BURLEIGH COUNTY



Personnel Policy Manual & Handbook

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	General Human Resource Policies	**BCHR – 02** **Date Last Revised: 06/8/2021** **Board Approved: 07/07/2021**

Purpose:
Burleigh County has endorsed these Human Resource policies as a guideline in order to ensure fair and consistent application. These policies are not intended to create or be interpreted as a contract of employment between Burleigh County and any of its employees.

Objectives:
The intent of this general Human Resource policy section is to clarify the standards and practices that will benefit all employees. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general human resource policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice, you should address your questions to an immediate supervisor, Elected Official/Department Head or the Human Resource Office. As Burleigh County continues to grow, the need may arise to change these policies. The Burleigh County Commissioners therefore reserve the right to revise, vary, change, supplement, or rescind any policies from time to time as they deem appropriate, in their sole and absolute discretion.

1) Human Service Zone employees are covered by the North Dakota Merit System and, will adhere to the North Dakota Administrative Code. ND DHS human resources is responsible for all Human Service Zone policies.

Burleigh County and its employees have an at-will employment relationship. Either the employee or Burleigh County may terminate this relationship at any time, for any reason, with or without cause or notice. These human resources policies do not limit or modify the employment at-will relationship. These policies do not form an express or implied employment agreement or employment contract.

1) The Burleigh County Human Resource Policies and Procedures have been established for all Burleigh County Departments and Agencies. Fair, equitable, and uniform human resources policies will assist in maintaining employee morale, effectiveness, and efficiency.

2) Some chapters or sections are based on state law; these are identified by a reference to the appropriate section of the North Dakota Century Code that has been placed in parentheses at the end of the section or chapter.

3) These policies shall cover all employees of Burleigh County, except the Human Service Zone employees. Administrators or managers in using these policies will assure uniform, equitable and fair treatment to all employees of Burleigh County. Consistent application of these policies will eliminate the need for many independent interpretations and decisions by members of management and will assist to insure uniform treatment of all employees. However, the policies described herein are not intended to create a contract between Burleigh County "the County" and its employees.

4) The County Human Resource Director will accept input from all departments and will continually be receptive to change based on experience, problems and/or new laws, rules and regulations.

5) Departments whose work, organization and responsibilities are such that exceptions to the policies are necessary shall make written request to the County Human Resource Director stating the policy in question, the problems encountered and a suggested revision/solution. If justified, the County Human Resource Director shall submit such change request to the County Commission and receive authorization to change the policy in question.

6) In addition to these policies, the Burleigh County Sheriff is empowered to promulgate policies and procedures for the administration of the Sheriff's Department and the Burleigh Morton Detention Center, which are binding on the employees in those departments. Such policies and procedures shall be reviewed at least annually by the Burleigh County Commission, revised as necessary and formally approved.

Office Hours:

The Burleigh County Courthouse and other County buildings shall be open to the public for the conduct of public business during the hours of 8:00 AM until 5:00 PM - Monday through Friday throughout the year except holidays, unless exempted by the Burleigh County Commissioners or by the Sheriff for weather emergencies. All offices within the County buildings will remain open with these hours except for cases of emergency.

Elected officials may extend office hours without prior approval of the Burleigh County Commission if the reason is to accommodate the public for a specific purpose for a short period of time, such as opening Saturday mornings for election work, jury duty, trials, and to receive tax payments.

	**Recruitment/Employment Policy**	**BCHR - 04** **Board Approved:** **09/01/2021**

Statement of Philosophy:

It is the policy of Burleigh County to attract the most qualified applicants for all positions through open competition, both internal and external. Ensuring a consistent application and selection process resulting in equal treatment of all applicants, while providing the Department Head/Hiring Manager in charge of selection along with the interviewers, the tools to complete the hiring process. Burleigh County uses a competitive recruitment system to fill all positions that are posted internally and externally.

Purpose:

Recruitment, selection and advancement of employees shall be on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointments.

Departments are encouraged whenever possible and reasonable to fill a vacancy internally by promoting qualified regular employees. It should however, be the ultimate goal of each department to obtain the best qualified applicant for the vacancy regardless of the method utilized.

Equal Employment Opportunity

We provide employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, pregnancy, citizenship, national origin, age, disability, military service, veteran status, genetic information, union membership, sexual orientation, gender identity, marital status, status with regards to public assistance, participation in lawful activity off the employer's premises during non-working hours (which is not in direct conflict with the essential business-related interests of the County) or any other characteristic protected by law. In order to provide equal employment and advancement opportunities to all individuals, employment decisions are based on merit, qualifications, and abilities. However, we may provide hiring preference to veterans and disabled veterans, pursuant to N.D.C.C. §37-19.1.

This policy applies to all terms and conditions of employment, including recruiting, hiring, compensation, selection, job assignment, promotion, discipline, termination, layoff, recall, transfer, access to benefits, leaves of absences, and training. Any questions or concerns about any type of discrimination in the workplace, should be brought to the attention of your immediate supervisor or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Any employees found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

	**Recruitment/Employment Policy**	**BCHR - 04** **Board Approved:** **09/01/2021**

Veteran's Status

Qualified veterans shall have preference for employment with Burleigh County.
Veteran's Status as defined in subsections 4 and 8 of NDCC 37-19.1

- Applicants who are residents of North Dakota and eligible to claim veteran's preference must include Form DD214.
- Claims for disabled veteran's preferences must also include Form DD214 and a letter less than one year old from the Department of Veterans Affairs indicating disability.
- Claims for preference as the eligible spouse of a disabled or deceased veteran must include Form DD214, a marriage certificate, and a letter less than one year old from Dept. of Veteran's Affairs indicating disability, or the veteran's death certificate.

Veteran employment is referenced in NDCC 37-19.1.

Recruiting Process

The Human Resource Director is to be notified of the intent to hire needed staff, for all openings. This notification should be completed as far in advance as possible to ensure sufficient time to recruit the best candidate(s). Recruiting efforts shall be based on the current and projected work force needs along with budgeted funding.

The Human Resource Director and the Department Head/Hiring Manager will determine the type of recruitment: external/internal posting or interdepartmental posting and/or intradepartmental posting.

Vacancy Announcements and Job Postings:

Vacancy Announcements will describe the position, the department, the location, job classification, the summary of job responsibilities, salary grade, compensation range, type of recruitment, and closing date for the receipt of applications. Instructions on how to apply, and any supporting documentation required to complete the application will be included.

Job posting information will be taken directly from the vacancy announcement.

The timeframe for each job posting will be determined by the Department Head/Supervisor, but should not be less than a minimum five (5) days.

Applications:

All applications must be submitted online; paper applications are no longer accepted. Supporting documents (as listed on the vacancy announcement) may be emailed, faxed, mailed or delivered personally to the Human Resources Department by the deadline date. Only completed applications will be considered.

The County Human Resource Team may research the applicant's submitted information to verify statements contained in the application. The Team may also conduct research in order to secure factual information regarding the applicant's character and fitness.

Types of Applicants:

1. INTERNAL APPLICANTS – All internal applicants must have a positive performance standing. Internal applicants that are scheduled for an interview must inform their current Department Head/Supervisor. * Internal Applicants do not qualify for Veteran status if they have claimed it previously.
2. PREVIOUS EMPLOYEES - If the applicant is a previous employee, a member from Human Resources will authenticate their performance standing along with terms and length of service and separation. For more information see Re-employment policy
3. EXTERNAL APPLICANTS - All completed applications from external candidates will be accepted for rating.

Applicant Ratings:

All completed applications will be reviewed to ensure that the Minimum Qualifications per the Job Description have been met.

If there are more than four (4) qualified applicants the applications may be given a numerical score according to the rating sheet developed for that specific position.

The following will be forwarded to the Department Head/Supervisor:

1. A Register of Applicants listing both qualified and unqualified applications; with the qualified applications in descending order.
2. The completed applications for the top five (5) rated applicants.

The Department Head/Supervisor will determine the number of applicants they wish to interview. Once the number of applicants to be interviewed has been determined, the Human Resource Team will contact the applicants and schedule the interviews.

Interviews:

The Human Resources Team, in conjunction with the Department Head/Supervisor will determine the interview questions, composition of the Interview Panel and the date, time and place of interviews.

Applicants must be asked the same set of questions and the same panel must be present throughout the interview process.

Once the interviews are completed the candidates' scores will be added up. At this time the panel may discuss their recommendations and comments concerning each candidate. The top candidate's information will be sent to the Department Head/Supervisor for final

approval.

Upon completion of the selection process Background Checks and the required testing may be completed.

Background Checks:

*****A General Release Authorization and Reference Check form must be signed by the candidate before any of the following checks may be performed.

1. CRIMINAL BACKGROUND CHECKS - shall be performed on all external candidates. Criminal background checks for the Sheriff's Department, Burleigh Morton County Detention Center and Burleigh County State's Attorney's Office will be conducted via the Burleigh County Sheriff's Department. Background checks for all other departments will be submitted to the North Dakota Bureau of Criminal Investigations.
2. CREDIT CHECKS – a candidate that is being hired for a financially sensitive position will be subject to a credit check. A credit check may only be performed once the candidate has signed a release and been give the proper Fair Credit Lending Act disclosures. *Credit information MAY NOT be released by Burleigh County to candidates in any form.
3. DRIVER'S LICENSE RECORDS CHECKS – any candidate that will be performing a safety sensitive function or that will be driving Burleigh County owned vehicles is subject to a pre-hire Driver's License records check. An applicant will not be hired to work in these departments if his/her driving record shows a current gain of four (4) or more points over the last year, or twelve (12) or more points over the last three (3) years.

Reference Checks:

The Burleigh County Human Resource team or the designated Hiring Supervisor will conduct reference checks of all applicants. These references will include the applicant's past employers when possible.

Pre-employment Drug Testing:

Some candidates will be subject to pre-employment drug testing for more information: Please refer to the Burleigh County Alcohol and Control Substance Workplace Policy. Burleigh County Personnel Manual Ch 6, Sec. 10.

Pre-employment Physical Exams:

Candidates for positions in the Highway Department, Sheriff and Detention Center will be subject to a pre-employment physical at Burleigh County's expense.

Position Specific Exams:
Positions in the Sheriff's Department and Detention Center may be subject to psychological and personality exams depending upon the position. These exams are conducted at Burleigh County's expense.

Closing the Position:
Upon completion of all background checks and pre-employment exams, the results will be forwarded to the Department Head/Supervisor to establish the pay grade and step to be offered to the candidate. See On-boarding - Establishing Salary

Once the offer is accepted an "Offer Letter" will be sent to the selected candidate. All other candidates that received an interview will receive a "Thank You" email. Applicants that did not receive an interview will be sent an email inviting them to apply for other opportunities in the future.

Records Retention

Burleigh County is subject to North Dakota Open Records Laws (NDCC 44-04-17.1) and all hiring records, including email correspondence between Burleigh County Human Resources and applicants must be retained for three (3) years.

Hiring Lists

At the discretion of the Department Head a Hiring List may be established from which candidates can be hired for future openings. If established the Hiring List is active for twelve (12) months. Department Heads are not limited to using an established hiring list and may open future positions to Internal/External applicants at their discretion.

On Boarding

Establishing Salary:
The Department Head will establish the new employee's starting salary. The starting salary will normally be the grade of the job classification and step 1-5 of the Burleigh County Pay Grade and Step Structure, depending relevant experience.

Salary Variances:
If the Department Head feels that a higher step than 5 is warranted; the Department Head will jointly determine the salary grade with assistance from the Human Resource Director. Salaries for new hires above the step of 5 must receive a variance from the County Commission. All requests for salary variances will be made by the Department Head.

Criteria for a salary variance include the new hire's relative experience, the current job

market, unemployment rate, number of qualified applicants that applied and previous salary history.

Probationary Period

All newly hired or promoted employees (excluding elected officials) will be subject to a six (6) month probationary period. The purpose of the probationary period is to effectively evaluate the employee's on-the-job performance. At the end of the probationary period the employee will be either:

1. Moved to regular status
2. Have their probation extended
3. Terminated from employment

Regular Status:

The employee will be evaluated at six (6) months, based on the evaluation they will be moved to "regular status". At this time, they will be eligible for a one (1) step increase based on the Burleigh County Pay Grade and Step Structure.

Probationary Extension:

If the employee's performance evaluation is unsatisfactory the Department Head may extend the employee's probationary period by an additional six (6) months. All probationary extensions must be in writing prior to the end of the employee's probationary period. Extensions will be placed into the employee official record along with the unsatisfactory performance evaluation.

Termination of Employment:

An employee may be separated from service during a probationary period without right of appeal to the County Human Resource Department, except in cases of alleged discrimination. The Human Resource Director shall be notified in writing the reason for separation.

Step Pay Increases:

Any employee on probationary status at the end of the first pay period in December will not be eligible for an additional step increase in the following year if the step increase is authorized by the Board of Commissioners for eligible employees of Burleigh County. Probationary salary increases become effective on the first working day of the next pay period after completion of the probationary period.

Re-employment Policy

A former employee who previously had regular or temporary employment status may be eligible for consideration of re-employment up to one (1) year from the date of separation if the following conditions are met:

1. The employee resigned or separated while in good standing, including those subject to a reduction in force.
2. The employee applies and meets the minimum qualifications for the position available. Upon meeting the minimum qualifications, the employee must go through the hiring process and be selected for the position.

Leave Accruals:
Previous employees may have an adjusted accrual date for the purpose of determining the amount of annual leave. This will be based upon length of employment and amount of separation time.

Also, previous employees will have their previous years of employment service credited to their accrual for the amount of annual leave. The accrual date will be lengthened by the number of months gone from service (i.e. if an employee is gone for a period of six (6) months, six months will be added to their accrual schedule before the next level of accrual is reached).

Compensation Rate:
Previous employees who are eligible for re-employment will be subject to the compensation rate for the position as advertised or assigned to that job classification, along with a probationary period.

Transfer Policy

The Board of County Commissioners may authorize in-service transfers. These transfers shall be requested by the appointing authorities and shall be submitted in writing to the Human Resource Director.

Transfers from a department, which is partially funded and supervised by Burleigh County, shall be permitted a transfer to a Burleigh County position with loss of benefits and/or time-in-service credit.

Relative Policy

Nepotism:
No head of any executive or administrative department or agency, either elective or appointive, of any county in this state, may appoint that official's spouse, son, daughter, brother, or sister to any position under the control or direction of that official, unless the appointment has been previously approved by resolution of the board of county commissioners (NDCC 11-10-25).

	**Recruitment/Employment Policy**	**BCHR - 04** **Board Approved:** **09/01/2021**

Employment:

A member of an employee's immediate family will be considered for employment by the County provided the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if such employment would:

1. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
2. Create either an actual conflict of interest or the appearance of a conflict of interest.

Employees who marry or become members of the same household may continue employment as long as there is not:

1. A direct or indirect supervisor/subordinate relationship between such employees; or
2. An actual conflict of interest or the appearance of a conflict of interest.

Definitions for the purpose of this policy:

- Intradepartmental posting – posting the job opening within the immediate department, only.
- Interdepartmental or Internal posting – posting the job opening within all of the departments in the county agencies.
- External Posting – posting the job opening within a variety of external sources through use of media, utilization of placement offices or temporary agencies, and university or college placement offices.
- Immediate Family - the employee's spouse, child (natural, adoptive, foster, or stepchild), or any other family member who is a member of the employee's household.

Chapter 3

SECTION 1: CLASSIFICATION REVIEW AND APPEAL POLICY

Statement of Philosophy: It is the policy of Burleigh County to allow an equitable process to review the position(s) in which the scope of responsibility and essential duties have changed to merit a review of the classification.

1. The classification plan provides a complete inventory of all positions in the County service and specification for each class of work. The plan standardizes titles, each of which is indicative of a definite range of responsibilities, duties and has the same meaning throughout the service.

2. All positions in the department shall be allocated to one of the classes established by the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided.

3. With the approval of the Board of County Commissioners, the Human Resource Director shall be charged with the responsibility of maintaining the classification plan to reflect the duties performed by each position. It shall be the duty of the Human Resource Director to:

    a) Establish new position classes, delete and/or or revise existing classes.
    b) Review the duties and responsibilities of each position established and allocated to the position class. It is the responsibility of the Department Head to submit in writing to the Human Resource Director a detailed description of each position.
    c) Review all positions in the service annually, if necessary, and conduct periodic position studies to determine the changes in responsibilities and duties. Based on those findings, positions may need to be re-classified or duties reallocated. Classification studies may also be requested by the employee, these requests can be made to the Department Head or to the Human Resource Director.
    d) Review the Classification system and make the recommendation to the Board of County Commissioners when an outside consultation is needed to maintain an equitable and competitive rate of compensation, salary structure and organization.

Approved by the Board of Commissioners 4/3/00 ksj
Amendments approved by the Board of Commissioners 5/3/10 RLG
Amendments approved by the Board of Commissioners 10/18/10 RLG
Amendments approved by the Board of Commissioners 9/5/2012 RLG

4. Whenever permanent, substantive changes in the responsibilities and duties assigned a position are anticipated, the Department Head shall notify the Human Resource Director. In conjunction with the Department Head, the Human Resource Director shall create a job description setting forth the responsibilities and duties assigned to the position. Changes in duty assignments must be more than temporary in nature.

5. The Department Head and/or employee must provide in writing, a letter of intent requesting a Classification Review. This must be in accordance with the procedures specified in this policy.

6. The same position may be reviewed only once in a twelve- (12) month period, this period beginning from the date of the last action.

7. The Human Resource Director shall assist the Department Head and/or employee in preparing for a classification review. It must be understood that classification review does not guarantee a change in classification.

8. When proposing, amending, or abolishing a class specification, the Department Head shall prepare and submit the following:
   a) Letter of intent requesting a Classification Review, specifying the position to be reviewed.
   b) Description of responsibilities and duties as outlined in a standardized job description.
   c) Completed County Position Information Questionnaire.
   d) Letter of Determining Factors (depicts and highlights the reasons for requesting re-classification).

9. The Classification Review will be conducted with Burleigh County's contracted vendor in reviewing classifications and job descriptions. Once the Classification Review has been conducted by the contracted vendor, the results will be forwarded to the Human Resource Director, who will review and forward the results to the employee and/or Department Head.

Classification Review Appeal Process:

1. If after a Classification Review, an employee or Department Head authority perceives that a classification inequity exists, an appeal may be initiated to the Board of County Commissioners.

Approved by the Board of Commissioners 4/3/00 ksj
Amendments approved by the Board of Commissioners 5/3/10 RLG
Amendments approved by the Board of Commissioners 10/18/10 RLG
Amendments approved by the Board of Commissioners 9/5/2012 RLG

2. The appeal must have written comments addressing the reason for the appeal and must be dated no later than ten (10) workings days from the date the Classification response was signed by the Human Resource Director.

3. The Human Resource Director shall place the appeal on the agenda of the Board of County Commissioners for consideration. The decision of the Board of County Commissioners is final.

Approved by the Board of Commissioners 4/3/00 ksj
Amendments approved by the Board of Commissioners 5/3/10 RLG
Amendments approved by the Board of Commissioners 10/18/10 RLG
Amendments approved by the Board of Commissioners 9/5/2012 RLG

Chapter 3

SECTION 2: COMPENSATION PLAN

1. The compensation plan is a reflection of the classification plan, which provides a complete inventory of all positions in the County service and specification for each class of work. The plan standardizes titles, each of which is indicative of a definite range of responsibilities and duties and has the same meaning throughout the service.

2. The beginning salary for an employee shall normally be the minimum for the class. A newly hired employee with related experience or other qualifications may be paid a salary more than the published minimum salary. The Human Resource Director and Department Head will refer to the Starting Salary Policy as a guideline. (See Starting Salary Policy, Personnel Manual; Chapter 2, Section 10)

3. An employee who is promoted shall have their salary increased to at least the minimum rate of pay for the class. An employee who is demoted shall have the salary reduced to be within the range of pay for that lower class.

4. The salary reduction or increase shall be determined jointly between the Department Head and Human Resource Director. In the event the present salary falls within the range for the upper or lower class, a salary increase/reduction may not be required; this may apply to employees who are re-classified due to a change in duties.

5. The Department Head, when requesting compensation changes for Department employees shall certify that the salary is within the classification and compensation plan and that the employee status and classification within the County system have also been approved by the Human Resource Director.

6. Salary increases should not be automatic but shall be based upon approved budget allocation, position reclassifications and/or performance evaluations. The Human Resource Director shall review department compensation plans to insure sound salary administration and personnel management practices.

7. The Human Resource Director shall monitor the Classification system and recommend to the Board of County Commissioners when an outside consultation is needed to maintain an equitable and competitive rate of compensation, salary structure and organization.

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Chapter 3

SECTION 3: WORKWEEK/WORKPERIOD AND COMPTIME POLICY

Statement of Philosophy: It is the policy of Burleigh County to establish a consistent procedure that defines the workweek and/or work period in which County employees are eligible for overtime or compensatory time compensation. This policy is necessary to ensure that Burleigh County and the Burleigh County Board of Commissioners shall be in compliance with federal and state personnel regulations.

Exempt and Non-Exempt:

1. Positions that are exempt from overtime pay requirements are to be identified within the guidelines of the Fair Labor Standards Act (FLSA) and identified as bona fide executive, administrative and professional personnel.
2. All other positions, which do not meet the criteria, established by the Fair Labor Standards Act (FLSA) not identified as bona fide executive, administrative and professional are determined to be non-exempt. All non-exempt positions are eligible for overtime compensation.
3. A list of County positions identified as exempt and nonexempt shall be on file with the County Human Resource Director.

Work Week and Work Period

1. The normal workweek for all County employees, except for the County Sheriff's Department and County Detention staff, shall begin at 12:01 am on Sunday morning and end at 12:00 am Saturday evening. Each department may adjust these work hours as needed.
2. All departments will utilize time sheets and/or time cards as a means to account for hours worked and to account for all leave time, in addition to the Payroll Transmittal sheets. All non-exempt personnel time must be accounted for.
3. All personnel in the Sheriff's Department and Detention Center, consistent with the provision of the Fair Labor Standards Act, shall work under the 207K Exemption Plan. The normal fourteen (14) day work period consists of 86 hours for non-exempt, shift employees. This work period for the County Sheriff's Department began on July 1, 2002 for all Detention Staff and Patrol Staff.
4. All hours worked by non-exempt employees in excess of 40 hours per week, or 86 hours in a work period, (Sheriff's Department and Detention Center) shall be specifically authorized in advance by the Department Head or Department Supervisor except in situations deemed unforeseeable, necessary or as an emergency as determined by the Department Head.
5. Employees working excess hours without authorization or good cause shall be subject to disciplinary action, up to and including termination of employment.

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Approved by the Board of Commissioners 10/01/01. Modified and approved by the Board of Commissioners 7/7/04.

Work Beyond Hours Scheduled

1. Hours scheduled to be worked and/or worked by a non-exempt employee during a workweek or work period shall be reduced hour for hour by an excused and compensated absence such as holiday pay, annual or sick leave.
2. Any exclusions to this are provided for in the Overtime Pay Policy, Chapter 3, Section 4.
3. A non-exempt employee working additional hours during the work week or work period which exceed the net hours scheduled, shall be compensated by providing overtime compensation or allowing compensatory time off.
4. Employees classified as exempt are not eligible to receive overtime payment. Such employees are considered to be on a standard forty (40) hour workweek and are expected to work as long as it is reasonably necessary to fulfill their job responsibilities.
5. Circumstances that may arise that require considerable extra work time for exempt employees; the Department Head may authorize time off with pay. Such time off shall be used within a reasonable time frame so as not to disrupt the operations of the Department and/or the County.
    a. Note: If such compensatory time is given, it is not intended to be part of the employee's salary and benefit package, but is used as a tool to boost morale.

Comptime

1. Whenever it is deemed possible, the Department Head or Department Supervisor will, upon agreement with the employee, attempt to grant compensatory time off within the scheduled workweek or work period (as applicable) for hours worked above the net hours scheduled.
2. Employees requesting to utilize his/her compensatory time off shall be permitted to use such time as long as the use of the compensatory time off does not unduly disrupt the operations of the department or County.
3. Hours worked above 40 hours in a work week or 86 hours in a work period, may be compensated with compensatory time off, thus compensating one extra hour of work with an hour of time off when compensatory time is taken in the same work week or work period in which it is earned.
4. Hours worked above 40 hours in a work week or 86 hours in a work period, may be compensated with compensatory time off, thus compensating one extra hour of work with one and a half (1.5) hours of time off when taken in a different work week or work period in which it is earned.
5. Any comp time accumulated in lieu of overtime pay, but not repaid within three months of the week when worked, shall be converted to overtime pay at the rate applicable at the time the excess hours were worked, unless otherwise determined by the Department Head.

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Approved by the Board of Commissioners 10/01/01. Modified and approved by the Board of Commissioners 7/7/04.

Definitions for the purpose of this policy:

- **Work Week** – Regularly scheduled hours or days of work during a calendar week as defined by Office Hours Policy, Chapter 1, Section 2.

- **Work Period** - Regularly scheduled fourteen (14) days of work during a pay period.

- **Hours Worked -** number of hours performed as work time.

- **Overtime –** Working time in excess of a standard workweek or work period

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Approved by the Board of Commissioners 10/01/01. Modified and approved by the Board of Commissioners 7/7/04.

Chapter 3

SECTION 4: OVERTIME PAY

1. Unscheduled and scheduled time worked in excess of 40 hours in a workweek or 86 hours in a work period (Sheriff and Detention) and not credited as comp time shall be compensated for at the rate 1.5 times the applicable rate at the time the excess hours were worked.

2. Hours of accumulated comp time, not repaid to the employee in the form of time off within three months of the week worked, shall be converted to overtime pay, using the applicable rate at the time the excess hours were worked.

3. Overtime shall be paid upon submission of a timesheet/timecard signed by the employee and approved by his/her department head and submitted to Payroll.

   Definitions For the purposes of this policy:

   - **Scheduled Overtime -** Hours above the normal work schedule, and must be scheduled prior to the employee departing from a work shift, or at least 12 hours in advance. These types of hours will cancel out any vacation, ~~or~~ sick leave, or holiday hours taken during the workweek and overtime will be paid for any hours actually worked over 40. Examples would be: if a Holiday falls on Monday or an employee takes annual or sick leave on Monday, then works 10 hours per day Tuesday through Friday, the additional 8 hours would be paid at straight time and not overtime. (For members of the Sheriff's Department and Detention Center, please refer to the 207K Exemption Plan and/or Department Policy.) Comp time will be calculated in the same manner as overtime based on hours actually worked.

   - **Emergency Overtime –** Hours above the normal work schedule that were not previously scheduled. Examples would be: *If the supervisor would ask you* to work extra-unscheduled time at the end of a regularly scheduled shift to complete a project or task. (For members of the Sheriff's Department and Detention Center, please refer to the 207K Exemption Plan and/or Department Policy.) **Or,** *if you were called out* after hours for emergency reasons. These types of hours will be paid as overtime, regardless if any vacation or sick leave was, or is taken during the workweek.

   - **Call Time –** the minimum number of hours that a person will be paid for emergency overtime, for the purpose of this policy, the minimum call time will be two (2) hours and will only be able to receive the call time once per work day.

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Chapter 4

SECTION 1: GROUP HEALTH INSURANCE

1. Employees are eligible to enroll in the group health insurance program, under the county contract, provided they meet the eligibility requirements as established.

2. All regular employees working full-time (30 hours per week) and elected officials may participate in the County Health Insurance Program. The county will provide a Medical and Health Insurance policy for employees and shall make contributions to each level of the eligible health plans which include the options of single, and family coverage.

   A. Contributions will be evaluated and determined by the Board of County Commissioners during the annual budget process.
   B. A listing of contributions will be maintained and distributed through the Human Resource Department, upon Commission approval.

3. Employees participating in the insurance program shall be responsible for the balance of the premium cost. The employee portion of the premium cost will be deducted through payroll deduction.

4. Employees who are employed less than full-time (30 hours per week) but 20 hours or more per week shall be provided the opportunity to participate in the County Health Insurance Plan. The county shall provide benefits as follows:

   A. The County shall make a contribution to the part-time employees Group Health Insurance premium based upon a proration of the County's contribution specified above.
   B. The premium if prorated based on the number of hours worked divided by the number of hours available for work in a pay period.
   C. Employees participating in this portion of the insurance program shall be responsible for the balance of the premium cost. The employee portion of the premium cost will be deducted through payroll deduction.

5. All new employees' health insurance coverage will begin on the 1st of the month following employment. New employees may elect to pay for health insurance coverage during the waiting period by attaching a personal check for the premium to the insurance application.

6. All new county employees must indicate whether or not they wish to participate in the County Insurance Program within the first 30 days of employment. If the employee fails to notify the county within the first 30 days, the employee will be required to wait to

enroll during the next open enrollment period, unless there is a qualifying event as defined by the insurance company providing the county insurance coverage.

8. The county will provide health insurance coverage for employees terminating employment with the county through the end of the month the employee is terminating employment. In addition, Burleigh County will offer the employee and eligible dependents the right to continue coverage as stated in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

9. The COBRA Act allows for:
   A) An 18-month period for continuation coverage is offered for all qualified employees. This continuation coverage is available when any of the following events would normally result in the loss of coverage:
      - The death of the covered employee;
      - The termination (other than by reason of the employee's gross misconduct) or reduction of hours of the covered employee's employment;
      - The divorce or legal separation of the covered employee;
      - A dependent child ceasing to be a dependent under the terms of the plan; or
      - The covered employee becoming entitled to Medicare benefits.
   B) In the case of widows, spouses and dependants, the continuation coverage must be offered for a 36-month period.

   Further details of this federal requirement are available from the County Human Resource or the payroll department. An election form will be provided upon the occurrence of a qualifying event.

10. All regular employees and elected officials in good standing who retire from county employment shall be allowed to continue the County Health and Medical Insurance Plan at their own expense in accordance with the COBRA Act. The employee must reimburse the county for the total premium cost. Premiums must be paid monthly in advance. Any employee eligible for Medicaid must be transferred to the same.

11. Employees who terminate their employment shall have the option to convert the County Health Insurance policy to a private policy if they do not choose to elect COBRA. This conversion must be accomplished within the set time limits established by the insurance company providing the county insurance coverage.

Approved by the Board of Commissioners 2/5/01
Modified and approved by the Board of Commissioners 5/3/04
Modified and approved by the Board of Commissioners 6/5/06 TAC
Modified and approved by the Board of Commissioners 12/21/09 RLG
Modified and approved by the Board of Commissioners 12/15/2014 TT

Chapter 4

SECTION 2: GROUP LIFE INSURANCE

1. Employees are eligible to enroll in the group life insurance program under the County contract, provided they meet the eligibility requirements.

2. Effective October 1, 2009, employees of the County and elected officials, will be insured by the County on a basic non-contributory coverage of $25,000.00 basic life insurance and accidental death and dismemberment policy.

3. Employees are eligible to purchase additional supplemental life insurance in any amount from $10,000.00 to $190,000.00 in $10,000.00 increments. The premium will be deducted through payroll deduction.
4. Application for additional coverage should be made during the initial month of employment, but no later than 30 days from the date of employment, as to avoid being required to provide medical information.

5. After the initial enrollment, your insurance becomes effective on the first of the month following the month of employment provided you are actively at work and/or not in a disabled status.

6. Employees who are employed for less than 20 hours per week are not eligible for group life insurance. Regular part-time positions working 20 or more hours per week will receive a benefit of $13,000.00 basic Life Insurance and Accidental Death and Dismemberment policy.

7. Optional dependent life insurance is available and will be explained by the County Human Resource Director or Human Resource Assistant, if the employee is interested. Total cost of the dependent insurance is paid by the employee; the County will not pay any part of the dependent life insurance premium.

Employees who resign or retire from Burleigh County employment may upon termination elect to decrease or continue their current life insurance at the same level. The premium cost will be billed directly to the employee.

Approved by the Board of Commissioners 2/5/01 ksj
Modified and Approved by the Board of Commissioners 5/3/04
Modified and Approved by the Board of Commissioners 9/16/2009 RLG

Burleigh County	**Holiday Policy**	**BCHR – 03** **Last Revision Date: 06/28/2021** **Board Approved: 07/07/2021**

Statement of Philosophy: It is the policy of Burleigh County to identity observed holidays and the eligibility for and circumstances under which Holidays are allowed.

Purpose: identity observed holidays and the eligibility for and circumstances under which Holidays are recognized and paid.

Holidays: Burleigh County observes the Federal Holidays that have been approved by the Burleigh County Commission at the first meeting in December of the preceding year.

1) The approved holidays for Burleigh County employees are listed below:
   a) New Year's Day
   b) Martin Luther King, Jr Day
   c) President's Day
   d) Good Friday
   e) Memorial Day
   f) Independence Day
   g) Labor Day
   h) Veteran's Day
   i) Thanksgiving Day
   j) County Offices will close at noon on December 24th, unless it is a holiday or weekend
   k) Christmas Day
   l) Any additional holiday that has been approved by the Burleigh County Commission prior to the occurrence of the holiday.

2) If such holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, or if the holiday falls on Sunday, the Monday following shall be observed as the holiday.

3) Standard Holiday Policy Full-time and part-time employees who are not otherwise required to work, shall take each holiday off and receive full pay. In the event the Burleigh County Commissioners designate a portion of a day as a holiday, only that portion will be considered as a holiday. To receive compensation for holidays, an employee must have worked a full shift on the employee's scheduled work shift or be on an approved leave with pay on the day before and the day after the holiday.

4) Condition A Non-exempt full-time and salaried part-time employee (as defined by the Fair Labor Standard Act and identified by the Burleigh County Commissioners) who work on a holiday shall receive double compensation.

5) Condition B Non-exempt full-time and salaried part-time employees whose regular day off falls on a holiday shall receive regular rate compensation for the day (or portion thereof as is applicable) and shall have the holiday off.

    a) Under both Condition A and Condition B the employee's department head shall have the option of crediting the employee with compensatory time off, on an hour for hour basis or paying straight time in lieu of the compensation due beyond normal pay. Unless otherwise specified by the department head before the holiday, the additional compensation shall be compensatory time off.

6) Employees who are employed less than full time (40 hours per week) but 20 hours or more per week shall be paid holiday pay based on a prorated number of hours worked.

    a) Holiday pay will be prorated based on the number of hours worked in a pay period divided by the number of hours available for work in the pay period.

7) Employees who are employed less than 20 hours per week and seasonal employees shall receive neither paid holiday time nor additional compensation for working on a holiday.

	**SICK LEAVE**	**BCHR - 04** **Board Approved:** **08/01/2022**

Purpose:

The Burleigh County sick leave policy outlines our county's provisions for employees who become sick, or have a sick eligible family member, and need to be absent from work. The following policy specifies how sick leave will be accrued and how it may be used.

Objectives:

To provide Burleigh County employees with paid leave so they can be absent from work in order to take care of their medical or their eligible family member's medical issues.

Sick leave enables employees to build a reserve of days that may only be used for illness or medical reasons. Abuse of this privilege will be grounds for disciplinary action or dismissal.

Policy & Procedure:

It is the responsibility of the employee to manage and maintain a proper Sick Leave balance at all times.

1. Each situation has to be considered individually and no standard policy can be established. While use of sick leave is allowed, abuse of this benefit without medical justification is grounds for disciplinary action. Both the employee and the employer are bound to fair practices in this area.

2. Sick leave is a privilege granted to all regular employees and is not a benefit considered to be earned by the employee such as annual leave.

3. An employee that is in a probationary status will not be able to go into a leave without pay situation unless prior approval has been given to do so by the department head. If a probationary status employee does go into a leave without pay situation and does not get prior approval from their department head, the employee will be subject to disciplinary action which may include dismissal.

4. Employees begin to accrue sick leave from the first day of hire. Sick leave will accrue on the first two (2) pay periods of each month at the rate of four hours per pay period (24 pay periods) for an annual amount of 96 hours with unlimited accumulation.

5. Sick leave must be earned before it can be taken. Sick leave may not be advanced and must be taken in no less than ½ hour increments.

6. Regular part-time positions working 20 hours or more per week will receive a pro-rated share of the sick leave based on the number of hours worked. Regular employees who are employed less than twenty (20) hours per week shall not be eligible for sick leave benefits.

7. If you are unable to report to work due to illness or injury, you should notify your direct supervisor before the scheduled start of the workday if possible. Your direct supervisor must also be contacted on each additional day of absence. In general, calls from friends or family members are not acceptable.

8. If you are absent for three or more consecutive days due to illness or injury, or at the discretion of the department head, a physician's statement may be required to verify the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

9. Uses of sick leave. Sick leave may be used by an employee when:

    a) The employee is ill or injured and is unable to work (including work related injuries).

    b) The employee has an appointment for the diagnosis or treatment of a medically related condition including pregnancy, childbirth, and recovery. During the first six months following the birth or placement of a child, an employee may use up to six weeks of the employee's accrued sick leave for the employee's newborn child or to care for a child placed with the employee for adoption or placed with the employee as a precondition to adoption. This does not prevent an employee from using sick leave for the employee's illness, medical needs or health needs following the birth of a child.

        The Federal "Pregnancy Discrimination Act" forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

    c) The employee wishes to attend to the needs of the employee's eligible family members who are ill or to assist them in obtaining other services related to their health and well-being. Sick leave used under item c is referred to as "family sick leave" and may not exceed eighty (80) hours per calendar year. With approval from an employee's Department Head, an employee may take additional family sick leave per calendar year, to take up to an additional four hundred eighty hours of the employee's accrued sick leave to care for the employee's family member with a serious health condition "Eligible family member" means the employee's spouse, parent (natural, adoptive, foster and stepparent), child (natural, adoptive, foster and stepchild) or any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member. The employer may require the employee to provide written verification of the serious health condition by a health care provider. Please see Family Sick Leave section in this policy.

    d) The employee is a participant in an employee assistance program.

10. As in all types of sick leave, the Department Head has the option to seek a medical opinion from the attending physician.

11. If the employee is not paid for a full payroll period, the payroll system will pro-rate leave accordingly.

12. A supervisor may place an employee on leave restrictions which would require the employee to carry a minimum balance of sick leave hours (usually 24 hours). Leave restrictions are disciplinary actions taken when there has been a violation or abuse of this policy.

13. Employees, hired prior to December 31, 1990, who are terminating employment in good standing, shall be reimbursed for unused sick leave on a prorated basis at the rate of twenty-five percent (25%), provided they have been continuously employed by the County for a period of five (5) years, prior to the employee's date of termination.

14. Employees hired after January 1, 1991, who are terminating employment in good standing, shall be reimbursed for unused sick leave on a pro-rated basis at the rate of ten (10%), provided the employee has been continuously employed by the County for a period of five (5) years, prior to the employee's date of termination.

15. The Burleigh County Human Service Zone employees are covered by the North Dakota Merit System and will adhere to the North Dakota Administrative Code. Please see the North Dakota Human Service Zone - Human Resources Policy (Chapter 6: Human Service Zone Team Member Leave) for information regarding sick leave.

16. Each Burleigh County Department shall submit a record of leave used by all employees at the end of each pay period to the Human Resource office except for elected officials who do not earn leave. Such record shall be signed certifying its accuracy.

17. **Family sick leave**. The eligible family members defined in section c above [spouse, parent, natural, adoptive, foster, and stepparent), or child (natural, adoptive, foster, and stepchild)] are not required to be financially or legally dependent upon the employee. An example of "legally dependent" would be if the employee has power of attorney for the family member.

18. Child is not defined by age in policy, and no reference is made to adult or minor children. So, regardless of the age of the employee's child, the policy applies.

19. Examples of family sick leave uses are as follows:

    a) To take a child who is on crutches to school.

    b) When a family member is receiving medical treatment and is unable to drive for medical treatment and is unable to drive for medical reasons.

    c) When a child of a family member is staying with the employee while the child's parents are out of town, and an emergency arises where the employee must take the child for medical treatment.

    d) When an employee takes leave for the birth of a grandchild on the day of delivery (8 hours). Additional family sick leave may be approved if there are extenuating

circumstances, but these requests will be reviewed on a case-by-case basis.

e) When an eligible family member [employee's spouse, parent (natural, adoptive, foster and stepparent), or child (natural, adoptive, foster and stepchild)] is hospitalized.

f) To travel to the state the employee's parent resides, to be with the parent during surgery and to care for the parent afterward.

20. Family sick leave may not be used by an employee if the children of the employee's family member are neither financially or legally dependent on the employee, nor if they are not residing with the employee for the purpose of having medical care provided. (i.e., grandparent caring for child while parent is also present).

	**ANNUAL LEAVE**	**BCHR - 04** **Board Approved:** **08/01/2022**

Purpose:

The purpose of this policy is to define employees' eligibility for annual leave (also known as vacation leave), accrual of leave, and usage rules. Paid annual leave (vacation leave) is to allow and encourage every employee to renew their physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request vacation leave in advance during each year in order to achieve this purpose. Vacation leave may also be requested for other periods of absence for personal reasons, absences due to adverse weather conditions and for personal illness or illnesses in the immediate family. Vacation leave must be exhausted before an employee goes on leave without pay, except in cases of the birth or adoption of a child as covered under the Family and Medical Leave policy.

Objectives:

The annual leave accrual schedule was developed to encourage employees to remain in County employment and to recognize continued experience and service. Annual leave is part of regular employees' compensation and benefit package (excluding elected officials). Employees begin to accrue annual leave from the first day of hire. Annual leave will accrue on the first two (2) pay periods of each month. The annual leave hours available to employees will be reflected on the payroll document each employee receives after each pay period. Annual leave must be earned before it can be taken. Annual leave may not be advanced. It must be taken in no less than ½ hour increments.

Responsibilities:

It is the responsibility of the employee to manage and maintain a proper Annual Leave balance at all times.

1. A request for annual leave must be approved by the employee's supervisor before the employee is authorized to take the leave. A leave request can be denied if the absence would unduly disrupt the operations or services of the workplace or other business-related purpose.

2. A supervisor may place an employee on leave restrictions which would require the employee to carry a minimum balance of annual leave hours (usually 24 hours). Leave restrictions are disciplinary actions taken when there has been a violation or abuse of this policy.

3. The annual leave accrual rates in relation to length of service are as follows:

Years of Service	Hours Per Pay Period (24)	Hours Per Year
0-3	4	96
4-7	5	120
8-12	6	144
13-18	7	168
Over 18	8	192

4. Regular part-time positions working 20 or more hours per week will received a pro-rated share of annual leave benefits based on the number of hours worked. Regular employees who are employed less than twenty (20) hours per week shall not be eligible for annual leave benefits.

5. If the employee does not work a full payroll period, the payroll system will pro-rate leave accordingly.

6. Years of service credit will be for continuous years of employment with a break of less than one year unless an employee's separation from the County was due to a reduction-in-force. (refer to Re-employment Policy, Chapter 2, Section 9). Continuous employment applies to all employees regardless of agency, department, or institution.

7. An employee can carry over a maximum of 240 hours of accrued leave beyond the second pay period in December of each year. Any balance over 240 will be forfeit on the second pay period of December.

8. Terminated employees shall be paid for all earned and unused annual leave on their final payroll. At the discretion of the Department Head, a resigning employee may be allowed to request to take annual leave at the end of his/her resignation however, the employee shall not be allowed to go beyond the current month of his/her last day worked.

9. Compensation due to an employee upon death, shall be paid to the appropriate heir(s) as set forth in the North Dakota Century Code 34-01-12.

10. Each Burleigh County Department shall submit a record of leave used by all employees, at the end of each pay period to the Human Resource department except for elected officials who do not earn leave. Such record shall be signed certifying its accuracy.

	Other Leave	**BCHR - 04** **Board Approved:** **08/01/2022**

Purpose:

As an employee for Burleigh County, there could be certain situations that come up where a different type of leave may be used to cover your absence from work.

Objectives:

Burleigh County allows for other types of leave to be used that apply directly to a specific situation an employee may encounter during their employment.

Funeral leave:

1. Time off with pay of up to twenty-four working hours may be granted at the discretion of the department head when death occurs in the employee's or spouse's family, namely:

    a. Husband, wife, child, stepchild, father, mother, stepparent(s), brother, sister, grandparents, grandchildren, foster parent(s), and/or foster child.

2. Funeral leave shall not be considered sick or annual leave.

Military leave:

1. All officers and employees of the State of North Dakota or of a political subdivision thereof who:
    a. Are members of the National Guard.
    b. Are member of the Armed Forces Reserve of the United States of America.
    c. Shall be subject to call in for Federal Service by the President of the United States; or
    d. Shall volunteer for such service.

2. When ordered by proper authority to active non-civilian employment, shall be entitled to a leave of absence from such civil service without loss of status or efficiency rating. If such persons have been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive twenty workdays each calendar year without loss of pay. In addition, any leave of absence necessary by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first thirty days thereof less any other paid leave of absence which may have been granted during the calendar year pursuant to this section. However, if leave is required for weekend, daily or hourly periods of drill for military training on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the option of time off with a concurrent loss of pay for the period missed or must be given an opportunity to reschedule the work period so that the reserve or national guard

weekend, daily or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating. (NDCC 37-01-25)

Jury and Witness leave:

1. An employee called to jury duty shall be granted time off with pay, less the amount of fees received for jury service.

2. An employee called to jury duty cannot receive compensation for both work hours and jury duty. Jury fees may be retained if the employee is on authorized annual leave

3. If an employee is called as a witness on behalf of the County or one of its departments, and the employee's employing department is party to the action, the department may reimburse the employee for necessary mileage, miles and lodging costs incurred. In such cases, the employee will be deemed to be performing duties or services for the County and shall receive the same compensation as during regularly scheduled work hours.

4. When an employee is summoned as a witness and the department is not a party to the action; the employee may collect witness fees from the proper party as stated above if the employee is on authorized annual leave, provided the employee does not receive reimbursement for mileage, sustenance, and room,

5. When law enforcement personnel are called as witnesses in a criminal case, as a result of matters arising out of official duties; the employee is deemed to be performing duties and services for the County and as such shall not be subject to any loss of time or pay. If the employee receives reimbursement for travel, sustenance, and room from the County, they shall not collect witness fees and mileage as a witness. If witness duties are performed during off duty time, they may receive witness fees and mileage provided they are not reimbursed by the County for mileage, sustenance, etc. In all other instances, the policies governing other personnel shall prevail.

6. An employee who is personally interested in a criminal action, is a party to a criminal action, or who voluntarily appears as a witness, must charge the absence against earned annual leave or take leave without pay. In such an instance, an employee may keep witness fees, if any.

7. The term "witness" includes "expert witness".

Chapter 4

SECTION 7: EMPLOYEE ASSISTANCE PROGRAM

1. Burleigh County's policy is to assist, in a confidential manner, employees who are experiencing problems relating to physical illness, mental or emotional illness, marital or family relations, alcoholism, drug abuse and other concerns.

2. Essentially, the Employee Assistance Program consists of four phases:
   A. Identification by the employee, Department Head, Supervisor, and/or Human Resource Director of a continuous job performance issue, behavioral issue, medical problem and/or recognition of an individual's personal problem.
   B. Referral by the Department Head, Supervisor and/or Human Resource Director to an agency professionally competent to diagnose the problem.
   C. Diagnosis and treatment by professionals within the community who are trained to diagnose properly and to treat performance/behavior medical problems.
   D. Treatment and follow-up as needed to resolve the problem(s).

3. The County recognizes that a wide range of problems can have an effect on an employee's job performance. No employee will have job security or promotion opportunities jeopardized by coming forward to request counseling or referral assistance.

4. When an employee cannot overcome such problems independently and the effect on job performance is apparent, supervisory assistance may be needed to guide an employee to seek assistance so that an employee's job performance will return to an acceptable level. It is important for supervisors to remember their role is to identity performance problems and to offer assistance to secure appropriate treatment and follow up as needed.

5. Department Heads and Supervisors shall contact the Human Resource Director and work jointly to maintain documentation concerning the status of job performance, in accessing the Employee Assistance Program, and in documenting efforts to provide assistance, the referrals and outcomes related thereto.

6. When necessary, annual and/or sick leave shall be granted in accordance with established procedures. Since an employee's job performance can be affected by problems of an employee's spouse or other dependants, the program is also available to the families of County employees. In cases where direct family involvement is required for effective treatment, the appointing authority may also grant use of available sick leave, annual leave or leave of absence without pay for the treatment.

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7. The Department Head along with the Human Resource Director shall determine the employee's status based on job performance. All such related issues will remain confidential and all documentation in personnel files shall refer to the status of job performance along with the efforts to resolve the problem affecting job performance.

Chapter 4

SECTION 10: RETIREMENT

1. Any person employed on a full time basis shall be a participating member of the Public Employees Retirement System pursuant to the provisions of Chapter 54-52, North Dakota Century Code.

1a. Regularly funded seasonal employees, ie.. (Burleigh County Road and Bridge) will be considered eligible to participate in North Dakota Public Employees Retirement System if they meet the criteria listed below. These employees will not be eligible for any other benefits offered through the County. These regular seasonal employees will have to meet the following criteria to be eligible to participate in the program:

- ❖ Work at least five (5) consecutive months in a twelve (12) month period.
- ❖ Work at least 20 hours during a workweek.
- ❖ Be a regularly funded position within the county.

2. The County share of the program shall be based upon the statutory provisions as set forth in Chapter 54-52, North Dakota Century Code.

3. Additional retirement benefits pertaining to health insurance are addressed in Chapter 4, section 1. Paragraph 10.

Chapter 4

SECTION 11: DEFERRED COMPENSATION

This policy to be drafted at a later date.

Chapter 4

SECTION 12: SUPPLEMENT INSURANCE(S)

This policy to be drafted at a later date.

Chapter 4

SECTION 13: FLEXIBLE BENEFITS

This policy to be drafted at a later date.

Chapter 4

SECTION 14: REST PERIODS/BREAKS

Employees may be permitted to take one fifteen minute rest period in the morning and another in the afternoon, or one fifteen minute rest period for each four hour shift.

Department heads will make every effort to see that their staff has the opportunity to take their breaks away from their work station. If this is not possible because of the requirements of the office, no additional time off shall be allowed such as longer lunch breaks or leaving work early.

Chapter 4

SECTION 15: IN STATE TRAINING AND DEVELOPMENT

1. For peak performance, it is necessary that employees of County government maintain a high degree of efficiency within their position, secure the best training available to ready themselves for promotional opportunities, and keep up to date with advanced programs which reflect technical and professional changes within their fields.

2. Each department based on budget, workload and department need should take advantage of County, State, Federal, and private programs offered in the State through studies, courses, training sessions, seminars, and related programs.

3. Regular employees interested in improving their work-related skills my be considered for training at County expense provided.

   A. The employee has been in permanent status at least ninety days, unless excepted by the Board of Commissioners, and
   B. The employee has been performing at an acceptable level on the job, and
   C. The training is directly related to the tasks performed by the employee, and
   D. The training is of nine months duration or less.

4. Participation by the County in the cost of training can include:

   A. Educational leave time in instances where transportation to/from classes and classes themselves take place during normal working hours.
   B. Reimbursement to the employee for tuition and/or fees upon presentation to the department head of satisfactory course completion (not to include cost of books or other written materials).
   C. Use of County office equipment, including typewriters, computer terminals, calculators and similar items after normal business hours at the place of work according to a schedule worked out with the department head to assure such training use does not conflict with the normal demands on the equipment (in no instance are the items to be removed even temporarily from County offices).

5. The County Personnel Director shall establish and maintain guidelines for use by employees and department heads in the application of training benefits to insure all employees have an opportunity to take advantage of them.

6. Training will be available at least once per year for all department directors and elected officials in the areas of budget management, personnel management, and supervision.

7. All employees with supervisory responsibilities will be provided with annual training on supervision techniques. This training will include how to conduct annual performance evaluations.

8. Employees who receive training by state or federal agencies as a mandatory requirement to maintain their professional status, will not be required to reimburse the County for the cost of such training regardless if when they separate from County service. Employees who receive elective training benefits at the expense of the County for the cost of such training at the following rate:

   A. If separation takes place within one year of training which costs more than $250.00, the full amount of the training will be reimbursed to the County by the departing employee.
   B. If separation takes place between one and two years after the training has taken place and the cost to the County was more than $250.00, one-half the cost shall be reimbursed by the departing employee.
   C. If separation takes place more than two years after the training has taken place, no reimbursement will be required.
   D. If the employee if fired within two years of the completion of training, the department head has the option to waive reimbursement under this policy, unless the termination is for cause.

9. The State's Attorney, working with the County Human Resource Director, will develop a written contract specifying the terms and conditions for training, how costs will be paid, and the requirement for reimbursement by the participant if the employee voluntarily terminates employment within two years.

Chapter 4

SECTION 16: TUITION REIMBURSEMENT

STATEMENT OF PHILOSOPHY:

For peak performance, it is necessary that employees and elected officials of Burleigh County maintain a high degree of efficiency within their position, secure the best training available to ready themselves for promotional opportunities, and keep up to date with advanced programs which reflect technical and professional changes within their fields.

SEMINARS, WORKSHOPS, CONTINUING EDUCATION, & CONFERENCES:

1. Each department, based on available department continuing education funds, should provide opportunity for employees to develop their work skills.
2. Regular employees interested in improving their work-related skills may be considered for training at County expense provided:
    a. The employee has been in regular status at least ninety days, unless excepted by the Board of Commissioners, and Department Head recommends training to assist with job responsibilities, and
    b. The employee has been performing at an acceptable level on the job, and
    c. The training is directly related to the tasks performed by the employee.
3. Non-elected employees must secure approval from the department head prior to registration of classes or seminars.

ACADEMIC DEGREE PROGRAMS:

1. Burleigh County shall assist employees and elected officials with the cost of securing a college degree.
2. To be eligible for Tuition Reimbursement, an employee must be on active regular full-time status and have successfully completed probationary period at the time of enrollment in, and completion of the class. Employees on leave of absence status are ineligible.
3. Tuition costs will be reimbursed at in-state public school (resident) rates only, on the following basis:
    a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
    b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
    c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
4. Limits and regulations;
    a. Prior to starting the course(s) a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director. The

degree plan may be used as a planning tool for both the manager and the employee.

b. Each applicant will be notified by the Human Resource office by acceptance letter for the approved degree within two weeks of receipt of application for reimbursement. A copy of receipt of payment for the course must be included with application.
c. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
d. Courses must be taken at, or on-line from, an accredited academic institution (two or four year college, vocational, or trade school) and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
e. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better. Grades need to be submitted to the Human Resource office before reimbursement will be given.
f. Attendance at classes must not interfere with scheduled work, this is at the approval of the Department Head and Portfolio Commissioner (i.e.: time off during scheduled work to attend class may be granted as annual leave).
g. The cost of related expenses such as books, cassettes, computers, special laboratory equipment, refundable laboratory (breakage) fees, transportation, meals or postage will not be reimbursed.
h. No more than two courses will be approved for tuition reimbursement during any one school term.
i. All assignments and homework are to be completed outside of working hours.

5. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
    a. Two years will refund 100% of the paid tuition to the County.
    b. Two to three years will refund 75% of the paid tuition to the County.
    c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
    d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
6. Employees who receive training by county, state, or federal agencies as a mandatory requirement to maintain their professional status will not be required to reimburse the County for the cost of such training regardless of when they separate from County service.
7. The County Director of Human Resources shall design and implement appropriate forms and controls to insure that County's Tuition Reimbursement program operates in an efficient manner.
8. Funding for the Tuition Reimbursement Program shall be included in the Human Resource Budget and may be suspended due to budget constraints.

ACADEMIC DEGREE PROGRAMS:

1. Burleigh County shall assist employees and elected officials with the cost of securing a college degree.
2. Tuition costs will be reimbursed at in-state public school (resident) rates only, on the following basis:
    a. Associates Degree: Burleigh County will reimburse 100% of tuition for academic course work leading to an Associates Degree.
    b. Bachelors Degree: Burleigh County will reimburse 75% of tuition for academic course work leading to a Bachelors Degree.
    c. Masters Degree: Burleigh County will reimburse 50% of tuition for academic course work leading to a Masters Degree.
3. Limits and regulations;
    a. Prior to starting the course(s), a county approved application and a degree plan with an outline of required course study should be submitted by the employee to the appropriate Department Head and the Human Resources Director.
    b. Educational costs covered by Veteran's Educational Assistance, scholarships, grants, or fellowships are excluded to the extent benefits are paid to the employee. (the actual amount of tuition paid will be considered for reimbursement)
    c. Courses must be taken at, or on-line from, an accredited academic institution and must be approved business-related course work. Tuition reimbursement will not be granted for correspondence course work.
    d. Reimbursement shall be paid at completion of the course(s) provided that the employee receives a "B" grade or better.
    e. Attendance at classes must not interfere with scheduled work, (i.e.: time off during scheduled work to attend class may be granted as annual leave).
    f. No more than two courses will be approved for tuition reimbursement during any one school term.
    g. All assignments and homework are to be completed outside of working hours.
4. An employee who has accepted reimbursement for tuition, who voluntarily leaves the employment of the County after completion of the class within:
    a. Two years will refund 100% of the paid tuition to the County.
    b. Two to three years will refund 75% of the paid tuition to the County.
    c. If separation takes place more than three years after the tuition reimbursement has been paid, no reimbursement to the County will be required.
    d. If the employee is terminated within three years of the tuition reimbursement, the Board of Commissioners has the option to waive reimbursement under this policy, unless the termination is for cause.
5. Funding for the Tuition Reimbursement Program shall be included in the appropriate department budget and may be suspended due to budget constraints.

See Tuition Reimbursement Policy maintained in the Burleigh County Personnel Manual for more clarification on policy details.

Revised and approved by the Board of County Commissioners, August 2, 2004

BURLEIGH COUNTY
TUITION REIMBURSEMENT APPLICATION

Name:_____ Date of Application:_____

Department:_____

Employee Address:_____

Name of Accredited Institution:_____

Address of educational institution:_____

Degree for which course(s) is(are) required: Associate:_____ BA_____ MA_____

Course of study: _____

Are you receiving any other grant, scholarship, or stipend? _____

If yes, list:_____

Burleigh County will reimburse for no more than two courses per semester at in-state public school rates only. Course outline detailing required classes to complete degree as well as letter of acceptance from the accredited college must be submitted with tuition reimbursement application. Payment documentation must also be submitted as soon as applicant makes payment to the educational institute.

Course Description	Date Course Begins	Credits	Tuition Fees

I have read and understand the terms of the Burleigh County tuition reimbursement program as maintained in the Burleigh County Personnel Manual, and as outlined on the reverse side of this application. I agree to be bound by such terms. I understand that I must submit all required documentation prior to beginning the course. I must submit my grades at the completion of above courses before reimbursement will occur.

_____ _____

Applicant Signature Date Department Head Approval Date

_____ _____

Human Resource Approval Date Date acceptance letter sent

HR Office Use

Course(s) successfully completed:_____ Grade:_____

Course(s) successfully completed:_____ Grade:_____

Tuition Paid: _____ Check #_____ Amount:$_____

Chapter 4

SECTION 17: SERVICE AWARDS

Service Awards and Retirement Recognition Program

Statement of Philosophy: It is the intent of the Burleigh County Commission to recognize the employees for their years of dedicated service to the members of Burleigh County.

Years of Service:

1. Employees receive a certificate and award for the completion of each five-year increment of service in the month they become eligible. Awards will be given to the employee through their paycheck the month they are eligible for the service award.

2. The Years of Service awards apply to all classified employees who have completed five (5) or more years of full-time employment with the County. Employees, who have left employment with the County and return, shall begin to accumulate time, which is added to previous years of service to determine service awards.

3. If an award-deserving employee passes away prior to the distribution of the award, the certificate and award is given posthumously to the recipient's family.

4. Award Schedule:
    - 5 years - Certificate and $25 Award
    - 10 years - Certificate and $50 Award
    - 15 years - Certificate and $75 Award
    - 20 years - Certificate and $200 Award
    - 25 years - Certificate and $225 Award
    - 30 years - Certificate and $250 Award
    - 35 years - Certificate and $275 Award
    - 40 years - Certificate and $300 Award
    - 45 years - Certificate and $400 Award
    - 50 years - Certificate and $500 Award

Retirement Awards:

A retirement award shall be provided to an employee who has a minimum of fifteen (15) years of Burleigh County service, and who has not been previously recognized for a retirement by the County, as follows:

1. A retirement certificate signed by the Chairman of the Burleigh County Commission and employee's department head and/or a plaque.
2. An award with a value not to exceed two hundred dollars.

A farewell party may be provided upon agreement of the employee and the Human Resource Director. Costs associated for the farewell party will be paid for by the County's Employee Relations Fund.

Approved by the Board of Commissioners 12/03/2001.
Modified and approved by the Board of County Commissioners 2/6/2006, 2/5/2007 (TAC), 12/17/2007 (RLG), 9/6/2017 (TT)

	Family Medical Leave Act (FMLA) Policy	**BCHR - 04** **Board Approved:** **08/01/2022**

Purpose:

The purpose of this policy is to provide Burleigh County employees with a general description of their Family Medical Leave Act (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, please contact the Human Resources Department.

Objective:

Burleigh County (County) complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave).

Policy and Procedures:

Eligibility

1. Employees are eligible for FMLA leave if they have been employed with the County for at least 12 months and have worked at least 1,250 hours during the previous 12-month period.

Reasons for Leave

2. FMLA provides eligible employees with up to 12 weeks of unpaid, job-protected leave for the following reasons:

    a) The birth of a child or placement of a child with the employee for adoption or foster care.
    b) To bond with a child (leave must be taken within one year of the child's birth or placement).
    c) To care for the employee's spouse, child or parent who has a qualifying serious health condition.
    d) For the employee's own qualifying serious health condition that makes the employee unable to perform the essential functions of his or her job.
    e) For any qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.
    f) An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

Amount of Leave

3. An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The 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, the company 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.

4. An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the 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.

5. Eligible spouses who both work for the county may only take a combined total of 12 weeks of 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. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

Intermittent Leave or a Reduced Work Schedule

6. Employees may take FMLA leave in one consecutive block of time, 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) in a 12-month period.

7. The 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 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.

8. For the birth, adoption or foster care of a child, the 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 six months of the birth or placement of the child.

9. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the county's operations.

Employee Notice Requirement

10. All employees requesting FMLA leave must provide verbal or written notice of the need for leave to their department head and the Human Resources Department.

11. When the need for the leave is foreseeable, the employee must provide the county with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the county’s usual and

customary notice and procedural requirements for requesting leave, absent unusual circumstances.

12. Within five business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

Designation of FMLA Leave

13. Within five business days after the employee has submitted the required certification or other documentation, the Human Resources Department will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

Employee Status and Benefits During Leave

14. Burleigh County will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

15. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the human resources department by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

16. The County will provide 15 days' notification prior to the employee's loss of coverage.

17. If the employee contributes to a dental, vision, life insurance, or disability plan, the county will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make these payments either in person or by mail. If the employee does not continue these payments, the County may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with state law.

18. 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, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance and any other insurance premium(s) during the leave period.

Employee Status After Leave

19. An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the County'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.

Use of Paid and Unpaid Leave

20. 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 sick and annual leave prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

21. Disability leave for the birth of a 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. For example, when an employee takes six weeks of pregnancy disability or parental leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute earned annual leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid sick, and annual leave prior to being eligible for unpaid leave.

22. An employee who is using military FMLA leave for a qualifying exigency must use all paid sick and annual leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all sick leave and annual leave prior to being eligible for unpaid leave.

Intent to Return to Work from FMLA Leave

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

Definitions

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.

Spouse means a husband or wife as defined or recognized in the state of North Dakota. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in North Dakota.

Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”

Qualifying exigency includes 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 County and employee agree, including agreement on timing and duration of the leave.

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. For 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 next of kin of a covered service member is the nearest blood relative, other than the covered service member's spouse, parent or child 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.

Covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status or on the temporary disability retired list for a serious injury or illness.

Serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member’s active duty and that were aggravated by service in the line of duty on active duty.

Chapter 5

SECTION 2: LEAVE SHARING PROGRAM

County employees may donate annual and sick leave to other county employees. Employees may also receive donated leave. Employees requesting shared leave must use the leave donation request form.

Terms used in the section:

a. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term includes foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

b. "Relative of the employee" is limited to the spouse, child, stepchild, grandparent, or parent of an employee including stepparent.

c. "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.

d. "County employee" means a regular employee with over six months of continuous service with the county. It does not include employees in probationary status or employees on temporary or other limited term appointments.

Annual Leave Sharing

A County employee may donate annual leave to another county employee who is suffering or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment.

A county employee is eligible to receive shared leave pursuant to the following conditions:

a. The department head determines that the employee meets the criteria described in this section.

b. The employee has abided by county policies regarding the use of annual leave.

c. The employee's use of shared leave, including both annual and sick leave, does not exceed 12 weeks (480 hours) over a twelve-month period.

A county employee may donate annual leave to another county employee only pursuant to the following conditions:

a. The receiving employee has exhausted, or will exhaust, all annual leave, and sick leave due to an extraordinary or severe illness, injury, impairment, or physical or mental condition, and involves the employee, a relative of the employee, or a household member of the employee.

b. The condition has caused, or is likely to cause, the receiving employee to go on leave without pay or terminate employment.

c. The donating employee donates leave in full-hour increments and must retain a leave balance of at least forty hours.

The department head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

Donated annual leave is transferable between employees in different departments within Burleigh County.

One hour of donated annual leave must be regarded as one hour of shared leave for the recipient.

Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.

All forms of paid leave available for use by the recipient must be used prior to using shared leave.

Any shared leave not used by the recipient will be returned to the donor.

All donated leave must be given voluntarily. No county employee may be coerced, threatened, intimidated, or financially induced into donating annual leave for purposes of the leave sharing program.

Sick Leave Sharing

Terms used in this section:

a. "Severe" or "extraordinary" means serious, extreme, or life threatening. These terms do not include conditions associated with normal pregnancy.

b. County employee" means a regular employee with over six months of continuous service with the county. It does not include employees in probationary status or employees on temporary or other limited term appointments.

A county employee may be eligible to receive shared leave pursuant to the following conditions:

a. The department head determines that the employee meets the criteria described in this section.

b. The employee has abided by county policies regarding the use of sick leave.

c. The employee's use of shared leave, including both sick and annual leave, does not exceed 12 weeks (480 hours) over a twelve-month period.

A county employee may donate sick leave to another county employee only pursuant to the following conditions:

a. The receiving employee has exhausted, or will exhaust, all annual leave and sick leave due to an illness, injury, impairment, or physical or mental condition, that is of an extraordinary or severe nature;

b. The condition has caused, or likely to cause, the receiving employee to go on leave without pay or terminate employment; and

c. The employee may not donate more than ten percent of the employee's accrued leave hours; leave must be donated in full-hour increments and the employee must retain a leave balance of at least forty hours.

The department head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition.

Donated leave is transferable between employees in different departments within Burleigh County.

One hour of donated sick leave must be regarded as one hour of shared leave for the recipient.

Any donated leave may only be used by the recipient for the purposes specified in this section and is not payable in cash.

All forms of paid leave available for use by the recipient must be used prior to using shared leave.

Any shared leave not used by the recipient will be returned to the donor.

All donated leave must be given voluntarily. No county employee may be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the leave sharing program.

*Note: The Human Resource Department will not process any leave requests. Forms can be obtained from the Human Resource Department or a Department's payroll coordinator.

BURLEIGH COUNTY HUMAN RESOURCE DEPARTMENT
LEAVE DONATION REQUEST FORM

Name:_____

Employing Department:_____

Leave donations I wish to be eligible to receive: [ ] Annual [ ] Sick # Hours Requested_____

General nature of condition :_____(i.e., illness, injury, surgery)

I am applying for a leave donation. I understand that county employees may donate leave to me as follows:

1. Annual leave if I, a relative or household member is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause me to take leave without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. Also, leave donated to me may only be used by me for the purpose specified and is not payable in cash; and cannot exceed 12 weeks (480 hours), including both annual and sick leave, over a twelve-month period.

2. Sick leave if I am suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause me to take leave of absence without pay or terminate employment. These terms do not include conditions associated with normal pregnancy. Also, sick leave donated to me may only be used by me for the purpose specified; is not payable in cash; and cannot exceed 12 weeks (480 hours), including both annual and sick leave, over a twelve-month period.

_____I certify that all leave available to me including sick leave, and annual leave, has been used or will be used by _____ (date). I understand any shared leave not used by me may be retained by me. I also agree to inform my supervisor of my acceptance of a leave transfer.

_____Attached is a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

_____ _____

(Employee Signature) (Date) (Supervisor Signature) (Date)

OFFICIAL OR DEPARTMENT HEAD/DESIGNEE REVIEW:

Request approved: [ ] Request denied: [ ]

Request is denied for the following reason(s): _____

(Signature) (Date)

Send copy to employee after form is completed

Modified and approved by the Board of Commissioners 7/7/2004
Modified and approved by the Board of Commissioners 2/7/2011 RLG

Chapter 5

SECTION 3: LEAVE WITHOUT PAY

1. Leave without pay may be granted to regular employees who have maintained a satisfactory service record. For cases involving Workforce Safety and Insurance see Chapter 4, Section 14.

2. A leave of absence of up to sixty (60) days may be granted for a sufficient reason agreed upon by the employee and department head.

3. Leave of absence of greater duration must receive the approval of the Board of County Commissioners prior to the commencing of such leave.

4. A leave of absence, without pay, shall not be granted to an employee until all qualifying forms of accumulated leave has been taken.

5. A leave without pay may not be granted for a period longer than one year. If an employee who is granted leave without pay fails to report for duty on the date following the expiration date of the leave, such employee shall be terminated; unless other arrangements have been agreed to between the employee and the appointing authority.

6. Upon written request, an employee may be granted leave without pay for a temporary disability; however,

    A. The employee may be required to submit a written request for such leave without pay, and/or

    B. The department shall request a written statement signed by a physician stating the reasons for the leave.

	**Harassment Policy**	**BCHR – 02** **Date Last Revised: 06/29/2021** **Board Approved: 07/07/2021**

Purpose:
Burleigh County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Burleigh County expects that all relationships among persons employed by Burleigh County will be business-like and free of explicit bias, prejudice and harassment. All employees, Department Heads and Elected Officials are responsible for compliance with this guideline, as Burleigh County will not tolerate unlawful discrimination or harassment.

Objectives:
Burleigh County has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. Burleigh County will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

This policy extends to workplace harassment involving non-employees, such as outside vendors, suppliers, consultants, or customers. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside of the workplace, such as during business trips, business meetings and social events, or where there is an impact in the workplace.

Equal Employment Opportunity
It is the policy of Burleigh County to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. Burleigh County prohibits any such discrimination or harassment.

Title VII:

Sexual Harassment
Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:

1) quid pro quo
2) hostile work environment

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature;

commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment:
Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

1) Has the purpose or effect of creating an intimidating, hostile or offensive work environment
2) Has the purpose or effect of unreasonably interfering with an individual's work performance
3) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Reporting Procedures:
If an employee observes or experiences harassing conduct in the workplace, the employee should either directly inform the offender that the conduct is offensive and must stop or notify their Supervisor or Department Head about the occurrence. If an employee does not feel comfortable reporting the situation within the department, he/she should contact the Burleigh County Human Resource Director to report the situation.

All employees shall report harassing behavior they observe or is reported to them.

Managers are required to report any harassing conduct they observe, experience, or that is reported to them, to their Department Head. Department Heads will work with the Human Resource Director and/or State's Attorney to investigate and resolve all reports of workplace harassment appropriately in a timely, thorough, and discreet manner.

Any person who violates this policy will be subject to disciplinary action, up to and including termination of employment.
In our diverse workplace, there is no easy way to prevent harassment. Individuals should always remember the three basic steps:

1. Recognize harassment.
2. Respond to harassment quickly, decisively, and fairly.
3. Prevent harassment whenever possible.

Retaliation
Per NDCC 14-02.4-18 retaliation is prohibited. Burleigh County encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Burleigh County to promptly and thoroughly investigate such reports. Burleigh County prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

	**Discipline Policy**	**BCHR - 07** **Board Approved:** **05/16/2022**

Statement of Philosophy:

Employment with Burleigh County is "at will," which means it is subject to termination by either Burleigh County or the employee at any time, for any reason. Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Burleigh County and its employees.

Burleigh County utilizes a “Progressive Discipline Policy” to provide a structure for corrective action processes to improve and prevent a reoccurrence of undesirable employee behavior and performance issues. Use of this structure ensures that all employees are treated in the same manner.

Purpose:

The purpose of this policy is to correct, not to punish, employee behavior. Each employee is expected to maintain standards of performance and conduct as outlined by their Department Head and Supervisor, and to comply with all applicable policies, procedures, and laws.

Departments are expected to make all reasonable efforts to correct an employee’s performance in cases where performance is inadequate; or to provide for transfer, demotion, or separation, if the inadequate performance cannot be corrected.

Some Departments maintain additional policies and/or procedures and employees should consult with their Supervisor or Department Head for any additional guidance. In the event the Department policy and/or procedures provide more detail or a difference in disciplinary steps; than what is provided in this policy; the department policy will prevail and should be followed by all employees within that department.

The purpose of this policy is to clarify guidelines for employee conduct and to outline appropriate disciplinary steps.

Responsibilities of Employees

It is the duty and the responsibility of every Burleigh County employee to be aware of and to abide by existing policies, procedures, and work rules.

It is also the responsibility of employees to perform their duties to the best of their ability and to the standards set forth in their job descriptions or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and to request additional instruction when needed.

Responsibilities of Supervisors, Managers and Directors
The immediate supervisor, manager or director should approach corrective measures in an objective manner.

If the employee's performance of assigned tasks is the issue, the supervisor, manager, or director should confirm that proper instructions, appropriate orientation, and adequate training have been given and that the employee is aware of job expectations. Both single incidents and patterns of poor performance should be of concern.

If misconduct is the issue, the supervisor, manager, or director should take steps to ensure that the employee is aware of Burleigh County's policies, procedures, and regulations regarding employee conduct.

If, in either case, appropriate instruction or information was not communicated, the supervisor, manager or director should immediately develop a plan for delivering such instruction or information and should review the content with the employee.

Progressive Discipline Process Steps
Burleigh County supports the use of progressive discipline to address issues such as poor work performance or misconduct to encourage employees to become more productive workers and to adapt their behavior to Burleigh County standards and expectations.

Burleigh County reserves the right to administer appropriate disciplinary action for all forms of disruptive or inappropriate behavior. Each situation will be dealt with on an individual basis. This process will not supersede the Employment- At-Will relationship between Burleigh County and its employees. This process is meant to provide fair treatment for all employees.

Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less sever discipline. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive action.

<u>Probationary Employees:</u>
Probationary employees are held to the highest standards for behavior and job performance. Progressive Discipline is the exception rather than the rule for probationary employees. Burleigh County reserves the right to terminate a probationary employee for any disciplinary violation(s).

<u>Step - Verbal Caution:</u>
A verbal caution occurs when a supervisor initially counsels an employee about their engagement in problematic behavior. As the first step in the progressive discipline process, a verbal caution is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal cautions will be documented and maintained by the employee’s Supervisor. A written record of the discussion, noting the date, event, and summary of the discussion, is placed in the supervisor’s employee file for future reference.

<u>Step - Verbal Warning:</u>
A verbal warning occurs when a supervisor verbally counsels an employee about an issue of concern, or the employee engages in unacceptable behavior during the period where a verbal caution is in effect. A verbal warning is more serious than a verbal caution. A written record of the discussion, noting the date, event, and recommended action, is placed in the supervisor’s employee file and/or employee's personnel file within the human resources department for future reference.

Step - Written Warning:
A written warning is more serious than a verbal warning. A written warning is used for behavior or performance that a supervisor considers serious or when a verbal warning has not helped change unacceptable behavior or performance. Written warnings can take the form of a Letter of Reprimand or a completed Employee Warning Form (see attachment 1). Written warnings are maintained in an employee's personnel file in the human resources department and remain in effect for the time specified by the Supervisor. It is important to note that a written warning can affect the employee's eligibility for a pay step increase for the following year.

Performance Improvement Plan (PIP):
A Performance Improvement Plan (PIP) occurs when the department head, in consultation with human resources (HR), chooses to act to formally correct the conduct or performance of an employee. A performance improvement plan (PIP) is a formal structured plan of action to correct the unacceptable conduct or performance issues of an employee. The PIP cannot exceed ninety (90) days in length. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements specified by the supervisor and the organization within the PIP. The supervisor and employee should meet regularly to assess the progress of the PIP. If the employee has met the goals and expectations described in the PIP, the supervisor will document that he or she has successfully completed the PIP. If established goals are not met, dismissal may occur. Completed PIPs are maintained in the employee's personnel file within the human resources department.

Suspension:
An employee will be suspended (with or without pay) by a Department Head when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. An employee's suspension will be documented and placed in their personnel file in the human resources department and, will remain in effect for time specified by the Department Head but may not exceed 30 days in a calendar year.

1. An employee may be suspended with or without pay during the length of time necessary to complete a required investigation.
2. Suspended employees must *immediately* surrender any keys to county property, including vehicles, desks, lockers, and office buildings. The Department Head will notify the human resources department in writing within three (3) days that these items have been collected.
3. An employee that is suspended without pay may use accrued annual leave for the suspension period.

A regular employee has the right to appeal the suspension by an appointed Department Head.

Demotion:
An employee may be demoted involuntarily by a Department Head resulting in a reduction of salary and status. An employee's demotion will be documented and placed in their personnel file within the human resources department.

1. A demoted employee may move from a higher grade to a lower grade with a lower entrance salary.
2. A reduction in salary within a grade to a lower step.

A regular employee has the right to appeal the demotion by an appointed Department Head.

Dismissal:

An employee will be dismissed by a Department Head when he or she engages in conduct that justifies the dismissal or does not correct the matter that resulted in less severe discipline. The termination letter must be forwarded to the human resources department and placed within the employee's personnel file.

A regular employee has the right to appeal the dismissal by an appointed Department Head.

However, Burleigh County reserves the right to alter the order described above, to skip disciplinary steps, to eliminate disciplinary steps, or to create new and/or additional disciplinary step(s).

Employee Conduct That Can Result in Disciplinary Action
Burleigh County has established general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline, and the list of examples below is not exhaustive. Furthermore, sound judgment and common sense should prevail. The nature and severity of the disciplinary action will be determined by the department head, or in a severe case, jointly by the department head, the County Commissioner who holds the department head's portfolio and the HR Director.

Examples of employee conduct that would lead to discipline and the usual course of disciplinary action have been separated into groups according to the usual severity and impact of the infraction. Violations may be handled differently depending on the group they are in and the specific circumstances. Burleigh County reserves the right to determine the appropriate level of discipline for any performance or conduct issues, including oral and written warnings, suspension with or without pay, demotion, and dismissal. In the event that a department's policy and procedure regarding discipline have specific detail regarding the disciplinary process used, the department's policy will prevail over this policy and should be used by all employees within that department.

Group 1
Disciplinary process:
1st offense: Verbal caution
2nd offense: Documented verbal warning.
3rd offense: Documented written warning.
4th offense: Three to Five-day suspension.
5th offense: Dismissal (termination) of employment.

Examples:
1. Creating conflict with co-workers, supervisors, visitors, or volunteers.
2. Failing to follow practices as needed for the specific job assignment.
3. Contributing to unsafe conditions.
4. Smoking in nonsmoking areas.
5. Leaving the assigned work area or facility without the supervisor's permission.
6. Loitering or loafing while on duty.
7. Disregarding the organization's dress code.
8. Damaging or using organization-owned equipment without authorization.
9. Abusing lunch and break periods.
10. Removing, posting, or altering notices on any bulletin board on company property without permission from the employee's manager or human reosurces department.
11. Violating other rules or policies not specifically listed.

Group 2

Disciplinary process:
1st offense: Written warning.
2nd offense: Suspension.
3rd offense: Dismissal (termination).

Examples:

1. Failing to report injuries or damage to or an accident involving company equipment.
2. Violating any safety rule.
3. Acting negligently.
4. Engaging in horseplay that results in personal injury or equipment damage.
5. Spreading malicious rumors.
6. Engaging in vulgar or abusive language or conduct toward others.
7. Copying company documents for personal use.
8. Using facility communication systems inappropriately.
9. Treating customers or co-workers in a discourteous, inattentive, or unprofessional manner.
10. Being absent or tardy or leaving early without notification or permission.
11. Not following department guidelines concerning notification of an absence.

Group 3

Disciplinary process:
1st offense: Dismissal (termination).

The first offense would result in immediate termination of an employee for a serious breach of responsibility, unsatisfactory performance, or misconduct. A supervisor or department head may impose dismissal after consultation with the HR Director.

Examples:

1. Being absent for three or more days without notification or permission (also referred to as a voluntary quit, no call - no show, or job abandonment).
2. Fighting.
3. Demonstrating insubordination, including:
    - Refusal to do an assigned job.
    - Refusal to work overtime or holiday shifts when required.
    - Disrespectful response to a supervisor's directive.
    - Deliberate delay in carrying out an assignment.
4. Dishonesty, including deception, fraud, lying, cheating or theft.
5. Violating timecard procedures.
6. Sabotaging the facility, grounds, or equipment of Burleigh County.
7. Falsifying company records, such as employment applications and timecards, in any way.
8. Engaging in indecent behavior.
9. Possessing, being under the influence of or drinking intoxicants on the job.
10. Sleeping while on duty.
11. Concealing defective work.
12. Carrying a weapon on company property, including in the parking lot unless authorized to do so.
13. Disclosing confidential records or information.
14. Soliciting gifts or tips from business-related contracts.
15. Using the facility's computer systems, including accessing confidential computer files and data, without authorization.
16. Demonstrating gross misconduct or other serious violations of Burleigh County policies or procedures.

17. Failing to comply with licensure and certification requirements.

Current Employee Criminal Record and Driver's License Suspension

Current County employees must *immediately* report a criminal conviction. All felonies and misdemeanors involving violence and theft; or any offense requiring one to register as a sex offender must be reported to their immediate Supervisor/Department Head and the HR Director. If the employee fails to notify their Supervisor/Department Head and the HR Director within five (5) days of the arrest or violation, the employee will be subject to immediate suspension from County employment without pay. See Suspension policy above.

- A County employee who is required to operate a vehicle in the performance of regular scheduled duties must have a valid North Dakota Driver's License. If such license is suspended for any traffic violation the employee *must* notify their immediate supervisor, Department Head, and the HR Director within five (5) days of the arrest or violation. While an arrest or violation is not a conviction, the Department Head and HR Director will determine any potential actions or consequences on a case by case basis.
- For any arrests or convictions involving alcohol or drug use by employees that hold a CDL please refer to Burleigh County Alcohol and Substance Abuse Policy.

Additional evidence about the conviction (example, the judgment of conviction) will be placed in the employee's official personnel file. The employee can add a statement pertaining to the conviction. Whether the conviction has an effect on employment status will be determined by the Department Head after consultation with the HR Director and State's Attorney.

Resignation

An employee will notify their Department Head or Supervisor of their intent to resign in writing, with a minimum two (2) weeks notice. The resignation notice will be placed in the employee's personnel file at the human resources department.

An employee's unused annual and sick leave will be paid per current leave policy.

Reduction in Force (RIF)

A Department Head may separate any employee due to lack of funds, curtailment of work or as the result of reorganization.

Temporary, provisional, or probationary employees are to be separated *before* regular employees in the department or funding source.

Employee Warning Notice

Employee Information

Employee Name: Date:

Job Title: Department:

Manager/Supervisor: Department Head:

Type of Warning

- ☐ Letter of Caution
- ☐ Verbal Warning
- ☐ Written Warning
- ☐ Final Warning
- ☐ Suspension
- ☐ Termination

Type of Offense

- ☐ Tardiness/Leaving Early
- ☐ Absenteeism
- ☐ Violation of County policies, procedures, regulations, or work rules.
- ☐ Substandard Work
- ☐ Violation of Safety Rules
- ☐ Rudeness to Customers/Coworkers
- ☐ Other: _____

Details

Description of Infraction:

Plan for Improvement:

Consequences of Further Infractions:

Acknowledgement of Receipt of Warning

By signing this form, you confirm that you understand the information in this warning. You also confirm that you and your supervisor/manager have discussed the warning and a plan for improvement. Signing this form does not necessarily indicate that you agree with this warning.

Employee Signature *Date*

Manager Signature *Date*

Discipline Tips for Supervisors and Managers

As a supervisor or manager, you may have to give discipline to your direct reports in order to change bad behavior or fix a problem. Listed Below is some tips and guidelines for effective discipline.

- Always be consistent.
  - Discipline all offenses in the same manner. Always give the same discipline for the same offense. Do not play favorites.
  - Keep track of the disciplines that you hand out.
  - Remember consistency helps insulate the bank from lawsuits.
- Think before you act
  - Only discipline when you are sure of the acts.
  - Never hand out discipline on the basis of rumors or assumptions.
  - Make sure you conduct a thorough investigation before you hand out discipline.
- Be reasonable
  - Before disciplining an employee for breaking a rule make sure the employee knew or should have known about the rule and the consequences of breaking it.
  - Before disciplining an employee for poor performance, you need to make sure the employee knew he was failing to meet your expectations and that he had the chance to improve but didn't (Quarterly Performance Reviews).
- Communicate and discipline promptly
  - Make sure you discipline promptly after the offense has occurred.
  - If you wait weeks or months to discipline an employee she will feel you are being unfair.
  - By delaying discipline you leave yourself vulnerable to a discrimination lawsuit.
- Discipline in Private
  - Never hand out discipline in public in front of other employees. This belittles the employee being disciplined and reduces the morale of all employees.
  - Public discipline can be construed as public humiliation that caused emotional distress and can work against you in a court of law.
- Keep it confidential
  - Your dealings with a disciplined employee should be kept as confidential as possible.

    - Confidentiality is important for two main reasons:
        - It will help foster trust between you and your employees.
        - Confidentiality is an important safeguard against lawsuits.
- Discipline actions, not personalities
    - Your goal in disciplining employees should be to improve their conduct not to tear down their character.
    - If you focus on misconduct of the employee and on a strategy for improvement you preserve the employee's dignity.
- Follow your policies
    - You must follow the Discipline policy even if you don't want to. If you do not follow the policy, you will be scene as unfair and arbitrary.
    - Form a legal standpoint, if you follow the discipline policy every time it is harder for an employee to claim they were given unfair treatment.
- Do not discrimination
    - The law absolutely prohibits you from being harder on some employees than others because of race, religion, national origin, and gender among other things.
- Document everything
    - In order to have an effective discipline system you must document everything regarding the offense and the actions taken to correct the offense.
    - This will help you prevail if you do end up in court in a lawsuit.

Chapter 8

Section 1: Grievance Policy and Procedures

Statement of Philosophy: The purpose of an internal grievance policy and procedure is to provide a fair and effective opportunity to resolve work-related problems between management and employees by using a series of interactive and progressive steps.

Scope: This policy applies to the County Commission and all departments and employees of Burleigh County Government. Social Service employees are covered by the North Dakota merit system and will refer to the internal grievance policy for Social Services.

Employees may grieve an employer action of demotion, dismissal, suspension without pay, forced relocation, reduction-in-force, or discrimination in employment. The employee must begin the procedure within fifteen (15) working days from the date of notice of the employer action, except in instance of reprisal. In the case of reprisal, the employee must begin the grievance procedure within fifteen (15) days from the date of the reprisal action. Failure to begin the procedure within the time limits forfeits the right to appeal. The Department Head or Human Resource Director may extend the time limits based on good cause for the extension. The employee must be notified in writing of such reasons for the extension.

Procedure:

1. The employee must submit his/her grievance in writing, utilizing a grievance report form available from the Human Resource Department.
2. The employee should discuss his/her grievance with the immediate supervisor as the first step in the grievance procedure, within fifteen (15) working days after the incident.
    - If a mutual agreement is reached, both the employee and immediate supervisor will acknowledge this in writing, utilizing the grievance report form.
    - If a mutual agreement is not reached at this level both the employee and immediate supervisor will acknowledge this in writing; the employee may then forward the grievance to the next supervisory level, if one exists within the department.
    - If the origin of the grievance involves the immediate supervisor, the employee may then advance the grievance to the next step.
3. If the grievance is not settled in step one, the employee may forward the grievance to the next supervisory level, the Department Head within fifteen (15) working days.
    - The employee and the immediate supervisor will utilize the employee grievance report form to present their positions in writing to the Department Head.

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Updated 1996
Modified and approved by the Board of Commissioners 5/3/04.

- The Department Head will have fifteen (15) working days from the receipt of the grievance report form, to provide the employee and immediate supervisor with a decision regarding the grievance.
- If a mutual agreement is or is not reached, both the Department Head and the employee will acknowledge this in writing, utilizing the employee grievance report form.
- If the origin of the grievance involves the Department Head, the employee may then advance the grievance to the next step.

4. If the grievance is not settled in step two, the employee may forward the grievance to the Human Resource Department within fifteen (15) working days. A member from Human Resources will work to mutually resolve the grievance and will respond in writing to the employee and supervisory staff within fifteen (15) days from the receipt of all written material.
    - If the origin of the grievance involves a member of the Human Resource Department, the employee may then advance the grievance to the next step.
5. If the grievance is not settled in step three, the employee may request, in writing, that the Human Resource Director forward the grievance to the appointing authority, the Board of County Commissioners within fifteen (15) working days. The Human Resource Director shall then forward the request to the Board's Chairperson and County Auditor, to be included on the agenda of the next regularly scheduled Board meeting.
6. The Board of County Commissioner's may elect to hear the grievance or to contract a hearing officer to hear or review the grievance. Once the Board of Commissioner's has made an initial determination, the employee shall be notified in writing of the method, time and place of a hearing.
    - If the Board determines to hear the grievance, they will establish the terms for hearing the grievance, either by requesting all parties submit information in writing, verbally or combine both options.
    - Once the Board has either heard the grievance or received a recommendation from a contracted source, the Board will then make the final decision. The Board's decision will be final and will be provided to the employee in writing within fifteen days (15) after making a determination.
7. If at anytime through the grievance process, either the employee and/or supervisory level may request alternative dispute resolution or mediation services. All parties involved must agree to the use of mediation prior to the method being utilized.
    - During the time period when mediation services are being utilized, the time limits of the internal grievance procedure will be considered suspended. At the conclusion of the mediation process, if a resolution is not reached, the time limitations of the grievance procedure are re-activated. Note: The Mediator determines the date of conclusion of mediation process and will notify all parties.

Additional Provisions:

1. An employee who is a party to a work-related grievance proceeding may be accompanied, advised, and represented throughout the proceeding by another employee or by a representative chosen by the employee involved in the proceeding in accordance with NDCC 34-11.1-04.2
    - All representatives will conduct themselves in a respectful and professional manner during the grievance procedure and will be responsible for complying with the requirements identified in the County's Harassment policy.
2. An employee may be granted up to a total of eight (8) hours, without the loss of pay or leave, to prepare for a grievance and appeal as outlined in steps one (1) through six (6). Leave will be approved and granted at the discretion of the Department Head, so as not to interfere with the daily business needs of the department.
        - In the instance of multiple grievances submitted by the same employee and/or group grievances, leave time will not exceed a combined total of eight (8) hours.
        - The employee may not use Burleigh County equipment, such as the computer, fax, copy machine, etc... for preparation of his/her grievance, unless approval is granted by the Department Head.

Employee Eligibility: The following employees may file a grievance:

1. Regular full time employees,
2. Regular part time employees,
3. Probationary employees may grieve issues of discrimination,
4. Group grievances reflecting a similar or common complaint will be accepted and processed as a single grievance.

Non-grievable Items:

1. Issues that are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.
2. Relocation or transfer of an employee within the department that results in no change of pay, benefits, and/or classification.
3. Temporary work assignments
4. Budget and organizational structure, including the number of assigned employees within any organizational unit.
5. The manner and method of performing work assignments, including performance evaluations, unless in the case of discrimination.
6. Benefits.

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Modified and approved by the Board of Commissioners 5/3/04.

Chapter 8

Section 2: Definitions for the Grievance Policy and Procedure

Definitions for the purpose of this policy:

Regular Full Time Employee - means an employee who occupies an approved and funded position on a full time basis, and who has satisfactorily completed a probationary period.

Regular Part Time Employee – means an employee who occupies an approved and funded position on a part time basis, who works between 20 hours to 40 hours per week, and who has satisfactorily completed a probationary period.

Probationary Employee – means an employee who is in the initial stage of employment, who has not met the satisfactory level of performance for regular status.

Supervisor – means an employee who is responsible for and has the authority to assign and evaluate the work of others.

Department Head – means an employee who is the administrative division for a County agency and who has either been appointed by the County Commission or elected into office.

Employer Action – means an action taken by the appointing authority that affects a regular employee through a demotion, dismissal, suspension without pay, forced relocation, reduction-in-force, or reprisal.

Reduction-in-force – means the loss of employment by a regular employee as a result of a reduction in funding, lack of work, curtailment of work, and/or reorganization.

Reprisal action – means an unfavorable employment-related action taken against an employee for exercising the employee's rights.

Forced Relocation – means the involuntary transfer or reassignment of a regular employee from one work location in the County to another work location in the County that requires the employee to move to a different place of residence.

Working Days – means the works days of Monday through Friday, excluding holidays.

CHAPTER 8

SECTION 1: DEFINITIONS FOR GRIEVANCE PROCEDURES
GRIEVANCE AND APPEALS

Definition For Purposes Of This Policy

1. "Grievance Procedure" is a process whereby the County Commission will be the final step in a multi-step process for resolving complaints and appeals from employees. An employee hearings examiner may investigate, gather, and present all pertinent facts to the County Commission for a binding administrative decision.

2. "Grievance" means complaint to the appointing authority by an employee involving conditions of work, work relationships, or the interpretation or application of policies, rules, regulations and/or legislation which have been adopted to cover personnel practices in an agency, department. A grievance must concern a matter which is subject to the control of the appointing authority.

3. A "Regular Full Time Employee" means an employee who occupies an approved and funded position and who has satisfactorily completed a probationary period.

4. "Probationary Employee" means an employee who is in the final stage of the selection process so that the employee/agency/appointing authority may assess ability to perform on a given job.

5. "Supervisor" means an employee who is responsible for and has the authority to assign the work of others, who hires, fires, schedules and evaluates work, or effectively recommends all or most such actions.

6. "Department Head" means an employee who is an administrative division of government, generally this individual is appointed by the County Commission or is elected by the people. This is responsible for and has the authority to assign work of others, who hires, fires, schedules and evaluates work, budget responsibilities or effectively recommends all or most such actions.

7. "Regular Part Time Employee" means an employee who occupies an approved and funded position, who has satisfactorily completed a probationary period and who works 20 hours or more per week, but less than 40 hours per week.

8. "Demotion" means an involuntary change in status of an employee from position in one class to a lower one.

9. "Dismissal" means the involuntary termination of employment of an employee.

10. “Suspension” means an enforced leave of absence for disciplinary purposes or for pending investigation of charges made against an employee. Suspension may be with or without pay. Only suspension without pay may be appealed to the County Commission.

11. “Discrimination” means an adverse action because of race, color, religion, age, disability, sex or national origin in all employment practices including hiring, firing, promotion, compensation and other tenures, privileges and conditions of employment.

12. “Binding Decision” is a final administrative remedy.

13. “Due Process” is a legal check designed to insure an employee: 1) is informed of what action is being taken and the reasons for it, and 2) has an opportunity to respond to and question the action and to defend or explain the questioned behavior or actions.

GRIEVANCE AND APPEALS POLICY

Non-grievable Items:

A. Issues which are pending or have been concluded by direct appeal to the County Commission or through other administrative or judicial procedures.

B. Relocation of employees.

C. Temporary work assignments.

D. Budget and organizational structure, including the number of assignment of employees in any organizational unit.

E. The manner and method of performing work assignments.

F. Benefits. (IE holidays, annual leave, etc.)

<u>General Provisions</u>:

A. Establishment and Approval of Procedures: The procedure shall be designed to allow for fair representation of the interests of the parties involved, to present completely their case and to process employee grievances as expeditiously as practicable.

B. Method of Counting Days: Time shall be computed pursuant to N.D.C.C. 1-02-15 and Rule 6 (a), North Dakota Rules of Civil Procedures.

C. Filing Cut-Off Date: Grievances shall be filed in writing and delivered to the appropriate supervisor no more than ten days after the occurrence upon which the grievance is founded, after the employee becomes aware of the problem or after the informal efforts have been exhausted.

D. Forfeiture of Grievance Rights: Failure of the employee to proceed within the time limits set forth for any step of the procedure shall constitute a waiver of his/her rights to proceed further with the grievance under this procedure unless an extension is granted in writing or orally by the appointing authority or department head.

E. Management's Obligation to Respond: Upon failure of the appropriate supervisor to act within the time limits set forth in any step of the procedure, the employee shall have the option to proceed to the next step in the procedure after completing the previous step.

F. Representation: An employee may represent himself/herself since the employee is most familiar with the facts, but should this present a hardship, an employee may secure council. An employee, of course, may utilize services or advice of any group or persons to assist him/her with the preparation of the written documentation that would initiate the grievance procedure.

G. Preparation Time: The employee shall be allowed reasonable and necessary time during regular work hours without loss of pay or leave credits to make necessary contacts for processing a grievance in accordance with the provisions of this procedure. The appointing authority shall insure that work processes and shifts are sufficiently covered in respective work areas at all times.

Employee Eligibility:

The Commission determines that the following employees may file a grievance:

1. Regular full time employees
2. Regular part time employees
3. Probationary employees may grieve issues of discrimination based on sex, race, color, national origin, age disability or political affiliations.
4. Group grievances reflecting a similar or common complaint should be accepted and processed as a single one.

UPDATE NOVEMBER 1996

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STATE OF NORTH DAKOTA

County of Burleigh

*221 NORTH 5 TH STREET * PO BOX 5518 * BISMARCK, NORTH DAKOTA 58506-5518*

Grievance Report Form

Part I – Type of Grievance Identification

Grievances to supervisor, Department Head, or the Human Resource Department may be made by non-probationary employees appealing dismissal, demotion, alleged discrimination, forced relocation, reduction in force, reprisal action, suspension without pay, notice of job posting, and job classification and/or salary range assigned to classification.

Part II - Employee/Agency Identification

Employee's Name:		
Employing Department	Division	
Immediate Supervisor	Title	
Employee's Mailing Address	City State Zip Code	
Employee's Title	Home No.	Work No.

Part III - Grievance/Remedy Identification (This part must be completed)

STATE THE GRIEVANCE: (Be specific. Use additional sheets if necessary)
STATE THE SPECIFIC REMEDY(IES) SOUGHT TO RESOLVE THIS GRIEVANCE:

Part IV - Steps to Internal Resolution

Immediate Supervisor's Response	
Supervisors Signature	Date

Employee Comments	
Employee Signature	Date

Second Level Supervisor's Response	
Supervisors Signature	Date

Employee Comments	
Employee Signature	Date

Appointing Authority Response	
Supervisors Signature	Date

Employee Comments	
Employee Signature	Date

Part V - Right to Mediation

I would be willing to take part in mediation services with an outside agency to better resolve the concerns expressed in this grievance if a reasonable remedy cannot be agreed upon at the County level.

Employee Signature _____ Date _____

Part VI- Requirement to Complete Burleigh County Grievance Procedure

To file a grievance, the non-probationary employee must complete this form and follow the grievance procedure outlined in Chapter 8, Section 2 of the Burleigh County Personnel Policy Manual. Definitions for Grievance Procedures and Appeals can be found in Chapter 8, Section 1 of the Burleigh County Personnel Policy Manual.

Part VII - Time Limitations to Begin the Grievance

- Grievances shall be filed in writing and delivered to the appropriate supervisor no more than fifteen (15) days after the occurrence upon which the grievance is founded.
- Failure of the employee to proceed within the time limits set forth for any step of the procedure shall constitute a waiver of his/her rights to proceed further with the grievance under this procedure unless an extension is granted in writing or orally by the appointing authority or department head.
- See Burleigh County Personnel Policy Manual, Chapter 8, for additional time limitations and explanations of procedures.

Part VIII - Certification

I certify I am a non-probationary employee and that this grievance meets the applicable time limitations.

Employee Signature _____ Date _____

Upon completion of this form, please submit it to the supervisor, Department Head, or Human Resources as outlined in Chapter 8 of the Burleigh County Personnel Policy Manual.

CHAPTER 9

SECTION 1: MODEL PERFORMANCE APPRAISAL PROCESS

The Burleigh County Commission believes that each of its employees has a right to:

1. Know what the department expects of that employee in terms of job duties and responsibilities.

2. Know how well the employee must perform in order to be considered an above-average employee.

3. Understand what criteria are used to determine job performance and salary increases.

In addition, the Commission realizes that well-informed, satisfied employees are more productive employees. Because the workload within the departments is heavy, a good level of productivity must be assured. Inasmuch as our staffing pattern will allow, we will continue to observe our general open-door policy in terms of inquiries and comments by any department employee; and our working supervisors will continue to observe all employees on a daily basis, attempting to set standards of performance for our various positions and will formally appraise the performance of each Burleigh County permanent employee at least annually.

Department Goals and Objectives

Annually the department officials and assistants will establish a work plan for the department. These become our goals and objectives and shall be a primary consideration in establishing measurable performance levels for each department and/or employee.

Individual Duties and Responsibilities

When each employee was hired by the department, he/she should have been provided a list of duties and responsibilities which the supervisor expected would be performed. These duty statements should be quantified through discussions between the supervisor and the employee. This procedure will provide a measurement capability in subsequent periods for employee evaluations and appraisals. The duties and responsibilities will relate to departmental goals and objectives.

What is a Performance Appraisal?

A performance appraisal is the formal opportunity each supervisor has to sit down with his/her subordinates to establish a line of communication for the purpose of discussing assigned duties and responsibilities, performance of the incumbent, training that might be recommended in order to assist an employee to meet the standards, and to afford both the employee and the supervisor an opportunity for questions and comments in order to ascertain a clear understanding of the employee's status in the department's work force.

The formal appraisal process will take place at least annually; however, the informal process of evaluating an employee's worth to the department should take place daily; that is, each one of our employees should be told when a job is well done or when a job was not completed as well as it might have been. The formal appraisal process can be a reinforcing and positive vehicle toward greater productivity of an employee, but would never take the place of recognition that should be given to an employee on a daily, weekly, and/or monthly basis. Consistence and job relatedness are the keys.

Benefits to the Employee

The performance appraisal process should benefit an employee in terms of a full understanding of what the department expects of them, where they stand in terms of meeting or exceeding standards set for the position, and establishing a good line of communications between the employee and the supervisor. Through the performance appraisal process, training needs may be identified that can be provided to bring an employee up to standard or to prepare an employee for advancement in the area of upward mobility within the department or within County government.

Also, an employee may benefit in terms of his/her supervisor being able to recognize in that employee various traits, skills, and/or potential for advancement. The whole process should make the employee feel a part of the organization in terms of setting goals and objectives not only for his/her part of the organization as a portion of the total goals.

In addition, an employee should, through the performance appraisal process, be compensated according to his/her performance. We encourage initiative and excellence of performance within County government and want to be able to identify those people who are the most productive and pay them accordingly within our fiscal appropriations.

Benefits to Management

The performance appraisal process should provide management with the ability to recognize high achievers, low achievers, and employees who should be considered for advancement. In this way, the department can select from within for promotion to encourage continued high performance and years of good service to the County.

The County will also be able to identify supervisors who are in need of training to assist them not only in the performance appraisal process but in the job of supervision itself. We would like to consider getting the job done though people to be our prime concern; that is, of necessity we must accomplish all duties and responsibilities with which the County is charged, but we must at the same time consider the needs and rights of the individuals performing those tasks in order to accomplish the goals of the organization most effectively. We expect that the performance appraisal process and accompanying pay for performance will achieve the greatest possible productivity for Burleigh County.

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Compensation

Pay for performance is supported by the County Commission and its various department heads and supervisors. But performance, measured through the performance appraisal process, will be but one of several considerations made in the salary setting process. Performance, longevity, and attendance will be combined to determine the pay of each County employee within the amount of funds available through appropriation.

We wish to move employees though the salary range if performance and funds available warrant such movement. If performance does not warrant movement up into the range, the employee will be counseled and performance will be improved with both individual and department assistance. If the performance cannot be improved after reasonable attempts, the employee might be recommended for a transfer, or, in very isolated cases, termination might be recommended.

The Form Itself

The form is a vehicle to measure the performance on an individual and must, of necessity, have a numerical rating. When measuring an employee's performance, frequently an employee asks, "As compared to what or whom– my fellow employee, the employee who came before me, your closest friend, someone in another department?" It must be stressed that an employee's performance will be measured against standards set for the job in which the employee is classified; that is, if an employee is not normally responsible for a given duty, he or she cannot be appraised at how well he or she is performing the duty. It is important that we watch appropriate classifications and that an employee is reasonably working within his/her classification The form that we will use will give some direction to a supervisor and an employee who will together complete the process; however, the form will be pretty much narrative in design with a final numerical rating. (See form BCP-106).

You will note that we will be judging employee on quality of work, quantity of work, judgment, communicating orally and in writing, and dependability. These factors are selected because of their job relatedness to the greatest number of jobs found within Burleigh County. Employee initiative is addressed under each heading. Below we will expand upon the areas for your total understanding.

Quality of Work

This would be the level of your finished work product, either individually or as a group depending upon the situation. Your observance of the extent of teamwork required to accomplish an acceptable product, your job understanding as it relates to your duties and responsibilities, the neatness and acceptability of the product, etc.

Quantity of Work

The actual amount of work that you are able to accomplish in a given period, either individually or as a group as the situation might require; timeliness of your actions and the meeting of deadlines; effective time management to utilize the full eight hour day for which we are all compensated.

Judgment

Decision making as it applies to your position, the setting of priorities, alternatives that might be available, when to seek assistance from lead workers or supervisors, planning and organizing the regular and unanticipated work schedule, contributing new ideas and developing better procedures for the ultimate goals of the department.

Communicating Orally and/or in Writing

Presenting ideas clearly and effectively; practicing clarity through the use of common language, being a good listener to subordinates, lead workers, supervisors, and all those staff with whom an employee comes into contact with; practicing proper grammar and punctuation; effective report writing.

Dependability

Being available to the department whenever needed, excepting cases where illness or approved vacation plans preclude attendance; carrying out duties and responsibilities using initiative and innovative thinking; maintaining the County's equipment, keeping it clean and handling it in a safe manner; being able to apply current knowledge, skills, and abilities to new tasks that might be assigned; the ability to work with a high degree of ambiguity and/or without close supervision when the situation arises, meeting deadline.

The five factors that we will use an appraising employee performance are expanded upon above. Along with the responsibilities all of us have as employees of Burleigh County, there are certain rights that accompany these responsibilities. Employees have the right to know and understand their assigned duties and responsibilities, to understand where they fir into the organization chart of the department and how their performance measures up, the right to respond to the department's charges of unsatisfactory job performance or behavior. Due process will always e provided through the model grievance procedure and the County Appeal Mechanism, available to all permanent employees.

Levels of performance will be graded inadequate, marginal, average, above average, and exceptional. While it will most always be difficult to assign a numerical rating to these five categories, it is necessary to determine actual performance.

The rating will be as follows:

Unacceptable performance does not meet expectations	(49 points or below)
Inconsistently meeting performance expectations	(50 thru 59 points)
Consistently meeting performance expectations	(60 thru 75 points)
Frequently exceeds performance expectations	(76 thru 89 points)
Outstanding consistently exceeding performance expectations	(90 thru 100 points)

While all of us would like to be considered exceptional performers and achievers, that is rarely an occurrence. If all of us attempt to use the system honestly and equitably each one will find it possible to improve his/her performance and the County will be the greatest one to benefit.

An attempt has been made to give some of the philosophy of a performance appraisal process and to explain the system used in Burleigh County government. Please bear in mind that the form itself is only a part of the entire system and that your performance will be fairly evaluated in terms of your assignments. The formal appraisal process will be used in conjunction with the informal appraisal process which will be maintained through daily recognition and the critical incident method.

The critical incident method of informal or formal performance appraisal is merely the jotting down by the supervisor of both good and bad performance incidents as they occur. These incident will not only be verbally recognized at the time they happen, but will be collected by the supervisor throughout the year so the incidents may be discussed at the time of the formal performance appraisal. The records of informal critical incidents may be viewed by the employee at any time through a formal request to the supervisor. (See Form BCP-105)

The focus is pay for performance, not cost of living. When the County Commission appropriates funds for a cost of living increase for employees, each one deserves the increase.

The system itself will never be completed in that as it is used, ways to improve and expand upon it will become apparent.

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CHAPTER 10

SECTION 1: WORKFORCE SAFETY AND INSURANCE

The purpose of this policy is to assure Burleigh County employees that they are protected by North Dakota Workforce Safety and Insurance (previously Workers Compensation) against accidental injury in the performance of their official duties. Workforce Safety and Insurance is a no-fault mandatory insurance plan to provide benefits to employees for job related injury or disease, or in the case of death, to a beneficiary.

1. All Workforce Safety and Insurance (WSI) claim forms (C1, C2, C3, C4, C16, and incident/accident/near miss report) must be submitted to the employee's supervisor, who then must submit to the Human Resource department, within twenty four (24) hours of injury; or if injury occurs on a weekend or holiday, as early as possible on the next actual workday.

2. If an employee is injured in such a way that he/she will be absent from work for more than five (5) days, the employee may be eligible for time loss wages from WSI. Determination of time loss wages is provided by WSI only after receiving all mandatory claim forms and Doctor's report of injury with recommendations and restrictions clearly defined.

3. An employee who is injured in the course of employment may elect to use accumulated sick or annual leave while receiving WSI benefits, however, the combination of benefits shall not exceed the employee's base salary. The use of sick or annual leave in conjunction with the benefits provided by WSI will provide the employee with his/her regular pay.

4. An employee who elects to use leave while receiving WSI benefits will be paid an amount equal to the difference between the employee's regular base salary and the amount of benefits the employee receives from WSI while on leave.

    a. The employee's leave shall be deducted with the number of hours that corresponds to the difference between WSI benefits and regular base salary.

    b. The employee must provide a copy of the benefit check from WSI to their supervisor so proper leave time may be deducted and differential pay may be calculated appropriately.

5. An employee who has utilized all leave benefits, or who has elected not to use accrued leave benefits, must be placed on leave without pay status for the remainder of the recovery period on the basis of State and Federal laws.

    a. Once accrued leave is no longer available or the employee elects not to utilize accrued leave, he/she will no longer be required to furnish the supervisor with a copy of the benefit check.

b. An employee may remain in a leave without pay status for a period not to exceed two years.

c. Employees receiving benefits from WSI are not eligible for leave donations from other employees.

d. Volunteers are covered under separate organizational policies.

Chapter 10

SECTION 2: SAFETY POLICY

Statement of philosophy: To assist in providing a safe and healthful work environment for employees, customers, and visitors, Burleigh County has established a workplace safety program whereas the Risk Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program.

Scope: It is the policy of Burleigh County to provide safe working conditions and to follow operating procedures that will result in safe and efficient operations.

1. Burleigh County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, written communications, and Risk Management training sessions.

2. Employees and supervisors receive periodic workplace safety training. The training covers safety and health hazards along with safe work practices and procedures to eliminate or minimize hazards. Work area safety inspections will be conducted annually in all departments of Burleigh County to be in compliance with the Risk Management Program.

3. Each employee is expected to obey safety rules and to exercise caution in all work activities. All employees must follow the safety guidelines including wearing appropriate safety equipment as required. Employees must immediately report any unsafe condition to the appropriate supervisor.
    a) A Near Miss/Incident/Accident report must be filled out immediately and submitted to the supervisor, who will then submit it to the Human Resource department.

4. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor and/or the Risk Manager and complete a Near Miss/Incident/Accident report and a C4.
    a) If an injury results in the employee seeking medical attention, the Workforce Safety & Insurance forms must also be completed and submitted to Human Resources within 24 hours of the incident.
    b) Such reports are necessary to comply with laws and initiate Workforce Safety & Insurance claim procedures when necessary.

5. All employees are responsible for cooperation in all aspects of safety and health. They shall comply with rules and regulations for their own safety, for the safety of their fellow workers, and for the safety of the general public. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Chapter 10

SECTION 3: ERGONOMICS

Burleigh County, in association with the North Dakota Association of Counties, has developed and continues to maintain an ergonomics program which educates and informs all employees about the basic principles of ergonomics.

1. The primary elements of the ergonomics program include:
    a) Worksite evaluations
    b) Control of exposures that may have caused cumulative trauma or repetitive motion injury (RMI)
    c) Ergonomics training of employees.

2. The ergonomics program also focuses on educating employees on their personal responsibility to ensure good work habits (such as posture and body mechanics) and adequate fitness for work. The training program includes information to help employees understand:
    a) Cumulative trauma or repetitive motion injuries such as carpal tunnel syndrome and back injury.
    b) Proper body mechanics, posture, manual lifting techniques, work station design, etc.
    c) Other work related stresses such as vibration, heat and cold, poor lighting and static positioning.
    d) Early symptoms of ergonomically-related injuries. Employees must report symptoms to their supervisors. This information should be documented on a Near Miss/Incident/Accident report and C4 form and these forms should then be submitted to the Risk Manager to keep on file.

3. When a cumulative trauma injury or other RMI has been reported at Burleigh County that results from a job, process, or operation, a worksite evaluation will be conducted. The evaluation identifies potential exposures that may have caused the injury and determines the methods Burleigh County will use to control or minimize them. Affected employees will be informed of the potential exposures and trained in the control measures.

4. Every reasonable effort will be made to correct exposures in a timely manner. If the exposure is not capable of being corrected, all efforts will be made to minimize it to the extent feasible.
    a) In determining how to correct or minimize exposures, Burleigh County will consider reasonable, cost-effective engineering or administrative controls.

5. All employees are required to report to their supervisor all workplace cumulative trauma injuries or RMIs after they have been identified and diagnosed by a licensed physician.
    a) Any injury resulting in a Workforce Safety & Insurance (Workers Compensation) claim must have the appropriate paperwork completed by the employee and physician at that time of diagnosis.
    b) The required forms must be submitted to the Human Resource department immediately after the medical appointment so proper claims management procedures can be implemented.

Chapter 10

SECTION 4: NEAR MISS/INCIDENT/ACCIDENT/SUPERVISOR REPORT

The Near Miss/Incident/Accident/Supervisor Report form is a combined form to enable an employee to report a number of different safety incidents. This form must be filled out whenever an employee is involved in an incident or accident that could have or did cause injury. This report may also be used to report any potentially unsafe conditions so these conditions may be remedied immediately.

1. The employee is responsible for filling out the first section of the form. Once the employee completes the employee section, the supervisor must complete the "Supervisor Investigation Report" section.
    a) If there is a witness to the incident, there is a section for that information also.

2. For accident and injuries involving County visitors, employees shall first find proper assistance to meet the visitor's needs. The employee should then complete the Incident Report and submit it to the Risk Manager.

3. Whenever County property has been damaged, (vehicles, buildings, etc.) an incident report must be completed stating as much information as possible.
    a) If the damaged property is a result of a motor vehicle accident, it must be investigated and a copy of the police report must be included with the incident report.
    b) Whenever an employee is involved in a motor vehicle accident while driving a county owned vehicle, or driving their personal vehicle for county business, they may be required to complete an alcohol and/or drug test as deemed necessary by the Department Head.

4. Employees are responsible for notifying the Supervisor or Department Head of any incident or accident as soon as possible after the incident or accident occurs. If an incident or accident results in an employee seeking medical treatment, the additional required forms, Incident/Accident report, C1, C2, C3, C4, and C16, must be completed and forwarded to Human Resources within 24 hours.

See following pages for Near Miss/Incident/Accident/Supervisor Report.

Initial Near Miss/Incident/Accident Report

Supervisor must submit report immediately to Risk Manager upon completion of all sections

Employee Section

Date of incident ___/___/___ Day of week _____ Time of incident _____ a.m./p.m.
Employee Name _____ SSN _____
Employee home address _____Employee home phone _____
Job Title _____ Department _____ Birth date _____
Supervisor Name _____ Supervisor phone _____
Incident needing medical attention _____ **OR** Incident w/o medical attention _____
Did you seek medical attention? Yes _____ No _____ Date you sought medical attention _____
Name of treating physician _____ Medical Facility _____
Body parts injured _____/_____/_____
Location of incident _____
Description of incident _____
_____
_____
Were there witnesses? Yes _____ No _____If yes, please list witnesses/phone numbers on back of form.
What could I have done to prevent the injury? _____
_____
Do you feel you have been properly trained to perform your job duties?_____
_____
Print name _____ Employee signature _____Date _____
_____

Supervisor Investigation Report

Description of incident _____
Immediate cause of injury_____
_____
What safety training/equipment could have prevented this injury? _____
Has corrective action been initiated? If yes, what corrective action is being taken? _____
Management review _____ Signature _____ Date _____
If no management review has been done, when will it be done? _____
Was a non-county employee injured as a result of this incident? Yes _____ No _____ If yes, provide the name and address of all non-county employees on the back of this form.
Was there property damage? Yes _____ No _____ If yes, please complete property damage report located on the back of this form.
Print name _____ Supervisor signature _____ Date _____

Witness Information to Incident

Please provide the following information about the witness(es) to the incident:

Name _____ **Name _____**
Phone number _____ **Phone number _____**
Address _____ **Address _____**

Non-County Injury Information

Please provide the following information on each non-county person injured:
Describe the nature of the incident/injury to the non-county employee.
Name _____ **Name _____**
Phone number _____ **Phone number _____**
Address _____ **Address _____**

Property Damage Report

Please provide picture if available

What property was damaged? _____
Where can damaged property be seen? _____
Owner of the property _____
Witnesses: (List all known witnesses – If more room is needed attach another sheet)

Name _____ **Name _____**
Phone number _____ **Phone number _____**
Address _____ **Address _____**

Were the police involved? Yes _____ No _____ If yes, provide the name of the officer.
_____

Print name _____Signature of supervisor _____Date _____

Chapter 10

SECTION 5: OCCUPATIONAL EXPOSURE POLICY & PROCEDURES

Statement of Philosophy: It is the policy of Burleigh County to maintain a safe and healthful working environment. It is recognized that minimizing the risk of occupational exposure in the workplace is the responsibility of all employees and that established safety guidelines, including wearing appropriate safety equipment such as safety glasses and protective gloves, must be followed.

Scope: For the purpose of this policy, "occupational exposure" shall be defined as a reasonable anticipation that contact with human blood or other potentially infectious materials may result from the performance of the employee's duties. If an employee is exposed to blood borne pathogens or bodily fluids, these guidelines must be followed.

Procedures

The following procedures are to be observed by employees working in job classifications where occupational exposures may occur.

1. Employees having "occupational exposure" must have personal protective equipment readily available at their job site at all times. Such equipment shall be provided free of charge by the County. No affected employee shall knowingly risk exposure to blood infected materials by failing to use the personal protective equipment provided.

2. Gloves must be worn when coming in contact with blood or bodily fluids.

3. Protective masks and goggles must be worn when there is a possibility of a splash of blood or body fluids to the face.

4. Hands should be washed immediately following any contact with blood or body fluids regardless of whether gloves have been used.

If exposure occurs:

1. The employee must notify the supervisor of the exposure and the intent and/or need to seek medical treatment immediately.

2. The supervisor should provide the following paperwork for the employee to complete – the Incident Report, the C4 form, and the Workforce Safety & Insurance (WSI) packet, which includes the C1, C2, C3 and C16. The supervisor will then need to notify both Human Resources of the incident as well as the appropriate Department Head.

    a. The employee has the responsibility of filling out the incident report, the C1, along with the C2 form which is a duplicate attached to the C1, the C16 and C4 form and returning them to the supervisor within 24 hours of the incident.

b. On both the C1 and C2, along with the incident report, the employee should identify the known source or known exposure, if permissible and in accordance to policy and procedure requirements for privacy issues.
c. The employee will need to take the C3 form to the doctor and have them complete this. {This form is in triplicate, one copy is sent to WSI usually by the medical provider, the second copy is retained by the medical provider and the third copy is to be provided to the employer.} **This form needs to be completed by the doctor at the time of treatment and will need to identify any work restrictions and/or release the employee back to work.** The employee **does** need to return a copy to their supervisor upon their return to work.
d. All forms need to be turned into the Human Resource Office within 24 hours of the incident or notification from the employee.

3. The employee will need to go to one of the Designated Medical Providers and their affiliated clinics within our network, which is either MedCenter One Health Systems or St. Alexius PrimeCare. Unless the exposure was through severe means resulting in an injury, the employee can typically go to the walk-in clinic or their regular physician vs. the emergency room, to seek medical treatment.

4. When the employee goes to the medical provider, they need to identify to the staff that they are being treated for an exposure to _____ and that it is a work-related claim.

5. Once the tests have been completed, the employee will receive the results from the medical provider. In conjunction, the employee will receive a notice from Workforce Safety & Insurance notifying them of acceptance/denial of the claim.

6. The need for follow up care is based on the medical documentation and subsequent decision of WSI. If an employee needs to have a follow up test, the employee will need to schedule an appointment with the same medical provider within 6 months to 1 year of the initial testing. The employee will again need to identify that it is a work related claim and provide the claim number assigned to their claim by WSI.

7. In cases of exposure to blood, bodily fluids or other infectious disease, source individuals should be tested in accordance with North Dakota Century Code, 23-07.3. If the exposure occurs in the Detention Center, procedures must also be followed for testing of inmates outlined in N.D.C.C. 23-07-07.5.

An accurate and separate confidential record of exposure incidents shall be maintained in the Human Resource Department along with all other Workforce Safety & Insurance, medical, and workplace incident reports and documentation.

	**ALCOHOL AND CONTROLLED SUBSTANCE WORKPLACE POLICY**	**BCHR - 10** **PJB**

PURPOSE:

In accordance with the Federal Drug-Free Workplace Act and the North Dakota Workforce Safety and Insurance's Risk Management Program, it is Burleigh County's intent to establish a policy to maintain a safe and productive work environment for all employees by preventing accidents or other dangerous incidents that may result from drug or alcohol use.

POLICY:

County employees may not possess or consume alcoholic beverages or controlled substances in County buildings, offices, vehicles, or while driving or doing business on behalf of the County. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on any work site and during all working hours by employees. No employee will be allowed to perform job duties when impaired or under the influence of mind-altering drugs, illegal drugs and/or alcohol during working hours.

Employees performing safety sensitive functions or driving County vehicles must not consume alcohol eight hours prior to duty time, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

Testing Guidelines:

1) Post-offer pre-employment testing for drugs will be conducted on all employees performing safety-sensitive functions or those required to have a commercial driver's license (CDL). Random testing on these employees will be conducted in compliance with Federal DOT regulations.
2) Testing for drugs or alcohol of any current employee will be conducted when a supervisor has reasonable suspicion an employee is violating policy. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee. These observations may include indications of the chronic and withdrawal effects of controlled substances. The chronic and withdrawal effects of controlled substances may not be the sole indicator for reasonable suspicion, but may be used in conjunction with other indicators.
3) If an employee is involved in a motor vehicle collision using a County vehicle, or if using a personal vehicle driving for County business when County liability could be affected, then post collision testing is required.

4) Employees requiring drug or alcohol testing because of motor vehicle collisions or determination of probable cause will be transported to and from the testing site by a supervisor or department head. Under no circumstances will the employee provide their own transportation.
5) Should the test results for drugs or alcohol be positive, a confirmation test will be conducted. Once the test is verified as positive, the employee may not return to work until directed by the County.
6) An employee's refusal to be tested may be considered cause for dismissal.

Refusal to test behavior includes; refusing to take the test; inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen; interfering with the collection procedure; not immediately reporting to the collection site; failing to remain at the collection site until the collection process is complete; having a test result reported by our MRO (Global Safety) as adulterated or substituted; or leaving the scene of an accident without a valid reason before the tests have been conducted.

Types of Testing

Pre-employment – All employees working for the Detention Center, Sheriff's Department and Highway Department will be subject to pre-employment testing for controlled substances only. All pre-employment testing will be conducted prior to the employee's first day of employment.

Reasonable suspicion - Burleigh County will test an employee if a trained supervisor has reasonable suspicion that the employee has used a controlled substance or has misused alcohol as defined in Burleigh County Personnel Manual Chapter 10, section 6.2.

a). Alcohol - Reasonable suspicion alcohol testing is permissible only if the supervisor's observations are made during, just preceding, or just after the employee is performing safety-sensitive functions or is attempting to perform safety-sensitive functions.

For Law Enforcement and Detention Center employees reasonable suspicion testing may be done if the supervisor has a reasonable suspicion that the employee is under the influence of alcohol.

b.) Controlled Substances - Reasonable suspicion testing for controlled substances may be based on observations at any time the employee is on duty.

Post-Accident - post collision testing is required when the collision involves a fatality, any involved vehicle requires towing from the scene, any person involved requires medical treatment away from the scene of the collision, or for cause.

a) Employees must be tested for alcohol within 2 hours and controlled substances within 32 hours.
b) If the alcohol test is not administered within 2 hours, the supervisor must file records stating why.
c) If no alcohol test is administered within 8 hours of the accident, no test will be given and the supervisor must file records stating the reason for the delay and the lack of testing.

Employees must submit the police report with the necessary Incident/Accident reports and when injuries occur, the Workforce Safety & Insurance reports. (See Burleigh County Policy, Chapter 10, Section 1) Records will be maintained by the Human Resources department.

Random Testing – Burleigh County participates in a Consortium with the North Dakota Association of Counties (NDAC) for all random drug testing.

a.) Random draws are of the entire Consortium and are conducted by our MRO - Global Safety, every quarter.
b.) The Department Director or designated representative shall receive Random Drug and/or Alcohol screening notices from the Human Resources Department.
c.) Employees will be taken by their supervisor or the designated representative to the testing site. No notice is to be given to the employee subject to the random testing.
d.) The Human Resources department will confirm the results of the random drug testing with the Road Superintendent or his designated representative within five (5) business day after the completion of testing.
e.) All random drug screen testing results will be filed in the employee's electronic personnel file.

Return to Duty - If an employee receives a positive test, the employee will immediately be suspended. Following this suspension, the County will investigate to review the employee's past record of performance and appropriate action will be taken. The employee's Department Director, in conjunction with the Human Resource Director will decide on further action.

These actions may include any or all of the following:

1. Referral to a Substance Abuse Professional (SAP) for assessment and recommendations for a plan of treatment.
2. Reduction in Grade/Step, and/or removal of any supervisory duties.
3. Termination of employment.

Employees referred to an SAP must successfully complete the recommended treatment plan and receive a negative return to duty test.

Follow-up – Any employees that have received a positive drug/alcohol test and have returned to duty are subject to additional random screening for 12 to 60 months. Any employees with a positive test result during this follow-up period will be terminated from employment with Burleigh County.

Employees must notify their employer of any criminal charge or conviction of drug and/or alcohol violations within five (5) days, which may result in appropriate disciplinary action.

Employees are hereby notified that compliance with this policy is a condition of employment and failure to comply with this policy could result in disciplinary action, up to and including termination.

Note: This policy does not apply to controlled substances prescribed by a physician or to alcoholic beverages or controlled substances, which are maintained or used as evidence, for law enforcement purposes and/or County nursing services.

Federal Motor Carrier Safety Administration Clearinghouse Guidelines (Ref 49 CFR part 40)

Employees working for Burleigh County are subject to the FMCSA Clearinghouse Guidelines (referred to as "Clearinghouse") program. These guidelines affect only those employees working for Burleigh County that are holders of a CDL (Class A) Driver's license.

Required Testing:

1. Pre-employment (for controlled substances only) – All applicants for employment on a permanent or temporary basis as a CDL driver, or any current employee who wishes to remain a CDL driver, must be given pre-employment tests for controlled substances. Prior to conducting the test, Burleigh County must inform the applicant or driver in writing of the testing requirements.

   Burleigh County will conduct a pre-employment test each time a driver returns to work after a layoff period when the driver has not been subjected to random controlled substances testing for more than 30 days or has been employed by another entity. Burleigh County will notify a driver-applicant of the results of a pre-employment controlled substances test if the driver-applicant requests the results within 60 days of being notified of the disposition of the employment application.

   Burleigh County must obtain the driver-applicant's written consent to obtain information from the driver-applicant's previous employers as a condition of employment. The information should be obtained as soon as possible and prior to the employee's start date. (Previous employers are required to forward the testing results immediately upon receipt of the request.) All requests and responses for documentation regarding the Clearinghouse from previous employers should be documented.

2. Reasonable suspicion: 10. Alcohol and Controlled Substance Types of Testing

3. Random: 10. Alcohol and Controlled Substance Types of Testing

4. Return-to-duty: 10. Alcohol and Controlled Substance Types of Testing

5. Follow-up: 10. Alcohol and Controlled Substance Types of Testing

6. Post-Accident: 10. Alcohol and Controlled Substance Types of Testing

Resources: FMCSA Clearinghouse Employer Responsibilities memo dated 05/14/2020
Definitions:
MRO – Medical Review officer – Global Safety

Chapter 10

SECTION 7: WEAPONS ON PREMISES

Burleigh County prohibits the possession or use of dangerous weapons on Burleigh County property. All employees are subject to this provision, including contract workers and temporary employees as well as visitors and customers. A license to carry the weapon does not supersede NDCC 62.1-02-05.

Exceptions to this policy include law enforcement officers as defined in NDCC 62.1-01-01(7)

Employees suspected of violating this policy may be subject to a search of their office. Employees violating this policy will be subject to arrest and/or disciplinary action, up to and including dismissal.

Definitions:

"Burleigh County property" is defined as all Burleigh County-owned or leased buildings under the Burleigh County's ownership or control. This policy applies to all Burleigh County-owned or leased vehicles.

"Dangerous weapons" are defined in NDCC 62.1-01-01(1) and include firearms, explosives, and knives with blades of five inches or more. Employees are responsible for making sure that any item possessed by the employee is not prohibited.

Chapter 10

SECTION 9: DESIGNATED MEDICAL PROVIDER

This policy to be drafted at a later date.

DESIGNATED MEDICIAL PROVIDER SELECTION FORM

The Designated Medical Providers for **Burleigh County** are:

CITY	PROVIDER
Bismarck	CHI St. Alexius
Bismarck	Sanford
Bismarck	Essentia Health/Mid Dakota

I have been informed of my employer's Designated Medical Provider provisions and my employer's Drug-Free Workplace program/policy.

Employee Signature	Employee Name (please print clearly)	Date & Initials

I wish to add the following Designated Provider(s) to seek treatment from in the event of a work-place injury or illness:

Provider's Name	Provider's Address	
City	State	Zip
Provider's Name	Provider's Address	
City	State	Zip
Provider's Name	Provider's Address	
City	State	Zip

Do not return this form to WSI. This form should be kept by the employer and a copy given to the employee for their records.

DMP selection should be reviewed annually.

WSI may not pay for medical treatment by another provider unless a Designated Medical Provider refers you or you list the provider above. Emergency care is exempt from the DMP requirement.

Year:	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**	**2032**	**2033**
Date:											
Initials:											

Chapter 10

SECTION 11: EMERGENCY EVACUATION

This policy to be drafted at a later date.

ksj

Draft: 09-23-2026

Fire Alarm Policy

Effective Date: October 19, 2026

Applies To: All Burleigh County personnel, contractors/subcontractors, visitors, and vendors.

Purpose
To establish clear requirements for maintaining fire protection and life safety in County facilities during normal operations, construction, renovation, maintenance, and testing. The policy aims to minimize false alarms, ensure prompt and safe evacuation, keep fire systems in service whenever possible, and define responsibilities.

Scope
Applies to all County-owned or occupied facilities and to any construction, renovation, maintenance, testing, inspection, or repair activities that may impact fire alarm or fire protection systems.

Definitions
- **Fire Alarm Impairment**: Any intentional or unintentional removal of a fire alarm or protection system (or portion thereof) from service.
- **Fire Watch**: Continuous patrol by trained personnel to detect fire hazards, notify occupants, and summon emergency responders during impairment.
- **False Alarm**: Alarm activation not caused by an actual fire or emergency.

Authority and Responsibilities

Facilities Director
- Oversee fire safety compliance, documentation, drills, impairments, and testing.
- Reviews and authorizes planned impairments in coordination with codes, the monitoring company, and fire department as needed.
- Serves as liaison between occupants and contractors.
- Ensures awareness of alarms and evacuation procedures.

Contractor Supervisor
- Coordinates fire safety in construction zones.
- Notifies Facilities Director of any work that could affect fire alarm systems (i.e., hot work, dust-generating activities, drilling).

Fire Alarm Protocols

System Status
- Fire alarm systems must remain active in all occupied areas.
- Temporary disablement in construction zones requires prior approval from the Facilities Director.

Testing and Impairments

- Testing or silencing should be scheduled outside normal business hours when possible.
- Contractors must submit a fire alarm work notification at least 48 hours in advance for testing, drilling near devices, hot work, or dusty operations.
- Restore the system to full service immediately after testing or work completion.

Emergency Alarms

- Treat every alarm as a real emergency unless you receive advance notification of a scheduled test.
- Upon alarm activation: All occupants and contractors must immediately evacuate via designated routes. Contractors must secure equipment before leaving.

Contractor Responsibilities

- Complete Fire Safety Orientation before starting work.
- Use approved dust covers on smoke detectors during dusty operations.
- Obtain and follow Hot Work Permits for welding/cutting; notify Facilities Director prior to starting.
- Control combustible waste daily, maintain temporary fire extinguishers, and keep exits and devices clear.
- Report any damaged fire protection equipment immediately.
- Do not obstruct sprinklers, detectors, or store materials in exit corridors.

Fire Drills

- Conducted at least annually.
- All personnel and contractors must participate unless excused by the Facilities Director.
- Contractors receive at least 72 hours of advance notice.

Fire Alarm Impairment Procedure

1. Contractor notifies Facilities Director.
2. Facilities Director reviews, assigns time limits, Fire Watch personnel, and communication plan.
3. System must be restored to full service at the end of each workday unless otherwise approved.

Communication Protocols

- Daily coordination meetings between Facilities Director and Contractor Site Supervisor on fire safety issues.
- Facilities Director maintains emergency contact list for Department Heads and contractors.
- Report all fire incidents, near misses, false alarms, impairments, or damaged equipment immediately to the Facilities Director.

Employee Responsibilities

- Evacuate immediately upon alarm.
- Report fire hazards and damaged equipment.
- Keep exits clear and never tamper with fire alarm devices.

Visitors

Follow instructions from County personnel or emergency responders and evacuate immediately upon alarm.

All Clear

Re-entry permitted only after authorization by the fire department, Facilities Director, or facility manager.

Compliance and Enforcement

Failure to comply may result in work stoppage, removal of personnel from the site, reporting to the contracting officer, or employee disciplinary action.

References

NFPA 241: Standard for Safeguarding Construction, Alteration, and Demolition Operations
Local Fire Department Regulations
OSHA 29 CFR 1926 Subpart F (Fire Protection and Prevention)

Draft: 09-23-2026

Burleigh County Fire Policy

Effective Date: October 19, 2026

Purpose

This policy establishes clear fire prevention and safety rules for all employees, visitors, vendors, and contractors in facilities owned by Burleigh County. It aligns with the City of Bismarck's adopted Fire Code (2021 International Fire Code and amendments) and the North Dakota Century Code. Compliance is mandatory. Violations may result in item removal, corrective action, or discipline.

Scope

This policy applies to all employees, visitors, vendors, and contractors and spaces throughout all facilities owned by Burleigh County.

1. **Prohibited Items and Practices**

   The following are strictly prohibited:

   - **Odor-producing products**: Heated wax warmers, incense, wall plug-in air fresheners, scented candles, or any similar heat/fragrance-producing devices.
   - **Open flames**: Candles (including decorative or battery-operated that produce heat), lighters (except emergency use), or any open-flame devices unless pre-approved in writing by the Facilities Director.
   - **Personal furniture or furnishings**: No employee-owned chairs, desks, lamps, rugs, cubicle panels, bookshelves, or upholstered items. Only County-provided or Facilities-approved furniture is allowed.
   - **Non-UL-listed devices**: Any electrical appliance or device without a valid UL listing (or equivalent ETL/Intertek listing) is prohibited. This includes personal space heaters, coffee makers, fans, or chargers brought from home.

   Approved electrical devices must be UL-listed, used per manufacturer instructions, plugged directly into wall outlets or approved surge protectors (no daisy-chaining), and maintained in good condition. Extension cords are for temporary use and must be UL-listed as heavy duty.

2. **Housekeeping and Building Maintenance**

   - Keep all egress paths, corridors, stairwells, and exits clear at all times.
   - Maintain 18-inch clearance from sprinkler heads and ceilings in sprinklered areas.
   - Store combustible materials (paper, boxes) neatly and in approved quantities.
   - No storage that blocks fire equipment, alarms, or sprinkler coverage.
   - **Doors**: Do not prop open any doors for any reason unless coordinated in advance with the Facilities Director.

3. **Smoking Policy**
   Smoking (including e-cigarettes and vaping) is prohibited inside the building and within **20 feet** of all entrances, exits, operable windows, air intakes, and ventilation systems per North Dakota law. Use only designated outdoor areas equipped with proper receptacles.

4. **Emergency Preparedness and Evacuation**
   - **Fire Drills and Alarms**: All employees, visitors, vendors, and contractors must participate in annual fire drills and exit the building immediately whenever a fire alarm sounds, unless a building official or local responder announces it is a test or conditions are safe to remain.
   - **Awareness**: Employees must maintain awareness of nearest evacuation routes, fire alarm pull stations, and fire extinguisher locations.
   - **Floor Coordinators**: Each floor or area will have a designated Floor Coordinator and a backup. Coordinators ensure their floor or area is fully evacuated and report headcounts at the assembly point.
   - **Assembly Point**: All employees must proceed directly to the assembly point for accountability.
     Burleigh County Building – west courthouse parking lot
     Burleigh County Courthouse – Burleigh County Building (Commission Room)
     Burleigh County Extension Service – if event occurs in arena, go to office and vice versa. If an event occurs requiring leaving the building, go to Expressway driveway.
     Burleigh County Highway Department
       - Bismarck – Southwest parking lot
       - Wilton – 93rd Street NE approach
       - Sterling – Approach north of building off Highway 10
       - Wing – 2nd Avenue E approach

     Burleigh County Sheriff's Department (east location) – sign building
   - **General Fire Extinguishing Protocols**:
     - Use a fire extinguisher only if the fire is small, you are trained, and you have a safe escape route (follow **PASS** method: **P**ull pin, **A**im at base, **S**queeze handle, **S**weep side to side).
     - Do not attempt to fight a fire if it is spreading, involves electrical equipment or hazardous materials, or if you feel unsafe—evacuate immediately and let trained responders manage it.
     - Activate the nearest fire alarm pull station upon discovering fire or smoke.

5. **Training and Responsibilities**
    - All employees must complete fire safety training and know the building's Emergency Action Plan.
    - Report any fire hazards, damaged equipment, or blocked exits immediately to your supervisor and Facilities Director.
    - **Facilities Management** and **Risk Management** are responsible for coordinating with the Bismarck Fire Department, approving items, and conducting internal checks.
    - **Bismarck Fire Department** serves as the Authority Having Jurisdiction for inspections and code enforcement.

6. **Enforcement**
    - Items in violation will be removed at the owner's expense.
    - Repeated or willful violations may result in disciplinary action up to termination.
    - This policy will be reviewed annually or after any significant incident or code change.

Questions: Contact Facilities Director or the Burleigh County Risk Manager.

Acknowledgment: All employees, visitors, vendors, and contractors are required to follow this policy as a condition of working in the Burleigh County facilities.

Chapter 11

SECTION 1: DEDUCTION SCHEDULE

This policy to be drafted at a later date.

Chapter 11

SECTION 2: VACATION AND SICK LEAVE ACCRUAL

This policy to be drafted at a later date.

CHAPTER 12

SECTION 1: OPEN DOOR POLICY

Scope: This policies applies to the County Commission and all agencies and departments of the Burleigh County Government.

Statement of Philosophy: Burleigh County encourages free and open channels of communication for employees at all levels and seeks to handle problems or conflicts of employees promptly and fairly. In order to provide free and open channels of communication for employees and to provide fair treatment, all employees are encouraged to use one of the following options:

1. When an employee has a problem or concern, the employee is encouraged to discuss the issue openly with his/her supervisor or Department Head so that appropriate action may be taken.

2. If an employee does not feel that a proper resolution has been determined at that level of management, the Human Resource Office will be available for consultation and guidance to either the employee or the Supervisor/Department Head.

3. In the event that after utilizing steps one (1) and two (2) above, the employee continues to feel that a proper resolution has not been determined to a grievable issue; the employee may refer to the formalized grievance process to address his/her issue as outlined in the Grievance Procedures. (See Grievance & Appeals Procedure, Personnel Manual; Chapter 8, Section 1-2).

4. Burleigh County encourages employees to seek a solution to any problem or concern without fear of reprisal. Burleigh County will take disciplinary action up to and including termination of any member of management who:
   (a) Prevents an employee from talking with any management personnel he/she elects, or
   (b) Harasses an employee and/or makes negative employment decisions that affect that employee for talking with another management person.

CHAPTER 12

SECTION 2: CONFLICT OF INTEREST POLICY

1. An employee of the County shall not hold any position, nor serve on any board in which such interest or position, would conflict with the duties assigned to that individual and/or that individual's office either by constitution or statute.

2. An employee of the County shall not receive remuneration in any form from an individual, business, corporation, or any other entity for services rendered while acting as an employee or agent of the County.

3. An employee of the County may hold outside employment unless precluded by statute. Outside employment should not create a conflict of interest with constitutional duties, statutory duties and/or the performance level assigned to the individual or the individual's office.

4. The County service position shall be considered the primary employer; outside employment would be considered as secondary. The Department Head and the Human Resource Director shall be made aware of secondary employment by the employee and confirm that a conflict of interest does not exist.

5. An employee engaged in political activity as defined in NDCC 39-01-04, may have a potential conflict of interest and should explain the duties and responsibilities to the Department Head and Human Resource Director to determine conflict of interests. The employee will be required to take annual leave for any time taken during normal working hours to carry on such political activity.

CHAPTER 12

SECTION 3: POLITICAL ACTIVITY POLICY

1. As citizens of the United States, employees have the right to vote; no employer can deny that right or attempt to influence an employee, on how to vote.

2. A public employee cannot engage in political activities while on duty or in uniform in accordance with the North Dakota Century Code 44-08-19. Political Activity as used in this policy is defined in the NDCC 39-01-04.

3. The Hatch Act is a federal statute that applies to the political activity of certain state and local government employees. The statute applies to those whose principal employment is connected with programs and activities financed in whole or in part by federal loans and/or grants; and prohibit taking an active part in partisan politics.

4. An employee who is subject to the provisions of the Hatch Act may:
   a) Run for public office in nonpartisan elections.
   b) Campaign for and hold office in political clubs and organizations.
   c) Actively campaign for candidates for public office in partisan and nonpartisan elections.
   d) Contribute money to political organizations and attend political fundraising functions.

5. An employee who is subject to the provisions of the Hatch Act may not:
   a) Be a candidate for public office in a partisan election.
   b) Use Official authority or influence to interfere with or affect the results of an election and/or nomination.
   c) Directly or indirectly coerce, attempt to coerce, or command contributions from subordinates in support of a political party, committee, organization, agency or candidate.

6. Where applicable, any State or local laws and/or regulations establish more strict prohibitions on the political activity of County and local employees; these prohibitions are in effect.

CHAPTER 12

SECTION 4: TIME OFF TO VOTE POLICY

1. This policy applies to the County Commission and all agencies and departments of the Burleigh County Government.

2. It is the policy of the County of Burleigh to encourage voting by all eligible voters at any statewide, special, primary, general, and/or local elections.

3. When an employee's regular work schedule conflicts with the time the polls are open, County departments and agencies are encouraged to grant employees who are qualified voters, the necessary and adequate time off from his/her employment for the purpose of voting.

4. Should an employee of the County need more time than the allotted break schedule for the purpose of voting, annual leave will be applied for any additional time taken.

CHAPTER 12

SECTION 5: LEGISLATIVE LOBBYING POLICY

1. For the purpose of legislative lobbying, an employee of Burleigh County must act in their official capacity and present testimony or be invited to appear before the council or committee for the purpose of providing information. NDCC 54-05.1-02.

2. An employee of Burleigh County, other than elected officials, will need to take annual leave for activities involved in lobbying at the State Legislature outside of his/her official capacity, unless the County Commission has approved such lobbying.

3. During the time period, should the Commission not be in session, such lobbying outside of the employee's official capacity, will need to be approved by the Commissioner holding the employee's department portfolio; or by the department's governing board.

4. Definitions for the purpose of this policy:
   - Lobbyist – Any person engaged on a part or full time basis who is required to register with the Secretary of State, has a certificate of registration and a distinctive lobbyist identification badge. NDCC 54-05.1-03.

   - Lobbying – Attempts to secure the passage, amendment, or defeat of any legislation and/or attempts to influence decisions made by the legislative council or interim committee. NDCC 54-05.1-02.

CHAPTER 12

SECTION 6: JOB SHARING POLICY

1. The County of Burleigh is continually searching for productive and flexible methods to achieve productivity from each County position and County agency and endorses job sharing.

2. Job sharing may utilize more than one part time employee to fill an authorized position, not to exceed the budgeted full-time equivalent position.

3. An agency or department may share an employee with another County agency or department in hour increments, provided that responsibilities and duties are comparable in each agency. Each Department Head shall be responsible for notifying the Human Resource Director of the potential job sharing responsibility.

4. The responsibilities and duties shall be specified and shared between the departments. Each Department Head shall have supervisory duties based on the percentage of time that employee spends in that department and would evaluate the employee's performance accordingly.

CHAPTER 12

SECTION 7: NO SMOKING POLICY

Scope: This policy applies to the County Commission and all agencies, departments, equipment of the Burleigh County Government.

Statement of Philosophy: It is the policy of Burleigh County to provide a healthy, smoke-free work environment for all employees. It is the intent of this policy to protect non-smokers from the health hazards created by second hand smoke; for this reason:

1. Smoking of any kind will be prohibited in any building, agency and/or department of Burleigh County.

2. Smoking of any kind will be prohibited in any vehicle or equipment, which is considered property of the County. For safety reasons as well as health reasons, this includes equipment with or without an enclosed cab.

3. Employees who wish to smoke may do so during regular breaks and meal periods, but must do so in designated smoking areas outside of County buildings.

Violations of this policy may be subject to disciplinary action up to and including termination.

01/30/13 ksj

Approved by the Burleigh County Commission on 10/02/00

CHAPTER 12

SECTION 8: PAYROLL DEDUCTIONS

No additional payroll deductions will be allowed unless at least 33 1/3% of County employees sign up for it.

(Commission minutes, March 3, 1987).

CHAPTER 12

SECTION 9: PERSONNEL FILE POLICY

Statement of Philosophy: It is the policy of Burleigh County to establish a consistent procedure and centralized location within the Human Resource Department for establishing, maintaining, and updating personnel files and records for all County departments and agencies. This policy is necessary to ensure that Burleigh County and the Burleigh County Board of Commissioners shall be in compliance with federal and state personnel regulations.

1. All original documents and forms required to be kept in employees' personnel files will be maintained in the Human Resources Department. These files will then contain all required original documents and forms concerning all required personnel information relating to those employees' tenure with Burleigh County and will become a part of the employee's permanent file.

2. Current and future copies of forms may, if preferred, be retained by the Department Head or Supervisor for the purpose of performance evaluations and monetary reasons related to budget expenditures; all original forms will be forwarded to the Human Resource Department.
   - This does not prohibit department administrators from maintaining written notes or records of employee's performance separate from the personnel file for the purpose of preparing performance evaluations and/or possible disciplinary action.

3. All original documents that address an employee's character and/or performance will be maintained in the personnel file, after and upon an employee's review of such documents. All employees must acknowledge that the employee has reviewed the material by signing the actual document (with the exception of commendation letters and training certificates).

   - The signature of an employee merely signifies that the employee has read the material to be filed and does not necessarily indicate agreement.
   - If the employee refuses to sign the copy to be filed, the Department Head shall indicate on the copy to be filed, that the employee was shown the material and that the employee refused to sign the copy filed. This will then be forwarded and maintained in the file.
   - An employee has the right to answer any material filed and such an answer will be attached to the original document. Any additional statements will not be used as the basis for any subsequent adverse personnel action.
   - No additional documents may be submitted by either the employee, supervisor, or Department Head, after the employee signature is obtained.
   - Anonymous letters or materials will not be placed in the employee's file.

Approved by the Board of Commissioners 5/1/00
Modified and approved by the Board of Commissioners 5/3/04.

4. Personnel files are records of a public entity and are subject to the North Dakota open records rule. Articles that are considered "exempt" under the NDCC 44-04-18.1 are considered confidential and are not subject to public viewing and exempts the following from public review:

    - An employee's home address; personal telephone number; date of birth; photographs; medical information; motor vehicle operator's identification information; payroll deduction information; the name, address, phone number, date of birth, and social security number of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or financial institution.

5. Medical information will be maintained in a separate confidential file as required by NDCC 44-04-18.1. This will include any medical information obtained for leave purposes, worker's compensation, family medical leave and/or disability accommodations.
    - All employees' medical information shall be treated confidentially and shall not be released without written consent of the employee or as provided by law.

6. Social Security numbers are confidential and will only be released as authorized in accordance with NDCC 44-04-28; for the purpose of participation in retirement or other employment benefits programs; or as authorized by the individual to whom the social security number is assigned, that individual's lawful agent or guardian, or by order of a court.

7. Any requests to view public records and those articles deemed nonconfidential and nonexempt shall be directed to the Human Resource Department.

    - Individuals requesting copies of an open public record that is deemed nonconfidential and nonexempt shall be subject to a reasonable charge.
    - Employees will be informed in writing, whenever possible, if anyone outside direct administrative lines review their personnel record.

Chapter 12

SECTION 10: INCLEMENT WEATHER AND EMERGENCY CLOSING

PURPOSE

It is the policy of Burleigh County to provide coverage for essential services and pay continuity to employees for absences which may result in the partial operation of Burleigh County due to extreme weather conditions or other emergencies such as fire, utility failure or other forced evacuations. The intent of this policy is to ensure that employees receive reasonable and equitable treatment for absences due to Burleigh County offices being closed.

CLOSING DECISIONS

Decisions to implement this policy will be made by the Burleigh County Sheriff (or designee). If a closing occurs overnight, every effort will be made to make the closure decision at least one hour before work (7:00 a.m.) is scheduled to begin.

Emergency services will be continued regardless of an authorized closing.

COMPENSATION

Employees who work and perform essential duties for the County when the offices are deemed closed due to inclement weather, will receive the number of hours the offices are closed as annual leave hours credited to the employee's annual leave balance.

LATE ARRIVALS AND EARLY DEPARTURE

On a day when Burleigh County Offices do not close, time missed from work will be charged to annual leave balances or leave without pay.

ANNOUNCEMENT OF CLOSING

If the Burleigh County Sheriff (or designee) authorizes any type of closing, the announcement will be made to the following:

- KFYR 550 AM Radio (designated Emergency Alert Station) and KFYR TV
- The announcement will also be posted on the home page of Burleigh County's website (burleigh.gov) as soon as possible if resources are available.
- Notify Human Resource Director (or designee) to contact Department Heads to start their calling tree notifications.
- Department Heads will receive an email at their work address as soon as possible if resources are available. Department Heads may notify their respective employees.

If employees cannot access radio, TV announcements, or the Burleigh County website, they should call their immediate supervisor or Department Head.

CHAPTER 12

SECTION 12: VEHICLE USE POLICY

1. It shall be the policy of the County to provide County owned vehicles when the use of such is fiscally possible and is required to facilitate the expedient operation of County business. When a County-owned vehicle is not feasible, Burleigh County encourages the use of a rental (County non-owned) vehicle when it is more economical than the use of the employee's personal vehicle. Example: A day trip to Dickinson with a personal vehicle would cost $109.89 (.555 cents per mile times 198 miles). A day trip to Dickinson with a rental vehicle would cost $91.00 ($39.00 a day rental plus approximately 13 gallons of fuel at $4.00 a gallon is $52.00).

2. County Officials who are required to respond to EMERGENCY County related situations "day or night" may be authorized to have a County vehicle at their disposal at all times and to house such vehicle at their residence when off duty, at the discretion of the department head and the portfolio Commissioner. Use of County owned vehicles under this condition is subject to the provisions of this Section.

3. Only Burleigh County employees, elected officials, and authorized service individuals are allowed to operate County owned vehicles. County owned vehicles may not be used for personal use, except at the discretion of the department head.

4. Only individuals having a business relationship with Burleigh County are allowed to ride in County owned or non-owned vehicles.

5. The use of County owned vehicles shall be limited to travel within the State of North Dakota. Exceptions to this policy are:

    a. When law enforcement is in fresh pursuit as defined in NDCC 29-06-07;
    b. When transporting prisoners;
    c. When SWAT/Dive Team members are called to assist another jurisdiction;
    d. When the County Highway /Sheriff's Department is providing emergency assistance to other government entities;
    e. When an employee has the approval of the employee's department head to travel outside the state with a County owned vehicle.
    f. When the Social Services Department is required to transport children outside the state facilities, conduct face-to-face visits with children in outside the state facilities, or to facilitate family reunification efforts.

6. Every County employee should be cognizant and protective of a positive image of Burleigh County. Bearing this in mind, it shall be incumbent upon all employees who operate County vehicles to exercise discretion with regard to driving and parking County vehicles.

Approved by the Board of Commissioners 7/6/00 KSJ
Modified and approved by the Board of Commissioners 8/6/07 RLG
Modified and approved by the Board of Commissioners 12/17/12 RLG

7. Employees must possess a valid North Dakota driver's license. This license shall be in the possession of the employee at all times when operating a vehicle, and be of appropriate class governing the vehicle being operated. Employees must notify their supervisor any time their driver's license is suspended.

8. Employees must comply with all laws and regulations relating to the operation of a motor vehicle.

9. Employees are responsible to pay, without reimbursement, all illegal parking fees and traffic violations.

10. Employees are responsible to keep the County vehicle (owned or rented) in the condition they receive it. Any unsatisfactory condition of the vehicle and/or repair needed of the vehicle shall be reported to the department head.

11. Routine and non-routine maintenance including interior and exterior cleaning of the County vehicle is arranged by the department.

12. Each department head supervises the actions of its authorized employees to operate a vehicle and must institute proper disciplinary actions for violation of County or leased vehicle policies.

13. Burleigh County maintains liability and physical damage coverage for County-owned and non-owned (leased) vehicles. County employees required to transport clients have supplemental liability insurance coverage through Burleigh County.

14. When personal vehicles are used for County business, the employee's personal automobile insurance will be the primary coverage for damage to the employee's vehicle. Employees using their personal vehicle for County business are required to maintain their own automobile insurance.

15. Employees must immediately report all accidents occurred while driving on County business to their department head. A copy of all accident reports must be filed with the County's finance director for insurance purposes. Department heads are responsible for proper reporting of all accidents.

16. If an employee is involved in an accident while using their personal vehicle on County business, the employee's personal vehicle insurance is responsible for payment of all damages related to the accident. Employees must carry liability insurance coverage as required by NDCC 39-08-20. The County's insurance policy pays only the excess of employee's liability limits to cover the County in the event of a lawsuit or to cover a leased vehicle policy; it does not cover physical damage to personal vehicles.

17. Personal injuries as a result of an accident are also to be reported within 24 hours to the department head. Appropriate worker's compensation forms must be submitted for any injuries requiring medical attention or resulting in time off from work due to the injury or accident. See Burleigh County's Personnel Manual, Chapter 10, Section 4: Near Miss/Incident/Accident/Supervisor Report.

18. All County employees must wear properly fastened safety belts whenever traveling on County business. Employees shall require passengers being transported in County-owned and County non-owned vehicles to use safety belts.

19. Under NDCC 39-08-23 the use of a wireless communications device is prohibited. Employees who operate a motor vehicle while conducting County business may not use a wireless communications device to compose, read, or send an electronic message. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a worldwide web page or other data that uses a commonly recognized electronic communications protocol.

20. The use of personal vehicles for official County business is typically limited to trips of 100 miles or less. Mileage is reimbursed at the rate defined by the Internal Revenue Service (IRS) for each mile that is traveled while using an employee's personal vehicle, when such travel is in the performance of official duties. Employees submitting a claim under this policy shall ensure that the expenses incurred are not being reimbursed by any other governmental agency or private business.

21. Some County departments have internal policies and procedures which may be more specific that the guidelines outlined in this general County policy. Employees within given departments are required to comply with all policies and procedures established within their own department.

22. Employees who violate this policy will be subject to disciplinary action up to and including termination.

Approved by the Board of Commissioners 7/6/00 KSJ
Modified and approved by the Board of Commissioners 8/6/07 RLG
Modified and approved by the Board of Commissioners 12/17/12 RLG

CHAPTER 12

SECTION 13: COUNTY OWNED PROPERTY USE POLICY
(Equipment, Tools, Facilities)

1. It shall be the policy of Burleigh County to provide necessary equipment, in proper and safe working condition, to perform effectively and efficiently the duties and tasks required by all departments.

2. It shall be the responsibility of all County employees to advise the immediate supervisors whenever equipment is on such operating condition that it hinders his/her job or subjects the employee to a safety hazard.

3. Insurance coverage of County property, equipment and facilities covers only the use of such in the conduct of official business. Personal use of such property, equipment and/or facilities shall not be permitted.

4. Employees who use County equipment and/or facilities for personal use are subject to disciplinary action.

	**Electronic Communication Devices & Internet Usage Policy**	**BCHR – 14** **Policy Revised: 02/25/2024** **Board Approved: 03/04/2024**

Purpose:

To provide guidance for County Commissioners, elected and appointed officials, supervisors, and employees regarding the policy and procedures for the appropriate use of all electronic communications devices (ECDs) used and owned by Burleigh County or owned personally and used in the workplace. The County has established the following policies for employee use of information technology (IT) infrastructure and communication networks (County owned and/or contracted), including the internet, email, and social media resources in an appropriate, ethical, and professional manner.

Introduction and Purpose

Burleigh County provides ECDs, and an IT infrastructure designed to facilitate business communications. These devices include telephones (desk phones, cell phones and smart phones), facsimile (Fax) machines, multi-function printers, tablets, mobile computing devices, workstations, video equipment, all computer desktops and laptops and network related hardware, software (including email and Internet), and/or peripheral devices. These devices are connected to the County's IT infrastructure or contracted Wi-Fi and public scrutiny and/or disclosure or usage must not damage the reputation of Burleigh County, nor jeopardize the technology systems integrity.

This policy must be followed in conjunction with other Burleigh County policies governing appropriate workplace conduct and behavior. Any employee who abuses the County-provided access to email, the internet, social media, or other IT infrastructure may be denied future access and may be subject to disciplinary action up to and including termination of employment. Burleigh County complies with all applicable federal, state, and local laws as they concern the employee/employer relationship, and nothing contained herein should be misconstrued to violate any of the rights or responsibilities contained in such laws.

Employees Provided ECDs and Personally Owned ECDs

Many Burleigh County employees have job duties that require access to a desktop or laptop computer. Burleigh County provides these devices and is responsible for the maintenance and replacement of such devices.

In addition, some positions may require the use of mobile computing devices such as cell phones, smart phones, or tablets.

Department Heads are responsible for determining if a County-issued mobile computing device should be provided to an employee or if an employee will be allowed to sync or directly attach a personal mobile computing device to Burleigh County's IT infrastructure.

The Department Head must assess the need and cost effectiveness for employees to have a County-issued mobile computing device. Each situation should be considered individually and be based on the employee's work or position.

Factors to be considered in determining if an employee should have a county-issued mobile device or be permitted to sync or directly attach a personal device to the County's IT infrastructure include, but are not limited to, the following:

- The frequency that employees conduct business off-site or away from the office setting and landline phones or radio communications are inaccessible or inefficient.
- Communication is required for safety purposes or to respond to emergencies.
- The extent to which an employee is required to be in regular or immediate contact with the office when out of the office or after hours.
- The extent to which a mobile device will increase an employee's productivity.
- The extent to which a mobile device will provide quality customer service and enhance business operations.
- The extent to which the position requires mobile email access.
- The determination of whether the position is exempt or non-exempt under the Fair Labor Standards Act (FLSA).
- A County-issued ECD should be used if an employee works outside the office and requires a VPN connection.
- Any other unique aspects of the position.

Authorized Use

Burleigh County's policy is to limit the use of County-issued ECDs to official business; however, users may be permitted to utilize ECDs for personal use, if in compliance with the following terms of this policy:

- Does not interfere with the performance of the user's public duties.
- Is of nominal cost or value.
- Does not create the appearance of impropriety.
- Is not for a political or personal commercial purpose.
- Is reasonable in time, duration, and frequency.
- Makes minimal use of hardware and software resources.
- Does not affect the safety of the employee or employee's coworkers.
- Uses only software that has been licensed by Burleigh County. Unauthorized downloading of software/shareware is prohibited; ECD's may be audited at any time.

Standards of Conduct

Users shall be held personally liable (legally, financially, or otherwise) for the use of ECDs not in compliance with the County's policy. ECDs should be used in a professional and ethical manner as noted below:

- