



# Bonner County Personnel Policy and Procedure Manual

Adopted by the Board of County Commissioners

Adopted by Board of County  
Commissioners

Date: September 19, 2017

## **BONNER COUNTY PERSONNEL POLICY AND PROCEDURE MANUAL**

This personnel policy is not a contract. No contract of employment with Bonner County will be valid unless it is expressly approved by the Board of County Commissioners and unless it is signed by and contains the name of the specific employee who would be benefited/obligated by the contract. Notwithstanding anything said or written by a supervisor, department head and/or elected official, no contract of continued employment shall be implied. Elected official and un-elected department head may only adopt department specific personnel policies after they have been reviewed by the Human Resources Department and approved by the BOCC as being consistent and compatible with the BOCC's Master Personnel Policy. Any department-specific policies which have not been reviewed by HR for compatibility and compliance with the BOCC's master Personnel Policy and approved by the BOCC are deemed void and of no effect. **Employees of Bonner County are at-will**, which means either the employee or Bonner County may end the employment relationship at any time and for any reason. Only the Board of County Commissioners may alter the at-will employment relationship.

The policies and benefits outlined in this policy manual are subject to change at any time, without prior notice. Changes may be made in the sole discretion of the Board of County Commissioners.

**LEGAL COUNSEL for Bonner County are not covered by the generally applicable disciplinary provisions of this Policy Manual. Pursuant to the Idaho Rules of Professional Conduct, employed legal counsel serves at the pleasure of the client. Nonetheless, no legal counsel employed by Bonner County shall be dismissed from employment or demoted with an attendant reduction in pay for unlawful discriminatory reasons as noted elsewhere in this Policy Manual. Legal counsel believing that he/she faces termination from employment or demotion with an attendant reduction in pay for unlawful discriminatory reasons or because of allegations requiring the opportunity for a name-clearing hearing shall be given an opportunity to be heard regarding these allegations as noted elsewhere in this Policy Manual entitled, "Opportunity to be Heard on Assertions of Discrimination and Name Clearing Hearing."**

#### **PURPOSE**

The purpose of this Policy Manual is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all County employees and to explain benefits provided to County employees. **This policy manual is not to be construed as a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be disciplined or discharged. This policy manual creates no rights, contractual or otherwise, on behalf of employees of Bonner County. Employees of Bonner County remain at-will at all times.**

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## THE ORGANIZATION IN WHICH YOU WORK

Working for Bonner County may be somewhat different from any employer for which you may have worked in the past. Bonner County is a political subdivision of the State of Idaho, though it is not a part of state government. The Board of County Commissioners (three elected officials) serves as the governing body for Bonner County, carrying out local legislative duties and fulfilling other obligations as provided by law. The Board of County Commissioners is the general policymaker for Bonner County, and as such, has primary authority to establish terms and conditions of employment with Bonner County. The Board of County Commissioners also appoints personnel to help carry out its administrative responsibilities.

As with all elected public officials, the Board of County Commissioners is ultimately responsible to the voters of Bonner County. The terms set forth herein reflect County policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the Board of County Commissioners.

This Policy Manual is to serve as a guide for the Bonner County management in the administration of clear and consistent personnel programs throughout the County. Each employee will receive either a paper or electronic copy of this manual and it will be his/her responsibility to keep it up to date as revisions are supplied. Copies of this manual will also be available in the Human Resources Office. The terms set forth in this manual reflect County policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the Board of Commissioners. Substantive revisions of this manual are adopted by resolution of the Board. This Policy Manual is not a contract between the County and its employees. Employees may make suggestions for changes to this manual in writing to the Board of Commissioners.

Only the Board of County Commissioners has authority to establish general policy for Bonner County employees. Any department-specific policies which have not been reviewed by HR for compatibility and compliance with the BOCC's master Personnel Policy and approved by the BOCC are deemed void and of no effect. **Employees of Bonner County are at-will**, which means either the employee or Bonner County may end the employment relationship at any time and for any reason. Although an employee may work in the office of an Elected Official, he/she remains an employee of Bonner County, not of the official who supervises his/her work. The terms and conditions set forth in this Policy Manual, and in the resolutions and policy statements which support it, cannot be superseded by any other Elected

Official's written or verbal statements, policies, or practices, without the express written agreement of the Board of County Commissioners, including terms or conditions which would establish a financial obligation for Bonner County, now or in the future. These policies apply to all employees of Bonner County. Individual departments may have their own policies and procedures that provide additional direction to employees or expectations and procedures unique to that department. However, these policies must not conflict with the general County policies set out in this handbook and, if they do, the Board of County Commissioners must approve the differences. In the event of a conflict, the policies in this Bonner County Personnel Policy and Procedure Manual govern. Specifically, if there is a conflict between the at-will provisions of this Policy Manual and policies of an Elected Official that suggest "for cause" limits on your employment, the at-will practices of Bonner County generally, and the at-will provisions of this Policy Manual, govern. Consistent policies and practices are in place for the efficient use of County resources.

Six other Bonner County officials are elected by the County's voters to carry out specific public functions. These include the Sheriff (chief law enforcement officer), Prosecutor (prosecutes crimes and provides legal counsel), Assessor (determines property values and administers property taxation system), Treasurer (ex officio tax collector and public administrator), Clerk of the District Court (ex officio auditor, recorder and clerk of the Board of County Commissioners), and Coroner (determines causes of deaths in the County). These Elected Officials have full authority to carry out the duties established for their offices by law. They can appoint deputies to assist them in carrying out their responsibilities, and they establish office policies which govern the conduct of workers in their respective departments. These policies must not conflict with general County policy or, if they do, the Board of County Commissioners must approve the differences. In the event of a conflict, the policies and procedures in this Policy Manual govern.

In accepting employment with Bonner County, each employee shall be required to comply with these policies and the policies and procedures of the department in which he/she is employed. Employment with the County is at-will, regardless of the position hired into. This means either the employee or Bonner County may end the employment relationship at any time and for any reason.

**It is important that all employees understand the relationship between County policy adopted by the Board of County Commissioners and department policy implemented by other Elected Officials. Employees should direct any questions on this to the Director of Human Resources and Risk Management.**

# Compliance Policies

Policy No: 100

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date:** August 30, 2016

## **100. COMPLIANCE WITH EMPLOYMENT LAWS**

Bonner County's policy is to comply with all applicable federal, state, and local statutes, regulations, ordinances, and policies regarding employment. This includes but is not limited to Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008, the Family Medical Leave Act, the Idaho Human Rights Act, the Fair Labor Standards Act as amended by the Equal Pay Act, the Idaho Wage Claim Act, the Health Insurance Portability and Accountability Act, the Age Discrimination in Employment Act, the Fair Credit Reporting Act, the Employee Retirement Income Security Act, the Consolidated Omnibus Budget Reconciliation Act, the Genetic Information Nondiscrimination Act, as well as various state and local codes and ordinances.

The HR Department has supervisory authority over all Bonner County departments as to the interpretation and application of Federal and State employment regulations.

### **100.1 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

Bonner County is committed to a philosophy of equal employment opportunity. That means that all employment decisions, including hiring, promotion, wage classification and other terms, benefits or conditions of employment, transfer, training, discipline, and termination, will be made without regard to race, color, religion, sex, pregnancy, age, national origin, retaliation for protected activity, mental or physical disability, veteran status, or other statuses protected under federal, state, and local law. Employees are expected to adhere at all times to this policy.

### **100.2 REASONABLE ACCOMMODATION**

In compliance with both Title VII of the Civil Rights Act and the Americans with Disabilities Act, as amended, Bonner County is committed to providing qualified applicants and employees with reasonable accommodation, either for a mental or physical disability, or for a sincerely held religious belief that conflicts with their work, absent undue hardship. Requests for accommodation should be made verbally or in writing and should be submitted directly to the Director of Human Resources. Requests should include an identification of the requested accommodation as well as the conflict or job function that poses the need for accommodation.

Once the Director of Human Resources receives such a request, that



individual or their designee will engage in an interactive process with the applicant or employee, and may additionally include the supervisor and the individual's physician in that interactive process. If additional medical clarification is required, the Director of Human Resources will obtain a medical release and will work directly with the physician regarding that request. Any failure by the applicant or employee to participate in this process or to provide necessary information may delay the request for accommodation. The accommodation granted may be any accommodation that is effective and allows the employee to meet the essential functions of their job. The County will assess whether any requested accommodation will cause an undue hardship. For individuals with physical or mental disabilities, the County will also assess whether the employee poses a safety or direct threat to themselves or others.

### **100.3 VETERAN'S PREFERENCE**

Bonner County will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code Title 65, Chapter 5 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to I.C. § 65-503, or its successor, will be employed. Under certain circumstances, the widow, widower, spouse, or parent of a veteran may also be entitled to veteran's preference pursuant to I.C. § 65-503.

### **100.4 PREFERENCE FOR HIRING FROM WITHIN**

Qualified individuals who are already employees of Bonner County may be given preference over outside applicants to fill vacancies in the work force. Internal applicants must comply with the pre-hiring practice procedures and submit an application for consideration for any internal posting.

### **100.5 EMPLOYEE SELECTION AND ONBOARDING**

Bonner County's obligation and commitment is to comply with applicable federal, state, and local statutes, regulations, ordinances, and policies regarding selection and onboarding of employees. Employees of Bonner County are to be selected and on boarded in a manner that accomplishes the legal and operational duties established by law and by the policy choices of the County's Elected Officials. Although the Board of County Commissioners is responsible for setting general County employment policy, including establishing and overseeing compliant selection and onboarding policies and practices, individual Elected Officials have authority to select employees based upon consideration deemed appropriate to accomplish the public goals for which they were elected.

Each Department Head and/or Elected Official agrees that all newly selected applicants must fully comply with the Pre-Hire and Onboarding Practices policy (Policy No: 200) in order to assure Bonner County's compliance with

applicable employment laws. Applicants who do not comply fully with that policy will not be funded and hired as a County employee until that process is complete.

#### **100.6 HIPAA COMPLIANCE**

Bonner County is committed to following the Federal Privacy Rules, Title XI/42 U.S.C., 1301 (et. seq.) the Health Insurance Portability and Accountability Act of 1996 (HIPAA), an amendment to the Employee Retirement Income Security Act (ERISA) under the Department of Health and Human Services requiring that a Privacy Compliance Officer be appointed who has the duty and responsibility of developing and implementing a Privacy Plan and its associated privacy and procedures policies, and in overseeing, training, and informing designated Privacy Contacts for the purpose of protecting privacy and security of health information and establishing unique health records. The Human Resources Director has been designated as the Privacy Compliance Officer.

#### **100.7 IMMIGRATION REFORM AND CONTROL ACT**

Bonner County is committed to compliance with the Immigration Reform and Control Act. Individuals must complete Section 1 of the Employment Eligibility Verification form (I-9 form) at the time that they complete the Onboarding Process with Human Resources. All employees must complete the remaining sections of the I-9 form within three (3) business days of employment, and failure to complete the remainder of the form will mean that the employee may not continue to work at Bonner County. Bonner County's Human Resource department will certify the I-9 form. Additionally, in compliance with Idaho Executive Order 2009-10 and subsequent guidance, as well as a matter of best practices, Bonner County is an E-Verify employer, which means the County submits information to the federal government to match new hires with government records to ensure that the new hire is authorized to work in the United States.

#### **100.8 JUDICIAL CONFLICT**

The Clerk of the District Court is a Judicial Office. As such, there are times when this policy and procedure manual and the duties and responsibilities of that position could be in conflict with judicial procedures. In those instances, the duties and responsibilities of the judicial functions of the office of the Clerk of the District Court will take precedence over those policies established by this policy and procedure manual. The Clerk of the District Court will notify the Board of County Commissioners of any conflicts.

#### **100.9 NEPOTISM / HIRING OF RELATIVES**

No person shall be employed by Bonner County when said employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 59-701 et. seq., I.C. §18-1359 and their successors. Any such

appointment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited:

- No person related to a County Commissioner by blood or marriage within the second degree shall be appointed to any office, position, employment or duty; and
- No public servant, including Elected Officials and employees, shall appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any office, position, employment or duty.

An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed in I.C. §18-1359(5).

In addition:

- No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
- No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.
- No employee of Bonner County shall hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the second degree of affinity or consanguinity pursuant to State law (I.C.18-1359 or its successor).

# **Pre-Hire and Onboarding Practices**

Policy No: 200

**Original Date:** January 15, 2013

**Revised Effective Date:** August 30, 2016

## **200. PRE-HIRE AND ONBOARDING PRACTICES**

### **200.1 ADMINISTRATION**

The authority and responsibility to select Bonner County applicants for hire is vested with the Department Head and/or Elected Official responsible for the supervision of the individual. All hiring and onboarding of any selected applicant shall be subject to budgetary authority approved by the Board of County Commissioners and subject to full compliance with the Pre-Hire and Onboarding Practices adopted for the County by the Commissioners and carried out by the Human Resources Department. Each Department Head and/or Elected Official is responsible for assuring full compliance with this policy, and the Department Head and/or Elected Official's failure to fully comply with the policy will result in an applicant not being allowed to begin work as an employee for Bonner County.

### **200.2 PRE-HIRE APPLICATION PROCESS**

1. The decision to create or re-create a position is made by the Board of County Commissioners. When an employee separates from Bonner County, the position from which they separated is automatically eliminated. The Department Head and/or Elected Official may request, where sufficient budget authority exists, as certified in writing by the county clerk that the Board of County Commissioners formally both re-create the position and fill the re-created position with an applicant of the Department Head and/or Elected Official's choice, subject to complete compliance with this policy. The Board of County Commissioners reserves the right and retains its power not to re-create a vacated and automatically eliminated position. The Human Resource Director has the delegated authority to preliminarily approve a re-created position. Subsequently, the County Clerk has the authority to determine whether budget authority exists to support the Board of County Commissioners decision to approve or disapprove either a newly created position or a re-created position. Upon the Clerk's budget authority determination, the Board of County Commissioners shall act, through its Director of Human Resources, to approve or disapprove the creation or re-creation of the proposed position.
2. Prior to recruitment for an approved newly created or re-created position, the Department Head and/or Elected Official shall submit to the Human Resources Department a current job description, staffing requisition with a proposed schedule to fill the proposed position along with a proposed closing date for

the position.

3. Vacancies for employment in Bonner County shall be announced by the Human Resources Department in the following manner:
  - a) Promotions or transfers within the Department will be considered first. The Human Resources Department will send an email to all department employees regarding the internal posting. Internal applicants will be advised to submit an application using the approved Bonner County Human Resource program and/or system.
  - b) If no internal qualified employee submits an application, the Human Resources Department will post the opening on its bulletin board, website, and with the Bonner County office of the Idaho Department of Labor. The Human Resources Department, in consultation with the Department Head and/or Elected Official, may post the position using other recruitment sources as necessary.
  - c) Each applicant for a posted position shall complete a Bonner County employment application using the approved Bonner County Human Resource program and/or system. Additional application information may be required for certain positions, subject to review and approval by the County's legal counsel. All fully completed and unredacted applications will be maintained by the Human Resources Department to assure compliance with various laws and regulations.
4. Applications will then be forwarded to the Department Head and/or Elected Official by the Human Resources Department for review, screening, and potential interview. No applications will be considered after the closing date for the posted position.
5. The Department Head and/or Elected Official or their designee will conduct interviews to determine the qualifications and experience of the applicant. Interviews should encompass a similar scope of questioning for all applicants for a similar position.
6. Once the Department Head and/or Elected Official selects a candidate for conditional hire, they will send the applicant a written conditional offer letter, using the approved human resource template, which will condition employment on successful completion of various job-related screens, references, background and other tests for the specific position, as well as completion of the Onboarding Process with the Human Resources Department. The Department Head and/or Elected Official shall copy the Human Resources Department on the conditional offer letter.

### **200.3 POST-OFFER, PRE-EMPLOYMENT PROCESS**

1. The Human Resources Department, and in some circumstances the Department Head and/or Elected Official or their designee, shall complete applicable job-related screening, testing, and other reviews to ensure an applicant's qualifications for the position.

2. All applicants who pass the applicable job-related screening, testing, and other reviews must also take and pass a drug and alcohol test within 48 hours of the conditional job offer, under the direction of the Human Resources Department. Such testing will be billed to the department associated with the applicant.
3. All applicants who pass the job-related screening, background checks, and drug and alcohol tests will be scheduled by the Human Resources Department for the Onboarding Process, as outlined below, and will be advised of applicable documentation to bring with them to the Onboarding Process.
4. Applicants who do not pass the job-related screening, background check, or drug or alcohol test, or who cannot demonstrate the ability to complete the essential functions of the job applied for with or without reasonable accommodation absent undue hardship or based on a direct safety threat, will be advised in writing by the Director of Human Resources that their conditional job offer has been revoked.

#### **200.4 ONBOARDING PROCESS**

1. Each and every applicant for employment with Bonner County must first complete the Onboarding Process as a final step of the conditional hiring process. Onboarding Process paperwork is available for completion each Monday morning between the hours of 8:00am and 9:00am in the Bonner County Human Resources Department. Human Resource Department personnel will make sure each applicant has successfully completed all phases of the conditional employment review, and will complete the I-9 verification/E-Verify with the applicant.
2. Once the Human Resources Department assures that all onboarding paperwork, including full and unredacted applications and related materials, are properly completed and on file with the Human Resources Department, the Human Resources Department will then notify the Board of County Commissioners that the Onboarding Process has been properly completed for a newly created or re-created position so that the Board can approve the hiring and funding of the newly created or re-created position. The Human Resources Department will also notify the Department Head and/or Elected Official to submit the signed New Hire Sheet for approval by the Board of County Commissioners.
3. Once on boarded and once funding is approved by the Board of County Commissioners, the applicant will be hired as an employee of Bonner County and will proceed with employee orientation, which takes place each Monday.
4. Employees must complete the Onboarding Process prior to beginning their job-specific duties with Bonner County, and after hire must complete the next regularly-scheduled General Orientation with Human Resources.

# Employment

Policy No: 300

**Supersedes Policy Date:** October 11, 2016

**Revised Effective Date:** **October 2, 2018**

## **300. EMPLOYMENT**

### **300.1 DISTRIBUTION OF POLICY**

At the time of employment, each employee shall have access to an electronic copy of this Policy Manual. It is the responsibility of the employee to familiarize him/herself with the contents of the manual and to acknowledge its receipt in writing. Periodic updates or changes shall be distributed either electronically or by paper copy and acknowledged by the employee.

### **300.2 EMPLOYEE PERSONNEL FILES**

#### **1. Personnel Records**

All personnel files are the property of Bonner County. Official personnel files are maintained by Bonner County Human Resources and are considered a legal document and confidential. Records kept in personnel files will include the original employment application, resumes, offer letters, performance appraisals, disciplinary actions, letters of commendation, job descriptions, and resignation/termination letters. Supervisors, managers, department heads, and elected officials may view the personnel files of employees in their line of supervision. As Bonner County is considered one employer, a member of management considering the hire of a former employee or transfer of a current employee may be granted access to the employee's personnel file upon request.

#### **2. Access to Personnel Files**

It is the policy of Bonner County to allow only limited access to an employee's personnel file. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with legal counsel for the County. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the County or pursuant to Court order or pursuant to a proper subpoena. The County reserves the right to disclose the contents of personnel files to outside State or Federal agencies, to its insurance carrier or its agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.

#### **3. Management of Information in Personnel Files**

Each employee shall be provided an opportunity to contest the contents of his/her personnel file during regular business hours. This is to be done by filing a written

objection and explanation which will be included in the file along with the objectionable material. In the sole judgment of the department head and/or Elected Official, after consultation with legal counsel for the County, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be 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.

History:

BOCC Approval October 11, 2016: Removal of Probationary Period

BOCC Approval October 2, 2018: Removal of 300.1 PAYROLL REPORTING SYSTEMS



**Original Date: June 18, 2019**

**MINORS: Are any seasonal/temporary employee under the age of 18.**

**1. PURPOSE**

To establish guidelines to occasionally hire minors during school breaks, at peak work periods, or on an internship basis.

**2. SCOPE**

This policy applies to appropriate positions in Bonner County

**3. POLICY**

As a general rule, employees of the County must be 18 years of age or older. Occasionally, students or others who are 16 or 17 years old may be hired, but this is done only under special conditions in coordination with the Human Resources Department.

No Minor under the age of 16 will be hired.

**A. Number of Hours Worked**

- I. Minors who are high school graduates or have a certificate of high school proficiency may work the same hours as adults, but only in non-hazardous occupations as defined by the Fair Labor Standards Act (FLSA).
- II. The FLSA does not limit the number of hours or times of day for workers 16 years and older.
- III. Idaho Child Labor Laws for minors 16 and 17 years old: not working during school hours; unlimited number of hours outside of school hours; no specified start and stop hours; but
  - No more than 8 hours per day
  - A maximum of 40 hours per week

**4. WAGES**

Regardless of age, minors will be paid at least minimum wage, as set forth in the FLSA and Idaho Minimum Wage Law.

**Please be aware Minors may not be employed in Hazardous Occupations:  
Minors - may not DRIVE COMPANY VEHICLES  
Minors must have Parental/Guardian consent for the Background Check processes**

# Rules of Employee Conduct

Policy No: 400

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

## **400. RULES OF EMPLOYEE CONDUCT**

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible termination from employment. However, this list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well.

### **400.1 PERSONAL PERFORMANCE AND BEHAVIOR**

Each employee of Bonner County is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon Bonner County. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of Bonner County as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon Bonner County and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. **SHALL WORK COOPERATIVELY AND CONSTRUCTIVELY WITH FELLOW WORKERS AND MEMBERS OF THE PUBLIC TO PROVIDE PUBLIC SERVICE OF THE HIGHEST QUALITY AND QUANTITY.** This is a high priority for all employees.
2. Shall be prompt and regular in attendance at work or other required employer functions. (See Attendance Policy 450)
3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be neat, clean, professional, non-offensive and appropriate for the functions performed and shall present a suitable appearance to the public.
4. Shall dedicate primary efforts to Bonner County employment with secondary employment subject to approval by the Elected Official or department head. Each employee must notify the appointing official of any other employment, self-employment or other business interests. Secondary employment shall not conflict with duties performed for the County in any meaningful way. Individual department rules may

spell out permissible examples of "moonlighting" wherein employees may hold additional positions.

5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in Bonner County and related agencies. No employee shall engage in conduct which 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. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Shall not accept gifts or gratuities in any personal or professional capacity which 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.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Shall not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with legal counsel for the County or without an order from a court or public agency of competent jurisdiction.
10. Shall not engage in unbecoming conduct away from work which, although not criminal, may reflect adversely upon Bonner County or its officials or otherwise impair the employee's ability to perform and bring the County in disrepute.
11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the Bonner County work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon 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 sick leave while taking the medication.
12. Shall not engage in workplace or public conduct otherwise detrimental to the reputation of Bonner County and the accomplishment of the goals established by the Board of County Commissioners or the Elected Official or the department for whom he/she works.

## **400.2 WORKPLACE CONDUCT**

Each employee shall conduct him/herself in the workplace in accordance with the following rules. THESE RULES ARE NOT ALL-INCLUSIVE OF CONDUCT EXPECTED OF BONNER COUNTY EMPLOYEES. Each employee of Bonner County shall:

1. Give his/her best efforts to accomplish the work of Bonner County for public benefit in accordance with policies and procedures adopted by the Board of County Commissioners and Elected Officials displaying an attitude of cooperation and constructive participation.
2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
5. Abide by all departmental rules whether they are written or issued orally by the supervisor, department head and/or Elected Official. No employee shall be required to follow the directive of a supervisor, department head and/or Elected Official which violates any Federal, State or local laws.
6. Abide by pertinent State and Federal statutes, and Bonner County rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official.
7. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
9. Report all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper

consideration can be accorded to injured workers and the public.

10. Report any accidents observed to have happened on County property or involving County property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information shall be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.
11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Maintain a current driver's license when necessary in the conduct of work for Bonner County. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired.
13. Perform such obligations as are necessary to carry out the work of Bonner County in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

#### **400.3 PROHIBITED CONDUCT**

Employees of Bonner County shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
2. Possess alcohol in County buildings except as pre-approved by the Board of County Commissioners.
3. Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.
4. Sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
5. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
6. Use work time for personal business, including the selling of goods or services to the general public. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.

7. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Engage in political activities, specifically campaigning for or against any candidate of ballot issue, while on duty in public service. This rule shall not apply to Elected Officials.
9. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
10. Destroy without proper authorization, 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).
11. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
12. Smoke, except in designated outdoor smoking areas if so provided. This includes no smoking in County vehicles.
13. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation leave or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not earned in accordance with policy.
14. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by policy for use of vacation leave, sick leave, bereavement, or other types of leave granted by this Policy Manual.
15. Engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work in the office or department in which the employee serves.
16. Use of communication equipment in the workplace in a manner that violates policy or which disrupts workplace activities.
17. Engage in criminal conduct of any kind while on duty or off. Bonner County employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the Elected Official or department head.
18. Violate any lawful rule established by the Elected Official or department head to maintain order and productivity in the workplace.
19. Unlawfully harass a fellow worker or member of the public at any time while in active service at Bonner County, as outlined in the Discriminatory Workplace Harassment Policy and Complaint Procedure below.

#### **400.5 PROHIBITION ON EXTRA-MEETING DISCUSSIONS (EMDs)**

Department Heads (DHs) appointed by the BOCC shall not discuss issues that are or may be pending before the BOCC with more than one Commissioner except in a duly noticed Public Meeting. This Prohibition on EMDs precludes DHs from visiting personally, telephonically, or in writing with more than one commissioner on an issue prior to final decision being taken by the BOCC in a duly noted public meeting or executive session. This EMD prohibition includes but is not limited to both contemporaneous meetings and what are known as “serial meetings”. Serial meetings involve a DH discussing an issue with a commissioner separately at one time and then having the same or similar discussion with another commissioner at a later time. The purpose of this EMD prohibition is to ensure that all commissioners are present when important issues requiring their attention are discussed. It is no defense for a DH to assert that members of the BOCC knew, tacitly acquiesced, or otherwise approved such EMDs as all DHs are on notice that EMDs are prohibited by Idaho’s Open Meeting Law and commissioners are legally incapacitated and disabled from approving an illegal contemporaneous or serial meeting.

“As required by the Idaho Open Meeting Act as codified in Idaho Code Sections 74-201 through 74-208”

“\*”This provision does not constitute a waiver or setting-aside of the BOCC’s general authority to terminate any employee at-will for any legal-reason.

# RELATIONSHIP POLICY

Policy No: 425

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

## 1. Bonner County's Responsibilities

While Bonner County will not prohibit personal or business relationships between employees, the following reasonable restrictions shall apply:

- a. E m p l o y e e s should not directly supervise, occupy a position in the line of supervision or be directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
- b. I f the Elected Official or department head determines that circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
- c. When personnel and circumstances permit, the Elected Official or department head will make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Elected Official or department head, however, reserves the right to transfer or reassign any employee to another position, as it may deem necessary, in order to avoid conflicts with any provision of this policy.
- d. U n l e s s specifically authorized by the Elected Official or department head, employees should not participate in, contribute to, or recommend salary, wages, pay or compensation, hiring, promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

## 2. Employee's Responsibilities

- a. Prior to entering into any personal or business relationship or other circumstances which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, such employee shall promptly, normally within 10 working days, notify his/her uninvolved, next highest level of supervisor.
- b. Whenever any employee is placed in circumstances which would require the employee to provide official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly, normally within 10 working days, notify his/her uninvolved, immediate supervisor.

## 3. Supervisor's Responsibilities

Upon being notified of or becoming aware of any circumstance(s) which



could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly, normally within 10 working days, notify the Elected Official or department head of such actual or potential violations.

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.

# CANDIDACY FOR ELECTIVE OFFICE

Policy No: 440

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

While Bonner 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 interests in promoting the efficiency of the public services it performs through its employees. (*Pickering v. Board of Education*, 391 U.S. 563, 88 S.Ct. 1731 (1968)).

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

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

1. The size of the office in which the employee works--the smaller the office, the greater prediction of disruption;
2. Whether the employee candidate holds a position of trust and confidence to the incumbent--the closer the ties, the greater likelihood of disruption;
3. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor--in such circumstances the threat of disruption would loom larger; or
4. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another--the greater the amount of contact and interaction, the greater the possibility of disruption.

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

If the Elected Official determines that there exists a reasonable prediction of disruption should the employee remain employed with Bonner County and the employee refuses to resign, he/she may be terminated. The Elected Official shall set out, in writing, the factual basis for finding that there exists a reasonable prediction of disruption using the above factors. Said written findings shall be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable opportunities to be heard procedures, as set out in this Policy Manual, shall apply.

# **ATTENDANCE POLICY**

**Policy No: 450**

**Original Date:** November 22, 2016

**Supersedes Policy Date:** All previous policies

## **PURPOSE:**

Punctual and regular attendance is an essential responsibility of each employee at Bonner County, whether hourly or salaried. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, others must perform his or her work. No matter how skilled an employee, if he/she does not have a good attendance record, his/her contributions to the smooth functioning of Bonner County are diminished.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. If an employee is scheduled to work overtime and fails to report, it is considered an absence. Late arrival, early departure, or other absences from scheduled hours are disruptive. Employees who are unable to be at work on time or are unable to work as regularly scheduled must notify their supervisors as soon as possible via telephone in advance of the tardiness or absence. Tardiness, unscheduled absences, and/or poor attendance may lead to disciplinary action up to and including termination of employment.

Qualified employees seeking a reasonable accommodation for a physical or mental limitation affecting their attendance are directed to Bonner County's Reasonable Accommodation Policy, 100.2 for additional information, and are encouraged to contact Human Resources.

## **SCOPE:**

All employees: Non-Exempt, Exempt, Seasonal, Part Time, On call

## **DISCIPLINE**

Employees with attendance problems, unscheduled absences, or a pattern of tardiness may be subject to disciplinary action, up to and including termination. Employees with a pattern of absences, such as routinely calling in sick on Mondays and/or Fridays, may also be subject to disciplinary action, up to and including termination.

In cases of suspected sick leave abuse, a supervisor may request a doctor's note for the absence when an employee calls in sick the last scheduled work day before or the first scheduled work day after a holiday. Failure to provide documentation for the unscheduled absence may result in denial of holiday pay for that holiday.

Any discipline or termination actions must be reviewed by Human Resources prior to be issued.

### **NO CALL/NO SHOW**

Not reporting to work and not calling to report the absence is a no call/no show and is a serious matter, and may subject the employee to disciplinary action, up to and including termination. Management may consider extenuating circumstances when determining discipline for a no call/no show (i.e., if the employee was in an accident and is hospitalized) and has the right to exercise discretion in such cases.

### **EXCUSED ABSENCES**

Leave granted for an employee to serve on a jury or appear as a witness for a government entity will not be counted against the employee's attendance record. Leave granted under the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), Workers' Compensation, or the Uniformed Services Employment and Reemployment Rights Act (USERRA) will not be counted against an employee's attendance record if the employee has met the requirements of taking such leave.

### **JOB ABANDONMENT**

Any employee who fails to report to work without notification to his or her supervisor for a period of three (3) days or more will be considered to have abandoned his or her job and voluntarily terminated the employment relationship.

# Employee Classification

Policy No: 500

**Supersedes Policy Date:** December 22, 2015

**Revised Effective Date** October 11, 2016

## 500. EMPLOYEE CLASSIFICATION

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

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

### 500.1 Employment Status and Classification for Benefits

#### 1. Employment Status

- A. Employment at Will. Except as otherwise provided in this policy, employees of Bonner County are at-will, which means that either the employee or Bonner County may end the employment relationship at any time and for any reason. Similarly, employees may be disciplined, or the terms, conditions, and benefits of employment may be changed by Bonner County at any time and for any reason.
  - i. Regular Employees. Regular status employees are at-will, and classified as:
    - ii. Full time or Part Time. Employees who work a regular schedule during a 40 hour work week.
    - iii. Temporary or Seasonal Employees. Employees who work on an irregular, on-call, seasonal or temporary basis are considered to be temporary or seasonal employees. Temporary and seasonal employees are at-will.
- B. Other At-Will Employees. In addition to their at-will status, certain employees have additional considerations associated with their

employment based on their unique roles or status.

- i. Deputy Prosecuting Attorneys and Other Legal Counsel. Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and his/her client, Deputy Prosecutors (including Senior Deputy Prosecutors) 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 or the Board of County Commissioners (if they serve at the Board's pleasure). They can be appointed or removed at the pleasure of the Elected Official for whom they serve.
- ii. Senior Deputies (sometimes referred to as "Chief Deputies or Undersheriff"). Senior Deputies including those appointed pursuant to I.C. § 31-2006 serve in that role at the pleasure of the Elected Official for whom they serve. The designation can be established or removed at the pleasure of that Elected Official. An Elected Official has the right to appoint their own Senior Deputy as they sees fit. Therefore, at any time a newly-elected official takes office or at the discretion of a current Elected Official, the Senior Deputy may be removed from that position and reassigned to another available position at that position's current rate of pay or be dismissed from County employment.
- iii. Military Service Member Rights. Regular at-will employees who are members of the Idaho National Guard or who are members of the uniform services have certain reemployment and retention rights. Questions regarding those rights should be directed to the Human Resource Director.
- iv. Elected Officials. Elected Officials are not considered regular employees of Bonner County. Their work as an Elected Official is guided by applicable constitutional and statutory limitations, and by applicable local ordinances.
- v. Independent Contractors. From time to time, Bonner County may enter into independent contractor relationships with certain vendors or individuals. Independent contractors are not employees of Bonner County, are not paid on payroll, and receive no employment-based benefits. Any Department Head or Elected Official who wishes to utilize the services of an independent contractor must obtain the prior approval of the Director of HR and Risk Management, as well as the Deputy Civil.

## 2. Employee Classification for Benefit Purposes

Employees with Bonner County may from time to time receive benefits based on their classification for benefit purposes, as follows:

A. 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.

B. Full-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees shall receive all employee benefits provided by Bonner County as such benefits now exist or may be subsequently changed by action of the Board of County Commissioners.

C. Part-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of 18 to 29 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits in accordance with specific policies adopted by the Board of County Commissioners. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

Part-time regular employees whose typical work week consists of less than 18 hours on a regular basis will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of County Commissioners.

D. Temporary or Seasonal Employees

Employees who work on an irregular, on-call, seasonal or temporary basis are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the Board of County Commissioners. The opportunity to be heard with regards to the disciplinary process set out in this policy does not apply to temporary or seasonal employees, and they are considered to be at-will employees.

Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an

allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures as noted elsewhere in this Policy Manual.

E. Independent Contractors

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



# Compensation Policies

Personnel Policy  
Policy No: 600

**Original Date:** January 15, 2013  
**Supersedes Policy Date:** October 2, 2018  
**Revised Effective Date** August 6, 2019

## COMPENSATION PHILOSOPHY

Bonner County adheres to a compensation plan that is designed to pay salaries that motivate employees for excellence in job performance, is equitable across County departments and offices, and demonstrates responsible use of public funds.

Individual pay is established by determining the value of the position in the labor market, the value of the individual including relevant education, experience and special skills, and the value to the organization. Pay decisions must include consideration of job performance. Law Enforcement may utilize specialized pay plans approved by the Board of County Commissioners. The Scope of Philosophy includes the following:

1. The Board of County Commissioners will oversee the continuity of the compensation program and will ensure that it is administered within the framework of this philosophy. Elected Officials and Department Heads will administer the compensation funds provided to them in a manner consistent with the plan.
2. The compensation program will be consistent throughout the County, yet will be flexible to meet changing and specific needs. This will allow for multiple pay plans if required.
3. Employee compensation will reflect both the internal value of a position and the value placed on that role in the appropriate market.
4. All aspects of compensation (base salary, benefits and if applicable, bonuses) will be considered as a total reward package for County employees. Total compensation will be targeted at a competitive level, when compared to the appropriate labor markets (i.e., other public sector employers and private sector employers in defined geographic locations and industries) to allow the County to attract and retain the quantity and quality of employees it needs to meet its goals and objectives.
5. The County is committed to ensuring that its salary structures are regularly updated through the conduct of market surveys. There will be a planned approach to ensure that internal equity is maintained.

6. A planned program of ongoing communication and training will be a critical component of compensation administration.
7. Compensation increases will be affordable and in the best interests of the County as an employer and provider of services.
8. The compensation program will create a climate where employees are recognized and rewarded, while providing the County with the opportunity to meet its “return on human resources investment” objectives.
9. Bonner County reserves the right to 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 as necessary to meet budgetary constraints or work load changes.
10. The compensation program is reviewed annually to ensure consistent pay practices, comply with federal and state laws, support our commitment to Equal Employment Opportunity, and offer competitive salaries.

#### **600.1 COMPENSATION PLANNING**

Pay increases are not guaranteed and are based upon performance and budget. Overall budget allocations and individual pay increases are planned for and allocated prior to the start of each fiscal year. The compensation program is designed to assist management in planning and allocating salary increases that:

- Reward individual performance
- Are both market competitive and internally equitable
- Are compatible with the operating budget

The employee’s overall performance and salary level relative to his/her position responsibilities must be evaluated to determine if a salary increase is warranted.

Bonner County Human Resources will review all salary increase/adjustment requests to ensure compliance with policy and that they fall within the provided guidelines. Performance pay, market or equity adjustment, as well as promotional pay changes must be submitted through the Pay Sheet prior to the effective date of the requested change.

A salary survey of the benchmark positions should be conducted no less than once every three years.

#### **600.2 MARKET PRICING**

Bonner County’s compensation philosophy is to match the labor market, which allows us to be externally competitive in recruiting and retaining talented employees. Labor markets used for salary

comparison are based on the normal recruiting market for specific job classifications. All market comparisons will include both public and private sector employers for the recruiting area, unless the position is not available in the private sector. By maintaining a competitive total compensation package to recruit and retain the best employees, the County improves employee productivity and reduces costly turnover.

### **600.3 PAY BANDS**

The compensation plan for Bonner County establishes pay bands for each class of job descriptions. A pay band is the pay range allocated to a job class stating a minimum and maximum rate of pay allowed an employee performing a job in that particular class.

For specialized pay plans, similar methodology will be applied.

Pay Bands/Ranges will be reviewed annually by Human Resources.

### **600.4. COMPLIANCE WITH EQUAL PAY AND FAIR LABOR STANDARDS ACT (FLSA)**

Bonner County shall comply with all provisions of the **Equal Pay Act (EPA)** which prohibits employers from paying workers of one gender more than workers of the other gender to do equal work, except for valid business reasons. To be considered equal work, the jobs must require equal skill, effort, and responsibility and must be performed under similar working conditions. All department heads and elected officials must ensure their compensation practices are in compliance with the EPA.

Bonner County complies as well with the **Fair Labor Standards Act (FLSA)** and all applicable federal, state, and local laws regarding employee compensation. All job descriptions are reviewed by Bonner County Human Resources to determine if they are covered by the Fair Labor Standards Act (FLSA) or if they are exempt from the Act.

### **600.5 WAGE PROGRAM POLICIES**

600.5.1 Pay Band: Each position in the County is placed in a pay band which establishes the value of the position in relation to other like positions in the organization.

600.5.2 Pay Ranges. Each pay band is assigned a pay range. Within this framework, an employee's salary will be related to demonstrated performance and time in the position. Employees will receive a salary that is within the range limits of the applicable pay band.

600.5.3 Administrative Control Over Wage Program. The Bonner County HR Department must approve in writing any changes that have wage and compensation effects, as directed by the Board of County Commissioners. Payroll shall require the HR Department's written approval before any employees wages are altered in any way.

600.5.4 Merit Pay

Merit Pay will be administered in the anniversary month of the employee's original hire date. If the employee promotes to a new position, which includes a pay increase, the date of promotion becomes the new anniversary date for purposes of future merit eligibility.

#### 600.5.5 Hiring Pay

The hiring pay, which may include promotion to a new position will be dependent upon the level of knowledge, skills and demonstrated competencies which the employee being hired brings to the County. In addition, other factors to be taken into consideration will include: the employees' current salary, and pay levels of other employees in the job being filled. As a general guideline, the hiring range should be between the minimum and the midpoint of the pay range. The Department Head/Elected Official in conjunction with Human Resources will determine appropriate recommended wage placement between range minimum and 95% of the midpoint of the pay range to ensure appropriate relativity to other employees. However, greater than 95% may be considered given market trending, compression and internal equity. The following guidelines as follows:

- Meets Minimum qualifications with no experience. Apprentice level; Needs additional certification or considerable training. – hire at range minimum/base.
- 2 to 3 years of some relevant experience (or equivalency); Needs additional related training, education and/or possesses some experience or knowledge related to the position – hire up to 87% of midpoint of the pay range;
- 4 to 5 years of moderate relevant experience (or equivalency); May have performed same or similar prior work experience and knowledge; May require additional related training and education. – hire up to 90% of midpoint of the pay range
- 6 to 8 years of significant relevant experience (or equivalency); The individual has performed in the same position or similar prior work experience and knowledge. Would require minimal training and orientation – hire up to 95% of midpoint of the pay range
- 9 years or greater – hire up to 100% of the midpoint. This individual is fully capable and proficient to perform the duties of the position, with little or no training, education or orientation, other to county protocols, policies and programs.

All wage recommendations proposed will require approval of the Board.

Notwithstanding these guidelines, it is very important when applying these guidelines to take into consideration the pay level of current employees in like-kind positions to ensure internal equity.

#### 600.5.6 Pay Upon Transfer

A transfer is considered a move to a role which is at the same grade as the employee's existing role. There should not be an expectation that there will be a pay change associated with a salary upon transfer.

#### 600.5.7 Pay Upon Promotion

A promotion is a move from one role to another of increased responsibility which is evaluated at a higher point level than the previous position. The only “rule” for promotion increases is that the incumbent should be paid not less than the minimum of the salary range of the new position. Once that criterion is met, the following factors should be taken into consideration by the Department Head/Elected Official in conjunction with Human Resources in determining a promotion increase:

1. The level and skill of the employee being promoted;
2. The number of grade increases between the current position and new position;
3. The incumbent’s current pay;
4. The timing and amount of the most recent performance rating;
5. The salaries of other incumbents in the position; and
6. Where in the salary range application of the guideline set out below will place the incumbent’s pay.

Though a promotion may or may not include an increase in pay, having considered the above factors, it is recommended that a minimum of 5% and maximum of 15% be utilized for promotion increases. When a pay increase occurs, all future merit pay eligibility is effective with the date in the new position.

Any promotion will require a resume from the individual, if this is not a competitive bid to ensure the employee meets the minimum qualification of the position.

#### 600.5.8 Pay Upon Demotion

A demotion is a move from one role to another role of less responsibility that is evaluated at a lower point level than the previous position.

#### 600.5.9 Voluntary Demotion

When an employee voluntarily elects to take a demotion, it is recommended that the employee’s pay be consistent with the Bonner County hiring guidelines relative to the position they are moving into and grade placement.

#### 600.5.10 Involuntary Demotion

When any County action is the cause for the demotion, the employee’s pay may be reduced. Additionally, the County has the right to initiate a demotion for performance and/or discipline reasons. At the effective date of either of these actions, if the salary of the employee is above the

maximum of the salary range for the position to which the employee is demoted, their pay will be reduced to an appropriate position in the new salary range, based on the relevancy of their qualifications and experience to the job to which they are now assigned and relative to the salaries of other incumbents in the same job.

## **600.6 JOB DESCRIPTIONS AND JOB EVALUATION**

Job descriptions are subject to final approval utilizing the procedures maintained by Bonner County Human Resources. A department/office seeking adjustments to a job description, or needing assistance in creating a new job description, will work in conjunction with Human Resources. No job description can be utilized for job postings, recruitment, or any other employment purpose until the Board of County Commissioners has approved them for adoption. (Refer to Appendix A)

### **600.6.1 Process**

Each job description will include the following: a summary of the job's purpose, essential duties and responsibilities, qualifications (including education and/or experience, and any licenses or certifications required), physical demands, and work environment.

The position will then be reviewed within the County's job evaluation process to determine if there is a change in the job evaluation. The Human Resource Director, or designee will evaluate the position based on internal and external factors as well as experience required, supervision of others, education and decision making requirements. Once an appropriate grade is identified, the HR Director, or designee along with the Elected Official/Department Head will present the recommendation to the Board of County Commissioners.

If the re-evaluation results in the position assigned a new grade the following will occur:

1. If the incumbent's pay is within the new salary range, it is not mandatory that a pay increase or decrease be automatically applied;
2. However, the incumbent's pay relative to others in similar positions and within the same grade can be taken into consideration in determining whether a pay increase or decrease will be applied.

### **600.6.2 Titling and Job Families**

Human Resources in conjunction with the Department Head/Elected Official will determine appropriate title for the position. Titles will be consistent with established Job Families, other internal positions as well as external benchmark titles.

## **600.7 EMPLOYEES OVER THE MAX OF THE GRADE**

Employees with pay over the range will be red circled until the range catches up with the pay that exceeds the maximum.

## **600.8 REHIRES/REINSTATEMENTS**

A reinstatement is any employee returning to Bonner County under one year of their resignation. Returning employees benefits will be effective the 1<sup>st</sup> of the month following reinstatement. Accrual levels will be consistent with the most recent date of hire.

A rehire is an employee who has previously worked for Bonner County greater than one year previously. Rehires will be considered as a “new hire” under the guidelines of the compensation, sick leave, vacation, retirement, medical, etc. policies of Bonners County. Exceptions to those policies must be recommended by the elected official and approved in writing by the Board of County Commissioners.

No employee will be rehired/reinstated without checking the rehire status of the individual first with Human Resources and/or the Department Head Elected Official.

## **600.9 ANNUAL EMPLOYEE PERFORMANCE REVIEW**

Bonner County encourages employees and their supervisors to discuss job performance and goals on an informal, day-to-day basis. In addition, a more formal discussion will be conducted with each employee annually. The performance evaluation provides an opportunity to discuss work habits and goals, to identify and correct weaknesses, and to encourage and recognize strengths.

There are three types of performance evaluations conducted. Copies of the evaluation and any updated job descriptions must be submitted to Human Resources upon completion:

- New Hires - Supervisors are to conduct a review of each newly hired employee after completion of orientation and/or training, and then again on an annual basis.
- Promotional - Supervisors may review of each newly promoted or transferred employee after completion of orientation and/or training, and then again on an annual basis.
- Regular employees - Supervisors shall complete a performance goal discussion for each employee at least annually.

## **600.10 BONUS PAYMENT**

The County’s compensation philosophy allows for the consideration of the use of lump sum “bonus” payments. Bonuses will be on a case by case basis and justification will be determined by the Department Head/Elected Official in conjunction with Human Resources. Bonuses are subject to Board review in Executive Session. Qualifiers for Bonus Eligibility:

1. Exempt Staff who have put in additional hours above and beyond regular norm, for periods of time that are mission critical to the organizations operating needs. Examples may include:  
Implementation of an organization initiative requiring additional hours and holiday work;  
Weather/Seasonal events requiring staff to be available 24/7 for extended periods;

2. Lump Sum bonus may be applied in cases where staff are over the max of the range and are eligible for merit or a cola. The lump sum would be equal to the % of the increase.
3. Incentive for meeting safety risk goals, bringing a reduction in accidents, injuries as well as a cost savings to the County. Will be determined on an annual year to correspond with the previous year risk management costs and trends.
4. Implementation of an initiative or process that brings significant efficiency, streamlines processes and/or cost savings to the county. The bonus amount will not exceed the amount of the cost savings.
5. Other forms of incentive pay may be approved by HR in consultation with the BOCC, at the request of the Elected Official.

The amount of a lump-sum bonus may not exceed [dollar figure] or [percentage] percent of the employee's base salary, whichever is greater. Decisions about the amount of a lump-sum bonus should be dependent on the nature and complexity of the accomplishment and the ability of the County to fund the amount.

Only one bonus payout per year is allowable.

#### **600.11 SWORN LAW ENFORCEMENT SALARY PLAN**

Sworn Law Enforcement Officers wage and compensation plan will include pay grades and steps that achieve both market and internal equity policy, as approved by the Board of County Commissioners.

#### **600.12 HIGHER DUTY PAY**

Higher duty pay typically results in positions assuming additional responsibility, in addition to their current position or a temporary reassignment, such as an interim position. These positions will receive a minimum of 5% and maximum of 15% for higher duty pay increases.

#### **600.13 EXEMPT STATUS**

Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law are exempt from overtime pay requirements. Employees who work in positions exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis and are ineligible for both overtime pay and comp time. Exempt employees are expected to manage their work schedule to accomplish the duties of the position, and may be required to work over forty (40) hours in a week, including nights and weekends.

#### **600.14 MANAGEMENT SPAN OF CONTROL**

SCOPE OF RESPONSIBILITY: The following will be used in establishing supervisory/management level titling

A Lead Worker is an incumbent that functions in a "lead" capacity/assignment for a group of employees working on day to day work, projects or a specific assignment basis. The Lead Worker does not have full formal supervisory authority for staff assigned to projects; however, in order to complete



projects/assignment must be able to schedule and control the daily working arrangements for a specified group of employees. Lead employees are classified as non-exempt and are eligible for a pay differential based upon scope of duties. Leads normally have three or more employees in the work group they are assigned to.

A Supervisor is an incumbent that customarily and regularly directs the work of two or more employees working in a department/unit and has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion. Typically a supervisor is responsible for those activities that are day to day. Supervisors may be non-exempt or exempt dependent upon scope of duties.

A Manager is an incumbent who has broader responsibility for broad span of control for department/unit activities and operations on a 24 hour basis. Duties normally include managing and directing staff, hiring, firing, and conducting evaluations. Managers are classified as exempt.

A Director/Department Head is an incumbent that reports to the top position within for an entity or department (CEO, Elected Official) and assumes full responsibility for that specific entity/department, including operations, staffing, budget, and setting policy.

#### **600.15 Right to Change Compensation and Benefits**

1. Bonner County reserves the right to 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 as necessary to meet budgetary constraints or work load changes.
2. The Board of County Commissioners has approved and adopted a Compensation Program that addresses job analysis, pay structures, performance management and training programs. Elected Officials and department heads shall follow the steps outlined in the Compensation Program when establishing the pay structure for a new position or re-evaluating the pay structure for a current position.

#### **Revision History:**

##### **BOCC Approval**

October 2, 2017: 600.5.3 Merit Pay

600.15 Management Span of Control

October 2, 2018 - Removal of Payroll Policy articles to New Payroll Policy 650

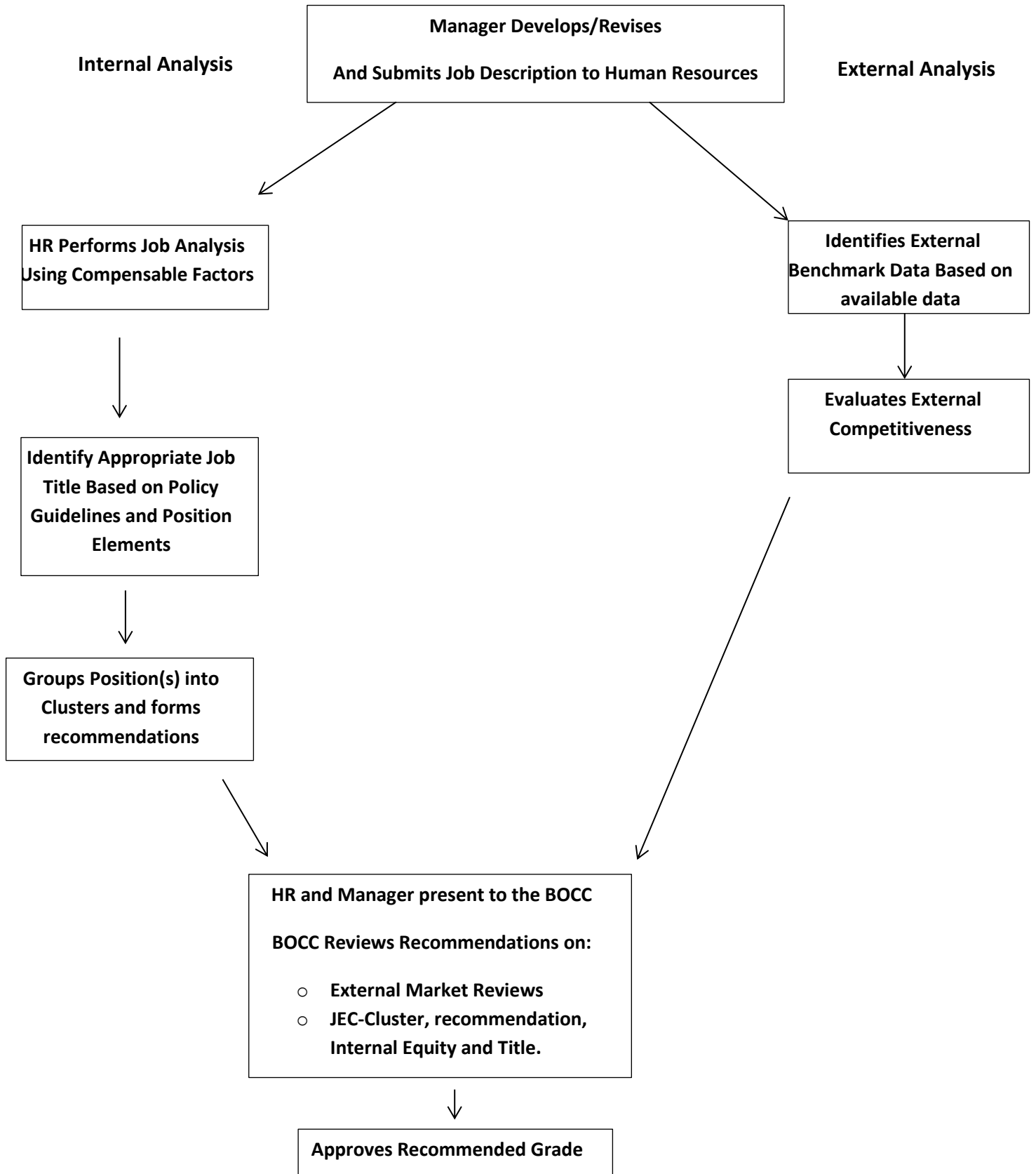
August 6, 2019 – Updated Policy Language from Salary to Wage/Pay

600.11 SWORN LAW ENFORCEMENT SALARY PLAN: Approved by the BOCC

Owner: Human Resources

Contributor: Payroll

## APPENDIX A



## **Payroll Policy and Procedures**

**Policy No: 650**

**Original Date:** January 2013

**Revised Effective Date:** October 9, 2018

### **650.1 PURPOSE**

To establish the hours of employment in the County's basic workday and workweek, and to establish pay periods and paydays to administer the payment of wages, salaries and overtime.

### **650.2 COMPLIANCE WITH FAIR LABOR STANDARDS ACT**

Bonner County complies with the Fair Labor Standards Act and all applicable federal, state, and local laws regarding employee compensation. Bonner County's pay and time reporting policies are written in such a manner to ensure compliance with such applicable laws.

### **650.3 HOURS OF WORK AND OVERTIME COMPENSATION NON EXEMPT**

1. Hours of Work. Bonner County follows a normal work schedule of forty hours per week. For purposes of the Fair Labor Standards Act, the workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday
2. Nonexempt employees (Non Sworn Law Enforcement) will be compensated at one and one-half (1.5) times their regular rates of pay for all hours worked in excess of forty (40) in a workweek.
3. Only hours actually worked will be used to calculate overtime pay. Paid time off for holidays, jury duty, vacation, sick leave or any leave of absence will not be considered hours worked.
4. Overtime worked must be authorized in advance by the Elected Official or Department Head or their designee.
5. Compensatory time off in lieu of overtime payments may be granted. Compensatory time shall accrue at the same ratio as would have been used for pay purposes; that is, hour-for-hour (straight time) or the equivalent of one and one-half hours for each hour worked of overtime (time and one-half). Accrued compensatory time may not exceed 80 hours and should be used within ninety (90) days. Compensatory time must be agreed upon by the employer and employee prior to the work being performed per the Fair Labor Standards Act, 29 C.F.R §553-23 (c). This agreement does not have to be in writing.

At the end of the fiscal year, hourly employees may carry up to forty (40) hours of accrued comp time into the new fiscal year. Any additional comp time hours above

those limits will be paid out at the end of the fiscal year. Employees with accrued comp time will have their comp time balance paid out upon transfer to a salaried (FLSA exempt) position, transfer to another department or office, or upon separation from County employment.

6. Each Elected Official and Department Head is responsible for reporting overtime worked and compensatory time earned by each non-exempt employee within their department on a biweekly pay period. Exempt employees may not earn compensatory time.
7. Any Employee may occasionally be asked to work beyond their normally scheduled hours.
8. Bonner County desires to utilize employees to the maximum extent possible including use of personnel not normally assigned disaster emergency responsibilities. Employees who are required to work overtime in responding to a disaster will be compensated at the overtime rate of 1½ times their regular hourly wage in accordance with existing Bonner County policies and the requirements of the Fair Labor Standards Act (FLSA).

#### **650.4 SHIFT PAY**

Bonner County provides shift differential pay for non-exempt employees who are subject to work shifts (time periods) that differ distinctly from the normal shift (workday), which begins at 8:00 a.m. and ends at 5:00 p.m., Monday through Friday. Typically, shift differential pay is approved for positions in departments that require around-the-clock coverage or operations that consistently require late evening and/or 24/7 (twenty four hours/seven days a week). Shift pay is based upon the majority of hours worked and actual hours.

Positions which will be eligible for shift differential pay pursuant to this policy shall be determined by the Elected Official for that positions' department, subject to final approval by BOCC. Determinations of eligibility shall be made consistent with the provisions of this policy.

Work which is scheduled during the morning, evening or weekend hours, outside of the normal shift, on the basis of convenience to the employee shall not be considered work which is eligible for shift differential pay.

#### **650.5 STANDBY PAY CALL BACK NON-SWORN NON EXEMPT**

Bonner County recognizes the need to have certain critical employees able and available to respond on a seasonal on-call basis. Establishing Standby Pay for specific departments requires BOCC approval.

1. Compensation

- A. Employees will be compensated at the employee's base rate of pay x 2 hours during the time that they are on-call. On call time should be recorded on each employee's time sheet. If an employee gets called in, the standby pay stops for the period of time they are engaged in actual hours worked.

#### **650.6 HOURS OF WORK AND OVERTIME SWORN OFFICERS**

1. The work period, defined as hours worked through 80 hours within a fourteen (14) day calendar for the purpose of computing overtime, shall be utilized by the County in computing overtime compensation for all non-exempt sworn personnel. (BOCC Approval 10/9/2018)
2. Overtime shall be paid for hours worked beyond 80 in a fourteen (14) day work period. (BOCC Approval 10/9/2018)

#### **650.7 MANAGEMENT RESPONSIBILITY**

Each Elected Official/Department Head or Designee is responsible for the sign off of any and all payroll actions, including:

1. Ensuring that employees reporting to him/her have the correct regular and overtime hours recorded and the correct leave hours and codes (VAC, SICK, etc.) reflected for any leave taken.
2. Ensuring that all employees maintain accurate time records and hourly employees do not "volunteer" or fail to record hours worked.
3. Ensuring that timesheets are submitted in accordance with Bonner County policies and procedures and are approved in a timely manner for processing by Payroll.
4. Ensuring that hourly employees are paid for all hours worked, whether or not the employee had prior authorization to work the hours in question. Members of management may not dock an employee's pay or fail to record hours, nor allow an employee to fail to record hours worked. An employee may be disciplined for working without prior authorization but said discipline may not include refusal or failure to pay for time worked.
5. Ensuring that employees who violate the timesheet reporting policies or procedures are counseled regarding the time reporting requirements and are advised of the consequences of further infractions.

#### **650. 8 REPORTING AND VERIFYING OF TIME RECORDS**

1. Each non-exempt employee is to maintain an accurate daily record of his/her hours worked and ensure all regular and overtime hours are recorded on the timesheet, rounded to the nearest (.25) of an hour.
2. Record all absences from work schedules on the timesheet and ensure leave taken is coded with the appropriate leave codes. Leave taken should be rounded to the nearest tenth (.25) of an hour.
3. Obtain prior approval for any overtime worked in the workweek.
4. Submit the completed time record in Bonner County's Time Management computer program;\* employees without computer access should provide a hand-written, completed, and signed timecard to supervisor and/or manager.
5. Submit the completed time record in the time period required for approval.

6. Exempt (Salaried) Employees

Employees who work in positions exempt from the Fair Labor Standards Act (FLSA) are paid on a salary basis and are ineligible for both overtime pay and comp time. Salaried employees are expected to manage their work schedule to accomplish the duties of the position, and may be required to work over forty (40) hours in a week, including nights and weekends. Salaried employees who frequently work fewer than forty (40) hours a week or who frequently leave work early may need additional work, which is best handled as a performance issue.

Salaried employees are not managed on an hourly basis; therefore, they do not record individual work hours but rather should document leave taken on their timesheet in 8 (eight) hour increments.

7. Time Off the Clock

Employees should not work any hours that are not authorized by their supervisor. Employees should not start work early, end work late, work during an unpaid meal break or perform any other extra or overtime work unless authorized to do so in advance and that time is recorded on the employee's timesheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" means the employee works, but fails to report it on their timesheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action up to and including termination of employment. (Refer to Time Off the Clock Addendum Attachment A)

1. In recording working time, should an employee engage in insubstantial or insignificant periods of time outside the scheduled working hours, which cannot practically or precisely be recorded, this time may be considered "de minimis" and may be non-compensable. For example, the courts have generally held that reading and/or responding to an email or text

message may be a de minimis activity. This rule applies where a few seconds or minutes (usually less than 7 minutes) of work are involved and where the task of counting and recording such variant time takes longer and is more complicated than actually completing the task itself. The County does not expect, ask, or require employees from any department to check emails or texts outside of work hours; however, some employees may access emails or texts as a quick and convenient way to view upcoming events/tasks. If an employee chooses to access emails and/or texts as a matter of convenience, the above-mentioned time-reporting guidelines must be followed and a few minutes spent on a task should not be reported as compensable overtime unless approved by a supervisor.

2. There may be occasional situations in which a more significant amount of time must be spent to complete work activities outside of work hours. Employees who anticipate the need for overtime to complete the week's work must notify their supervisors in advance and obtain approval prior to working hours that extend beyond their normal schedule. In emergency situations when this is not possible, the employee is required to notify his/her supervisor of any tasks performed outside of regular work schedule for consideration and/or approval for such overtime pay. Employees who fail to obtain approval or to report hours worked in excess of their normal work schedule or those thresholds may be subject to disciplinary action up to and including termination.

#### **650.9 BREAKTIME FOR NURSING MOTHERS**

Section 7 of the FLSA requires employers to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. Nursing mothers are ensured a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

#### **650.10 HOURS OF WORK AND PAYDAYS**

1. Hours of Work. The County follows a normal work schedule of forty hours per week. For purposes of the Fair Labor Standards Act, the workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday.
2. Pay Period, Payroll Week and Payday.
  - A. A pay period is composed of two consecutive payroll weeks.
  - B. A payroll week runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the same week. Therefore, the pay period runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the following week.
  - C. County employees are paid on the Friday following the end of the pay period.
  - D. Resignations. Employees who voluntarily leave County employment for any reason will be issued their final paycheck no later than the next regular payday pertaining to the pay period in which their employment ended.

## **650.11 PAYROLL DEDUCTIONS**

It is Bonner County's policy to comply with applicable wage and hour laws and regulations. The improper pay deductions specified in Title 29 of the Code of Federal Regulations §541.602(a) may not be made from the pay of employees who are subject to the salary basis test under the Fair Labor Standards Act.

1. It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Board of County Commissioners with the assistance of the County Auditor, the policy shall prevail. Employees are obligated to call to their supervisor's attention any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee, within 4 (four) pay periods of the occurrence.
2. In accord with I.C. § 45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law. If an employee believes that any deduction has been made from their pay that is inconsistent with their salaried status, they should immediately contact Payroll.
3. Any complaint will be resolved within a reasonable time given all the facts and circumstances. If an investigation reveals that an employee was subjected to an improper deduction from pay, they will be reimbursed and the employer will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.

## **650.12 TRAINING TIME**

An employee's attendance at training sessions is considered work time unless the following four criteria are met:

1. Attendance at the training session is outside of the employee's regular work hours,
2. Attendance at the training session is voluntary,
3. The training session is not directly related to the employee's current job, and
4. The employee performs no productive work during the training session.

## **650.13 COMPENSATION WHILE SERVING ON JURY DUTY OR AS A WITNESS IN A COURT PROCEEDING**

1. Serving on Jury Duty

Leave will be granted and full pay provided to employees called to serve on jury



duty.

If an employee is called for jury duty on a scheduled work day, and the jury duty is completed before the end of the day, the employee is expected to return to work. Department heads with shift requirements

will discuss the schedule expectations with an employee who serves on jury duty. Time spent on jury duty does not count as hours worked for the purposes of calculating overtime or compensatory time. The compensation check the employee receives for jury duty does not have to be returned to the County.

## 2. Work Related Witness in a Court Proceeding

When an employee is directed to appear as a witness or to attend court in any capacity in connection with his/her official County duties, he/she shall not be entitled to receive any compensation from the court. Necessary travel expenses incurred by the employee will be paid by Bonner County unless reimbursement is made to the employee by another entity or individual.

The Bonner County Board of Commissioners recognizes the importance of employee's days off and the need to adequately compensate the Sheriff's Office personnel for court time. The minimum time allowed will be 4 (four) hours for court proceedings lasting four hours or less. Court proceedings lasting over four hours will be compensated by the actual time, rounded to the nearest quarter hour.

## 3. Non-Work Related Witness in a Court Proceeding

If an employee is subpoenaed as a witness in a court case, which is not work related, he/she shall use accrued comp time then vacation leave for the court appearance and may keep any witness fees received. If no comp time or vacation leave is available, then the employee may take leave without pay. If there is any question as to the work-relatedness of the court duty, the employee shall provide documentation to the department head and/or Elected Official who will make the decision.

### **650.14 TRAVEL EXPENSE REIMBURSEMENT**

An employee on approved County business shall be reimbursed for necessary expenses incurred in completing his/her work-related assignment in accord with the policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested in accord with I.C. § 31-1501 or its successor. Refer to Bonner County Travel Policy and Reimbursement Procedures. A copy of the Bonner County Travel Policy and Reimbursement Procedures can be obtained through the Human Resources Office.

#### **650.15 ON-THE-JOB INJURIES**

Workers' compensation for the first five days will not be paid by the State Insurance Fund unless the disability exceeds 14 days. In such instances, the first five days will be paid retroactively on the 15<sup>th</sup> day. It shall be the policy of Bonner County that employees take available sick leave for those first five days of any injury and if the injury continues, on the 6<sup>th</sup> day, sick leave shall cease and the workers' compensation benefits shall begin. If workers' compensation is eventually paid for the first five days, that check does not have to be reimbursed to the County.

However, beginning on the 6<sup>th</sup> day of any injury, the employee must follow the rules of the State Insurance Fund on compensation and may not use sick leave from the County while collecting benefits from the State fund, however, the employee may authorize the use of accrued vacation leave, sick leave or compensation time to be used to pay for employee approved deductions not paid for by the County.

For sworn law enforcement officers, the County shall handle worker's compensation claims pursuant to Idaho Code, Title 72, Chapter 11.

#### **650.16 MILITARY RESERVE DUTY (NON USERRA)**

Vacation time is not earned during an unpaid leave of absence, with the exception of a Military Reserve Training Leave of Absence and any other provision regarding vacation accrual for military service which is also covered by Federal or Idaho State law.

Owner: Human Resources

Contributor: Payroll

# Employee Benefits

Policy No: 700

**Original Date:** January 2013

**Supersedes Policy Date:** March 3, 2016

**Revised Effective Date:** October 2, 2018

## **700 EMPLOYEE BENEFITS**

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

### **700.1 Notice and Scheduling of Leave**

Employees must complete a leave request form for all vacation and sick leave used and submit it to their supervisor for approval prior to using any vacation or sick leave time. Employees are required to provide their supervisor with advanced notice pursuant to department policy.

There may be occasions, such as sudden illness or injury, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible and may be required to provide a doctor's note.

### **700.2. Vacation Leave**

Elected Officials are exempt from this policy and do not accrue vacation leave.

Vacation leave is available to full-time and part-time regular employees. Employees will not accrue vacation time while on leave without pay or suspension without pay.

Vacation accrues from the start of employment for full-time regular employees and is prorated based on the number of regularly scheduled work hours on a weekly basis for part-time regular employees in the following manner

<u>Length of Service</u>	<u>Vacation Accrual</u>
0 through 60 months	10 days/year -- 80 hrs. max
61 thru 120 months	15 days/year -- 120 hrs. max
121 months or more	20 days/year -- 160 hrs. max

The maximum accumulation at any one time shall be:

<u>Length of Service</u>	<u>Vacation Accrual</u>
0 through 60 months	20 days or 160 hours max
61 through 120 months	30 days or 240 hours max
121 months or more	40 days or 320 hours max

Vacation leave is to be scheduled with consent of the responsible elected official or 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 departments. Upon separation from employment unused vacation leave up to the maximum allowable accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

Vacation leave may not be used for the purpose of advancing the date of resignation, retirement or other predetermined separation or termination of employment from County service. For example, an employee who submits a notice of resignation will not be allowed to use vacation days to cover the last days of employment instead of working. The date of separation from the County will be the last day actually worked and vacation days will be paid out to the employee rather than shown as taken as time off. For the purpose of this section, termination of employment is further defined to include any layoff, but shall not include any unpaid leave of absence.

### **700.3. Sick Leave**

Elected Officials are exempt from this policy and do not accrue sick leave. Sick leave benefits are provided to regular full-time employees at the rate of one workday per month of employment. Sick leave is prorated based on the number of hours the part-time employee is regularly scheduled to work on a weekly basis. Employees will not accrue sick time while on leave without pay or suspension without pay. Sick leave is a benefit to provide relief to the employee in the event of illness or injury to the employee or his/her immediate family. It is to be used only in the event of an illness or injury that prevents the employee from working productively or safely or if an immediate family illness or injury presents no practical alternative for necessary care. Sick leave accruals may not be used for purposes of vacation time off when an employee's vacation accruals are exhausted.

Sick leave must be requested at least within two hours of the time when the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Elected officials or department supervisors asked to approve use of sick leave may request a Care Provider's note prior to employee's return to work. This request would not apply when an employee is returning from an approved FMLA or Non FMLA Medical Leave. (Policy No. 760)

Sick leave can accrue to a maximum of 640 hours. Sick leave benefit recipients will receive their normal compensation when using sick leave. If eligible for FMLA, the time will run concurrent. All unused sick leave will be forfeited without compensation upon separation from employment.

#### **700.4 Holidays**

Regular full-time employees shall receive compensation for 11 holidays based on 8 hours per holiday at the employee's regular rate of pay. However, if an employee would lose pay because of the holiday, holiday pay shall be increased up to a maximum of 12 hours.

If the holiday falls on a regularly scheduled work day and the employee works that day, the employee will receive compensation for working that day at the employee's regular rate of pay and an additional 8 hours of pay for the holiday. If the holiday falls on a day that the employee is not regularly scheduled to work, the employee will receive compensation for working the regularly scheduled work week and an additional 8 hours of pay for the holiday.

Part-time, temporary and seasonal employees shall receive proportional holiday compensation based on the hours worked that pay period.

The holiday schedule may be changed at any time by the Board of County Commissioners.

Recognized Holidays:

New Year's Day	Labor Day Martin
Luther King, Jr./Human Rights Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day
Personal Day (with the supervisor's prior approval; must be used within the fiscal year)	

#### **700.5 Bereavement Leave**

Up to five days of paid leave of absence shall be provided for a death in the immediate family (spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, grandchildren, brothers, sisters, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother-in-law and grandfather-in-law). Additional leave may be granted from accrued comp time or vacation leave. FMLA may be a qualifying event for use of sick time.

#### **700.6. Funeral Leave**

Paid time off not under 700.5 Bereavement Leave will be allowed a limit of 2 hours per occurrence.

#### **700.7. Donation of Vacation Leave**

In the event a County employee suffers from a medical emergency involving life threatening or critical illness or injury, the County Commissioners can approve a transfer of vacation time from one employee to another provided the following conditions are met:

- A. The employee must have exhausted vacation, comp time and sick leave before donated leave can be used;
- B. The donated leave will be added to the receiving employee's sick leave account;
- C. Human Resources will confirm the medical necessity. All health information remains confidential.

#### **700.8. Change in Benefits**

Bonner County, through the Board of County Commissioners, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

#### **700.9. Benefits for All Employees**

All employees shall receive benefits as required by law to include Workers Compensation insurance. All other benefits are to be determined by the Board of County Commissioners.

#### **700.10. Insurance Coverage Available to Employees**

Health insurance is available to employees and family members in accordance with the terms and conditions of the County's contract for such services. Other insurance offerings including life insurance, medical insurance, dental insurance, vision insurance, health savings accounts, flexible spending accounts, and supplemental income protection are available at the employee's and/or County's expense. The Human Resources Director shall be contacted for additional information. Any such offerings are subject to change at any

time.

#### **700.11. Retirement**

The retirement plan of Bonner County combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes. Bonner County contributes an additional amount to PERSI. Contact the Human Resources Director for further information.

#### **700.12. Miscellaneous Benefits**

In addition to the benefits listed above, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement:

- i) deferred compensation plans handled by payroll deduction
- ii) credit union participation
- iii) employee-requested deduction programs subject to County policy
- iv) provision of uniforms, tools, equipment allowance, etc.
- vi) employee assistance program

Any such offerings are subject to change at the Board of County Commissioners' sole discretion at any time.

#### **700.13. Transfer of Benefits with Employee Transfer**

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within Bonner County. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

##### **700.13.B Coverage Effective**

1. New employees hired the 1<sup>st</sup>-15<sup>th</sup> of the month, benefit effective date will be 1<sup>st</sup> of the month following date of hire.
2. New employees hired 16<sup>th</sup>-31<sup>st</sup> of the month, benefit effective date will be 1<sup>st</sup> of the month following 30 days from date of hire.
3. Current Employees moving to a benefit eligible position will have benefits effective first of the month following the change in status.

#### **700.14 EMS PTO Benefits**

Paid Time Off (PTO) benefit eligible employees, working 20 hours or more with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences.

Each employee accrues a specified amount of PTO each pay period worked depending on the number of hours worked per pay period. Employees will not accrue PTO time while on leave without pay. PTO accrues for full-time regular employees from the start of employment in the following manner:

For employees regularly scheduled to work 48 hour shifts:

<u>Length of Service</u>	PTO Accrual Hours	PTO Accrual Hours
	Per Pay Period	Per Year
0 through 12 months	10	260
13 through 60 month	12	312
61 through 120 months	14	364
Over 120 months	16	416

PTO accrues for part-time regular employees who work 21-34 hours per pay period at a reduced level based on the number of hours worked at the applicable 48 or 40 hour shift rate.

PTO can only accrue to 500 hours maximum.

PTO is to be scheduled with consent of the supervisor. Employees must report all PTO used on their timesheet. Employees are required to provide their supervisor with at least two weeks advanced notice and obtain approval prior to using PTO. If PTO is to be used for a leave of absence due to a serious health condition, employees are to contact Human Resources regarding leave eligibility. However, there may be occasions, such as sudden illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible. Efforts will be made to accommodate the preference of the employee in PTO scheduling for vacation purposes, but the first priority will be the orderly functioning of BCEMS.

Cash out of PTO:

Employees may cash out 50% of his/her PTO balance once per fiscal year.

To provide the employee who has accumulated PTO accrual, with the opportunity to receive cash in lieu of paid time off. This request is subject to availability of funds, and will be reviewed by the Board of County Commissioners annually during the budget process to determine whether or not the "PTO Cash out Option" will be available for the coming year.



#### IV. PROCEDURE

- A. Employee must make a choice between accruing the PTO or receiving cash in lieu of the PTO **in the year before the year when the PTO will be earned**. Employees must make this designation by October 1. A buy-out check will be included in the employee's regular paycheck. All applicable taxes and withholding shall apply, under Regs. Sec. 1.451-2(a).
- B. If the employee has the option to either cash-out the unused PTO or roll it over to the next year, the IRS has ruled that the value of the PTO has been constructively received and the employee must be taxed immediately on the entire amount that could be cashed out.
- C. If, under the PTO plan, all employees have the option to receive cash now, or cash PTO in the future, then all such employees who have the option to receive cash now have to pay income tax on the income they had the option to receive under the constructive receipt doctrine.
- D. Employees electing cash out are encouraged to speak with their tax professional about the consequences of electing a cash out.

#### PTO Upon Separation of Employment:

Upon separation from employment, the employee will be paid for 50% of his/her accrued PTO. If the employee has withdrawn half of his/her PTO balance within six months of separation, the employee will not be eligible to collect any part of the balance.

#### Revision History:

BOCC Approval March 3, 2016: Added 700.7

BOCC Approval August 22, 2017: Added 700.14, EMS PTO

BOCC Approval October 3, 2017: Added 700.13.B, Benefits Effective Dates

BOCC Approval October 1, 2018: Deleted Personal Leave; Revised 700.3; 700.6; 700.12

# Family Medical Leave Act (FMLA)

Policy No: 750

**Supersedes Policy Date:** June 7, 2016

**Revised Effective Date:** October 11, 2016

Bonner County will provide Family and Medical Leave to its eligible employees. Bonner County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act. Bonner County Human Resources is solely responsible for administering FMLA on behalf of county employees.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact Human Resources.

## 750.1 General Provisions

Under this policy, Bonner County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### A. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for Bonner County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

### B. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

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

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with the Human Resource Manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, Bonner County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- short-notice deployment
- military events and activities
- childcare and school activities
- financial and legal arrangements
- counseling

- rest and recuperation
- post-deployment activities, and
- additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A “son or daughter of a covered service member” means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A “parent of a covered service member” means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

c) Under the FMLA, a “spouse” means a husband or wife as defined under the law in the state where the employee resides.

d) The “next of kin of a covered service member” is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three (3) siblings and has not designated a blood relative to provide care, all three (3) siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

**“Covered active duty” means:**

(a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

(b) (2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

**The term “covered service member” means:**

(a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**The term “serious injury or illness means:**

(a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an

outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

## **750.2 Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. Bonner County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, Bonner County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, Bonner County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for Bonner County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for Bonner County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

## **750.3 Employee Status and Benefits During Leave**

### **A. Health Premium Deductions**

While an employee is on leave, Bonner County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Bonner County will require the employee to reimburse Bonner County the amount it paid for the employee's health insurance premium during the leave period.

Under current Bonner County policy, certain employees pay a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer

maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## **B. Employee Status After Leave**

An employee who takes leave under this policy will be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. Bonner County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

## **C. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all leave accruals (Sick, Vacation, Comp Time) prior to being eligible for unpaid leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. An employee who is taking leave for the adoption or foster care of a child must use all leave accruals (Sick, Vacation, Comp Time) prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all accruals prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all accruals (as long as the reason for the absence is covered by Bonner County accruals policy) prior to being eligible for unpaid leave.

### **750.4 Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Bonner County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, Bonner County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Bonner County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

## **750.5 Certification of Leave**

### **A. Certification for the Employee's Serious Health Condition**

Bonner County Human Resource's will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

Bonner County, through its Human Resources department, may directly contact the employee's health care provider for verification or clarification purposes. Before the Human Resources department makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Bonner County will obtain the employee's permission for clarification of individually identifiable health information.

Bonner County has the right to ask for a second opinion if it has reason to doubt the certification. Bonner County will pay for the employee to get a certification from a second doctor, which Bonner County will select. Bonner County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, Bonner County will require the opinion of a third doctor. Bonner County and the employee will mutually select the third doctor, and Bonner County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. Requests for medical opinions will be managed and processed by Human Resource's.

### **B. Certification for the Family Member's Serious Health Condition**

Bonner County Human Resource's will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

Bonner County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, a human resource professional, leave administrator or management official. Bonner County will not use the employee's direct supervisor for this contact. Before Bonner County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Bonner County will obtain the employee's family member's permission for clarification of individually identifiable health information.



Bonner County has the right to ask for a second opinion if it has reason to doubt the certification. Bonner County will pay for the employee's family member to get a certification from a second doctor, which Bonner County will select. Bonner County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, Bonner County will require the opinion of a third doctor. Bonner County and the employee will mutually select the third doctor, and Bonner County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. Requests for medical opinions will be managed and processed by Human Resource's.

**C. Certification of Qualifying Exigency for Military Family Leave**

Bonner County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

**D. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

Bonner County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

**E. Recertification**

Bonner County Human Resources may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, Bonner County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. Bonner County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**750.6 Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Bonner County Human Resource department. Within five business days after the employee has provided this notice, the Human Resource department will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the

same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with Bonner County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **750.7 Designation of FMLA Leave**

Within five (5) business days after the employee has submitted the appropriate certification form, the Human Resource department will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

#### **750.8 Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, Bonner County will require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Information Link: <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

Policy Owner: Human Resources

Contributor: Payroll  
EMS

**BOCC APPROVAL:      October 2, 2018****755      PURPOSE**

The purpose of this Policy is to:

1. Outline and document the HIPAA and HITECH compliance processes for internal and external use.
2. Provide a reference manual for internal compliance and training.

**755.1      SCOPE**

This Policy represents the efforts performed to ensure compliance with HIPAA and the HITECH Act. All employees who have access to PHI must be trained in and comply with this Policy.

Group Health Plan (GHP) means an employer sponsored arrangement that includes indemnity and self- funded health plans that offer; medical benefits including HMO coverage, long term care plans, dental, vision, flexible spending accounts (FSA), health reimbursement accounts (HRA), and other plans that may provide or pay for medical care such as some EAP plans and wellness plans.

Protected Health Information (PHI) means information that is created or received for the purpose of GHP administration including:

- Information that relates to the past, present, or future physical or mental health or condition of a Participant; and,
- The provision of health care to a Participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant.

The test is whether there is a reasonable basis to believe the information can be used to identify the Participant. PHI includes information of persons living or deceased. Even GHP enrollment data for the purpose of setting up tax advantaged accounts or processing continuation services is considered PHI.

**755.2      GENERAL POLICIES**

1. No Waiver of Privacy Rights. No Participant will be required to waive his or her privacy rights

under the Privacy Rule as a condition of treatment, payment, enrollment or eligibility in any employer sponsored GHP. Privacy rights waivers are not enforceable and will not be accepted.

2. Privacy/Security Officer and Contact Person. This Officer will be responsible for the development and implementation of policies and procedures relating to privacy and security, including but not limited to this Privacy Policy. This Officer or his/her designee will also serve as the contact person for Participants who have questions, concerns, or any complaints regarding PHI.
3. Workforce Training. All employees who have access to PHI will be trained on these policies and procedures. Training sessions will be held to achieve the goal that all employees be trained within 30 days of the date of first access to PHI. Each employee will be required to acknowledge that they have been trained on and will comply with this Privacy and Security Policy.
4. Sanctions for Violations of Privacy Policy. Sanctions for using or disclosing PHI in violation of this Policy will be imposed in accordance with applicable discipline policy, up to and including termination.
5. Prohibition On Sale Of PHI. There is no selling PHI in any manner for any purpose, including the sale or exchange of or PHI for any form of trade or compensation. All Employees are strictly prohibited from arranging for or providing any PHI for sale, for any purpose whatsoever.

#### **755.3 DESIGNATED RECORD SETS**

There are two categories of PHI created, obtained and maintained for GHP administration. This PHI is defined as the Designated Record Set for the purposes this Policy.

1. Enrollment and disenrollment data including Participant elections and demographics for administering employer sponsored GHPs.
2. Limited claims information submitted by a Participant or obtained from other sources for the purposes of adjudicating an appeal from an adverse benefit determination made by the insurer, Third Party Administrator, or Service Provider.

#### **755.4 PARTICIPANT RIGHTS UNDER HIPAA AND HITECH**

The Privacy Officer will respond to participant requests as follows. The Privacy Officer can charge a reasonable fee for providing this assistance:

1. Right To Inspect And Copy PHI. Within thirty (30) days of receiving a written request from the Participant, the Privacy Officer will make PHI maintained in Designated Record Set available to the Participant, in a reasonable time and manner. A reasonable fee for the costs of copying, mailing, or other supplies associated with the request will be charged. The request may be denied in certain limited circumstances related to the wellbeing of the Participant. If you are denied access to your medical

information, you may request that the denial be reviewed by submitting a written request to the Privacy Officer identified below.

2. Amendment of PHI. The Privacy Officer will make reasonable amendments to PHI when the PHI is created or maintained by the GHP or a Service Provider that is not itself considered a Covered Entity. The Privacy Officer will communicate any approval or denial of an amendment of PHI maintained by the Privacy Officer or a Service Provider to the Participant. An example of an unreasonable request would be for the Privacy Officer to alter a medical record received, the Participant would be advised to ask the medical provider who created the record for such amendment.
3. Accounting of Disclosures. The Privacy Officer will make available to the Participant the information required to provide an accounting of disclosures. The Privacy Officer will prepare and deliver any such accounting requested.

