMPUTER SECURITY & ANTI-VIRUS SOFTWARE

7.01. The county provides initial and ongoing training on the safe and secure use of the system resources. If user’s position of employment requires the use of the system resources, user shall be required to participate in this training.
7.02. The county provides anti-virus software to regularly scan computers connected to the system for infections of malicious software. The anti-virus software is only as good as the end user. If the anti-virus software alerts to malicious software discovered on a system resource it is to be reported immediately to IT.

7.03. User is responsible for the security of your individual account used to access the system and must take all reasonable precautions to prevent others from being able to use your account. User shall notify the county IT department immediately if a possible security issue has been identified.

8.0 DISCIPLINE

8.01. Your consent to and compliance with the Computer Systems & Internet Use Policy is a term and condition of your employment. Failure to abide by the Computer Systems & Internet Use Policy is grounds for discipline, up to and including termination of employment.

Computer Systems & Internet Use Policy
- Acknowledgment -

I have read, understand, and agree to abide by the gem county Computer Systems & Internet Acceptable Use Policy.

SIGNATURE: ____________________________________________________
NAME: _______________________________________________________
TITLE: _________________________________________________________
DEPARTMENT: _________________________________________________
DATE: _________________________________________________________