

CHAPTER 4 – Employee Handbook

The Cavalier County Job Development Authority follows
the official Cavalier County Employee Handbook.

Welcome New Employee!

On behalf of your colleagues, we welcome you to employment with Cavalier County and wish you every success here.

We believe that each employee contributes directly to Cavalier County's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with Cavalier County.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Board of Commissioners

Cavalier County, North Dakota

CAVALIER COUNTY EMPLOYEE POLICY MANUAL

ISSUE DATE: 10-19-2010

INTRODUCTORY STATEMENT

Citizens of Cavalier County elect the Board of County Commissioners and some Department Heads. Remaining Department Heads are appointed by the Board of County Commissioners. Employees are hired by Department Heads with the approval of the Commissioners or within guidelines authorized by the Commissioners and in certain circumstances under guidelines from the State of North Dakota.

Employees are accountable to their Department Head or to a designated supervisor. Department Heads are responsible for day-to-day activities within their departments and are accountable to the Board of County Commissioners. The Commissioners and other elected officials are directly accountable to the citizens of Cavalier County.

This handbook is designed to acquaint you with Cavalier County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the employer to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the County continues to grow, the need may arise to change policies described in the handbook. The Commissioners therefore reserve the right to revise, vary, change, supplement, or rescind any policies or portion of the handbook from time to time as they deems appropriate, in their sole and absolute discretion.

*****PLEASE NOTE*****

THIS PERSONNEL POLICY MANUAL HAS BEEN DRAFTED AS A GUIDELINE FOR OUR EMPLOYEES. IT SHALL NOT BE CONSTRUED TO FORM A CONTRACT BETWEEN CAVALIER COUNTY AND ITS EMPLOYEES. RATHER, IT DESCRIBES THE COMMISSIONER'S GENERAL PHILOSOPHY CONCERNING POLICIES AND PROCEDURES.

THE CAVALIER COUNTY SOCIAL SERVICES DEPARTMENT IS GOVERNED BY SOME STATE POLICIES AND WHERE A CONFLICT MIGHT OCCUR, STATE POLICIES WILL TAKE PRECEDENT.

EMPLOYEE ACKNOWLEDGMENT FORM

I acknowledge that I have received a copy of the Cavalier County Employee Policy Manual, dated October 19, 2010, and that I have read and understand its provisions.

I understand that this employee manual describes important information about my employment with the County and that I should consult my supervisor about any questions that I may have that are not answered by this manual. I understand that this manual is compiled for informational purposes only. I understand that this manual is not a contract of employment and is not intended to create or imply a contract for employment or for the provisions of any employee benefit between the County and me.

I understand that, with the exception of Social Service Employees who have completed their Introductory Period, I am an at-will employee and that either the County or I may terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law.

I understand that the County reserves the right to change, suspend, or eliminate any or all matters contained in this manual and all other policies, rules, and procedures at any time, without prior notice and without my consent.

I understand that the County retains the sole discretion to interpret the provisions of this manual and to depart from those provisions or any other policies, rules, or procedures if the County determines that such action is appropriate. An Exception is made for mandates from the State of North Dakota which apply to Social Service employees.

I understand that the provisions of this manual supersede the provisions of all other handbooks, manuals, policies, rules, and procedures that address the subjects covered in this manual or are inconsistent with this manual.

I also understand that this manual is mine to use only while I am a County Employee, and that it remains the property of the County, and that I am to return this manual to the County at the conclusion of my employment with the County.

I acknowledge receipt of the Cavalier Employee Policy Manual.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

101 NATURE OF EMPLOYMENT

Personnel Policies

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with this organization.

However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor Cavalier County is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time, with the exception of Social Service employees for whom “for cause” termination rules apply.

In order to retain necessary flexibility in the administration of policies and procedures, the Commissioners reserve the right to change, revise or eliminate any of the policies and benefits described in this handbook. An Exception is made for mandates from the State of North Dakota which apply to Social service employees.

102 EMPLOYEE RELATIONS

Cavalier County believes that the work conditions, wages and benefits it offers to its employees are highly competitive with those offered by other employers in this area and in this industry. If employees have any concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal directly with supervisors, the work environment is excellent, communications are clear and attitudes are positive. We believe that Cavalier County has amply demonstrated its commitment to responding effectively to all employee concerns. Employees are free to bring issues of concern to the Board of County Commissioners after an attempt is made to resolve the concern with their supervisor or where applicable, another governing board within the County

103 EQUAL EMPLOYMENT OPPORTUNITY

Cavalier County is an equal opportunity employer. It is the policy of Cavalier County to recruit, hire, train and promote employees without discrimination because of race, color, religion, sex, age, creed, status of marriage or public assistance, national origin or physical or mental handicap except where specific age, sex or physical requirements are a bona fide occupational qualification.

Veteran's Preference: Qualified veterans shall have preference for employment with Cavalier County as set forth in Chapter 37-19.1 of the North Dakota Century Code.

104 HIRING OF RELATIVES

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of inequitable consideration

in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, promotions, demotions, disciplinary actions, and discharge.

In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

North Dakota Century Code Chapter 11-10-25 on Nepotism includes Counties by providing that no county Department Head, whether elected or appointed, can appoint his/her spouse, son, daughter, brother or sister to any position under their control without prior approval of the County Commissioners.

105 IMMIGRATION LAW COMPLIANCE

Cavalier County is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I - 9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I - 9 with this organization, if their previous I-9 is more than three years old, or if their previous I - 9 is no longer valid.

106 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Cavalier County Commissioners wish the county business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the County Commissioners. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the County, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to the County Commissioners as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Cavalier County does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the County.

The materials, products, designs, plans, ideas, and data of this organization are the property of the Cavalier County and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge.

107 OUTSIDE EMPLOYMENT

An employee may hold a position with another organization as long as he or she discloses in advance that situation and satisfactorily performs his or her job responsibilities with Cavalier County. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If the County Commissioners determines that an employee's outside work interferes with performance or the ability to meet the requirements of this organization as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Cavalier County.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their jobs or from the use of County owned facilities, materials, equipment or tools used while off duty, unless approved in advance by the Commissioners.

108 NON-DISCLOSURE

The protection of confidential business information and trade secrets is vital to the interests and the success of Cavalier County. Such confidential information includes but is not limited to the following examples:

- Compensation data
- Client lists
- Financial information
- Labor relations strategies
- Marketing strategies
- New materials research
- Pending projects and proposals
- Proprietary production processes
- Research and development strategies

- Technological data
- Technological prototypes

Any employee who discloses confidential information will be subject to disciplinary action (including possible discharge), even if he or she does not actually benefit from the disclosed information.

It is the County's policy to comply with all aspects of HIPPA.

109 DISABILITY ACCOMMODATION

Cavalier County is committed to complying with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

Cavalier County is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Cavalier County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. Cavalier County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.

201 EMPLOYMENT CATEGORIES

It is the intent of the Cavalier County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NONEXEMPT or EXEMPT from the federal and state wage and hour laws.

NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws (i.e. Fair Labor Standards Act).

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME: Employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule (35 hours or more per week). Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program. (For purposes of classification and eligibility for benefits, all elected officials are considered to have the same benefits entitlements as full-time employees.)

REGULAR PART-TIME: Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule but at least 20 hours per week. Regular part-time employees are eligible for a pro-rated percentage portion of the employer's benefit package subject to the terms, conditions, and limitations of each benefit program in direct relation to the average number of hours the employee works.

SOCIAL SERVICES: Due to Administrative requirements, Social Service employees are regarded as a separate category of employees. Within this category are regular full-time employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule (40 hours or more per week) and regular part-time employees who are regularly scheduled to work 20 or more hours per week.

SEASONAL FULL-TIME EMPLOYEES: Employees who are not in a temporary or introductory status and who are regularly scheduled to work the organization's full-time schedule (35 hours or more per week). Generally, they are eligible for most the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program, but are subject to termination of employment on a seasonal basis.

PART-TIME: Employees who are not in a temporary or introductory status and who are regularly scheduled to work less than a full-time schedule per week. While they do receive all legally-mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for any of the employer's other benefit programs.

INTRODUCTORY: Employees who are being evaluated to determine whether further employment in a specific position or with the organization is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY: Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited and indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. "Temporary" employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.

CASUAL: Employees who have established an employment relationship with the organization but who are assigned to work on an intermittent and/or unpredictable basis. While they

receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs.

202 ACCESS TO PERSONNEL FILES

Personnel files are the property of Cavalier County, and access to the information they contain is restricted. Generally, only officials and representatives of the Commissioners who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her file but only in the County Auditor's offices and in the presence of the individual appointed by the Commissioners to maintain the file, unless otherwise mandated by state law.

203 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the County are well-qualified and have a strong potential to be productive and successful, it is the policy of Cavalier County to check the employment references of all applicants.

204 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the County Auditor of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

205 INTRODUCTORY PERIOD

An employee, excluding elected officials, should use the initial period after being hired or rehired, promoted, demoted, or transferred within the County to determine whether the new position meets his or her expectations. Cavalier County uses this period to evaluate employee capabilities, attitude, and work habits. Either the employee or the County may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. In the case of Social Service employees, termination after the introductory period shall be on a "for cause" basis.

All new and rehired (after 6 months absence) employees work on an introductory basis for the first 180 calendar days after their date of hire. Any significant absence will automatically extend the introductory period by the length of the absence. If the Commissioners determine that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee, the Commissioners may extend the introductory period for a specified period.

Introductory employees will assume "regular" status upon satisfactory completion of the introductory period. During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security and employees are eligible for any other employer-provided benefits, subject to the terms and conditions of each benefit program. See your supervisor for clarification of these benefit provisions.

206 EMPLOYMENT APPLICATIONS

It is the policy of the County to receive and retain only those job applications and resumes received as a result of the County's solicitation of same. The County will not accept nor retain any unsolicited applications or resumes.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

207 PERFORMANCE EVALUATION

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance reviews are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. You cannot assume that you will necessarily receive a wage or salary increase each time your performance is reviewed.

301 EMPLOYEE BENEFITS

Eligible employees in Cavalier County are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in this handbook.

The following benefit programs are available to eligible employees:

- Benefit Conversion at Termination
- Bereavement Leave
- Holidays
- Jury Duty Leave
- Maternity Related Leave

- Medical Insurance - This benefit is limited conditions as mandated by PERS eligibility format. A county medical insurance policy is negotiated every two years. A seasonal, full-time employee who has achieved the following length of service will qualify for a portion of the same health insurance benefits as a regular full-time employee. Seasonal full-time employees will receive payment towards their health insurance benefits during periods of lay-offs.

At the following rates based on this length of service table:

<u>LENGTH OF SERVICE</u>	<u>EMPLOYERS % OF PREMIUM</u>
0 - 4 years	0%
5 - 9 years	20%
10 - 14 years	40%
15 - 19 years	60%
20 - 24 years	80%
25 years and over	100%

- Sick Leave
- Vacation Benefits
- Witness Duty Leave

Some benefit programs require contributions from the employee, but most are fully paid by Cavalier County.

302 VACATION BENEFITS

The following employee classifications are eligible for vacation benefits according to the guidelines set forth in this policy:

- Regular full-time employees
- Regular part-time employees
- Seasonal full-time employees
- Social Service employees

Employees will be entitled to take vacation time off as it is earned. A benefit year is the twelve month period following being hired in an eligible employment classification. This benefit year will be adjusted to reflect the length of any unpaid leave of absence.

Vacation pay will be calculated based on the employee's straight- time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence, but not greater than eight hours. Vacation pay does not include shift differentials, incentive pay, bonuses, or other special forms of compensation. Vacation benefits for salaried employees will be based on their normal wages.

Employees who have satisfied all eligibility requirements may submit vacation requests to their supervisors. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence.

Employees are strongly encouraged to take earned vacation during the benefit year following its accrual. Up to a maximum of thirty days of vacation time may be accrued. Once that maximum of thirty days is reached, the employee will cease to accrue vacation until they fall below the thirty day limit.

Upon termination of employment, employees will be paid for vacation benefits that have accrued to a maximum of thirty days.

A seasonal full-time employee will accrue 1 day of vacation for every full month of service. This accrual base will parallel that of a regular full-time employee, except that, after 25 consecutive years of service years of service during which the seasonal full-time employee has worked a minimum of 5 months in each of those years, they will be awarded 21 days of vacation at the end of each year in excess of 25 years during which they are employed a minimum of 5 months per year.

The Eligibility Table below defines when vacation benefits become available to non-Social Service employees. The Rate of Accrual Table defines how much vacation is accrued per month by employees.

Vacation benefits will be awarded to eligible non-Social Service employees according to the following schedules:

<u>LENGTH OF SERVICE</u>	<u>RATE OF ACCRUAL</u>
1 through 3 years	8 hours per month/96 hours per year 1 day per month/12 days per year
4 through 7 years	10 hours per month/120 hours per year 1-1/4 days per month/15 days per year
8 through 12 years	12 hours per month/144 hours per year 1-1/2 days per month/18 days per year
13 through 18 years	14 hours per month/168 hours per year 1-3/4 days per month/21 days per year
Over 18 years	16 hours per month/192 hours per year 2 days per month/24 days per year

The Eligibility Table below defines when vacation benefits become available to Social Service employees. The Rate of Accrual Table defines how much vacation is accrued per month by employees.

Vacation benefits will be awarded to eligible Social Service employees according to the following schedules:

<u>LENGTH OF SERVICE</u>	<u>RATE OF ACCRUAL</u>
1 through 3 years	8 hours per month/96 hours per year 1 day per month/12 days per year
4 through 7 years	10 hours per month/120 hours per year 1-1/4 days per month/15 days per year
8 through 12 years	12 hours per month/144 hours per year 1-1/2 days per month/18 days per year
13 through 18 years	14 hrs. per month/168 hours per year 1-3/4 days per month/21 days per year
Over 18 years	16 hours per month/192 hours per year 2 days per month/24 days per year

Part-time regular Social Service employees received a pro rata of full-time in proportion to the hours they are regularly scheduled to work.

For Social Service employees, accrual of vacation is limited in that no more than two hundred and forty hours (240) of vacation may be carried forward beyond December thirty-first of each year. Employees will lose any hours over 240 after December 31. Hours worked in December for which vacation accrues, are not considered earned until the first working day of January.

Should a temporary employee attain regular full or part-time status, they will be given credit for length of service as a temporary employee toward future accruals but will not receive accrued vacation for the period they were in a temporary status.

303 HOLIDAYS

Cavalier County will grant holiday time off to all employees on the holidays listed below.

- New Year's Day (January 1)
- President's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day
- Thanksgiving (fourth Thursday in November)
- Christmas (December 25)

Any other day appointed by the President of the United States or the Governor of the State of North Dakota.

According to applicable restrictions, the County will grant paid holiday time off to all eligible employees immediately. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees
- Part-time employees
- Introductory employees

Some recognized holidays that fall on a Saturday may be observed on the preceding Friday. Some recognized holidays that fall on a Sunday may be observed on the following Monday. (In accordance with provisions of the North Dakota Century Code.)

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive his or her straight-time rate for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

304 WORKERS' COMPENSATION INSURANCE

Cavalier County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment, as defined by law, that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury or illness, as defined by law, should inform the Risk Manager/County Auditor immediately and submit a written claim within 24 hours. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

305 SICK LEAVE BENEFITS

Cavalier County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees
- Social Service employees

Eligible employees (defined as employees who have completed six calendar months of employment) will accrue sick leave benefits at the rate of 12 days per year (1 day per month). A day shall be defined as 8 hours for the purposes of this policy.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by that employee. Up to forty hours of sick leave per calendar year may be used to attend to an illness or injury sustained by an eligible family member as defined by the Family and Medical Leave Act (policy # 601).

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be requested verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be the basis for payment authorization of sick leave benefits. Before returning to work from a sick leave absence of five calendar days or more, an employee may be requested to provide a physician's verification that he or she may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as state disability insurance. Sick leave benefits will be used to supplement any state disability insurance or workers' compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits for non-Social Services employees will be allowed to accumulate without limit. At the time of voluntary termination or retirement, 10% of an employee's unused sick leave will be paid to them.

It is the employer's intention that regular appointments and office visits to the Doctor, Dentist, Optometrist, etc. be scheduled for non work time, but in the event that employees must be absent for such appointments during normal working hours, sick leave may be taken if approved in advance.

Social Service employees' sick leave shall accrue without limit. At the time of voluntary termination or retirement, 10% of an employee's unused sick leave will be paid to them.

306 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. Paid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death.

Up to three days of paid bereavement leave for funerals of immediate family members will be provided to eligible employees in the following classification(s):

- Regular full-time employees
- Regular part-time employees
- Part-time employees

Bereavement pay is calculated based on the base pay that an employee would otherwise have earned had he or she worked on the day of absence.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The employer defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

307 JURY DUTY

Cavalier County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request paid jury duty leave. Jury duty pay will be calculated on the employee's base pay rate, minus any jury fee or mileage paid by the court. Employee classifications that qualify for paid jury duty leave:

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during unpaid jury duty leave.

308 WITNESS DUTY

Cavalier County encourages employees to appear in court for witness duty whenever summoned to do so. Employees in an eligible classification may request paid witness duty leave. Witness duty pay will be calculated on the employee's base pay rate, minus any witness fee or mileage paid by the court.

Employee classifications that qualify for paid jury duty leave:

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Employees will be granted paid time off to appear in court as a witness. Employees will be paid at their base rate, minus any witness fees or mileage paid.

The witness summons should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

If the employee has been summoned as a witness of the employer as a result of a job-related event, he or she will receive paid time off for the entire period of witness duty.

309 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Cavalier County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Cavalier County's group rates plus an administration fee. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. This notice contains important information about an employee's rights and obligations.

401 TIMEKEEPING

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the Cavalier County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including discharge.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

402 PAYDAYS

Pay days vary throughout the County. Your supervisor will advise you of your regular pay day. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off (e.g., a weekend or holiday), employees will receive pay on the last day of work before the regularly scheduled payday.

403 EMPLOYMENT TERMINATION

Since employment of non-Social Service employees with Cavalier County is based on mutual consent, both the employee and the County have the right to terminate employment at will at any time. Terminations are an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Social Service employees, once they complete their Introductory Period, enjoy the status of "for cause" termination. The condition and procedures related to this status are available from the Director of Social Services. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - employment termination initiated by an employee who chooses to leave the County voluntarily.

DISCHARGE - employment termination initiated by the County.

LAYOFF - involuntary employment termination initiated by the County for non-disciplinary reasons.

MEDICAL TERMINATION - employment termination initiated by the employee or by the County when an employee is unable, for health reasons, to continue to work.

RETIREMENT - voluntary retirement from active employment status initiated by the employee.

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

404 PAY ADVANCES

Neither pay advances nor extensions of credit on unearned wages will be provided to employees.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages after returning from vacation.

405 ADMINISTRATIVE PAY CORRECTIONS

Cavalier County takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the County Auditor so that corrections can be made as quickly as possible.

Once under-payments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the employee (where there is a substantial amount owed). In that case, the County will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved.

406 PAY DEDUCTIONS

The law requires that Cavalier County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The County matches the amount of Social Security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Employees who wish to participate in these programs may voluntarily authorize deductions from their checks. If you do not understand why deductions were made or how they were calculated, your supervisor can assist in having your questions answered.

Pay setoff involve pay deductions taken by the County, usually to help pay off a debt or obligation to the employer or others.

501 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of Cavalier County and its employees from all levels. The County will attempt to assure a safe environment and compliance with federal, state, and local safety regulations. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the County are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported to the appropriate supervisor, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

502 WORK SCHEDULES

Work schedules for employees vary throughout Cavalier County. Supervisors will advise employees of their individual work schedules.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

503 USE OF PHONE AND MAIL SYSTEMS

Employees shall reimburse Cavalier County for any charges resulting from their personal use of the telephone.

The use of County-paid postage for personal correspondence is not permitted.

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

504 SMOKING

In keeping with Cavalier County's intent to provide a safe and healthful work environment, smoking in the work place is prohibited.

This policy applies equally to all employees, customers, and visitors.

505 REST AND MEAL PERIODS

Each work day, full-time nonexempt employees are provided with two rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time employees are provided with one meal period each work day. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

506 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions.

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

Additional work compensation is allowed for exempt employees in an emergency situation where the decision to incur extra time, extra duties, and the timing of the work is dictated by the event. An emergency is defined as an unforeseen combination of circumstances that calls for immediate action. Compensated additional work must be approved by the County Commission.

507 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

All violations of traffic laws and fines levied as a result are the exclusive responsibility of the employee.

508 COMPUTER AND E-MAIL USAGE

Computers, computer files, Internet access, the E-mail system and software furnished to employees are Cavalier County's property intended for business use. Employees should not use a password, access a file or retrieve any stored communication without authorization.

Cavalier County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the County prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others or harmful to morale.

For example, the display or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-colored jokes or anything that may be construed as harassment or showing disrespect for others.

Cavalier County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Cavalier County does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The County prohibits the illegal duplication of software and its related documentation.

509 FRAUD PREVENTION AND INVESTIGATION

The County expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with the County to act with integrity, due diligence, and in

accordance with all laws in their duties involving the County's fiscal resources. The County is entrusted with public dollars and no person connected with the County should do anything to erode that trust.

The Auditor shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the County. Every member of the County's administrative team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Auditor. The Auditor shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the County's legal counsel, auditing firm, and other internal or external departments and agencies, including the State's Attorney and law enforcement officials, as the Auditor may deem appropriate. The Board of County Commissioners shall receive regular reports as to the status of any investigations.

In the event the concern or complaint involves the Auditor, the concern shall be brought to the attention of the Chair of the Board of Commissioners who shall be empowered to contact the County's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Auditor may elect to employ the County's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. With the approval of the Board of County Commissioners, the Auditor is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to the County.

Fraud, financial improprieties, or irregularities include, but are not limited to:

- Forgery or unauthorized alteration of any document or account belonging to the County.
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling of money or reporting of financial transactions.
- Profiteering because of "insider" information of county information or activities.
- Disclosing confidential and/or proprietary information to outside parties.
- Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the County.
- Destroying, removing, or inappropriately using county records, furniture, fixtures, or equipment.
- Failing to provide financial records to authorized state or local entities.
- Failure to cooperate fully with any financial auditors or investigators.
- Any other dishonest act involving county monies or resources.

The Auditor shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Auditor, or Board Chair if the investigation centers on the Auditor, shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.

601 FAMILY/MEDICAL LEAVE

Cavalier County may provide unpaid medical/family leave to eligible employees who are temporarily unable to work due to a medical disability, to care for the employee's child after child birth, or placement for adoption or foster care, or assist an immediate family member with an illness or disability. (A family member, for the purposes of this policy, shall be defined as the employee's spouse, son or daughter, or parent.) Leaves for births, adoptions and foster care treatment cannot be taken intermittently.

The employee classification(s) eligible for medical/family leave:

- Regular full-time employees
- Regular part-time employees
- Social Service employees

Employees may request medical/family leave only after having completed 365 days of service in an eligible employment classification.

Cavalier County may deny a portion of this benefit to certain salaried employees within the highest 10 percent of their work force, if letting these workers take the leave would create "substantial and grievous injury" to the business operation. Employees, so excluded, may not be offered their former position or an equivalent position at the conclusion of their leave. Your supervisor can advise you of your status with regard to this condition.

As soon as an eligible employee becomes aware of a need for a medical/family leave of absence, preferably at least 30 days in advance when foreseeable, he or she must provide a satisfactory statement from a physician that verifies the existence and nature of the medical disability. The statement will contain the approximate date the leave is expected to begin, its anticipated duration, and the date the employee can be expected to return to work.

Employees must provide 30 days advance notice when requesting leave for a non-emergency foreseeable situation. If the need is unforeseeable, the employee must notify their supervisor or appropriate department personnel as soon as practical, generally within *two working days* of learning of the need for the leave. Employees may indicate a need for leave in person, by phone, fax, e-mail or via a spokesperson.

Any changes in this information should be promptly reported to the Cavalier County Auditor. Failure to advance notice or medical certification as requested above may result in the denial of the leave request.

Eligible employees may be granted leave for the period of the disability, up to a maximum of 84 calendar days. (This maximum will include all paid and unpaid leave granted.) This period is defined as a "rolling" period measured backward from the date an employee starts using FMLA. Pending the manager's approval, the employee must take any available sick leave and may take any available vacation leave prior to the effective date of the medical/family leave of absence.

The employer will continue to pay its share of the medical insurance benefits for the duration of the leave, not to exceed 84 calendar days. Employees must make arrangements with Cavalier County to pay their portion of these medical insurance or other insurance premiums in force during the medical/family leave. Failure of the employee to make their share of these premium payments may result in the cancellation of coverage by the insurance carrier.

Accruals for benefit calculations, such as sick leave ,vacation benefits, etc. will be suspended for the duration of the leave.

Before returning to work from a medical/family leave, an employee may be required to provide a physician's verification that he or she may safely return to work.

To the extent possible, employees returning from medical leave will be returned to their former position or will be offered a comparable position for which they are qualified.

If an employee fails to report to work at the expiration of the approved leave period, Cavalier County will assume that the employee has resigned and reserves the right to recover all of its costs associated with providing the medical insurance benefits during the time of the leave.

602 PERSONAL LEAVE

In accordance with the guidelines set forth in this policy, Cavalier County may provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations and who have completed 365 days of consecutive service. The employee classification(s) eligible for personal leave:

- Regular full-time employees
- Regular part-time employees
- Social Service employees

Personal leave may be granted for a period of up to 30 calendar days. Pending the Commissioner's approval, employees may take any available vacation leave prior to the effective date of the personal leave of absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The County will continue to provide insurance benefits.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the personal leave.

To the extent possible, employees returning from personal leave will be returned to their former position or will be offered the first available comparable position for which they are qualified.

If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

603 MILITARY LEAVE

An employee who is either an enlisted person or an officer in the National Guard or Armed Forces Reserve shall be granted military leave annually in accordance with Section 37-01-25 and 37-01-25.1 of the North Dakota Century Code which provides in substance that military leave with pay (less the amount of compensation received from military service) shall be granted to all county employees up to a maximum of thirty (30) calendar days for those employees who have been employed continuously for a minimum period of ninety (90) calendar days. (Note: Thirty calendar days shall be equivalent to one month's pay.) Active duty includes "summer camp" for National Guard and Reserves but does not include regular drill sessions.

It is our policy to comply with The Uniformed Services Employment and Re-employment Rights Act. (USERRA 38 U.S.C. 4301-4333 with regard to our employees who are members of the state and federal military guard and reserve.

604 MATERNITY-RELATED ABSENCES

Cavalier County will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy, adoption and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid leave.

701 EMPLOYEE CONDUCT AND WORK RULES

Role of Employees: You are expected each day to remember that, as an employee of Cavalier County, you serve the public and, specifically, the citizens of Cavalier County (your real "employers"). Your actions in this capacity reflect favorably or unfavorably upon you, your supervisor(s) and County government as a whole. We expect that you will maintain favorable visibility with the public, that you will act responsibly within the means of your position in meeting the needs of the public and that you will be accountable for your actions in this capacity.

Getting Started: You have been carefully selected to perform an essential service for Cavalier County. To help you get started, your supervisor will provide you with a description of your job and will discuss your duties with you. If you have any questions about your job, don't hesitate to ask your supervisor. Your supervisor is just as concerned about your success on the job as you are and will do everything possible to see that you receive the help you need.

Orientation and Introduction: As soon as possible after employment, the employee should go to the Auditor's Office to complete the various fringe benefit program forms, tax table status and any other forms deemed necessary for their employment.

Dress Code/Appearance: Appearance and dress should be in keeping with the job being performed, both for safety reasons and to reflect a positive image for the county. Should an employee arrive for work wearing clothing or accessories which, in the opinion of their supervisor, is inappropriate, they may be required to go home and change prior to commencing work.

Inclement Weather: A decision to close the County offices due to inclement weather shall be at the discretion of the County Auditor, in consultation with the Chairman of the County Commission, who will make the necessary arrangements to notify employees. Should an employee choose not to attend work due to inclement weather when the County offices are still open, that employee will have that time off charged to either vacation or leave without pay.

To assure orderly operations and provide the best possible work environment, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the employer. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place, while on duty, or while operating employer-owned vehicles or equipment

- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place
- Negligence or improper conduct leading to damage of employer- owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the work day
- Unauthorized use of telephones, mail system, or other employer- owned equipment
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

Misconduct can occur either on or off the job. Examples of misconduct on the job are cited above. Examples of misconduct off the job include, but are not limited to involvement in criminal activity or activity involving moral turpitude which, in the judgment of the County, reflects adversely on the image or standing of the County. Employee drivers arrested or cited for driving under the influence or reckless driving, on or off the job, are subject to disciplinary action up to and including immediate termination.

Employment of non-Social Service employees with Cavalier County is at the mutual consent of the County and the employee, and either party may terminate that relationship at any time, with or without cause and with or without advance notice. Social Service employees enjoy the status of "for cause" termination.

Grievance and disciplinary procedures for employees of Cavalier County shall be in accordance with the provisions of the North Dakota Century Code.

702 DRUG AND ALCOHOL USE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illicit drug or alcohol while in the work place, while on duty, or while operating a vehicle or equipment owned or leased by Cavalier County.

Possessing, distributing, transferring, purchasing, selling, using, or being under the influence of alcoholic beverages or illegal drugs while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County may also lead to disciplinary action, including suspension without pay or discharge.

DRUG-FREE WORKPLACE COMPLIANCE POLICY: Illegal drugs in the workplace are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. We will not tolerate the illegal use of drugs here-and now, by law, we cannot. Under the federal Drug-Free Workplace Act, in order for the County to be considered a "responsible source" for the award of federal contracts, we have developed the following policy:

Effective immediately, any location at which the County's business is conducted, whether at this or any other site, is declared to be a drug-free workplace. This means:

All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace. The following is a partial list of controlled substances. Personnel can provide a complete listing and explanation of controlled substances.

- Narcotics (heroin, morphine, etc.)
- Cannabis (marijuana, hashish)
- Stimulants (cocaine, diet pills, etc.)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, "designer drugs," etc.)

Any employee violating the above policy is subject to discipline, up to and including termination, for the first offense. Employees have the right to know the dangers of drug abuse in the workplace, the County's policy about them, and what help is available to combat drug problems. This document spells out the County's policy. We will institute an education program for all employees

on the dangers of drug abuse in the workplace. To assist employees in overcoming drug abuse problems, the County may offer the following help:

- Medical benefits for substance-abuse treatment
- Information about community resources for assessment and treatment Counseling program
- Employee assistance program

In addition, the County will provide Managerial training to assist in identifying and addressing illegal drug use by employees.

Any employee convicted of violating a criminal drug statute in this workplace must inform the County of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the County subjects the employee to disciplinary action, up to and including termination for the first offense. By law, the County will notify the federal contracting officer within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The County reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

DRUG TESTING POLICY (This policy applies to all of our employees and parallels DOT/FHWA and FTA regulations and guidelines.) Illegal drugs and alcohol in the workplace and on the road are a danger to those who use them, to those who work around users, and to our clients and the public in general. They impair safety and health, promote crime, lower productivity and quality and undermine public confidence in our service. Cavalier County will not tolerate the use of illegal drugs by any employee.

We feel, in general agreement with the Department of Transportation, that drug and alcohol testing and sanctions for use will help discourage substance use and reduce absenteeism, accidents, health care costs, and other drug-related problems. It will act as a deterrent to those individuals who might be tempted to try drugs for the first time or who currently use drugs and alcohol. Finally, drug and alcohol

testing will protect the health and safety of the employees, through the early identification and referral for treatment of workers with drug use and alcohol problems.

POLICY STATEMENT

Cavalier County has developed, in agreement with regulations issued by the Department of Transportation and the Federal Highway Administration, Federal Transit Administration under authority of Congress via the Omnibus Transportation Employees Testing Act, the following policy for our employees:

Effective immediately, no employee either an employee or a contract driver with Cavalier County shall be on duty if the employee uses, or tests positive for, any controlled substance, including alcohol. Any employee testing positive for alcohol at a level of .02% but below .04%, will be considered medically unfit to work, and will be suspended without pay, until such time as they perform a return to duty test and test below .02% and for a period of not less than twenty-four (24) hours (FTA requirements are for eight hours minimum). Any employee testing positive for the specific agents described below or alcohol at a level of .04% or above, will be considered to have failed the test and be medically unfit to work. A person who refuses to submit to testing shall not be permitted to work since such a refusal shall be considered to be a positive test. Regardless of the actual or potential alcohol test results, it is a requirement of the DOT that no safety sensitive employee consume alcohol with four (4) hours of reporting for duty.

DRUG TESTING

Employees will be asked to undergo testing for alcohol and on five groups of drugs: Amphetamines, Opiates, Phencyclidine, Cocaine, and Marijuana. These are the drug groups specifically targeted by the FTA and DOT/Federal Highway Administration for testing purposes. The County will pay the costs of the pre-employment drug testing, and post accident reasonable cause and random drug and alcohol tests. Employees of Cavalier County will pay the costs of all other drug and alcohol tests within each twelve month calendar period. Additionally any employee of the County whose employment is terminated, for any reason, prior to the completion of their first ninety calendar days of employment, shall be responsible for reimbursing the County for all costs associated with that employee's drug and/or alcohol testing incurred by Cavalier County to that point.

Testing will occur at various periods of time. All candidates for hiring will be required to participate in drug testing as a pre-qualification test prior to employment. No candidate for hiring with a positive drug test will be employed. A qualified supervisor can institute a drug or alcohol test on the grounds of reasonable cause or suspicion of drug or alcohol usage. A random testing program will also be utilized, 50% of the employees are tested randomly per year for drugs and

25% of the employees are tested randomly for alcohol per year. Following a reportable accident while on the job, the employee may be asked to undergo testing.

ACCESS TO TESTING RESULTS AND CONFIDENTIALITY

The testing procedure will be carried out so as to protect individual privacy, ensure accountability and integrity of the specimens, confirm any positive screening test, regulate the testing laboratory, protect confidentiality, and be non-discriminatory to the individual. A person testing positive will be informed of the results of the test and the alcohol or drug found positive. All other drug reporting will be conducted as per the Medical Review Officer, M.R.O., who is responsible for their interpretation and retention.

RESULTS OF A POSITIVE TEST

Following the first positive test, Cavalier County reserves the right to immediately terminate the employment of that employee. If the driver is an Owner/Operator or Independent Contract Driver, the County may immediately disqualify them from any further driving for Cavalier County or terminate the contractual relationship with the Independent Contractor supplying the driver or Owner/Operator. Under the provisions of the Omnibus Transportation Employees Testing Act, employees thus terminated are still obligated to undergo an evaluation by a Substance Abuse Professional (SAP) and must successfully complete the treatment program prescribed by that SAP. Additionally they must successfully pass a return to duty drug/alcohol test and participate in a follow-up unannounced screening program no less often than six (6) tests in a twelve (12) month period. Cavalier County assumes no responsibility financially or otherwise for the terminated employee's compliance with the above and offers no guarantee of re-employment or rehire regardless of the terminated employees actions pertaining to the above follow-up.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program will contain an educational and training program for employees and also for supervisors which addresses controlled substances. A written statement will be on file at the principal place of business of the County that outlines the employee assistance program. The training program will include a discussion of the effects and consequences of alcohol controlled substances on personal health, safety, and the work environment, the manifestations and behavioral effects that may indicate controlled substance use or abuse, documentation of the training given employees and supervisory personnel, and documentation that the above personnel received at least 60 minutes of training. The above is to be construed as the minimum form of Employee Assistance Program that the County can add to at its discretion. Supervisors must receive sixty (60) minutes of alcohol awareness training and sixty (60) minutes of drug awareness training.

DEFINITIONS

Controlled Substance is any substance listed on Schedules I to V as periodically amended by the Federal government and alcohol.

Medical Review Officer (MRO) means a licensed doctor of medicine or osteopathy with the knowledge of drug abuse disorders that is employed or used by a motor carrier to conduct drug testing.

RELATIONSHIP TO FEDERAL REGULATIONS AND LAWS

This policy will be enforced and applied under the authority of the relevant laws of the United States and the State of North Dakota and any relevant regulations issued by the agencies of the Federal Government.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from use of the problem substance while on leave, abides by all the County's policies, rules, and prohibitions relating to conduct in the work place, and if the County suffers no "undue hardship" as a consequence of granting the leave.

ALL EMPLOYEES ARE ASKED TO ACKNOWLEDGE THAT THEY HAVE READ THE ABOVE POLICY AND AGREE TO ABIDE BY IT IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT ARE REQUIRED OF YOU AS A CONDITION OF CONTINUED EMPLOYMENT.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact your supervisor for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Physician-prescribed medications are permitted, provided they do not adversely affect job performance or the safety of the employee or other individuals in the work place.

703 SEXUAL AND OTHER FORMS OF IMPERMISSIBLE HARASSMENT

Cavalier County is committed to providing a work environment that is free of discrimination. Actions, words, jokes or comments based on an individual's sex, race, ethnically, age, religion or any other legally-protected characteristic will not be tolerated.

Sexual harassment is the unwarranted and unwanted action of an individual against another individual involving sexual overtones. The County will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile work environment. The County is opposed to sexual harassment in the work place and such harassment is against the law.

Sexually harassing conduct in the work place or elsewhere, whether committed by supervisory or nonsupervisory personnel is prohibited. Such conduct may include, but is not limited to:

- 1) Sexual flirtations, touching, advances, etc.
- 2) Verbal abuse of a sexual nature.
- 3) Graphic or suggestive comments about an individual's dress or body.
- 4) Sexually degrading words to describe an individual.
- 5) The display in the work place of sexually suggestive objects or pictures, including nude photographs.

It is important to note that sexually harassing conduct also includes:

- 1) Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment.
- 2) Using submission or rejection of the conduct as a basis for employment decisions.
- 3) The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Any employee who believes that the actions or words of any employee or fellow employee constitute unwelcome harassment, has a responsibility to report this behavior, preferably in writing, as soon as possible to the County Auditor, States Attorney or the County Commissioners.

All complaints of harassment will be investigated promptly in a confidential manner. In all cases, the employee will be advised of the investigation's conclusions.

Any employee who is found, after appropriate investigation, to have engaged in harassment of another employee, will be subject to appropriate disciplinary action and may be subject to immediate discharge.

704 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, Cavalier County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

705 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees upon request.

706 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with Cavalier County. Although advance notice is not required, the County requests at least two weeks written resignation notice from all employees.

707 SECURITY AND INSPECTIONS

Cavalier County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them can be inspected by an agent or representative of Cavalier County at any time, either with or without prior notice. At no time may an employee install or utilize their own locking mechanism or device to secure the above.

Cavalier County likewise wishes to discourage theft or unauthorized possession of the property of employees, the County, visitors or customers. To facilitate enforcement of this policy, the County or its representative may inspect not only desks and lockers, but also packages and persons entering and/or leaving the premises. Additionally, Cavalier County reserves the right, at its sole discretion to install and use security/surveillance cameras or devices on its property. Any employee who wishes to avoid inspection of any articles or materials should not bring them onto the County's premises.

Some areas of the County's premises are designated as "restricted entry", i.e. the vault, jail facilities, storage, etc. Unauthorized entry into these restricted areas may result in disciplinary action up to and including termination.