The accounting will not include (1) disclosures for purposes of treatment, payment, or health care operations; (2) disclosures made to a Participant; (3) disclosures made pursuant to a Participant's authorization; (4) disclosures made to friends or family in a Participant's presence or because of an emergency; (5) disclosures for national security purposes; and (6) disclosures incidental to otherwise permissible disclosures. To request this list or accounting of disclosures,

the Participant must submit a request in writing to the Privacy Officer. A Participant's request must state the time period the accounting covers, which may not be longer than six years before the date of the request. A Participant's request should indicate in what form a Participant wants the list (for example, paper or electronic). The first list a Participant requests within a 12-month period will be provided free of charge. For additional lists, the Employer may charge a Participant for the costs of providing the list. The Privacy Officer will notify a Participant of the cost involved and a Participant may choose to withdraw or modify the request at that time before any costs are incurred.

4. The Right To Restrict The Use And Request Confidential Communications. A Participant has the right to request a restriction of uses and disclosures of their PHI. A Participant also has the right to restrict communication of their PHI if the Participant informs the Privacy Officer that communicating the information may endanger the Participant. Requests will be deemed unreasonable if they limit the access and use that is necessary for GHP administration.

If the Privacy Officer agrees to the request for a restriction, the Privacy Officer will not

use or disclose the PHI in violation of the restriction, except when needed for emergency treatment, at the written request of the Participant (by authorization), or when the use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.

The Privacy Officer may terminate its agreement to a restriction, if the Participant agrees to or requests the termination in writing; or, the Privacy Officer informs the Participant that it is terminating its agreement to a restriction. The termination is only effective with respect to PHI created or received after the Participant is informed.

5. Requests for Alternative Communication Means or Locations. Participants may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, Participants may ask to be called only at work rather than at home. These requests will be honored if, in the sole discretion of the Privacy Officer, the requests are reasonable. However, the Privacy Officer will accommodate such a request if the Participant clearly provides information that the disclosure of all or part of that information could endanger the Participant. All such requests should be forwarded to the Privacy Officer when received.
6. Right to receive a HIPAA Privacy Notice. That provides a clear, user friendly explanation:
  - the uses and disclosures of PHI
  - the individual's HIPAA rights, and
  - the GHPs legal duties with respect to the PHI.

The Employer is charged with providing a notice on the PHI that will be obtained for GHP administrative purposes and how that PHI will be used.

- An Employer must make its notice available to any person who asks for it,
- On an ongoing basis at the time of enrollment, and
- An Employer must prominently post and make available its notice on any web site it maintains that provides information about its customer services or benefits.

There is Employer discretion regarding how to deliver the Notice. Special or separate mailings are not required. The Notice may be included with other written materials that are mailed to the Participants, or included with a Summary Plan Description (SPD) or with enrollment materials.

The Notice can be provided by email, if the recipient has agreed to receive an electronic notice and that agreement has not been withdrawn. If it is discovered that the email transmission has failed, the Notice must be provided by a paper copy. Additional materials may be included in the email.

**755.5**

**COMPLAINT PROCEDURES**

1. Complaints. A Participant can file a complaint regarding the Privacy Rule or any matter described in this Privacy Policy with the Privacy Officer by sending a written description of the facts and circumstances and the acts that are the subject of the complaint to:

Attn: Privacy  
Officer BONNER  
COUNTY

1500 HIGHWAY 2 STE 337  
SANDPOINT, ID 83864

All complaints will be forwarded to the Privacy Officer. The Privacy Officer is responsible for any response and taking necessary actions to change this complaint process or this Privacy Policy. No response from the Privacy Officer is required. A copy of this complaint procedure will be provided to the Participant.

No Employee will intimidate, threaten, coerce, discriminate against, or take other retaliatory action against Participants for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under the Privacy Policy or the federal Privacy Rule.

2. Complaints made to the Secretary. A Participant may file a complaint to the Secretary of Health and Human Services. The Employer will cooperate with an investigation by permitting access to information requested by the investigator.

A complaint to the Secretary must be made in writing, must name the entity against whom the complaint is lodged, must describe the wrongful acts or omissions and must be filed within 180 days of the time that the Participant became aware of, or should have become aware of the violation. Complaints may include violations of the Privacy Policy and Security Policy.

The U.S. Department of Health and Human  
Services Privacy Rule Complaint

200 Independence Avenue,  
S.W. Washington, D.C. 20201

Telephone: 202-619-0257, Toll Free: 1-877-696-6775

755.6

**DOCUMENTATION**

The Privacy Officer will ensure that privacy files are maintained for a period of 6 years from the date of the event as described below, or when appropriate for 6 years after the end of the Plan Year in which the document was created. The Plan Sponsor will destroy PHI that is 7 years old on a calendar basis to meet the various requirements.

1. Training. A copy of training materials used and the employee's acknowledgement that the employee was trained on this Policy, and they acknowledged they would comply with this Policy.
2. Disclosures. Including documentation of authorizations and authorized disclosures. The Privacy Officer will not document disclosures of Summary Health Information as defined above, or routine Disclosures of minimum necessary data to a Business Associate.
3. Complaints. Any complaint made regarding this Policy, any response, and actions taken to resolve the complaint, if any.
4. Inadvertent Disclosure of PHI. The Privacy Officer will document any unauthorized disclosure of PHI. All incidents need to be reviewed by the Privacy Officer to determine whether this constitutes a Breach of insecure PHI. Any questions should be referred to the Privacy Officer.
5. Security Incidents. See the Incident Policy below.
6. HIPAA Privacy Notice Distribution. A copy of the Notice distributed with documentation of the method used. The documentation should specifically show who received the notice. Examples: mailed notices can be shown by retaining a copy of the addressed postmarked envelope, email notices can be shown by retaining a copy of the email with attachments, provided with the SPD will be shown by your efforts to document the SPD delivery.



7. Requests for Participant Rights. Written requests for HIPAA rights, the written response if any, and the resolution of the request are documented.
8. Plan Document Amendment. Retain a copy of the Plan Document Amendment including future updates needed.

#### 755.7

##### **BUSINESS ASSOCIATES**

1. Business Associates. A Business Associate is an entity or person who: 1) Performs or assists in performing a GHP function or activity involving the use and disclosure of PHI (including claims processing or administration; data analysis, underwriting, etc.); or 2) Provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where

the performance of such services involves giving the Service Provider access to PHI. A Business Associate is required to enter an agreement with the Covered Entity that HIPAA compliance is in force. Business Associates will only use and disclose protected health information consistent with this Policy.

2. Contracts With Business Associates. The Employer may disclose PHI to a Business Associate and allow the Business Associate to create or receive PHI on its behalf. However, prior to doing so, the Employer must first obtain assurances from the Business Associate that it will appropriately safeguard the information. This assurance is in the form of a Business Associate Contract.

#### 755.8 DISCLOSURES

No Disclosure of PHI for Non-Health GHP Purposes. PHI may not be used or disclosed for any purpose except as defined and limited in this Policy. PHI may not be used or disclosed for the payment or operations of “non-health” benefits (e.g., disability, worker’s compensation, life insurance, etc.), unless the Participant has provided an authorization.

IMPORTANT NOTE: All transmissions of PHI are sent or received in a secure environment. The level of security will depend on the nature of the data. Enrollment and Disenrollment data that includes Social Security Numbers will be encrypted, sent in a secure email environment where available. Enrollment and disenrollment data that does not include Social Security Numbers is password protected where the password is sent under a separate cover.

Disclosure can be made to anyone designated as a personal representative, or

attorney-in-fact by the Participant. The Participant must provide a written notice/authorization and supporting documents such as a power of attorney. The Employer will not disclose information to a personal representative if there is a reasonable belief that the Employee has been, or may be, subjected to domestic violence, abuse, or neglect by such person; or treating such person as a personal representative could endanger the Participant.

Complying With the “Minimum Necessary” Standard. PHI disclosures are limited to the “minimum necessary” data to accomplish the purpose for the disclosure. The “minimum necessary” standard does not apply to the following:

- uses or disclosures made to the Participant upon request;
- uses or disclosures made pursuant to a valid authorization; or,
- disclosures required by law or regulation made pursuant to a valid subpoena or request from a governmental entity.

Minimum Necessary is further defined for enrollment purposes as the name, GHP elections, effective and termination of coverage dates, demographics required to identify the individual, and balance data for account balance purposes.

1. Routine Disclosures. Routine disclosures insurers, Third Party Administrator, and Service Providers for the purpose of GHP administration can be made without prior participant authorization. The transmissions will comply with the Minimum Necessary Rule and be limited to

enrollment/disenrollment data and monetary account balance information for the purpose of making enrollment changes.

2. Disclosures of Summary Health Information. Summary health information may be disclosed without prior participant authorization. This information does not provide a reasonable basis to believe that it can be used to identify an individual. Summary health information must have the following 18 identifiers redacted:
  - names;
  - geographic subdivisions smaller than a state, aggregated to the level of a five-digit ZIP code;
  - dates (except year) directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age (ages and elements may be aggregated into a single category of age 90 or older);
  - telephone numbers;
  - fax numbers;
  - e-mail addresses;
  - Social Security numbers;
  - medical record numbers;

- GHP beneficiary numbers;
  - account numbers;
  - certificate/license numbers;
  - vehicle identifiers and serial numbers, including license plate numbers;
  - device identifiers and serial numbers;
  - Web Universal Resource Locators (URLs);
  - Internet Protocol (IP) addresses;
  - biometric identifiers, including finger and voice prints;
  - full face photographic images and any comparable images; and
  - any other unique identifying number, characteristic. Disclosures of summary health information must be pre-approved by the Privacy Officer.
3. Plan Certification. In order for the insurer, Third Party Administrator or Service Provider to release any PHI to the Employer other than the minimum necessary information defined above, the Employer must certify that their Plan Documents have been amended to comply with the Privacy Rule and that they agree to comply. This is typically when the TPA or Service Provider are not under contract to resolve appeals and send detailed medical information to your office for consideration. The Employer must certify to:
- Not to use or further disclose protected health information (“PHI”) other than as permitted or required by this Plan Document, or as required by law,
  - Ensure that any subcontractors or Business Associates agree to the same restrictions,
  - Not use or disclose PHI for employment related actions,
  - Report to the GHP any use or disclosure that is inconsistent with this Plan Document or the federal Privacy Rule,
  - Make the PHI information accessible to the Participants,
  - Allow Participants to amend their PHI,
  - Provide an accounting of its disclosures of PHI as required by the Privacy Rule,
  - Make its practices available to the Secretary for determining compliance,
  - Return and destroy all PHI when no longer needed, if feasible, and
  - Establish adequate firewalls.
4. Disclosures to Federal Regulators. The Employer is required to make disclosures at the request of the Secretary of Health and Human Services, or its designee, for purposes of enforcement of the Privacy Rule. These disclosures are made without Participant authorization.

5. Disclosures Pursuant to an Authorization. PHI may be disclosed by Participant authorization to the Participant or as directed by the Participant. Any issue related to a disclosure and the well-being of the Participant, or another person named in the PHI, should be brought to the Privacy Officer prior to making the disclosure. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

An Authorization is a separate form, have a note that it can be revoked at any time, identify the person who is the subject of the PHI, identify the person(s) that can receive the PHI, the purpose of the request, have an expiration date, and a statement that the GHP will not condition claims payment on the signing of the authorization.

#### **755.9 UNAUTHORIZED DISCLOSURE INCIDENT RESPONSE POLICY (NON BREACH)**

1. Scope And Purpose

This Unauthorized Disclosure Incident Response Policy describes actions taken regarding an unauthorized disclosure of PHI, a disclosure that does not otherwise comply with the Disclosure Section of this Policy provided above, either by an Employee of the Employer or Business Associate. Participant, Media and HHS notices not required unless it is determined that the disclosure constitutes a Breach as determined below.

2. Reporting To Privacy Officer

All such unauthorized disclosures will be reported as soon as reasonably possible to the Privacy Officer. Each Employee reporting an unauthorized disclosure will also report the event to their Director/Manager.

3. Mitigation

The Privacy Officer will mitigate, to the extent possible, any harmful effects for an unauthorized disclosure. The Privacy Officer will inquire that the unauthorized recipient of the PHI confirms that they have immediately destroyed the data without further disclosure. Email or other confirmation will be retained as part of the Incident Documentation. Mitigation may include additional options as determined by the Privacy Officer such as ID Theft monitoring services.

#### **755.10 BREACH DETERMINATION**

A "Breach" under the HITECH Act is an unauthorized transmission of unsecure PHI. The Privacy Officer will review the facts and circumstances to make the Breach determination. This will include a two-step analysis as described below:

1. Step One:

Determine whether the three exclusions below apply. The following unauthorized

disclosures are

not a Breach:

- Any unintentional acquisition, access, or use of PHI, if it was made in good faith and within the scope of authority and does not result in further use or disclosure.
- Any inadvertent disclosure to a person authorized to access PHI at the same covered entity or business associate, or organized health care arrangement in which the covered entity participates, and the information received as a result of such disclosure is not further used or disclosed
- A disclosure of PHI where a covered entity or business associate has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

2. Step Two:

If an unauthorized disclosure does not fit one of the exclusions above, then the unauthorized disclosure is presumed to be a Breach unless it can be demonstrated that there is a low probability that the PHI has been compromised based on a risk assessment of at least the following factors:

- The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;
- The unauthorized person who used the PHI or to whom the disclosure was made;
- Whether the PHI was actually acquired or viewed; and
- The extent to which the risk to the PHI has been mitigated.

**755.11**

**BREACH NOTICES**

1. When the Privacy Officer determines that an unauthorized disclosure of PHI is a Breach then notices have to be sent to the Participants whose PHI was compromised. The Notice will include the facts related to the disclosure, mitigation that has been completed.

2. Non-Breach Notices.

When the Privacy Officer determines that the unauthorized disclosure is not a Breach there is no notice sent to the Participants.

3. Breach Notices. When the Privacy Officer determines that the unauthorized disclosure is a Breach, a notice will be provided to the Participants without

undue delay and in no case longer than 60 days. A Breach shall be treated as discovered as of the first day on which such Breach is known, or, by exercising reasonable diligence would have been known. Knowledge of a Breach exists when the Breach is known, or by exercising reasonable diligence would have been known, to any person, other than the person committing the Breach, who is a workforce member or agent.

The Privacy Officer will communicate the facts and circumstances that caused the Breach, the mitigation effort and response, the number of participants that were affected and the data that was disclosed. The notice will include:

- Description Event
- Date of Event (if known)
- Date of the Discovery
- Number of individuals affected
- The types of unsecured PHI that were involved (such as the name, Social Security Number, date of birth, home address, account number or disability code of the affected individuals)
- Description of the steps Business Associate has taking to investigate, mitigate losses related to and protect against any further disclosures or Breaches
- Contact information for affected individuals to ask questions or learn additional information: Name and Title, Address, E-mail address, Telephone Number

4. Documentation.

The Privacy Officer will maintain a file of each unauthorized disclosure that is made that is not in compliance with this Privacy Policy as soon as there is an awareness of the disclosure. The record will contain a description of the PHI disclosed, to whom it was disclosed, when the Participant was notified of the disclosure, an explanation of any action taken to mitigate the damages that the disclosure created, and a description of any action that was taken regarding the error.

5. Notice to the Media and Federal Regulators

Notice is required to be provided to prominent media outlets serving a state or jurisdiction following the discovery of a Breach if unsecured PHI of more than 500 residents of such state or jurisdiction is, or is reasonably believed to have been, accessed, acquired, or disclosed during such Breach.

For Breaches involving 500 or more individuals, notice will be sent to the Department of Health and Human Services (HHS) on line concurrently with the notification sent to Participant. For Breaches involving fewer than 500 individuals, covered entities are required to submit information annually to HHS for Breaches occurring during the preceding year. Submission of this information is required no later than 60 days after the end of the calendar year in which the Breach is discovered (not in which the Breach occurred). The internal log or other documentation is maintained for 7 years.

All Breaches effecting under 500 persons are documented and submitted annually to HHS. Submission of this information is required no later than 60 days after the end of the

calendar year in which the Breach is discovered (not in which the Breach occurred). The annual report can be submitted electronically, instructions are available at the following address:

<http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruc.html>

#### **755.12 SECURITY INCIDENT RESPONSE PLAN AND PROCEDURES**

This Incident Response Procedure is in place to ensure incidents related to the areas and systems that maintain PHI are detected, responded to appropriately and action is taken to prevent future incidents.

Some examples of security incidents that an employee might recognize in their day to day activities include, but are not limited to:

- Theft, damage, or unauthorized access (e.g., unauthorized logins, papers missing from their desk, broken locks, missing log files, alert from a security guard, video evidence of a break-in or unscheduled/unauthorized physical entry)
- Fraud – Inaccurate information within databases, logs, files or paper records
- Abnormal system behavior (e.g., unscheduled system reboot, unexpected messages, abnormal errors in system log files or on terminals)
- Security event notifications (e.g., file integrity alerts, intrusion detection alarms, and physical security alarms)

All employees, regardless of job responsibilities, should be aware of the potential incident identifiers and who to notify in these situations. In all cases, every employee should report incidents per the instructions under Incident Reporting, unless they are assigned other activities within the incident response plan.

#### **755.13 HARD COPY STORAGE REQUIREMENTS**

Hard copy materials containing PHI (e.g., paper receipts, paper reports, faxes, etc.) are subject to the following storage guidelines:

- At no time are printed reports containing PHI to be removed from the secure office environment.
- All hardcopy material containing PHI should be clearly labeled as such.
- All hardcopy media which contains PHI must be stored in a secure and locked container (e.g. locker, cabinet, desk, storage bin). PHI is never to be stored in unlocked or unsecured containers or open workspaces.

- All PHI, when no longer needed for legal, regulatory or business requirements must be disposed of in hardcopy shred bins. All hardcopy shred bins must remain locked at all times (until shredding).

#### **755.14 WORKSTATION PROTECTION**

When an Employee who has access to PHI at their work station leaves the work station, for any duration of time, the Employee is responsible for removing all PHI from their desk and placing it in a locked secure area. Should a user forget to do one of the above aforementioned; the workstation is set up to automatically hibernate, turn off hard drives and require a password upon return.

Passwords are changed every 90 days. This password is comprised of 8 alphanumeric characters, both upper and lower case letters, and numbers. If an employee believes their password has been compromised, they must immediately report to the Privacy Officer to have a new password generated.

Absolutely no PHI can be left at a work station or in an open area after closing. Each Employee will apply this policy as if the office was completely closed at the end of the shift. At the close of business each day, all employees are required to lock all PHI in assigned cabinets. Group printers must be checked before a Participant leaves for the day to ensure no PHI remains at the printing station. All mailboxes must also be checked each evening before leaving. All storage, file cabinets and doors are to be locked at all times, unless in direct use. Workstations are restricted from any unauthorized use by visitors. Workstations that could be accessible by office visitors must have privacy filters on all monitors and be locked at all times when not in use.

#### **755.15 LAPTOP USE AND SECURITY**

Employees are not permitted to have PHI on their Laptops unless it is for a limited purpose and is coordinated by the Privacy Officer. After the limited purpose has been completed the PHI should be deleted from the Laptop, to the extent possible. Laptops that contain PHI are to be password protected, locked when out of the office or at a location where a third party may gain access including their home, or any offsite location. In the event a laptop containing PHI is lost or stolen, the employee must immediately notify the Privacy Officer who will perform a risk assessment.

Passwords are changed every 90 days. This password is comprised of 8 alphanumeric characters, both upper and lower case letters, and numbers. If an employee believes their password has been compromised, they must immediately report to the Privacy Officer to have a new password generated.

#### **755.16 ELECTRONIC DATA RETENTION AND STORAGE REQUIREMENTS – WRITABLE MEDIA**



Minimal PHI can be stored in an electronic manner. This is limited to the Enrollment Data defined above as a Designated Record Set. No medical documentation received for GHP Administration should be stored electronically, example medical claims for an appeal sent to the Privacy Officer by a Business Associate who is not contracted to make final appeal determinations.

Electronic media containing PHI (e.g., CD, DVD, floppy disk, hard disk, tape, etc.) are subject to the Security Rule. At no time is electronic PHI to be removed from the secure office environment with the exception of computer system backups or as allowed under this Policy. PHI will be physically retained, stored or archived only within secure office environment, and only for the minimum time deemed necessary for their use. Any download of PHI that includes the employees Social Security Number has to be completed with the knowledge of the Privacy Officer for the purpose of GHP administration. Any violation of this Policy can be subject to discipline, including termination of employment depending on the purpose of the files.

#### **755.17 PHI DESTRUCTION REQUIREMENTS**

All PHI no longer needed for GHP Administration must be destroyed. Bonner County will retain copies of the PHI obtained for 7 years in a secure environment.

Before any electronic device that received, transmitted or stored PHI can be sent to a vendor for trade-in, servicing or disposal, all PHI will be destroyed or removed and rendered unrecoverable. Removable computer storage media such as floppy, optical disks or magnetic tapes may not be donated to charity or otherwise recycled.

Physical copies of PHI must be destroyed, shredding is the typical course. Outsourced destruction of PHI may be by a bonded Disposal Vendor that provides a "Certificate of Destruction". Other documented approaches can be used if they show the physical destruction of the data.

#### **755.18 ACCESS MANAGEMENT AND CONTROL POLICY**

Access to PHI is limited to Employees who have completed HIPAA Privacy training. It is the purpose of this policy to identify access points and address appropriate usage of PHI. This Policy addresses physical access for Employees, vendors and visitors. This Policy also covers appropriate usage/access to external media. By restricting access the likelihood of a HIPAA Breach by malicious or non-malicious acts is reduced.

An Employee's access to PHI shall be determined by the Privacy Officer and authorized according to business needs. User access to computer resources shall

be provided only when necessary to perform tasks related to business.

**755.19 FIREWALL**

The Employer has established appropriate administrative, technical, and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. The Firewalls ensure only authorized Employees have access to PHI. The Firewall separates the PHI so that it is not used for any purpose other than GHP administration and access is only for the minimum necessary for the GHP function(s) performed. By following the secure process outlined in this Policy the PHI received will not be shared with any Employee who is not trained on HIPAA who has a GHP purpose for access.

The Employer prohibits the use of PHI for any employment related purpose such as, but not limited to unemployment hearings, promotions, or any evaluation for benefits under another employer sponsored plan such as disability coverage.

Only Employees who are trained on this Policy and have a business purpose related to a GHP function can have access to PHI, and only the data that is necessary to complete that function.

**755.20 VISITORS**

Physical access to any area where PHI, electronic or otherwise, is maintained will be under strict supervision. Visitors must be accompanied by an Employee while in the area where PHI is maintained. Employees who accompany Visitors must be sure that the areas that they visit are void of PHI. Prior announcements to areas that typically deal with PHI may be needed to ensure that PHI is not exposed to Visitors.

**755.21 Automatic Amendments**

Any term or item in this Privacy Policy will automatically be amended to comply with changes in the federal laws and regulations. This Privacy Policy will be updated once yearly with the goal of bringing it back into compliance.

**PLAN SPONSOR'S CERTIFICATION**

**TO RECEIVE PROTECTED HEALTH INFORMATION (PHI)**

Plan Sponsor hereby certifies that the Group Health Plan Document has been amended to incorporate the terms required by the federal Privacy Rule, and that the Plan Sponsor agrees to comply with those provisions. Specifically, the Plan Sponsor certifies that it will:

- 1) Not use or further disclose protected health information ("PHI") other than as permitted or required by the plan documents, or as required by law,
- 2) ensure that any subcontractors or agents to whom the Plan Sponsor provides PHI agree to the same restrictions,
- 3) not use or disclose PHI for employment related actions,
- 4) report to the health plan any use or disclosure that is inconsistent with the plan document or the federal Privacy Rule,
- 5) make the PHI information accessible to the Participants,
- 6) allow Participants to amend their PHI,
- 7) provide an accounting of its disclosures of PHI as required by the Privacy Rule,
- 8) make its practices available to the Secretary for determining compliance,
- 9) return and destroy all PHI when no longer needed, if feasible, and 10) adequate firewalls have been established

**Plan Sponsor:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Non-FMLA Medical Leaves and Personal Leaves of Absence**

**Policy No: 760**

**Effective Date: October 2, 2018**

**BOCC Approval: September 18, 2018**

**Revised Effective Date:**

Bonner County will consider an employee's request for a medical or personal leave of absence (where the leave does not qualify for protection under the Family Medical Leave Act ("FMLA") in accordance with guidelines set forth below. Employees with medical conditions requiring a potential leave of absence not covered by the FMLA policy or this Non-FMLA policy should consult with the HR Department regarding potential reasonable accommodation options under Bonner County's policy on Reasonable Accommodation (please refer to Policy 100.2).

Any employee who is approved for leave under this policy is expected to communicate with their supervisor and Bonner County's Human Resource Department during their absence regarding their leave, their medical status, and their expected date of return. Failure to maintain communication with Bonner County during a leave of absence period, including notice of intent to return to work, will be grounds for disciplinary action.

### **760.1 General Provisions**

#### **A. Non-FMLA Medical Leave of Absence**

##### *Leave within First Year of Employment*

An employee with a serious medical condition as defined under Bonner County's FMLA policy (please refer to Policy 700.8), who is in his or her first year of employment, may request a leave of absence for their own serious health condition. This leave will be considered for employees who need to be out of work for five (5) consecutive days or more. Employees may take leave up to 30 days within their first 12 months of service with Bonner County. Intermittent leave under this Non-FMLA policy is not permitted unless such leave has been approved as a reasonable disability-related accommodation pursuant to the Bonner County's policy on reasonable accommodation, consistent with federal and state law. Requests for disability related accommodations must be made to the HR Department.

##### *Leave after First Twelve Months of Employment*

An employee with a serious medical condition as defined under the Bonner County's FMLA policy (please refer to Policy 700.8), who does not meet the 1,250 hour requirement or has exhausted leave available under the FMLA may request a leave of absence for a their own serious health condition. This leave will be considered for employees who need to be out of work for five (5) consecutive days or more. Employees may take up to three (3) months in a "rolling" 12-month period. Intermittent leave under Non-FMLA is not permitted unless such leave has been approved as a reasonable disability-related accommodation pursuant to the Bonner County policy on reasonable accommodation, consistent with federal and state law.

Requests for disability related accommodations must be made to the HR Department.

### **1). Requesting a Non-FMLA Medical Leave**

The employee is expected to provide at least 30 days' notice when requesting leave under this policy, unless the employee has just exhausted FMLA status and is requesting continued leave under this policy as a reasonable accommodation. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable will be denied.

### **2). Medical Documentation for Non-FMLA Medical Leave**

Bonner County will require medical documentation to support the need for a medical leave under this policy. Bonner County's Human Resource Department will work directly with the employee and the medical provider to obtain this documentation. An employee's failure to work cooperatively with the Human Resource Department to obtain medical documentation to support such a leave will result in denial of leave or reinstatement from leave, in which case the employee's leave of absence would be unauthorized, subjecting the employee to discipline up to and including termination.

### **3). Pay and Benefit Status While on Non-FMLA Medical Leave**

#### *Paid Status*

An employee who is taking Non-FMLA leave must use all leave accruals (sick, vacation and compensatory time off) prior to being placed in an unpaid leave status. Bonner County will continue the employee's health benefits while they are exhausting paid leave status at the same level and under the same conditions as if the employee continued to work.

#### *Unpaid Status*

When an employee's leave accruals have all exhausted, and the employee continues on an approved Non-FMLA medical leave, the employee then moves to an unpaid status. Accrued benefits cease unless and until the employee returns to a paid status. Within 30 days of being placed in unpaid status, the employee will be converted to and eligible for COBRA benefits.

#### *Long-Term Disability*

If an employee's leave may extend three (3) months or longer, they may be eligible to apply for Long-Term Disability (LTD) benefits. Employees who anticipate should contact Human Resources as soon as possible for more information. If Long Term Disability benefits are granted, the employee's employment with Bonner County will end on the commencement date of their Long Term Disability benefits.

### **4). Return After Non-FMLA Medical Leave**

Employees who take a non-FMLA Medical Leave do not have job restoration rights. However, Bonner County may reinstate the employee to the same position or a position with

equivalent status, pay, benefits and other employment terms upon the employee's return before or at the end of the approved leave period, consistent with the needs of the County and subject to the undue hardship limits under federal and state laws. In the event Bonner County will not be able to restore the employee to the same or equivalent position, the employee will receive written notice from Human Resources, at which time the Human Resource department will work with the employee to assess whether they are qualified for other open or expected openings in the County.

## **5). Notice Requirements for Returning from Non-FMLA Medical Leave**

Prior to returning to work from medical leave under this policy, the employee must secure a release from his or her medical provider consistent with the Fitness For Duty obligations under Bonner County's FMLA policy. This release should be completed and submitted to Human Resources at least two (2) days in advance of the expected date of return. If the employee is released to return to work with restrictions, the Human Resource Department, in consultation with employee, the employee's medical provider, and the employee's supervisor, will determine whether the restriction can be reasonably accommodated subject to direct threat and undue hardship considerations.

If an employee on leave for medical reasons is released to return to work sooner than the expected return date listed on the Leave Request, the employee must notify their supervisor within two (2) business days of receiving the release.

### *Unable to Return from Non-FMLA Medical Leave*

If at the end of the approved leave period the employee is unable to return to work and complete the essential functions of his or her job, or another job for which the employee is qualified, the Human Resource Department will work with the employee and the employee's medical provider regarding reasonable accommodation options, including the use of long-term disability benefits. After all reasonable accommodation options are exhausted, the employee's employment will be terminated.

### *Failure to Return from Non-FMLA Medical Leave*

Any employee who fails to return to work as scheduled after leave may be subject to disciplinary action.

## **B. Personal Leave of Absence**

An eligible employee who has completed at least 12 months of service with Bonner County may request personal time off for non-health related reasons. Personal leaves are generally granted up to 30 days, depending on the needs of the department. Such leave approval or denial is at the discretion of the department and Human Resources. Intermittent leave under Personal Leave is not permitted.

## **1). Pay and Employee Benefit While on Personal Leave**

### *Paid Status*

An employee who is on an approved personal leave must use all leave accruals (vacation, and compensatory time off) prior to being placed in an unpaid leave status. Bonner County will continue the employee's health benefits while they are exhausting paid leave status at the same level and under the same conditions as if the employee continued to work.

#### *Unpaid Status*

When an employee's leave accruals have all exhausted, and the employee continues on a personal leave, the employee then moves to an unpaid status. Accrued benefits cease unless and until the employee returns to paid status. Within 30 days of being placed in unpaid status, the employee will be converted to and eligible for COBRA benefits.

Bonner County will continue making payroll deductions while the employee is on paid leave for Life and Disability plans. While the employee is on unpaid leave, the employee may request portability of such benefits through the plan carriers.

### **2). Return from Personal Leave**

Employees who take a personal leave do not have job restoration rights. However, Bonner County may reinstate the employee to the same position or a position with equivalent status, pay, benefits and other employment terms upon the employee's return before or at the end of the approved leave period, consistent with the needs of the County and subject to the undue hardship limits under federal and state laws. In the event Bonner County will not be able to restore the employee to the same or equivalent position, the employee will receive written notice from Human Resources, at which time the Human Resource department will work with the employee to assess whether they are qualified for other open or expected openings in the County.

### **3). Notice Requirements for Returning from Personal Leave**

Prior to returning to work from a personal leave, whether before or at the end of the approved leave period, an employee must notify his or her supervisor at least one (1) week prior to the expected return date.

#### *Failure to Return from Personal Leave*

Any employee who fails to return to work as scheduled after a personal leave, or fails to timely request and receive an extension of the personal leave, may be subject to disciplinary action.

## **C. Coordination with Other Policies**

### **1). Worker's Compensation and Non-FMLA Medical Leave**

Non-FMLA medical leave and leave for a workers' compensation claim will run concurrently. Non-FMLA Medical Leave requests for work injuries involving Workers' Compensation should follow the same process as FMLA policy with respect to the verification or clarification of the medical certification.

## REASONABLE ACCOMMODATION POLICY

Policy No: 775

**Original Date:** January 10, 2017

**Supersedes Policy Date:** All previous policies

### Purpose

It is the policy of Bonner County to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Bonner County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to Bonner County.

### Procedures

An **employee** may request a reasonable accommodation verbally or in writing from his/her supervisor; another supervisor or manager in his/her immediate chain of command; or Human Resources.

An **applicant** may request a reasonable accommodation verbally or in writing from any interviewing manager or Human Resources staff with whom the applicant has contact in connection with the application process.

### Interactive Process

Human Resources, in conjunction with the supervisor and requesting individual will use an interactive process to determine what, if any, accommodation should be provided.

### Medical Information

If Human Resources or the Supervisor believes that medical information is necessary in order to evaluate a request for reasonable accommodation, Human Resources will request information sufficient to substantiate that the individual has a covered disability and needs the reasonable accommodation requested, but will not ask for unrelated documentation. Human Resources will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records.



## **Granting or Denial of a Reasonable Accommodation Request**

Human Resources will communicate to the individual the decision to grant or deny an accommodation.

The HR department is responsible for the implementation and management of this policy, including the process and resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

### ***ADA regulations use the following terms:***

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- **Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- **Substantially limiting:** In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- **Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the

provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

- Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
  - The nature and cost of the accommodation.
  - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
  - The overall financial resources of the employer; the size, number, type and location of facilities.
  - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

# Grievance Procedure

Policy No: 900

**Original Date:** January 15, 2013

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

## 900. GRIEVANCE PROCEDURE

Bonner County believes that most questions or concerns that you may have about your job can and should be answered by or resolved with your immediate supervisor. Therefore, if you have any questions about your job or if you have a concern related to your job, you are encouraged to first bring that to the attention of your immediate supervisor for resolution.

If you are not satisfied with the resolution proposed by your immediate supervisor, you are then encouraged to take the issue to the Department Head or Elected Official overseeing your department. If you are still not satisfied, or if the problem or concern relates to conduct by your immediate supervisor, Department Head, or Elected Official, you are encouraged to contact the Bonner County Human Resources Department directly to discuss your question or concern.

Generally, concerns regarding your work assignments, schedules, performance evaluations, coworkers, pay rates, etc., are not appropriate for resolution under the Grievance Procedure. Questions about general compensation practices, benefits administration, and handbook or other policy violations should be directed to Human Resources. Complaints regarding discrimination and harassment should be brought immediately to the attention of Human Resources using the steps set out in the Discriminatory Workplace and Harassment Policy.

For issues brought to Human Resources, you will be asked for a written statement detailing your concern or question. Bonner County Human Resources personnel will assess the specific concern or question to determine whether further investigation is necessary, or otherwise whether a different resolution is possible. Bonner County assures employees that they will not be retaliated against for bringing concerns forward under this procedure, and will make every effort to resolve the concern or question on a fair and equitable basis.

# Employee Discipline Process

Policy No: 1000

**Original Date:** January 15, 2013

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

## 1000. EMPLOYEE DISCIPLINE

### PURPOSE AND FRAMEWORK

The purpose underlying the discipline policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

Bonner County adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. Bonner County reserves the right to take any of the prescribed steps, in any order, in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step up, to and including termination for a first time offense.

Disciplinary actions will be documented in writing. A copy of the disciplinary notice will be sent to Bonner County Human Resources for placement in the employee's personnel file. An employee who is dissatisfied with a disciplinary action may file a complaint in keeping with the conflict resolution policy. Utilizing the conflict resolution policy does not stay the disciplinary action.

### GROUNDINGS FOR DISCIPLINE

There are many grounds for discipline and the list below is for illustration only and should not be considered all-inclusive:

- Failure to perform the position duties; failure to meet work standards or interfering with another employee's efforts to meet work standards.
- Failure to adhere to federal or state statutes, Bonner County Code, or the policies of his or her department or office.
- Unauthorized access, possession and/or willful destruction of County property, or of the property of a fellow employee.
- Threatening or attempting bodily injury to another on County premises or any violation of the workplace violence prevention policy.
- Falsifying official records or documents, including timesheets, or failing to properly complete required reporting.

- Loitering, loafing, or sleeping during scheduled working hours, or leaving the work area without permission of one's supervisor.
- Disobedience, insubordination, or refusal to accept a reasonable and proper assignment from an authorized supervisor.
- Absenteeism or tardiness; abuse of leave policies; or working unauthorized overtime.
- Conduct unbecoming for a county employee or conduct detrimental to good order and discipline in the employee's department or office.
- Using county money for personal use (i.e. borrowing, making change, cashing checks, etc.).
- Misstatement or deception in application for employment or promotion, or failure to obtain or maintain a current license or certificate required as a condition of performance of duties.
- Being under the influence of any form of drug, alcohol or controlled substance while on duty, or any violation of the County's drug-free workplace policy.
- Unauthorized disclosure of confidential or non-public information.
- Impeding, interfering with, or failing to cooperate in an official internal or external investigation conducted by or at the request of the County.
- Acceptance of gifts or money in exchange for influence or favors given in an official capacity.

#### **1000.1 DISCIPLINARY ACTIONS AVAILABLE AND PROCESSES**

Retaining employees and providing opportunities for improvement in behavior and performance is often in Bonner County's, as well as the employee's, best interest. For this reason, progressive discipline should be utilized whenever possible. Corrective disciplinary actions may range from a verbal counseling to dismissal. When a determination is made that disciplinary action is necessary, the supervisor may issue a verbal warning, written reprimand, or take some other disciplinary action. When a determination is made that serious disciplinary action is necessary, the Department Head or Elected Official may impose disciplinary action including suspension without pay, demotion, salary reduction, or termination of employment.

Prior to implementing a disciplinary action, the supervisor should evaluate:

- The facts surrounding the episode or incident. An incident or infraction should be thoroughly investigated regardless of how the situation appears initially.
- The training the employee received regarding the work rules and consequences of failing to follow those rules.
- The performance history of the employee with Bonner County.
- The effect of the employee's behavior/performance on day-to-day operations.
- The corrective actions taken for other employees in the past in similar situations.

Once the supervisor determines disciplinary action is necessary, they shall:

- Confer first with Human Resources on any disciplinary action that involves something beyond a coaching or written disciplinary action (e.g., demotion, suspension, termination).
- After obtaining Human Resources input, prepare documentation to meet with the employee. Determine the appropriate time and place for a disciplinary meeting: not in front of others or where the meeting could be overheard by other employees. However, another member of management or a representative from Human Resources should be present in the disciplinary meeting with the employee. For departments reporting to the Board of County Commissioners, a member of Human Resources must be present in any disciplinary meeting resulting in an employee's dismissal.
- Allow the employee a chance to respond and explain the infraction. Listen critically and take notes.
- Document the disciplinary action in writing with a copy provided to the employee and to Human Resources. The documentation should include:
  - Who, what, when, where, and how.
  - The effect of the conduct as it relates to performance, job related behavior or interference with office/department operations.
  - What action(s) will be taken because of the incident?
  - What action(s) will be taken in the future if another infraction occurs?
  - Conclude the discussion and determine what will happen from that point.

## 1000.2 OPPORTUNITY TO BE HEARD ON ASSERTIONS OF DISCRIMINATION AND NAME CLEARING HEARING

This section applies to all employees of Bonner County. While the employees of Bonner County are at-will, Bonner County recognizes that a public employee may have the need for an opportunity to be heard regarding certain allegations of unlawful discrimination in employment, or certain allegations of dishonesty, immorality, or criminal misconduct.

This policy establishes an opportunity for employees who believe an employment action is actually the consequence of alleged unlawful discrimination by the County, or is alleged to have committed misconduct involving dishonesty, immorality or criminal misconduct, to request an opportunity to be heard, or a name-clearing hearing. Unlawful discrimination addresses actions that are alleged to involve decisions based upon race, color, religion, sex, pregnancy, age, national origin, retaliation for protected activity, mental or physical disability, veteran status, or other statuses protected under federal, state, and local law. Issues of general job performance or employee attitude are not the proper subject of this opportunity to be heard. Bonner County does not condone discrimination on the basis of the foregoing unlawful categories. FAILURE TO SEEK AN

OPPORTUNITY TO BE HEARD PURSUANT TO THIS POLICY SHALL  
CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.

When the employee asserts an allegation of unlawful discrimination or the need for a name-clearing hearing, the elements of procedure to be followed and undertaken at the direction of the Elected Official, unless waived by the employee, are as follows:

1. The employee may, within 10 working days of the disciplinary action or termination, submit a written allegation of unlawful discrimination or a request for a name-clearing hearing, stating with particularity the basis for the requested opportunity to be heard. Complaints filed untimely or failing to state a particular, legally recognized basis for this opportunity will not be heard.
2. The opportunity to be heard with regard to the employee's allegations shall be provided as promptly as possible, normally within 10 working days, after receipt of a properly documented request.
3. An employee alleging unlawful discrimination or entitlement to a name-clearing hearing shall be allowed one hour, unless otherwise approved by the Elected Official, to meet and discuss the allegations with the Elected Official.
4. There shall be a record maintained, including a recording, of the discussion that constitutes the opportunity to be heard.
5. The employee's supervisor, to the extent of their knowledge, may be required to provide a brief, written statement in response to the particular allegation of discrimination or name-clearing request. The Elected Official may request that the employee's supervisor participate in the discussion.
6. The employee may have an attorney assist them at the employee's own expense.
7. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or name-clearing is based.
8. The Elected Official may ask the employee's witnesses questions for clarification purposes.
9. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Elected Official to consider.
10. The Idaho Rules of Evidence do not apply to this opportunity to be heard. After the conclusion of the discussion, the Elected Official will consider all of the information submitted and such other information as might be in the County's records to arrive at a decision concerning the employee's allegations. Said decision shall set forth the reasons for the Elected Official's determination in

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



# **Discriminatory Workplace Harassment Policy and Complaint Procedure**

Policy No: 1001

**Original Date:** January 15, 2013

**Supersedes Policy Date:** All Previous Policies

**Revised Effective Date** December 1, 2015

## **1001. WORKPLACE HARASSMENT & DISCRIMINATION POLICY**

Bonner County is committed to providing a work environment where its employees and those served by the County are treated respectfully and are free from harassment. Employees are responsible for respecting the rights of coworkers and others to be free from harassment. All supervisors and managers are responsible for ensuring an atmosphere free of harassment, sexual and otherwise. Supervisors and managers of Bonner County are required to take prompt, appropriate action upon observing or becoming aware of harassing behavior. The failure of a supervisor or manager to respond promptly to an observed or reported instance of harassment may result in disciplinary action against the supervisor or manager.

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

### **1001.1. POLICY**

It is the policy of Bonner County to maintain a work environment that respects the dignity and worth of each individual, and permits employees to feel free from discrimination, intimidation, coercion, or unlawful harassment, including sexual harassment. Any form of discrimination, including harassment, against an individual on the basis of race, color, sex, national origin, religion, age, disability, pregnancy, veteran status, marital status, or any other characteristic protected by applicable law is considered misconduct. Harassment of an applicant for employment, a member of the public, or an employee by any employee of the County on the basis of race, religion, national origin, gender, age (40 and over) and disability is in violation of State and/or Federal law and will not be tolerated by Bonner County.

### **1001.2. RESPONSIBILITIES**

#### **1001.2.1 HUMAN RESOURCE RISK MANAGEMENT**

The Human Resource Risk Management Director has overall responsibility for the following:

- Administration of this policy, as well as ensuring appropriate training and communication.
- The investigation of reports of discriminatory harassment and for making an evaluation of the results of that investigation.
- In conjunction with the appropriate department director assumes responsibility for making a determination based on the evaluation of the investigation results as to whether a violation of this policy has occurred and, if so, the appropriate corrective action to be taken.

## **1001.2.2 SUPERVISORS, DEPARTMENT HEADS, ELECTED OFFICIALS**

It is the responsibility of supervisors, department heads and Elected Officials to enforce the policy, to train new employees on the policy, to review the policy annually with all employees, and to regularly assess the workplace to ensure compliance.

## **1001.2.3 EMPLOYEES**

It is the responsibility of each and every employee to know this policy and to follow it. All County employees share the responsibility of understanding and preventing unlawful discrimination and harassment. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

## **1001.3 EMPLOYEES & GENERAL HARASSMENT**

General harassment is conduct that is insulting, degrading and shows hostility toward an individual such that it interferes with the individual's work environment and performance. General harassment is conduct that is so severe or occurs with such sufficient frequency to create a hostile or offensive work environment. General harassment does not include management actions including duty assignments, disciplinary actions, and performance evaluations.

Prohibited general harassment includes the following types of behavior:

- Verbal or written communication that contains degrading comments or jokes
- Intimidating or threatening conduct directed at an employee

## **1001.4 DISCRIMINATION BASED HARASSMENT**

Harassment based on an employee's sex, age, color, race, national origin, religion, or disability is a form of discrimination and is a violation of this policy.

Sexual harassment is a form of discrimination and violates this policy. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

## **REPORTING PROCEDURE**

If an employee feels he or she is the target of harassment or discrimination, the employee may confront the offending party either in person or in writing. However, this resolution will not constitute notice to the County of the alleged harassment or discrimination. If the employee feels uncomfortable confronting the offending party, or if after doing so the behavior has not stopped, he or she must report the conduct as soon as possible to a supervisor, manager, department head, elected official, or to Bonner County Human Resources.

## **1001.5 INVESTIGATION**

When discrimination or a report of such conduct comes to the attention of a supervisor, manager, department head, or an elected official, that individual must act promptly notify Human Resources to ensure the situation is assessed, thoroughly investigated and that appropriate resolution measures are implemented. Departments or offices that observe suspected incidents of discrimination or receive a report of such conduct are responsible for contacting the Bonner County Human Resource Office within three (3) business days. Management is responsible for assisting and cooperating in any investigation that is conducted, and maintaining confidentiality on a need-to-know basis.

Bonner County Human Resources will promptly investigate any reports of harassment or discrimination. The County may choose to place employees on leave, either with or without pay, pending investigation. At the conclusion of an investigation, Bonner County Human Resources will retain the original investigative report and will provide a copy of the report to the Prosecuting Attorney's Office, Civil Division. Any employee disciplined for violating this harassment policy will have a copy of the disciplinary notice placed in his or her permanent personnel file.

Offices or departments that conduct formal internal investigations of misconduct may investigate claims of discrimination as prescribed by the regulations set forth by such department. In these cases, the office or department conducting the investigation should notify Bonner County Human Resources of the complaint as soon as possible and that their office will be conducting the investigation. At the conclusion of the investigation, the investigating office should forward a copy of the investigation findings to Bonner County Human Resources.

#### **1001.6. DISCIPLINARY ACTION**

If unlawful harassment is determined to have occurred, the department head and/or Elected Official shall take prompt and effective remedial action against the harasser. The action shall be commensurate with the severity of the offense, up to and including termination of employment.

#### **1001.7. RETALIATION**

All employees are responsible for assisting supervisors and managers in creating and sustaining a harassment-free environment by respecting the rights of others to be free from harassment and acts of retaliation. Retaliation against someone who reports harassment or discrimination, or who participates in an investigation, is strictly prohibited. Retaliatory acts may include but are not limited to: unsubstantiated negative evaluations, inappropriate changes in job assignments or duties, exclusion from meetings, or negative treatment by coworkers. Retaliation does not include disciplinary actions taken against an employee for filing a fabricated claim of harassment, nor does it include disciplinary actions taken against an employee for performance issues not related to the harassment complaint.

#### **1001.8. 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.

#### **1001.9 FALSE COMPLAINTS**

Any complaint made by an employee of the County regarding employment-based harassment

which is conclusively proven to be false, shall result in discipline. This discipline may include termination of employment. This section is not intended to discourage employees from making complaints regarding employment-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

# Separation From Employment

Policy No: 1002

**Supersedes Policy Date:** January 15, 2013

**Revised Effective Date** October 11, 2016

## **1002. SEPARATION FROM EMPLOYMENT**

### **1002.1. REDUCTIONS IN FORCE (RIF)**

When financial circumstances or changes of workload require, Bonner County reserves the right to change employee assignments and/or reduce forces in such manner as it deems necessary to maintain the effective functioning of Bonner County services. The Board of County Commissioners or each Elected Official within his/her department, reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests.

Decisions about the functions or positions to be changed and/or reduced are not subject to the Grievance procedure or the Opportunity to be Heard procedure as established by Bonner County. However, any employee who believes that he/she has been terminated or reassigned from his/her position as a result of unlawful discrimination may utilize the Name-Clearing Hearing procedures as noted elsewhere in this Policy Manual.

In the event of a RIF or reorganization, when all other qualifications are equal, the following criteria shall be used to determine which position(s) will be affected:

i) Classification, then ii)

Evaluation, then

iii) Seniority.

### **1002.2. RETIREMENT POLICY**

The retirement policy of Bonner County shall comply in all respects with Federal and State requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System of Idaho (PERSI).

### **1002.3. COBRA BENEFITS**

Employees of Bonner County who currently receive medical benefits, who separate 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). If you have any questions regarding your right to continue your health coverage after separating from Bonner County, contact the Human Resources Director.

#### **1002.4. EXIT INTERVIEW**

Each employee who separates from employment with Bonner County is encouraged to participate in an exit interview with the Human Resources Director. In such interview, the employer shall notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be asked why he/she is leaving Bonner County employment and invited him/her to inform the interviewer about his/her impressions of employment and offer any suggestions for improvement. An employee exit form will be completed and will be retained in the employee's personnel file. Also, a copy of the employee's resignation letter or acknowledgment letter of the employer accepting an oral resignation will be retained in the employee's personnel file.

The separating employee shall turn in all property that belongs to the County (i.e.: keys, credit cards, phone cards, pagers, cell phones, identification, etc.) to the supervisor, department head and/or Elected Official.

Any compensation for time worked and accrued compensatory time will be included in the employee's final paycheck. Accrued vacation leave and sick leave will be paid as noted elsewhere in this Policy Manual when all County property has been returned.

#### **1002.5. RESIGNATION POLICY**

Voluntary resignations will generally be made in writing to the department head or Elected Official who will notify the Human Resources Director. If the employee wants his/her formal records to indicate "voluntary resignation", they must do so in writing to their supervisor or department head. Oral resignations will be documented by the supervisor after consultation with the Elected Official or department. Evidence of acceptance of a resignation shall be provided to the ex-employee, if possible. Employees who have an unexcused or unauthorized absence of three working days or more may be considered to have abandoned their position and therefore resigned.

# Drug Policy and Procedures

Policy No: 1003

**Original Date:** May 13, 2006

**Supersedes Policy Date:**

**Revised Effective Date:**

## **1003 DRUG POLICY and PROCEDURES**

### **DRUG FREE WORKPLACE**

Bonner County is committed to having a “Drug Free Workplace” policy consistent with the requirement of Public Law 100-690, Title V, Section 1515. It is a condition of employment with Bonner County that all Bonner County employees comply with this policy.

Bonner County is committed to programs that promote safety in the workplace, employee health and wellbeing and public confidence. Consistent with the spirit and intent of this commitment, Bonner County has developed a policy which complies with Public Law 100-690, Title V, Section 1515. A copy of the Bonner County Drug Policy and Procedures can be obtained through the Human Resources Office.

### **1003.1. POLICY**

Bonner County is committed to providing a safe work environment, fostering the well-being and health of its employees, encouraging programs that promote safety and public confidence. That commitment is jeopardized when any Bonner County Employee illegally uses drugs on the job, comes to work under the influence of such, or possesses, distributes or sells drugs in the workplace. Therefore, Bonner County has established the following policy pursuant to Section II, E of the Bonner County Personnel Policy and Procedure Manual:

- A. It is a violation of Bonner County policy for any employee to possess, sell, trade, manufacture, transport, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.
- B. It is a violation of Bonner County policy for anyone to report to work under the influence of illegal drugs and/or alcohol.
- C. It is a violation of the Bonner County policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
- D. It is a violation of the Bonner County policy for anyone to bring drug paraphernalia as defined by Idaho Code onto Bonner County property at any time.
- E. Violations of this policy are subject to disciplinary action up to and including termination.

The only exclusion to these rules would be for law enforcement employees whose duties necessitate possession or use of such substances, and who have express written authority from a person authorized

to extend such authority by Bonner County.

## **1003.2 PROCEDURE**

- A. It is the intent of Bonner County to establish a drug free work place for the safety and health of Bonner County employees, customers and the general public; to increase employees' productivity and work quality; to meet the Department of Transportation (DOT) 439 CFR Part 40 and 382 mandates; and also to support the objectives of "Idaho Private Employer Alcohol and Drug Free Workplace Act", Idaho Code Section 712-1701, et, seq.
- B. In keeping with Bonner County's commitment to provide a drug free work place for its employees, the Board of County Commissioners shall direct investigation and take remedial action whenever there is reason to believe that the unlawful manufacture, distribution, possession or use of an illegal substance and/or alcohol is present. Other persons such as contractors while performing duties for Bonner County who violate these prohibitions will not be allowed on Bonner County premises, and such violations may be grounds for a termination of their relationship or duties performed for Bonner County.
- C. If a violation has taken place, disciplinary action against the offending Bonner County employee may follow. Appropriate disciplinary action may include termination. Any illegal substance that is found in the possession of an employee or on the premises will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.
- D. Employees will not be permitted to work with a detectable level of prohibited drugs in their system. 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 .02 alcohol content or more. Prohibited drugs include both illegal and legal substances, including alcohol or prescription drugs that have not been specifically prescribed by a licensed physician for specific treatment purposes of the employee at that time. The restriction shall not apply to over the counter medications provided such medications do not prevent the employee from performing his/her duties.
- E. All employees must notify their immediate supervisor or appropriate elected official of any criminal drug statute violations or alcohol violations involving county employees occurring on or off the County's work time. A report of a citation involving drugs or alcohol must be made to Bonner County within the same day of receiving the citation, unless unusual circumstances exist. In that case, the report must be made the following day, or within 48 hours of the issued citation. If the employee is convicted of a violation of the same, they must notify their immediate supervisor or appropriate elected official of said conviction no later than five (5) calendar days after the conviction. Also, employees must notify their immediate supervisor or appropriate elected official of any alcohol related conviction no later than five (5) calendar days after conviction. Employees who are convicted under any criminal drug statute for violation are subject to disciplinary action, up to and including dismissal. Employees who are convicted under any alcohol related statute are subject to disciplinary action up to and including termination of employment.

## **1003.3. CONDITION OF EMPLOYMENT- Employee or Prospective Employee**

- A. Prospective employees - All successful job applicants, as a condition of employment, shall be required to take and pass a drug/alcohol test. A "Consent and



Release form” must be signed at the Personnel Office prior to receiving the test. This test shall be paid for by the appropriate department hiring the individual. Any prospective employee who tests positive for drugs or alcohol will be given a written notice of that test result. They will also be given the opportunity to discuss and explain the positive test result with a medical review officer from Occupational Medicine Associates.(See IV, A).The prospective employee may request that the same sample be retested by a mutually agreed upon laboratory. The request for the retest must be done within seven working days from the date of the first confirmed positive test notification and will be paid for by the prospective. No applicant will be employed until a negative drug/and or alcohol test is reported to Bonner County. The only exception will be for seasonal positions hired for a period of two months or less due to budgetary restrictions. Upon a confirmed positive test for drugs and/or alcohol or refusal, Bonner County may refuse to hire a prospective employee. Any prospective employee, who is in treatment for substance, may be required by Bonner County to establish and sign a contract for continued compliance.

B. Employees – Reasonable Suspicion - When there is reasonable evidence, as observed by a trained/designated supervisor, to suspect any employee has reported to work impaired is working impaired, he or she may be requested to submit to a drug and/or alcohol screening. “Impaired” means under the influence of a substance, such that the employee’s motor senses (i.e. sight, hearing, balance, reaction time, reflex, etc.) or judgment are affected in such a way that job performance is affected. Any employee who tests positive for drugs or alcohol will be given a written notice of that test result. They will be given the opportunity to discuss and explain the positive test result with a medical review officer. Bonner County may use such test or conduct as a basis for disciplinary, up to and including termination. If the employee disputes the test results they may request that the same sample be retested by a mutually agreed upon laboratory.

The request for the retest must be done within seven working days from the date of the first confirmed positive test notification and may be paid for by the employee. If the retest results in a negative test outcome, Bonner County will reimburse the cost of the retest, compensate the employee for his/her time while suspended, or if terminated solely because of the positive test, the employee shall be reinstated with back pay.

C. Post-accident testing – Vehicle - All county employees driving a county owned vehicle or their own personal vehicle for county business will be required to submit to a drug and alcohol test when involved in an accident with damages exceeding \$1,000.00 or physical injuries occur. Testing must occur and be completed as soon as practicable as specified in DOT requirements under Part 382.303, but no later than 24 hours of the accident. A driver subject to post accident testing must remain available for testing. If the driver does not remain available, this action is considered a refusal to submit to testing. A driver will be considered available for testing if he/she leaves the accident for verifiable medical treatment of anyone involved in the accident.

D. Right Not To Be Tested - an employee does have the right to refuse to be tested. However, the refusal to submit to a physical testing will be considered a positive testing, and is grounds for disciplinary action up to and including termination.

However, the refusal to submit to a physical testing will be considered a positive testing, and is grounds for disciplinary action up to and including termination.

#### **1003.4. TESTING PROCEDURES**

- A. Occupational Medicine Associates through Bonner General has been designated as the administrator for Bonner County's Drug Free Workplace program. All sample collection activity and drug/alcohol cut-off levels will be consistent with requirements established by the Occupational Medicine and Associates, with the exception of employees operating county equipment requiring CDL licenses. These employees will be subject to additional rules and regulations established by the Department of Transportation, also administered by Occupational Medicine Associates.
- B. All in dividable who are required to be tested under the conditions of this policy, excluding Elected Officials, will report to Occupational Medicine/Bonner General or the Priest River Clinic, Bonner County's designated collection sites, at the requested time.

#### **1003.5. EMPLOYEE RIGHTS AND OBLIGATIONS**

- A. The appropriate department of the employee shall pay for the costs of initial drug and/or alcohol tests pursuant to this policy.
- B. Any time spent for drug testing shall be considered work time. Successful job applicants/prospective employees shall not be paid for any time spent for drug/alcohol testing
- C. Decisions associated with retention of an offending employee would include satisfactory participation in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency. A condition of continued employment following treatment for substance abuse may include random drug and/or alcohol screening. The screening will be random and set up according to the terms of a re-entry contract. The re-entry contract will be established on a case by case basis established between the elected official and the employee. Employees that hold CDL licenses will follow the guidelines set forth by the DOT.

#### **1003.6. CONFIDENTIALITY**

Bonner County has a commitment to maintaining confidentiality of drug and alcohol testing information. All information, interview, reports, statements, memoranda or test results, written or otherwise, received through a substance abuse testing program shall be kept confidential and are intended to be used only for an employer's internal business use; or in a proceeding related to the discharge of the employee. Laboratory, medical review officer, Occupational Health and Bonner County staff who receive or have access to information concerning test results shall keep the information confidential.

#### **1003.7. EMPLOYEES ACKNOWLEDGEMENT**

- A. All Bonner County employees are required to view and acknowledge receipt of a copy of

Bonner County's "Drug Policy and Procedures" by signing and dating an employee acknowledgement form.

- B. All Bonner County Prospective Employees shall sign an acknowledgment of receipt of a copy of the "Bonner County Drug Policy and Procedures" before they sign a "Consent and Release" form for the pre- employment drug testing.

# **1004 Computer and Information Technology Use Policy**

**Original Date:** July 20, 2016

**Supersedes Policy Date:** All previous policies

**Revised Effective Date** May 30, 2017

## **Computer and Information Technology Use Policy for Bonner County**

Supersedes: All Previous Policies

Date: May 30, 2017

### **Overview:**

Most County positions require the use of computers and access to our information systems and enterprise software applications. Therefore, every employee is required to read and understand the contents of this policy.

Information serves as the foundation for all Bonner County Government operations. Applying the correct methodologies and policies to our computer information systems is critical in efficiently executing the county's mission and consistently serving the taxpayer. It is important for everyone to fully understand the responsibilities which accompany the use of these systems.

Of primary importance: all hardware, software, e-mail and Internet access provided by Bonner County is to be used for the purpose of facilitating the work of the County and its agencies. In regards to their use of the County's computers, employees have no right to privacy and computer systems, including use of e-mail and the Internet. Internet use and e-mail communications may be monitored. Bonner County does not condone the illegal duplication or installation of unauthorized software. The user account/password combination is the cornerstone of Bonner County computer security. All provisions for password control will be observed at all times. All Bonner County employees and contractors are responsible for protecting Bonner County's information assets and abiding by security policies and guidelines.

### **Policy**

This policy applies to all users of the Bonner County computer network, servers and computing resources. These resources includes all computers, telephones, servers,

software, and devices that are connected to the county network and are used for county business. The Bonner County computer system, including files, software and e-mail, are all the property of Bonner County, not the user. Bonner County provides computer systems for the purpose of facilitating and enhancing the user's work for Bonner County. These resources are administered, managed and maintained by the Technology Department of the County and fall under the supervision of the Director, Technology and who operates under the authority of the Bonner County Board of Commissioners and in collaboration with each elected official. All Bonner County employees, elected officials and other users of the Bonner County computer system are covered by this policy, unless excluded by law.

### **No Right to Privacy**

Users have no right to privacy with regard to their use of the county computer system and computers, including the use of e-mail and the internet, unless that privacy is protected by law (attorney-client confidentiality, human resources communications, HIPAA, etc.) Any and all users of the Bonner County computer system, including internet, e-mail, and all files on the Bonner County computer system, may be monitored, recorded, copied, inspected, and/or disclosed, with or without notice, at the request of the appropriate elected official to the Director, Technology.

The content of e-mail messages is not private, and users should not expect that e-mail messages will remain private, unless that privacy is protected by law. Bonner County reserves the right to store any e-mails that pass in or out of the Bonner County computer system and to disclose the contents of e-mails to third parties, with or without notice at the request of the appropriate elected official. Any e-mails sent or received on the Bonner County computer system may be subject to discovery in litigation or Freedom of Information Act requests involving Bonner County or the user.

County users have no right to privacy regarding their use of the internet. Bonner County reserves the right to monitor the pattern of use, including the specific web pages visited, and may record, copy, and disclose that information in accordance to Idaho law.

Bonner County does not waive any privileges, including those provided by statute, rule or common law.

### **Exceptions from the no right to privacy and disclosure to third parties**

Any personal e-mail or data that is not used for official county business and data that is covered under the limited personal use section, exempted by statute or law shall be exempt from records search and disclosure to third parties. Other agreements concerning the right to privacy may be covered in a separate agreement with each department.

## **Technology Advisories**

From time to time the Technology Department issues advisories by e-mail. These advisories generally communicate failures of the network, security issues or other urgent information concerning technology services in the County. These advisories should be read in their entirety and any instructions that may be required by the user should be executed immediately as directed. These issues often involve saving work, logging off a county system or combating a cyber-security threat and may generally involve issues concerning the health or maintenance of the county's systems.

## **Technology Support**

Bonner County employs IT Technicians that provide computer support to the county government departments, organizations and affiliates. The essential function of the IT Technicians is to install and upgrade network desktop-based systems (including IP Phones and related peripherals) and maintain network and desktop integrity after installations; and to install computer software packages such as operating systems, suite packages, enterprise software and in-house developed software. They respond to client inquiries concerning systems operation/function and diagnose system hardware, software and operational problems. They instruct clients in the proper use of equipment, software and materials and coordinate activities with other Technology Department staff. You can contact an IT technician for support at [help@bonnercountyid.gov](mailto:help@bonnercountyid.gov). IT Technicians are highly qualified professional specialists and should be treated with respect and consideration; they are your trusted advisors on solving technical problems and will do their best to resolve any technical problems you may have.

When submitting a help desk ticket:

- Provide your full name, organization, office location and phone extension number and/or phone number in each help desk ticket
- Provide a reasonably complete description of your problem.
- Always send a courtesy copy of your Help Desk Ticket to your supervisor.
- Before submitting a help desk ticket, remember to completely power down and reboot your computer if your problem is related to your computer.
- Do not call or write a specific person on the technology staff unless it is a serious emergency and, even then, always send a help desk ticket.

## **Technology Training:**

From time to time the Technology Department provides training, workshops or seminars that employees may wish to attend. Each employee should attend the required Security Briefing that discusses each employee's computer security obligations. Managers should

ensure that all staff attend the Security Briefing.

## **E-mail**

The purpose of e-mail for Bonner County employees is to promote internal business-related communications and to facilitate business-related communications between Bonner County and other agencies, people, and constituents. The availability of e-mail or limited, personal use is subject to and may be monitored at the request of the appropriate elected official or for security violations. Personal use of e-mail should be similar to permitted personal use of the telephone. Department heads will determine if any user is excessively using e-mail for personal use.

## **E-mail Attachments**

Users will sometimes receive e-mail messages through the Bonner County network that have one or more attachments. Many attachments are safe and appropriate; however, attachments are also a common means used to spread computer malware.

To prevent infection from malicious software all users must be extremely cautious when opening e-mail attachments. Never open any attachments to an e-mail from an unknown, questionable, or suspicious source. Delete these attachments immediately. Even if the e-mail appears to be from a known source, if you are unsure about the attachment, call or e-mail the sender before opening it. Users should open or save an e-mail attachment only if:

- You believe it is from a trusted sender and
- You are expecting the e-mail with the attachment and
- You believe the contents of the attachment are safe.

If you have questions about a particular attachment, contact the Technology Department before opening it.

Any users who have a personal e-mail account, such as a Hotmail, Yahoo, and MSN or any other service are prohibited at all times from using the county-provided Internet to open or save any attachment to an e-mail message in the user's personal e-mail account. Opening such attachments may subject the entire Bonner County network to infection by a virus or other malware.

**Just delete it!** The bottom line – if the e-mail and its attachment looks suspicious and foreign to you, the person that receives the e-mail, then it probably is malicious. Users will report all suspected or actual instances of computer infection by virus or other malware to The Technology Department immediately

## **Internet Use**

Proper and responsible use of the Internet is the responsibility of each user. Use of the Internet on county computers is a privilege extended to some users for the purpose of facilitating the user's work for Bonner County.

Appropriate use of the Internet is for work-related purposes. Please note: all users are prohibited from using the Bonner County computer system to post personal messages or information in a news group, blogs, bulletin board, or anything similar, or to "chat" over the Internet for personal reasons.

### **Streaming Media, Social Media, Gaming and On-line Shopping:**

Employees should not be using the County internet services for downloading streaming music, videos and movies for personal use. These streaming services eat up valuable network bandwidth, server resources and expensive hard drive space, and this type of personal use is not appropriate for the office environment.

The personal use of Netflix, Spotify, Pandora, Amazon music, Hulu, streaming radio and TV stations, to name a few, are inappropriate on our network.

It is prohibited to use social media in all its many formats (Facebook, blogs, Instagram, YouTube, Pinterest, Tumblr) on the county network unless for official use purposes.

On-line shopping and recreation games for personal use are not permitted on the County network. It is permitted for departments to use these restricted internet resources for official use and when authorized by the appropriate official.

We work on an honor system where we trust the staff to use county resources appropriately. Use county network resources wisely and conscientiously.

### **Limited Personal Use Privilege**

For the most part in Bonner County, except for certain computers in the detention centers, 9-1-1 operations and law enforcement that may have strict controls, we operate in a relatively "open" computing environment. Bonner County authorizes, by policy, a privilege to use your County computer for some limited personal use, provided such use does not interfere with official business and involves minimal expense and security risk to the government, and is generally taking place during breaks, lunch or before and after official duties.

This privilege would include checking your personal e-mail, checking the news, monitoring a stock or team score, attending to personal business, sending a note home to the family or other routine function that does not use a significant amount of bandwidth or require a significant amount of county resources. All personal use activities should be restricted to well-known web sites that do not host dangerous, offensive or controversial content.



Department Heads are responsible for monitoring this limited use privilege and may further restrict the policy in any manner that they see fit, but may not expand this policy in its implementation.

### **Inappropriate or Illegal Use**

All users are prohibited at all times from using the Bonner County computer system to access Internet sites, send e-mail, willingly or knowingly receive e-mail, or create or save documents or files which contain pornography or graphics, images, or language that may be defamatory, derogatory, sexual, racist, abusive, illegal, obscene, harassing, or offensive. The only exception to this is if such use is part of a legitimate investigation or official county business that should be specifically approved by the appropriate official.

Further, users are prohibited at all times from using the Bonner County computer system, including e-mail and the Internet, to accomplish any of the following: violation of copyright law; distribution of chain letters; mass mailings (other than for job related purposes); illegal conduct; activity which could in any way bring discredit upon Bonner County or its policies, rules, or regulations; activity that could compromise the security of Bonner County or its computer system; personal gain or business/commercial activity not directly related to work for Bonner County; or misrepresent oneself or the County.

In the event that a user violates this policy by using the Bonner County computer system for these unauthorized personal purposes the employee is subject to disciplinary action, legal or other penalties as set forth in this policy and statutes. In the event that a user uses the Bonner County computer system to submit credit card numbers, bank information, or other sensitive information, Bonner County is not responsible for the consequences of such submission, including possible theft, identify theft or fraud.

### **Software**

Users are prohibited from installing or downloading any software onto the Bonner County computer system without written consent or support (E-mail consent is okay) from the Technology Department. The purchase and installation of all computer software will be done by or under the supervision of the Technology Department, which has the authority to deny the installation or use of software which the Technology Department believes is incompatible, unstable, improperly licensed or does not meet the security requirements of the county. In the event of a disagreement between the Technology Department and the elected official and/or department head, the Board of County Commissioners shall have the final authority to resolve this issue.

Users are required to inform their supervisor, department head, or elected official; and the Technology Department of any violation of this policy. Random Bonner County audits may be conducted by the Technology Department to verify that every application used

within Bonner County is legally licensed and authorized. According to United States copyright law, illegal reproduction of software can subject a person to civil damages and criminal penalties, including fine and imprisonment.

## **Hardware**

Bonner County has several objectives in mind when acquiring computer hardware. A significant goal is reducing incompatibility problems and ensuring security of the county systems and users. Others objectives include reducing administrative costs associated with the acquisition of computer products, reducing implementation time and complexity, improving management and control, improving quality and reliability of purchases, reducing support confusion, and improving the budget planning process. Compatible hardware significantly reduces the cost of the Bonner County maintenance contracts, ensures compatibility and consistency in the way Bonner County operates software and connects to the network, and reduces the complexity of managing multiple manufacturers' products.

Therefore, purchase and installation of all computer hardware and connected equipment, including but not limited to computers, tablets, phones, hard drives and other storage devices, printers, scanners, networking equipment and any other digital devices, will be done by or under the direct supervision of the Technology Department. The Technology Department has the authority to deny the installation or use of any hardware or connected equipment which the Technology Department believes is incompatible, unstable, or lacks the correct level of security. In the event of a disagreement between the Technology Department and the elected official and/or department head, the Board of County Commissioners shall have the final authority to resolve the issue.

Users are not to modify the Bonner County computer system in any way, including adding or deleting any capabilities of the system, without express prior written permission of the Technology Department.

## **Security and Data Access**

Computer information security is the protection of information assets from unauthorized disclosure, modification, destruction, or temporary unavailability, whether accidental or intentional. Information assets include computer hardware and/or software, information in databases or files, and printouts.

All users are responsible to protect Bonner County's information assets, and practice sensible security behavior and shall not engage in conduct which causes a breach of computer information security. Users learning of any breach of information security within Bonner County shall immediately notify their respective elected official or department head and the Technology Department.

It is prohibited to access networks, servers, drives, folders, or files to which the employee has not been granted explicit access or authorization from someone with the right to make such a grant.

It is the responsibility that every director or elected official ensures that each user in his/her department is afforded the correct level of security and access based upon the employee's job requirements and that these security requirements are accurately communicated to the Technology Department.

Users, transmitting over the Internet any county information and/or electronic data that may be regarded as privileged or confidential, should first secure a method of transmitting this information securely and in accordance with relevant policy, best practices and legal requirements. If there is a doubt as to whether information is privileged or confidential, requires encryption or as to whether a transmission can use the Internet securely, users should discuss the issue with their supervisor and the Technology Department before transmitting. E-mail is not generally an acceptable means for transmitting sensitive information.

To ensure maximum information security, Bonner County administers computer security under the program of "least possible privilege to perform position." Each user will be given the rights to access only the information necessary to perform the duties of his or her position. All efforts, direct or indirect, to gain unauthorized access to Bonner County's computer systems are strictly prohibited. These include any non-standard methods that attempt to circumnavigate established security policies. Each user is assigned a unique account. No one may use that account except the user. Users are responsible for all activity that occurs on their user's unique account including any use by third parties. Group accounts shall be used only by members of the authorized group.

### **Remote Access and Security**

No employee shall provide remote access to any County computer by any non-county employee without guidance and written permission (e-mail is suitable) from the Department of Technology. Many malicious actors often use the phone, e-mail or other strategies to trick users with high-pressure tactics to provide the access and technical information to gain control of your computer and to the network, so any remote access to the county network is strictly vetted and controlled. Employees shall not facilitate remote access to their county computer without verifying the identity of the person who requests access. Only technology department staff or in the case of the Courts, Idaho Supreme Court technical staff, have established and general remote access to computers in the Bonner County network. Refer any requests for remote access not by these authorized individuals to the Department of Technology.

### **Passwords**

Passwords are used to verify and authenticate the identity of each user. A user must not share his/her password with any other user, including the supervisor. Password sharing is strictly forbidden. The account name and account password combination is unique to each user and therefore provides a means of holding users accountable for their activity on the system. Consequently, password control requirements will apply to all users:

If a password is compromised or become known to someone else in any way, then the user must immediately change his/her password.

Due to the changing cyber-security landscape, the Technology Department will publish from time to time via e-mail or posting on the County Intranet site (BCGNet) the current requirements for passwords. These guidelines will ensure that the County has the correct level of password security and complexity appropriate for the tasks and systems accessed with the user's credentials. In general, these policies are concerned with the use and complexity of the password. Note that certain law enforcement and sensitive systems may have more sophisticated requirements for passwords and security.

The Technology Department will require users to change passwords that do not meet the above security measures.

### **Data Storage**

All users should save official data files on network shared drives. In general the "best practice" is that files should not be saved to the local computer's hard drive (C drive), and the user is liable in the event of a computer failure in which data cannot be restored from the local hard drive (C drive). Data stored on network drives is more secure and recoverable since network drives are backed up regularly. Also your team will have access to your official data on the department's shared drive if you are not available. So it is incumbent upon every user to keep official files, documents and other data on the shared department drive.

Do not destroy, delete, erase, or conceal County files or other County data, or otherwise making such files or data unavailable or inaccessible to the county staff or to other authorized users of county systems;

You county computer is not the correct place to store your personal music, video or photo collections. Do not co-mingle any personal data on your Bonner County computer or networks.

### **Leaving the County Employment**

All staff who exit employment with the county need to carefully preserve all data, e-mail, files and documents. This data will be made available for distribution by the supervisor in accordance with department needs and policy. The Department of Technology shall be

informed concerning your departure and make provisions to decommission your network and computer access credentials and to ensure your official files including e-mail are preserved in accordance with department requirements, policy and the statutes regarding the management of public records.

### **Data Disposal**

All data at Bonner County retains confidentiality for county purposes even after it seems to be no longer useful to Bonner County. All digital media, USB drives, hard disks, thumb drives, DVDs and other such media must be erased or appropriately destroyed before they are transferred to new ownership (inside or outside Bonner County). If they are being disposed of, they must be erased or otherwise damaged such that their contents are rendered unreadable. All digital files have rules as to how long they must be maintained as public records. Consult your department's data retention policy and supervisor for guidance on how long digital data or any other documents and public records must be retained. Consult with the Technology Department for the correct procedures for disposing of digital media.

### **Wi-Fi - wireless internet services**

The Technology Department may deploy wireless internet access points (APs). If you use these access points, they may permit access to the County network. In that case, all aspects of this computer use policy are in affect. However, APs may be provided for limited public access as a service to our constituents. In that case, users may bring their own devices to access the Internet for personal use usually when on breaks or during lunch. This access is provided as a privilege and can be revoked at any time. Public wireless access is not secured in the same way as the County official network so users can execute a wider range of personal browsing functions on this network. Any offensive, illegal, malicious or inappropriate browsing is prohibited. Any excessive use of bandwidth is also prohibited. Otherwise, users may use these limited wireless public access points for personal use.

### **Official Cell Phone Use Policy and Limited Personal Use**

Cell and smart phones are provided by the Bonner County government to key employees such as certain elected officials, directors, managers, legal advisors, technical staff and public safety employees. These phones should be used primarily for the official business of the County. This official use may include phone calls, text messages, e-mail and use of the internet.

County supplied cell and smart phones are generally property of the County and therefore subject to the computer use policies of the County. County supplied phones are not personal property and should not be treated as such nor do users of County supplied

phones have the expectations of use that you might have with a personal phone.

Notwithstanding, in order to avoid the necessity of carrying a second phone for personal or non-official communications while you are currently carrying a County-supplied phone, the County provided phone can be used for limited personal use provided such use is for incidental and reasonable personal communications and subject to the following guidelines.

- Staff provided with County cell phones must respect that these phones are meant for business purposes.
- Staff may make informative messages or calls to and from family members; consulting personal e-mail and other incidental casual personal uses are also permitted
- Any commercial use of the county supplied phone is prohibited.
- Staff is encouraged to use their company cell phones sparingly when it comes to personal calls, internet use and texts.
- Staff must not make international calls using their County cell phones, unless those calls are explicitly for business purposes.
- Staff understands that the County cell phones are property of the County, and are, therefore, revocable at any time. Users must relinquish their phone when required by their supervisor.
- Applications installed on an official phone must be to support official related business.
- Any personal use that results in other than nominal costs is prohibited unless specifically authorized or required by emergency circumstances and phone users may be charged and/or reprimanded for any personal costs that are prohibited by this policy.

The Department of Technology provides security supervision, hardware and software compatibility review and support for official phones just as they do for other technology devices. The Department cannot provide support for personal cell phones. Users of agency provided cell and smart phone in the County represent trusted staff and are expected to use their phone in a responsible, courteous, safe, legal and professional manner consonant with their position of trust.

## **Web Resources**

The County has a number of official publicly facing web sites, internal intranet, FTP sites and other web-related resources. These resources are strictly for official county business. All content posted on these web sites needs to be reviewed and authorized by the appropriate Director or Elected Official. All web editors that post to the Bonner County public web site are expected to abide by the stylistic conventions and content guidance

published by the Technology Department that ensures a standard look and interface across web pages, a quality of content and the appropriate authorized use of intellectual properties.

### **Intellectual Property**

Bonner County observes all legal requirements concerning for intellectual properties rights of personal property, artistic creations, digital media, software licenses, trademarks, copyrights, or any other legally protected property rights. If you have any doubts about your requirements to respect that law concerning intellectual properties contact your supervisor or elected official. The Technology Department and County Counsel advises supervisors and elected officials concerning issues with any digital intellectual property rights and licensees.

### **Incidental Private Practice of Law Exception:**

Notwithstanding any other provision herein to the contrary and subject to the authority of the Prosecutor Bonner County information technology resources may be incidentally utilized for the limited private practice of law.

### **Non-Compliance**

All policies are in full force and effect, both during and after working hours. Any violation of any part of this Computer Use Policy may subject the user to disciplinary action, suspension or termination of computer privileges and/or civil and criminal penalties. Any Bonner County employee who violates any part of this Computer Use Policy may further be subject to discipline or other adverse action as set forth in the Bonner County Personnel Manual, up to and including termination. Any independent contractor who violates any part of this policy may have his/her contract with Bonner County terminated.

# Vehicle Use Policy

Policy No: 1005

**Original Date:** January 15, 2013

**Supersedes Policy Date:** All Previous Policies

**Revised Effective Date** May 11, 2017

## 1005. VEHICLE USE POLICY

### 1005.1 PURPOSE

1. This Policy outlines the use of vehicles for work used on behalf of Bonner County and applies to all employees and volunteers who operate vehicles for Bonner County business.
2. Employees operating vehicles while conducting Bonner County business shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both Bonner County-owned property and public trust.
3. Employees are expected to operate vehicles safely. It is the policy of Bonner County to provide a safe working environment that protects employees and citizens from injury and property loss. Bonner County considers the use of vehicles part of the working environment. Bonner County is committed to safe, responsible employee driving behavior that reduces the risk of personal injury and property loss.
4. Failure to abide by the Vehicle Use Policy will result in loss of driving privileges for the County.

### 1005.2. USE

1. Vehicles owned or leased by Bonner County are to be used for the functions of Bonner County. Personal use or any other type of use is not allowed.
2. Employees who use Bonner County vehicles are entrusted with the care and keeping of the vehicles assigned to them.
3. Some employees may be assigned a vehicle that is driven home; this may be a taxable benefit.
4. Employees who drive vehicles over 26,000 gross vehicle weight, buses and vans over 15 passengers must have a valid commercial driver's license (CDL).
5. Employees who drive their personal vehicles on Bonner County business are subject to the requirements of this policy including:
  - a. Maintaining auto liability insurance with minimum state limits.
  - b. Maintaining vehicle in a safe operating condition when driven on



Bonner County business.

- c. Employees who regularly drive to Bonner County locations and/ or attend off site meetings may be eligible for a vehicle allowance rather than be assigned a vehicle. (Elected officials make the determination of eligibility for vehicle allowance) Requirements of this policy include the above (a & b) plus:
  1. Employees may be asked to attach temporary identifying material such as Bonner County logos or strobe lights or beacons. These specialty items are to be provided by the County.
  2. Employees may not be using their personal vehicles for:
    - a. Hauling County materials such as gravel, dumpsters, and HazMat chemicals.
    - b. Conducting higher risk activities such as snow plowing, picking up waste materials, hauling County trailers, or transporting personnel.
    - c. Conducting first responder activities such as Emergency Medical Services, Sheriff patrol duties, or Emergency Management response.
    - d. Meeting with the general public in which a personal vehicle is not appropriate for conducting the County business.
  3. If an employee who doesn't have an assigned County vehicle needs to conduct one of the above activities, a loaner vehicle may be available for use from the motor pool.

### **1005.3. ASSIGNED OR PERMISSIVE DRIVERS**

1. Each employee who is assigned or operates a Bonner County vehicle is 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 vehicle-use privileges will be suspended until the employee's driver's license has been fully restored and validated.
2. Each employee assigned or permitted to operate a Bonner County vehicle shall be responsible for the following:
  - a. Proper and safe operation of the vehicle;
  - b. Service and maintenance of the vehicle in accordance with the manufacturer's recommendations and department policy;
  - c. Verification of vehicle registration, license plates and insurance; and
  - d. Participation in vehicle safety and defensive driving training as required by Bonner County.

### **1005.4. DRIVER EVALUATION**

Employees who drive on behalf of Bonner County will be evaluated, selected, and trained based upon their driving ability. To authorize employees as drivers, management may:

1. Review past driving performance and work experience through reference checks with previous employers.
2. Review the employee's Driver's License Record (DLR) and/or appropriate state's

Repository.

3. Ensure the employee has a valid driver's license.
4. Ensure the employee is qualified to operate the type of vehicle he/she will drive.
5. Conduct a new hire defensive driving class for all new Bonner County employees that drive on behalf of the County (privately owned vehicles and County owned vehicles) Upon initial approval of this policy by the Board of County Commissioners, all employees must complete the "orientation" driving class by October 1<sup>st</sup> of that year. After the initial roll out period, all new drivers for the County must attend and pass the next available class, or driving privileges for the County may be suspended.
6. Conduct a periodic post-accident defensive driving class for all County employees who experienced a driving related incident.
7. Failure to attend the new hire defensive driver class or post-accident defensive driver class may result in loss of driving privileges for the County.
8. The defensive driving class is not intended to replace emergency response vehicle training, such as CEVO or EVAC.

#### **1005.5. 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)).

#### **1005.6. MOBILE COMMUNICATION DEVICE, CELL PHONE AND COMPUTER USE**

The driver of a Bonner County vehicle, or any other vehicle being used for Bonner 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 apply to Bonner County work-related two-way radios, hands-free and Blue Tooth devices. Exception: Sworn law enforcement officers may use mobile communication devices in specific tactical situations.

#### **1005.7. SMOKING PROHIBITED IN VEHICLES**

Smoking is expressly prohibited in all Bonner County vehicles.

#### **1005.8. IMPAIRED DRIVING**

An employee who drives a Bonner County vehicle 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 driver is obligated immediately to report to his/her supervisor any reason that may affect his/her ability to drive safely.

#### **1005.9. PROOF OF INSURANCE AND REGISTRATION**

Employees who drive Bonner County vehicles must make sure that the current insurance and registration cards are kept in the vehicle at all times.

#### **1005.10. ACCIDENT/INCIDENT REPORTING**

1. 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.
2. Drivers shall immediately notify their supervisor of the accident and report the extent of the injuries and property damage involved.
3. In the event of an accident with damages exceeding \$1,000.00 or where any physical injuries occur, the driver shall notify the supervisor and 911 Dispatch and shall request a police officer investigate any accident that involves a Bonner County vehicle. This will help ensure that Bonner County is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except a police officer or an authorized representative of Bonner County.
4. In the event of an accident with damages or where any physical injuries occur, the driver shall submit to a drug/alcohol test no later than one hour, or as soon as practical, after the incident.
5. Drivers shall cooperate fully in the handling of the claim.
6. Employees shall notify their supervisor as soon as practical of any vehicle damage involving any non-moving incident, such as vandalism, snow damage, parking lot damage, etc. Any damage shall be reported to Risk Management by the Elected Official or department head using the accident/incident report provided by Risk Management.
7. All employees involved with a driving related incident shall attend the next scheduled defensive driving class.

#### **1005.11. 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 Bonner County vehicle. These costs are not reimbursable by Bonner County and must be paid promptly by the driver.

#### **1005.12. VEHICLE REPAIR**

The appropriate Elected Official or department head must approve any vehicle repair.

## Appendix A



### BONNER COUNTY VEHICLE ASSIGNMENT AGREEMENT

The undersigned hereby acknowledges receipt of an agency-owned or agency insured vehicle. I understand that this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the owner's manual or the instructions issued by the Fleet Safety Coordinator, whichever is appropriate.

Further, it is agreed this vehicle will be operated in a safe manner and in compliance with this policy. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand articles of this agreement apply regardless of who is operating this vehicle.

I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver's license. Further, I herewith grant Bonner County the right to investigate my driver's license record any time. My current driver's license is issued from the State of \_\_\_\_\_ and is License Number \_\_\_\_\_.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisors immediately.

I have read and agree to the provisions of this vehicle assignment agreement and the requirements of the Vehicle Use Policy.

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*Print Full Name*

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*Signature*

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**Date**

## Appendix B



## BONNER COUNTY

### ACKNOWLEDGMENT OF RECEIPT OF VEHICLE USE POLICY.

I, \_\_\_\_\_ acknowledge receipt of the Bonner County Vehicle Use Policy, adopted on May 11, 2017.

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)

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
Issuing State

# **Travel Policy and Reimbursement Procedure** Policy No: 1006

**Original Date:** October 1999

**Supersedes Policy Date:** January 1, 2006

**Revised Effective Date:** May 11, 2017

## **1006 Travel Policy and Reimbursement Procedures**

### **1006.1 Policy Narrative**

These County Travel Policies and Procedures are effective January 1, 2006, and as adopted by the Board of County Commissioners. These travel policies and procedures replace and supersede any and all prior Bonner County travel regulations, policies and procedures that may have been promulgated or adopted by the Board of County Commissioners. These policies and procedures shall be agency guidelines for all personnel defined as employees of Bonner County, except as provided by law, and shall be applicable to all official travel paid for by Bonner County and all departments, agencies, officers, boards, commissions, institutions and other County entities.

Departments may adopt their own internal travel policies for **additional** administrative control or flexibility when deemed necessary or desirable. No department, however, may permit travel reimbursement exceeding that allowed by these County Travel Policies and Procedures, nor shall they institute more liberal measures of travel control than those provided herein. The appropriate elected official or department head/director shall make certain that all of their employees who travel for official purposes are aware of these policies and procedures.

All reimbursable travel of County employees must have been properly authorized; actually incurred; essential in achieving the goals or fulfilling the responsibility of a particular department; and, conducted in the most economical and practical manner for the County.

The primary responsibility for proper control and compliance with Bonner County Travel Policies and Procedures, and those adopted by County departments, is inherent in the administrative responsibility and authority of the appropriate elected official or department head/director of each department.

### **1006.2 BONNER COUNTY TRAVEL POLICIES AND PROCEDURES**

### **1006.3. Travel Authorization**

Official travel of County employees must be authorized by the appropriate elected official or department head/director of the department or by the designated

representative(s).

The method for granting authorization is left to the discretion of the appropriate elected official or department head/director of each department.

#### **1006.4. Approval of Travel Expense**

Travel expense vouchers must be approved for payment by the appropriate elected official or department head/director or designated representative(s).

#### **1006.5. Allowable Expenses**

Payment of travel expenses by Bonner County is limited to costs authorized in these County Travel Policies and Procedures, unless the Board of County Commissioners provides an exception thereto:

#### **1006.6 Travelers with disabilities:**

With prior approval of the appropriate elected official or department head/director or designated representative, employees with disabilities are allowed payments of certain additional travel expenses to accommodate their disabilities such as, but not limited to, subsistence and transportation of an attendant when the employee requires assistance, cost of specialized transportation, increased cost of specialized services for public carriers or special baggage handling.

#### **1006.7. Expenses Not Allowable**

The following will **not** be paid by the County:

- A. Expenses of a personal nature incurred for the convenience of the traveler including travel by indirect routes or stop-over for personal reasons; leaving earlier or returning later than necessary on a trip.
  - 1. Notwithstanding the restrictions contained in 4.A above, an agency may reimburse an employee for travel expenses incurred during official travel which includes a personal stopover to the extent the employee sufficiently documents that the cost of the entire trip (including transportation, lodging, per diem, miscellaneous expenses and compensatory time) is no more than the costs would have been without the personal stopover. Supporting schedules must be attached to the employee's travel expense voucher.
  - 2. Extraordinary expenses due to unusual circumstances when deemed appropriate and necessary, may be approved by the appropriate elected official or department head/director. Supporting documentation shall be attached to the travel expense voucher.
- B. Expenses for travel between home and office or for other non-official purposes.

- C. Expenses incurred by an employee while on leave.

#### **1006.8. Mode and Route of Travel**

Employees shall use the most practical mode of travel from the standpoint of time and expense. When unusual circumstances preclude adhering to this procedure, the appropriate elected official or department head/director may allow an exception. Supporting documentation shall be attached to the travel expense voucher. County vehicles are to be used whenever possible.

#### **1006.9. Travel by Public Transportation**

Reimbursement for travel by common carrier shall be limited to the lowest cost means of travel unless it is impractical or not available. When, for personal reasons, a travel is authorized by the appropriate elected official or department head/director to use a private conveyance in lieu of common carrier, reimbursement will be limited to an amount for travel, meals, lodging and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by common carrier. Unless the appropriate elected official or department head/director specifically authorized a leave of absence, excess travel time incurred by the authorized use of a private conveyance for personal reasons during working hours shall be charged to the traveler's accrued leave.

Procedure 6-1. All original receipts for travel by common carrier paid by an employee must be attached to the travel expense voucher. This includes the boarding fees at airports which are considered part of the airline ticket expense.

Procedure 6-2. An explanation must be attached to the travel expense voucher when an employee is authorized to use a private conveyance in preference to the common carrier and is claiming an amount equivalent to the common carrier fare. The explanation must include destination, actual departure and return dates and hours which would have been incurred by the use of the common carrier.

#### **1006.10. Use of Privately-Owned Automobile, Aircraft, or other Conveyance**

The use of privately-owned automobiles, aircraft, or other conveyance may be authorized whenever it is more practical or beneficial to the County's mission than transportation by common carrier or County vehicles. The mileage reimbursement rate is to compensate the employee for ordinary wear and tear and operating costs, including insurance, for work related use of the employee's personal vehicle. The County makes no claim implicit or otherwise, to assume the costs of actual vehicle expenses. Under no circumstances will Bonner County pay a bill for fuel placed into a privately owned vehicle. Employees are to present the mileage traveled on an expenditure claim form. Requests for mileage will be processed during our normal claims processing procedures. Please see Appendix A "Travel Expense Voucher Form".



A personal vehicle used by an employee for County business is subject to the limitations of liability established by our insurance carrier. The employee's insurance will be considered to be the primary insurance, and the County's insurance carrier will be the secondary. Employees should make an effort to familiarize themselves with these restrictions prior to using their private vehicles for County business. If an employee uses a private vehicle for county business, it is assumed they have read, and understood, and agreed to those restrictions to the County's liability. Please refer to the Vehicle Use Policy 1005.2 for additional requirements.

The cost of transportation by private conveyance shall be paid at the rate set by the Board of County Commissioners, pursuant to Appendix A, up to the maximum allowed by law.

If an agency-owned vehicle is available to the traveler, but for personal convenience a privately-owned conveyance is used, the reimbursement shall be limited to one-half the applicable rate, unless otherwise determined by the appropriate elected official or department head/director.

Allowable in-state mileage shall be computed according to the latest official state highway map or mileage charts. Allowable out-of-state shall be computed according to the latest Rand McNally Atlas. Odometer readings are permissible only when mileage computation cannot be made from such maps or charts.

Travel for official purposes in and about a city, including travel within an employee's official station. ("Official Station" is defined as the work area or office assigned to the employee or in certain circumstances the appropriate elected official or department head/director may further define the "official station" of employees with unique work assignments or responsibilities), when not constituting a trip between two communities may be consolidated on a daily basis and reported as "vicinity travel".

Automobile storage or parking fees will be an allowable expense when necessary to protect state or private property, or for other reasons advantageous to the County. Receipts for storage or long term parking fees must be attached to the travel expense voucher for reimbursement.

## **1006.11      Airfare**

Airfare will be paid for by the County for authorized business travel by an employee when approved by the elected official or department head overseeing that department prior to the purchase of the ticket. Whenever possible, charges for air travel tickets should be charged to a County credit card. A copy of the ticket should accompany the expenditure claim form that will then be processed during the normal claims processing. Payment for airfare is limited to County employees. Other airfares will be considered personal expense of the employee and in no way should they ever be charged to a County credit card. Airfare is limited to common carrier, commercial flights. Costs for chartered airfare, or by private, non-commercial plane/helicopter will only be authorized by the appropriate elected official or department head/director when the use of such conveyance is the most economical

and practical means of transportation, necessary to accomplish the County's mission. Receipts for charter costs paid by the traveler must be attached to the travel expense voucher for reimbursement. .

#### **1006.12      Vehicle Rentals**

Vehicle Rentals may be authorized by the appropriate elected official or department head/director when the use of such conveyance is the most economical and practical means of transportation necessary to accomplish the County's mission. The most economical and practical rental equipment available will be used. Receipts for vehicle rental paid by the traveler must be attached to the travel expense voucher for reimbursement. It will not be necessary to purchase the additional insurance that is offered by rental companies. The county insurance covers this type of business expense.

#### **1006.13      Use of County Vehicles to assigned personnel**

The Board of County Commissioners must receive the name and an explanation of the responsibilities of personnel determined by the appropriate elected official or department head/director to require the permanent assignment of a County vehicle. Once the request is received it must be approved by the Board of County Commissioners. Certain employees in county departments are specifically authorized to have issued a County vehicle to transport them from their homes to the office on a regular basis. Personal use of these vehicles is restricted to incidentals only, (i.e. stopping at the grocery store on the way home, attending a Dr. Appointment, etc.) They are subject to taxable fringe requirements. The County will use the **Commuting Value Method** for reporting taxable fringe. Employee's falling into the above category will turn in their completed report denoting the number of workdays the vehicle was driven. This report will be due in the Auditor's office during the second week of December of each year and will cover the time period of January 1 thru December 31 of that calendar year. This taxable fringe will be added to the employee's payroll records once per year.

As an alternative to the above assigned vehicle, the Board of County Commissioners may choose to authorize a vehicle allowance program for such individuals. Please refer to the Vehicle Use Policy 1005.2 for details.

Certain employees have County vehicles assigned to their departments, but they are not authorized to use them for transport from their homes to the office on a regular basis. These vehicles remain on County property with the assigned employee using their own vehicles to get to and from the office. These employees will not be subject to the taxable fringe requirements unless their designation is changed by the Board of County Commissioners.

Certain employees are categorized as "First Responders" for emergency purposes. These

employees are assigned County owned/leased vehicles that are taken home on a regular basis. The Board recognizes that these employees may be called out from their homes in case of emergency. These specifically designated employee classifications will not be subject to the taxable fringe requirements, if IRS tax code allows.

#### **1006.14. Personal Use of County Vehicles.**

The use of county vehicles for personal or other non-official business by non-assigned personnel is prohibited, except for reasonable personal incidental use, (i.e. Stopping at the grocery store on the way home, going to lunch or dinner when attending an out of town conference, etc.) Home-to-office driving is only permissible when beginning or ending an authorized trip outside of regular business hours, or for other reasons considered in the best interest of the County and approved by the appropriate elected official or department head/director.

Individuals who are not on County business may not operate or ride in a County vehicle unless prior approval has been granted by the appropriate elected official or department head/director. Supporting documentation must be attached to the travel expense voucher.

All county-owned vehicles shall be operated in a safe and courteous manner which does not violate any law of the State of Idaho or any political subdivision thereof. It is the responsibility of the driver to determine unsafe driving conditions or to avoid routes involving unsurfaced or dangerous roads except when warranted by job obligations. It is further the responsibility of the driver to determine when he/she is unfit to drive due to fatigue or illness or when a physical condition might cause or contribute to an accident. Any employee committing an infraction of such laws shall be personally liable for any damage, and may be subject to disciplinary action. Any employee committing an infraction of such laws may be requested to attend a defensive driving course. Employees shall be personally liable for any fines arising from infractions of state and local traffic laws.

County vehicles may be operated only by individuals who possess a valid operator's license. No county employee having the use of a County vehicle shall allow any other person to operate, control, or possess any County vehicle except in an emergency situation or supervisory permission.

No County employee shall permit a non-employee to ride in a County vehicle except with prior authorization of his/her supervisor or in emergency situations excluding Sheriff Office employees during working hours.

Seat belts must be worn at all times while operating or riding in County vehicles, consistent with the effective July 1, 1986, mandatory Idaho seat belt law.

All County vehicles shall be parked and/or stored in accordance with the policies developed by the supervisor or department head, or elected official responsible for the individual vehicle.

No person shall take any vehicle home unless specifically authorized by the appropriate supervisor, or by this policy.

Operating a County vehicle under the influence of alcohol or drugs, or carrying an open

container of alcohol or any controlled substance or paraphernalia in the vehicle is prohibited and can be grounds for dismissal. Sheriff Department may transport evidence as needed.

Post-Accident Testing - In the event any County –owned vehicle is involved in an accident with damages exceeding \$1000.00 or physical injuries occur, the law enforcement agency that has jurisdiction shall be summoned to the site for preparation of a report. The operator shall immediately or as soon as it is reasonably possible, submit to a drug/alcohol test, but no later than 24 hours of the incident. The operator of the vehicle shall file a report with his/her supervisor. The supervisor shall forward a report to the Risk Manager to allow notification of the County insurer to conduct an investigation if necessary. (Refer to Bonner County Drug Policy; Page 3 C: Post Accident Testing)

All County employees using their own vehicles for County business shall carry the Idaho statutory minimum required liability insurance. Employees insurance will be primary in case of an accident, and the county insurance will be secondary. Use of a personal car for county business must be approved by your supervisor prior to the event. Mileage reimbursement will be based on the current index allowed by the Internal Revenue Service.

Because Bonner county employees are among the most visible representatives of local government, these employees have a duty to operate County vehicles in a legal, safe, and courteous manner. Defensive driving is a matter of personal practice, which involves proper motivation and development of a positive mental attitude towards driving.

#### **1006.15. Lodging Expenditures**

Employees are encouraged to obtain lodging at the government rate, if available, or the lowest possible lodging rate. Prior arrangements should be made with the hotel for direct billing to eliminate sales tax/motel tax on the lodging bill. If direct billing is not possible, then the bill should be paid by using a county issued credit card. If an employee chooses to use his/her own personal credit card, Bonner County will not reimburse the employee for tax charges associated with the lodging bill. Hotels are under no obligation to remove those tax fees from a private paid billing. Our sales tax exemption applies only to the State of Idaho.

The daily lodging reimbursement amount allowed will be the single rate for the employee only. **Any additional amount will be considered a personal expense and must be paid by the employee.**

Items charged to the room and appearing on the lodging bill such as movie rentals, lounge charges, and other personal, incidental expenses will **not** be paid for by the County. Any such charges should be paid in full by the employee prior to checking out of the establishment. If any such expenses appear on the lodging bill submitted to the County for payment, they must be accompanied by the inclusion of the employee's personal check, made payable to the vendor, if a direct billing, for the full amount. Employees are permitted one personal phone call for each day of overnight lodging. The suggested time limit is 5 minutes. Calls exceeding this limit are subject to department head approval.

#### **1006.16. Work Day/Overtime Determination**

Most County employees are hourly wage earners rather than salaried workers and are subject to the overtime requirements of the IRS. Those wage earners shall use the following to determine their hours worked during the period of travel on County authorized business, to wit;

A. Much out of County travel necessitates the employee leaving the day before a conference is to begin. On the day of travel the workday shall begin at the time of departure from their regularly assigned work station. No allowance will be made for travel between their home and the office. The workday shall end when the employee arrives at their destination for that night. The workday shall not include any stops for meals or other personal business. Meal stops will be charged at 1 full hour each for breakfast, lunch, and dinner for each meal for which per diem has been authorized. For conferences or meetings attended away from home, the employee will receive pay for their regular scheduled work day hours.

The above assumes that travel will be to a destination far from Bonner County and requiring the use of most of the day to get there. For conferences or training scheduled for shorter distances, the employee should leave the work station at a time suitable to have them arrive at their destination. The workday begins with the departure time and ends at a suitable time when the employee returns to their work station.

#### **1006.17. Authorized Business Meal Expenditures**

Meal expenditures will generally fall into one of the three categories:

- 1) Those incurred due to overnight travel
- 2) Those incurred as part of a registration fee to attend a conference
- 3) Those incurred when no overnight travel is involved

A. Per Diem will be the method used by the County for expenditures incurred by an employee while on **overnight** County work related travel. Per Diem shall be paid to the traveler in accordance with the amounts set by the Board of County Commissioners pursuant to Appendix B, up to the maximum allowed by law, for all official travel which mandates an overnight stay. No Per Diem will be allowed for business meals that do not involve overnight travel, as per IRS rulings. It is not always appropriate to obtain a full per diem for in-transit days. Per Diem will be paid for in-transit days according to the following schedule

with no additional allowances made for tips.

PER DIEM ALLOWANCE  
SCHEDULE

MEAL	DEPARTURE TIME	DOLLAR AMOUNT
Breakfast	Before 7:00 am	Federal Reimbursement rate – See Appendix B
Lunch	Before 12:00 Noon	Federal Reimbursement rate – See Appendix B
Dinner	After 5:00 pm	Federal Reimbursement rate – See Appendix B

B. Meal allowances associated with a registration fee to attend a conference or training seminar will be allowed at the established rate for that conference. Documentation of the meals included in the registration fee should be attached to the expenditure claim form. If meals are furnished as part of a conference registration fee, the employee shall be reimbursed only for meals not provided at the partial day meal reimbursement rate, pursuant to Appendix B.

C. Reimbursement for meal expenditures associated with County business **that does not include overnight travel** will be based upon the submission of **original** actual receipts attached to an expenditure claim form. The reimbursement rate will not exceed the limits established above.

The occasional in-county business lunch/dinner necessitated by the presence of visiting dignitaries, associates or vendors will be permitted. Occasional should be defined as occurring less as 5 times per year. These meetings are usually limited to Elected Officials and/or Department heads/directors. It will be appropriate for the County to pick up the entire bill for such a luncheon/dinner. The above dollar amount will not apply.

In all instances noted above, it will be possible for the employee to receive meal allowances prior to the expense actually being incurred. Any overpayment requiring a refund to the County should be documented and repaid by a personal check payable to Bonner County. Any underpayments that do not exceed the limits established above will be reimbursed to the employee upon presentation of proper documentation and/or original receipts.

The destination, time and date of departure and return to official station must be shown on the travel expense voucher for each trip.

**1006.18. Partial Day Reimbursement**

Where employees are absent from their official work station for less than twenty-four (24) hours, a partial day reimbursement for meals, including gratuity, shall be paid to the traveler at the maximum rate set by the Board of County Commissioners pursuant to Appendix B, Partial Day Per Diem Reimbursement. Each department may adopt an internal policy regarding partial day per diem reimbursement whenever travel does not involve an overnight stay.

For travel involving an overnight stay a partial day reimbursement for per diem shall be paid to the traveler at the maximum rate set by the Board of County Commissioners pursuant to Appendix B, Partial Day Meal Reimbursement, within the following limitations:

**Breakfast:** If the actual departure time is 7:00 a.m. or before, or if the return time is 8:00 am or after.

**Lunch:** If the actual departure time is 11:00 a.m. or before, or if the return time is 2:00 p.m. or after.

**Dinner:** If the actual departure time is 5:00 p.m. or before, or if the return time is 7:00 p.m. or after.

#### **1006.19. Compensatory Time for Travel**

Compensatory time for travel will be granted in accordance with Fair Labor Standards Act Regulations 29 C.F.R. Section 785.38, 785.39, 785.40, 785.41, to all employees except those listed as “non-covered” or “exempt” under the FLSA.

#### **1006.20. Internal Auditing of Travel Expense Vouchers**

It is the responsibility of individual departments to audit all expense vouchers thoroughly to ensure their completeness, correctness, and fiscal integrity. All claims must be presented in a legible manner. Each department will keep a complete record of all employee travel by maintaining a copy of the travel expense voucher and all applicable supporting documentation accompanying the claim. Records will be maintained by the department for a period of three (3) years or until the next audit of financial records is completed.

#### **1006.21. Third Party Reimbursement, Rebates, Promotions**

When a third party is expected to reimburse the County for the trip, that information along with the name and billing address of the third party must be included on the travel request. The reimbursement must be made to the agency paying the original travel or endorsed in the agency's favor.

Travel awards and benefits such as frequent flyer miles awarded as a result of the County travel will become the property of the traveler and not be claimed by the County.

## Appendix A “Travel Expense Voucher Form”

[illegible]



## **Tobacco Free Workplace**

Policy No: 1007

**Original Date:** January 1, 2016

**Supersedes Policy Date:**

**Revised Effective Date:**

### **1007. Tobacco Free Workplace**

#### **PURPOSE:**

Bonner County is committed to providing a safe and healthy workplace and to promoting the health and wellbeing of its employees. Being motivated by our desire to provide a healthy workplace, the following tobacco free policy has been adopted and shall apply to all Bonner County Employees.

#### **1007.1 POLICY:**

It shall be the policy of Bonner County to provide a tobacco-free environment for all employees and visitors. Therefore, all premises of the county workplace and property shall be tobacco-free, including leased/owned vehicles and equipment. Smoking is prohibited within twenty (20) feet of any building entrance for employees and the public.

#### **1007.2 DEFINITION:**

For the purpose of this policy, tobacco is defined, but is not limited to, any type of tobacco product that is smoked, applied to the gums, and/or inhaled. This includes cigarettes, cigars, pipes, e-cigarettes, chewing tobacco, plug, snuff, or any other form of tobacco products. This policy does not apply to products recommended or prescribed as part of a tobacco cessation program, with the exception of e-cigarettes.

#### **1007.3 POLICY SCOPE:**

This policy applies to all full-time, part-time, and seasonal employees; all visitors; and all contractors.

#### **1007.4 ENFORCEMENT**

1. To communicate this policy, signs shall be prominently displayed on county Premises and Location, as well as Bonner County website.

This policy shall be included in the Bonner County Policy Manual and new-hire handouts and communicated when recruiting.

2. Management and employees shall be trained in consistent and courteous methods of addressing policy violations.

#### **1007.5 COMPLIANCE**

1. All Bonner County employees shall comply with this policy when on county property or in county-owned vehicles and equipment.
2. Violations of this policy will be subject to disciplinary action up to and including termination per the Bonner County Policy Manual.

Reference: Idaho Code Title 39 Chapter 55

## **Employee Identification Badge and Building Key Policy**

Policy No: 1008

**Original Date:** January 5, 2016

**Supersedes Policy Date:** None

**Revised Effective Date:** January 5, 2016

### **1008. Employee Identification Badge and Building Key Policy**

#### **1008.1**

##### **Purpose**

To create an enhanced level of building security by evaluation and determining which Bonner County personnel require access to the Bonner County Administrative Facility and the level of access required.

#### **1008.2**

##### **Requirement**

All Bonner County employees are required to wear their County issued identification badges while on duty in any county facility or while in the community completing official assigned duties off site. The ID must be visible to other persons. Assigned building keys are required to be kept securely by the assigned employee. Keys are not to be loaned to any other individual, but to be solely used by the assigned employee. Keys are not to be duplicated for any reason, except by the facility security department.

#### **1008.3 Authorization to Create New Employee Identification Badge Cards.**

Signed authorization to create a new identification badge will be provided to the Building Security Department (Director of Emergency Management) by the Human Resources Department utilizing the approved form. As identification badges are created and if keys are assigned the form will be confirmed by the correct corresponding/issuing authority and returned to the HR Department.

#### **1008.4 Lost, Stolen or Damaged ID Badges or Building Keys**

Any lost or stolen ID badges or building keys must be reported to the Director of Emergency Management, Human Resources Department and employee's supervisor immediately.

Damaged ID badges should be presented to the Director of Emergency Management

for replacement as soon as possible.

#### **1008.5 Replacement Badges or Building Keys**

First replacement ID badge card or key is made by the employee by submitting a memo to the Director of Emergency Management; for any ID replacement, badge card key or lock key

Replacement thereafter requires a signed letter from the Department Head or Elected Official submitted to the Director of Emergency Management. Changes to current ID badges such as employee title changes etc. must be validated by Human Resources.

#### **1008.6 Access Limitations**

24/7 building access of the Administrative Building will be granted to Elected Officials, Department Heads, Supervisors, IT Department Employees and Buildings/Grounds employees. Other employees may be granted 24/7 access based on justifiable need and department head approval.

All other employees who have offices or work in the Administration Facility will be assigned access to facilities from 5:00AM to 6:00PM during weekdays and no access on weekends or holidays.

Off Campus Employees may be granted access badges issued on a case by case basis; requests are to be submitted to the Building Security Department.

Bonner County employees not granted building access badges will use the main entrance which does not require access badges or keys.

#### **1008.7 Termination or Separation**

In the event of an employee leaving the employ of Bonner County the employee's direct supervisor is responsible for collecting the employee's ID badge card, keys and any Bonner County property in the employee's possession. The ID badge card and keys should be returned to the Director of Emergency Management within 48 hours of separation.

#### **1008.8 Security for Bonner County Court House, Bonner County Sheriff's Department, Detention Services, Juvenile Detention Services and 911 Services**

All security access for the following departments of Bonner County will be managed internally: Court House, Sheriff's Department, Detention, Juvenile Detention and 911.

Owner: Emergency Management

Contributing Department: Risk Management

# Social Media Policy

Policy No: 1009

**BOCC Approval Original Date:** October 2, 2018

## 1009.1 PURPOSE

The purpose is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression as an employee of Bonner County.

Social media are forms of electronic communications including websites and applications that enable users to create and share content such as information, ideas, images and other content with other media consumers.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expressions that are protected or privileged under the law. This includes speech and expression protected under state and federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen regarding public issues.

Employees are encouraged to consult with their supervisor regarding any questions arising from the use or potential application of this policy.

## 1009.2 SCOPE

This applies to all employees in all locations of Bonner County.

## 1009.3 POLICY

Bonner County recognizes the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. It does not discriminate against employees who use social media for personal interest and affiliations or other lawful purposes. This policy is not intended to limit or infringe upon employees' freedom of expression.

## 1009.4 GUIDELINES

1. Employees shall not use County-owned equipment, including computers, company-licensed software or other electronic equipment, nor facilities or employer time, to conduct personal blogging or social networking activities unless authorized by the employee's Elected Official or Department Head or in compliance with Computer Use policy.
2. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the County and its Elected Officials, for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the County.
3. Employees are cautioned that speech, whether on or off duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the

basis for discipline if deemed detrimental to the County. Employees should assume that their speech and related activity on social media sites will reflect upon the County.

4. Employees shall not post, transmit, or otherwise disseminate any information to which they have access solely as a result of their employment without prior written permission from their Elected Official or Department Head.
5. Employees shall not communicate information gained solely by reason of their employment; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of Bonner County without express authorization of the employee's Elected Official or Department Head.
6. If authorized to do so, employees shall be respectful when responding to negative or false information.
7. Employees shall not post, transmit, or otherwise disseminate any speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals while communicating as a representative of Bonner County.
8. Employees shall not post, transmit, or otherwise disseminate any speech known to be false about Bonner County, its Elected Officials, employees, customers or suppliers of the County.
9. For safety and security reasons, it is suggested that employees do not initiate comments that disclose their employment with the County nor shall they post information pertaining to any other member of the County without their permission. It is suggested that employees not do the following:
  - a. Display County logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as employees of the County.
10. If an employee chooses to disclose their employment with the County on social media platforms, the employee should include a disclaimer, such as: "The views expressed on this (blog, website) are my own and do not reflect the opinions of Bonner County."
11. Employees are cautioned that they may be subject to civil litigation for:
  - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
  - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
  - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

- d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- 12. Employees shall not create a link from their blog, website or other social networking site to Bonner County's internal or external website, without the express permission of the employee's Elected Official or Department Head.
- 13. Employees are cautioned that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- 14. Employees are cautioned that they should review the privacy and acceptable use agreements for social media sites.
- 15. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the County at any time without prior notice.
- 16. Employees are solely responsible for what they post online. Before creating online content, or commenting on other sites, employees should consider some of the risks that are involved.
- 17. Reporting violations - Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her Elected Official or Department Head immediately for follow-up action.
- 18. An employee or department manager must have the express authorization from their Elected Official before creating or maintaining a department specific website, Facebook page, Twitter feed, or other such tool if used to represent the official position of Bonner County.
- 19. The user name and password to such official Bonner County sites must be given to the Technology Department or other authorized agent of the County. Bonner County reserves the right to alter, amend, or remove such sites as deemed necessary by the Elected Official. The sites are the property of Bonner County, regardless of revenue funding of the site.
- 20. Employees maintaining officially authorized media outlet must archive information in accordance with State and Federal Regulations, such as Freedom of Information Act laws. If changes or corrections to a post are made, consideration should be given to transparency and records retention, such as by striking out the original post instead of deleting it.
- 21. Officially authorized Bonner County social media pages must be maintained by the authorized employee only. The official page shall be kept separate from the personal media sites.

22. Employees and elected officials must be aware that improper deliberations outside of posted public meetings may constitute open meeting law violations.

#### RELATED POLICIES

Policy No. 400 – Standards of Conduct

Policy No. 1000– Employee Discipline

Policy No. 1004– Computer Use



## **Safety Policy**

Policy No: 2000

**Original Date:** September 20, 2016

**Supersedes Policy Date:** All previous policies

**Revised Effective Date:** July 25, 2017

### **2000.1 PURPOSE**

The safety of employees at our company is of primary importance. It is the company's goal to provide safe working conditions and operating procedures that will ensure a safe work environment for all employees.

Accidents represent a needless waste of human resources and economic loss. A safe operation conserves human and material resources and is essential to efficient production.

All levels of management and supervision have a primary responsibility to determine safe work procedures and ensure safe working conditions. Supervisors and employees are expected to follow the work methods and procedures established by the company.

These responsibilities can be met only by working continuously to promote safe work practices among all employees and to maintain property and equipment in a safe operating condition. By working together, we can maintain a safe and efficient organization.

### **2000.2 RESPONSIBILITIES**

The Bonner County Board of Commissioners is the approving authority for the implementation of this Policy as well as approval of policy revisions, when deemed necessary.

HR/ Risk Management will monitor the effectiveness of safety and health programs and policies within Bonner County, will ensure compliance with Federal and State law, and update policies as necessary, with the approval of the Commissioners. HR/ Risk Management will follow up with all internal claimants in order to conduct follow up investigations, and to conduct or recommend additional training, procedure, changes, or equipment changes to prevent re-occurrence. HR/ Risk Management will also manage Tort, Auto, Property, General Liability, and Workers Compensation claims in a financial responsible manner.

Department Directors and Managers will ensure their employees comply with all applicable safety policies and procedures, attend orientation and training before assuming duties, and support the Temporary Duty (Early Return to Work) program. Directors and Managers will support HR/ Risk with these follow up investigations and corrective recommendations.

First line supervisors/ foremen will ensure employees under their direction comply with safety

rules, will provide instruction and guidance to employees with regards to safety performance, will immediately report injuries and incidents to HR/ Risk Management, will support safety practices and building safety culture, and ensure employees are trained to safety perform their duties.

Employees will report all unsafe conditions and acts to their supervisor, report all incidents and injuries, and follow all safety rules.

Safety Council shall meet regularly with the following goals:

Lower the rate and severity of accidents, injuries, and illnesses

Maintain a safe workplace environment

Broaden safety education

Involve employees in safety management

HR/ Risk Management will facilitate a Bonner County Safety Council/ Safety Committee. Each department is encourage to conduct Department Safety Committee meetings as well.

### **2000.3 General Safety Rules**

1. Never engage in horseplay or activity which will distract another employee, or cause injury to another employee.
2. Never remove safety devices without approval of a supervisor.
3. Never operate County vehicles or equipment while under the influence of alcohol or drugs, including prescription medication, which carries appropriate warnings.
4. Never wear jewelry or loose clothing around machinery or equipment.
5. Secure hair in a manner so as to prevent a danger to the employee if the hair is of such length that it is likely to become entangled in moving or rotating equipment.
6. Never smoke in County buildings, vehicles or facilities. Under the provisions of the Clean Air Act, this includes "common areas," meaning hallways, corridors, lobbies, aisles, water fountain areas, stairwells, and building entryways.
7. Never operate equipment upon which you have not been trained.
8. Never enter confined spaces, as defined by OSHA, without proper precaution and training.
9. Always wear prescribed Personal Protective Equipment (PPE).
10. Always ask your supervisor for clarification if tasks or instructions are not completely understood.

Always exercise care and not purposefully abuse County-owned property. An employee who willfully or wantonly damages or destroys property may be subject to disciplinary action, up to and including termination, in accordance with the County's Discipline Policy.

### **2000.4 Injury Prevention**

1. Report all unsafe conditions and unsafe acts to your supervisor immediately. (use Appendix A or B; injury form)
2. Before starting a task, conduct a “pre-task” analysis to identify the hazards, safe work procedures, required safety equipment, and emergency procedures.

#### **2000.5 Incident/ Injury reporting**

1. Report all on-the-job injuries or illnesses to your supervisor. (use Appendix A or B; injury form)
2. Supervisors must complete the Supervisor accident report for each work related injury of their employees. (use Appendix C; Supervisor accident report)
3. Report damage to County property to your supervisor. (use Appendix H; Property damage form)
4. Report damage caused by the County to property belonging to others to your supervisor. (use Appendix G; Tort form)
5. For work related injuries, the doctor may release you to work with restrictions, aka light duty work. Follow doctor restrictions when you return to light duty work. (Use Appendix E, Fitness for Duty form)

#### **2000.6 Drug testing**

Bonner County is committed to providing a safe work environment and promotes a drug free workplace. In furtherance of that commitment, Bonner County has a drug testing policy which has procedures for drug tests including: new hire, reasonable suspicion, random testing, and post-accident testing. Refer to the Bonner County Employee Policy for details. (1003 Drug Policy and Procedures)

#### **2000.7 Motor Vehicle/ Driving safety**

1. County employees and contract employees will operate their vehicle in a safe, courteous manner at all times.
2. Drivers must consider road and atmospheric conditions (i.e. rain, fog, darkness) when operating their vehicle, making special allowances for the weight and size of their vehicle when stopping.
3. Any citation issued by law enforcement is the full responsibility of the employee.
4. Drivers are fully responsible for the safety of their vehicle. A vehicle deemed unsafe by the driver or maintenance person will not be operated until the unsafe condition is corrected.
5. All required safety devices will be fully functional before operating the vehicle, to include lights, mirrors, warning signals, and speedometers.
6. The department is responsible for notifying drivers of known driving hazards, restrictions or impediments, such as low over-passes, low- weight bridges, unguarded railway crossings, closed roadways, etc.

7. County employees and contract employees driving non-emergency vehicles will attend a County-approved Defensive Driving or Drivers' Safety course when offered. Record of this training will be maintained by the division and is subject to inspection.
8. New employees who possess a valid driver license will be allowed to operate non-emergency vehicles until the next scheduled Defensive Driving Class.
9. County employees who operate emergency vehicles will be Driver qualified before assuming driving duties, and will attend refresher training.

**Backing:**

1. Drivers are to avoid backing their vehicle whenever possible.
2. When required to back up, it is incumbent on the driver to assure it can be done safely.
3. A driver must be aware of the vehicle and surrounding area while driving. Before backing, if the driver is unsure if the area is clear and safe to back in to, the driver must verify it is safe by getting out to look, using a spotter, or other method of verification.
4. Any time a vehicle is left unattended for any reason, the driver will conduct a walk-around inspection of the vehicle to assure a safe environment before operating the vehicle.
5. If a vehicle is equipped with an audible back-up alarm device, the device must be working properly before the vehicle is operated.

Refer to the Bonner County Vehicle Policy for details. (1005 Vehicle Use Policy)

## **2000.8 Emergency Response**

1. Employee responsibility: know your emergency response plan for your work area, follow emergency instructions, such as fire alarms, shelter in place, etc. Know how and when to reach Emergency Services, such as police, fire, and ambulance.
2. Manager responsibility: Create an emergency action plan for your work area. Contact Emergency Management and Risk Management for assistance creating your plan.
3. Refer to the Bonner County Emergency Management department for details and policies.

## **2000.9 Office Safety**

**General office safety**

1. Be aware of hazards that can injure Bonner County employees or visitors.
2. Correct hazards immediately, if you are able. If you cannot correct the hazard, notify your supervisor and building maintenance for assistance. Protect others from the hazard with signs or other means until the hazard is corrected.
3. Do not leave unattended file cabinet drawers open, where others can trip over them.
4. To prevent the cabinet from tipping, do not open more than one file cabinet drawer at time, unless the cabinet is designed to do so.

5. Use proper lifting techniques to avoid back and shoulder injuries. Lift with a straight back (not hunched over), using your leg muscles.
6. Use mechanical assistance to move heavy or awkward objects. These include pallet jacks, rolling tables, and powered lift devices.
7. Space Heaters
  - a. Choose only heaters tested at an independent lab such as UL or ETL.
  - b. Make sure your model has tip-over protection which shuts heater off automatically if unit tips over.
  - c. Manual Reset Over-Temperature Safety Cutoff. (Automatically turns heater off if overheating occurs.
  - d. Heaters constructed with metal cabinets must be equipped with a grounded (3 blade) plug for use on 110-120 volts AC. (Failure to use the heater without a properly grounded outlet could result in an electrical shock hazard.
  - e. Keep combustibles such as waste baskets, papers, boxes, and furniture at least 3 feet from front of heater and at least 1 foot from the sides.
  - f. Turn off heater if it will be left unattended for more than 15 minutes. Always unplug heater when not in use for longer periods of time.
  - g. Do not operate heater with a damaged cord or plug. If heater has been dropped or damaged in any way do not use.
  - h. Do not run cord under carpeting. Do not cover cord with throw rugs, or runners. Arrange cord away from traffic area, and if cord is run under desk ensure cord will not get caught on your foot.
  - i. A heater has hot and electrically arcing parts inside. Do not use it in areas where flammable materials are used or stored.
8. Office Decorations
  - a. Do not obstruct or in any way compromise the use or function of exits, corridors, fire alarms, or electrical panels.
  - b. Extension cords, used improperly, can present fire, electrical and tripping hazards. Be certain all cords are UL approved and have a three-pronged plug. Protect from over-current loads by selecting extension cords with adequate current-carrying capacity. Locate so as to prevent tripping.
  - c. Do not place decorations so as to obscure emergency exit signs, emergency lighting, nor near fire sprinkler heads.

## **2100 Risk Management Policy**

**Original Date:** October 10, 2017

**Supersedes Policy Date:** October 10, 2017

**Revised Effective Date:** December 4, 2018

### **PURPOSE**

Risk Management is committed to implementing and managing effective programs designed to minimize the County's exposure to loss, promote a healthy, safe work environment, and control costs.

All levels of management and supervision have a primary responsibility to protect the financial assets of Bonner County by limiting unnecessary risk and controlling losses.

While the Risk Management department is tasked with leading and coordinating the strategic risk control plan, the cooperation and coordination of all elected officials, department heads, and employees of Bonner County is needed to create an effective and efficient program.

Bonner County is dedicated to managing the risks, providing services for its citizens and employees and will do all it can to prevent losses and create a safe workplace for employees. Recognizing that losses will inevitably occur, Bonner County considers no loss acceptable and will make every effort to identify and resolve all loss exposures.

### **SCOPE**

Applies to all Departments and Locations.

### **DEFINITION**

An accidental loss is an unplanned, unexpected, and unintentional event which occurs suddenly and causes (1) injury or loss, (2) a decrease in value of the resources, or (3) an increase in liabilities. These represent a needless waste of human resources and economic loss to the citizens and taxpayers of Bonner County.

### **RESPONSIBILITIES**

The Bonner County Board of Commissioners is the approving authority for the implementation of this Policy as well as approval of policy revisions, when deemed necessary.

Risk Management will evaluate, recommend and manage Tort, Auto, Property, General Liability, and Workers Compensation claims in a financial responsible manner. Risk Management will manage deductible charge backs under the program with the aim of decreasing losses to the County and maintaining risk management accountability among all departments.

Department Directors, Personnel, and Managers will control risk losses by (1) ensuring that their employees comply with all applicable safety policies and procedures, receive necessary training before assuming

duties, and consult with Risk/ HR/ or Legal review before committing actions that may trigger losses, and work with Risk/ HR/ Legal to control losses once a loss or potential loss has occurred. Directors and Managers will support HR/ Risk with these follow up investigations and corrective recommendations.

First line supervisors will ensure employees under their direction comply with personnel policies and safety rules, will provide instruction and guidance to employees with regards to safety performance, will immediately report injuries and incidents to HR/ Risk Management, will support safety practices and building safety culture, and ensure employees are trained to safety perform their duties.

Employees will report all unsafe conditions and acts to their supervisor, report all incidents and injuries, and follow all safety rules.

#### Liability risk control program

The most effective risk control programs focus on:

1. Identify risks
2. Control of risk
3. Control of damages
4. Prevention of reoccurrence
5. Root cause analysis for accidents and injuries resulting in significant costs

The Bonner County Liability risk control program will share fiscal accountability with the department with the loss. If well –defined risk control actions are taken, the claim deductible will be 100% paid from the tort fund. If the department with the loss fails to take risk control measures, the deductible will be funded as per the chart below:

	Preventative		Loss Control		Total
Insurance Line	Training	Consulted before action	Notification of (potential) claim	Compliance with policies / legal advice	Covered by Tort Fund
Auto Insured Vehicle	50%		50%		100%
Auto Other Vehicle	50%		50%		100%
Employment Practices	25%	25%		50%	100%
Public Official Liability			50%	50%	100%
Property Claims			50%	50%	100%
Inland Marine	50%		50%		100%
General Liability			50%	50%	100%
Law Enforcement Liability	25%		50%	25%	100%
Airport Liability			50%	50%	100%
Workers Compensation	50%		25%	25%	100%

## Definitions

### Accident Loss

- An accidental loss is an unplanned, unexpected, and unintentional event which occurs suddenly and causes (1) injury or loss, (2) a decrease in value of the resources, or (3) an increase in liabilities. These represent a needless waste of human resources and economic loss to the citizens and taxpayers of Bonner County.

### Training

- Auto Claims: Employee attended the Defensive Driving course within the previous 12 months.
- Employment practices: Employee and manager involved in claim successful attended 75% or greater of related training in previous 12 months.
- Inland Marine: Employee attended Heavy Equipment Safety training in the previous 12 months
- Law Enforcement Liability: Employee attended 75% or greater of relevant training in previous 12 months
- Workers Compensation Claims: Injured employee attended 75% or greater of identified training classes that were selected by the Department Head in cooperation with HR, RM, and their Elected Official.

### Consulted

- Employment Practices: Management scheduled and met with Human Resources before conducting adverse employee actions.

### Notification

- All claims: Written report (even if incomplete if situation warrants it) received by Risk Management department with 24 hours of occurrence or when the loss is discovered.

### Compliance

- Employment Practices, public official liability, law enforcement liability: The manager/ elected official has followed guidance recommended by Human Resources/ Legal regarding the proposed employee action (i.e. termination, suspension) After Bonner County has been notified of a claim, accommodation means the department working with Human Resources/ Risk Management/ Legal to take steps to minimize the risk exposure, including investigation related, employee action related, etc.
- Property, Airport: Damage control measures are taken after the loss has occurred to limit the size or scope of the damage.
- Workers Compensation: For reasonable accommodation (light duty) work releases, the department accommodated the doctor work restrictions for the injured employee.



#### Calculation of Deductible Share between Tort Fund and Department

- In cases of uncertainty or gray areas regarding satisfying the “Training, Consulted, Notification, or Accommodation areas, the default result should be that the Tort Fund covers the deductible.
- For all Liability claims, the Risk Management Department shall issue a “Deductible Sharing Memo” to the Board of County Commissioners for approval. These numbers could range from a claim being 100% department paid to 100% Tort fund paid, based on the guidance chart above and Risk Management’s recommendation.
- For Workers Compensation Claims, the deductible shall be \$5000 or the actual deductible/ SIR amount if applicable.
- Once the Board of County Commissioners approve or alter and approve the recommended “Deductible Sharing Memo”, they shall authorize the Auditing Department to fund the loss in accordance with the memo.

## **Arbitration Policy**

**Policy No: 2200**

**Original Date: April 23, 2019**

### **ARBITRATION POLICY**

This Arbitration Policy ("Policy") applies to Bonner County and any of its affiliated entities (collectively, "Bonner County") and each current employee of Bonner County ("Employee"). By continuing his or her employment with Bonner County, each current employee of Bonner County agrees to be bound by this Policy, and agrees to abide by its terms. Any reference in this Policy to "I" or "me" or "my" shall mean Employee. Employee and Bonner County are sometimes referred to herein as "Party" or "Parties."

#### **Policy To Arbitrate Claims**

Bonner County and I will arbitrate before a neutral arbitrator any and all disputes or claims between us that arise out of or relate to my recruitment, employment or separation from employment with Bonner County, including claims involving and/or against any current or former officer, director, agent or employee of Bonner County, and/or against any current or former Bonner County benefit plan sponsors, fiduciary or administrator, whether the disputes or claims arise under common law, in tort, in contract, or pursuant to a statute, regulation, or ordinance now in existence or which may in the future be enacted or recognized, including, but not limited to, claims for wrongful termination of employment, constructive discharge, breach of contract, fraud, infliction of emotional distress, interference with contract or prospective economic advantage, defamation, unfair business practices, claims under any and all federal, state, or municipal statutes, regulations, or ordinances, including but not limited to laws that prohibit discrimination, harassment, or retaliation in employment such as but not limited to Title VII of the Civil Rights Act of 1964, the Civil Rights Acts of 1866 and 1991, the Age Discrimination in Employment Act of 1967, the Older Workers Benefit Protection Act of 1990, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, Section 1981 of the Civil Rights Act, and the Worker Adjustment and Retraining Notification Act and/or any state or local fair employment or right to leave laws, and claims for wages or other compensation or benefits and/or for payments, penalties, interest, and/or liquidated damages related thereto. However, nothing herein shall prevent either Party from participating in an investigation conducted by any appropriate administrative agency and nothing herein shall prevent either Party from filing a charge or complaint or claim with any appropriate administrative agency if applicable laws permit access to such an agency notwithstanding this Policy. Although, I agree and understand, insofar as permitted by law, that I cannot obtain any personal monetary damages for myself from any such administrative proceeding. Notwithstanding the above, this Policy will not cover any disputes or claims that may not be arbitrated as a matter of law.

#### **Applicability of the Federal Arbitration Act**

This Policy shall be controlled and governed by the Federal Arbitration Act ("FAA"), since Bonner County's business and the nature of my employment affect interstate commerce.

### **Final and Binding Arbitration**

The arbitration of disputes and claims under this Policy shall be in lieu of a court trial before a judge and/or a jury. **This Policy includes the waiver by Bonner County and Employee of any and all rights to a trial before a judge and/or a jury regarding any disputes and claims which we now have or which we may in the future have that are subject to arbitration under this Policy.** The arbitrator's decision will be final and binding on both Parties, subject to confirmation and review on the grounds set forth in the FAA.

### **Required Notice of All Claims**

Any demand for arbitration served on Bonner County must be given by written notice to Bonner County's Risk Management, 1500 Hwy 2 #337, Sandpoint, Idaho 83864. Any demand for arbitration served on Employee must be given by written notice to the last address recorded for Employee in Bonner County's employee information files. The demand shall be sent to the other Party by certified or registered mail, return receipt requested.

### **Waiver of Right to File Class, Collective, or Representative Actions**

This Policy requires each party to bring all claims covered by this Policy against the other Party only in the Parties' individual capacity, and not as a plaintiff or class member in any purported class or representative proceeding. With respect to the claims covered by this Policy, the Parties waive any right to submit, initiate, or participate in a representative capacity or as a plaintiff, claimant or member in a class action, collective action, or other representative or joint action, regardless of whether the action is filed in arbitration or in court. There shall be no right or authority for any dispute to be brought, heard, joined on a class, collective, or representative basis and the Parties' claims against each other may not be consolidated or joined in arbitration with the claims of other persons or individuals who may be similarly situated or have similar disputes. Furthermore, if a court and/or arbitrator orders that a class, collective, or other representative or joint action should proceed, in no event will such action proceed in the arbitration; such action may only proceed in court. Either Party may lawfully seek enforcement of this provision under the FAA and seek dismissal of class, collective or representative actions or claims. Bonner County and I acknowledge and agree that the conditions set forth in this provision are material terms of this Policy.

### **Arbitration Procedures**

The arbitration shall be conducted by a neutral arbitrator selected by the American Arbitration Association ("AAA"). The arbitration shall be conducted pursuant to the AAA Employment Arbitration Rules and Mediation Procedures. The Arbitrator to the maximum extent consistent with AAA Employment Arbitration Rules shall be an experienced employment attorney or a retired judge with significant experience as to employment cases, and who is selected pursuant to AAA rules. The Arbitrator shall follow neutral procedures as set forth in AAA Rules and to the maximum extent consistent with AAA rules the arbitrator shall follow procedures that are generally in line with the Idaho Code of Civil Procedure and the Idaho Rules of Evidence, or other rules mutually agreed upon in writing by the Parties, and the Parties will be entitled to all relief that would be available to them in a court of law. The arbitration shall be final and binding upon the Parties. The Arbitrator shall render a written award and opinion which reveals the essential findings and conclusions upon which the award is based. Discovery shall be conducted to the extent necessary to adequately arbitrate or defend any claims, including access to essential documents and witnesses, as determined by the Arbitrator. The Arbitrator shall have the authority to entertain a motion to dismiss and/or a motion for summary judgment by either Party. Either party, upon request at the close of hearing, shall be given leave to file a post-hearing brief. The time for filing such a brief shall be set by the Arbitrator.

### **Resolution of Disputes**

Any dispute as to the arbitrability of a particular issue or claim pursuant to this Policy is to be resolved in arbitration. The arbitrator shall have exclusive authority to resolve any dispute relating to the interpretation, applicability, enforceability or formation of this Policy including, but not limited to, any claim that all or any part of this Policy is void or voidable. However, notwithstanding anything in this Policy, or any rule or provision of Arbitrator, any issue concerning the validity of the class, collective, or representative or joint action waiver provided in this Policy must be decided by a court, not an arbitrator. If for any reason the class, collective, or representative or joint action waiver is found to be unenforceable or void, the class, collective, or representative or joint action may only proceed in court and may not be arbitrated under this Policy. If the class, collective, or representative or joint action waiver is found to be enforceable, any individual claims must proceed in arbitration.

### **Arbitration Fees and Costs Unique to Arbitration**

Bonner County will initially bear the Arbitrator's fees, any arbitration fees and any other type cost that is unique to arbitration. However, in rendering the arbitration award, and to the extent permitted by law, the Arbitrator shall award the prevailing Party half of any Arbitrator's fees and arbitration fees incurred by the prevailing Party, and half of any other type of cost that is unique to arbitration and incurred by the prevailing Party.

### **Attorneys' Fees and Costs**

Bonner County and I shall each pay for our own attorneys' fees and costs not unique to arbitration. However, if either Party prevails on a statutory claim that affords the prevailing Party attorneys' fees and costs, the Arbitrator will award attorneys' fees and costs to the prevailing Party in accordance with applicable law.

### **Location of Arbitration**

The arbitration will take place in Bonner County.

### **Requirements for Modification or Revocation**

This Policy to arbitrate shall survive the termination of my employment. It can only be revoked or modified by a writing signed by the Parties that specifically states an intent to revoke or modify this Policy.

### **Sole and Entire Policy; Construction**

This Policy is the complete agreement of the Parties on the subject of arbitration of disputes. This Policy supersedes any prior or contemporaneous oral or written understanding on the subject. No Party is relying on any representations, oral or written, on the subject or the effect, enforceability or meaning of this Policy, except as specifically set forth in this Policy.

### **Severability**

Except as otherwise provided herein, if any provision of this Policy is adjudged to be void or otherwise unenforceable, in whole or in part, such adjudication shall not affect the validity of the remainder of the Policy.

**At-Will Employment**

This Policy is not, and shall not be construed to create, a contract of employment, express or implied, for any definite term, and it does not in any way alter the “at-will” status of my employment.

# **Independent Contractor Policy**

**Policy No: 2300**

**Original Date: June 18, 2019**

**BOCC APPROVAL: June 18, 2019**

## **INDEPENDENT CONTRACTOR POLICY**

### **Policy Statement**

Bonner County is committed to hiring individuals who perform services for Bonner County in accordance with applicable law, including laws and regulations pertaining to the proper classification of individual as independent contractors or employees. It is the policy of Bonner County to have all proposed independent contractor service agreements with individuals reviewed for proper classification prior to engaging the individual. No individual will be paid for services without a signed Independent Contractor Agreement. The Bonner County Human Resources Department will determine whether the individual will be classified as an employee or independent contractor in accordance with the guidance and procedures described below.

### **Definitions**

#### **Independent Contractor**

For purposes of this policy, an independent contractor is an individual who provides services to Bonner County and is not an employee: namely, a worker who should be paid under a 1099 (and not a W-2). More specifically, it is a worker who:

- (a) Is engaged in an independently established profession or business
- (b) Provides a service outside of the Bonner County's usual course of business; and
- (c) Is free from Bonner County control or direction when providing services. The criteria for determining whether a worker is an independent contractor are discussed below.

### **Policy**

This policy defines the criteria to qualify as an independent contractor, and sets out how independent contractors must be paid in order for the Bonner County to remain compliant with the state and federal Departments of Labor and the Internal Revenue Service (IRS) and other regulatory agencies. Payments to independent contractors are processed through Account Payable – not through Payroll.

### **Independent Contractor Hiring Procedures**

The Following procedure is a required component of this policy and includes all the steps needed to properly identify and engage an independent contractor.

Bonner County Department must apply the guidelines in this policy when considering engaging an independent contractor. Prior to hiring an independent contractor, the new vendor must complete the Independent Contractor Questionnaire and an IRS W-9 form and submit them to the Human Resources Department (HR). HR will review the W-9 and the Independent Contractor Questionnaire and make an initial

determination regarding the classification. If HR determines that the service provider IS an independent contractor, HR will ask the service provider to sign an Independent Contractor Agreement. All Independent Contractor Agreements must receive Bonner County board of Commissioner Approval and be signed off by HR and Risk management. Any invoices received from a service provider who does NOT have an approved Independent Contractor Agreement shall not be paid. Consulting agencies are excluded from this policy.

### **Criteria for Identifying Independent Contractors**

United States federal and state law requires that Bonner County properly classify its workers – as either employees or independent contractors. This section of the policy identifies the steps, documents, and processes necessary to ensure proper classification of and subsequent payment to independent contractors.

The criteria for an individual to meet in order to qualify as an independent contractor includes but is not limited to the following. The criteria may be amended as necessary.

- Renders a service to Bonner County for a specified payment amount for a specified result;
- Is engaged in an independently established profession or business (namely, offers similar services to the general public on a consistent basis;
- Provides a service outside of Bonner County's usual course of business;
- Is not currently paid through Bonner County payroll and has not been paid through payroll within the last twelve (12) months;
- Provides services through a written contract (namely, the Bonner County Independent Contractor Agreement; and
- Is free from Bonner County control or direction when providing services.

### **Indemnity Clause**

Insurance requirements for independent contractors

- See Exhibit A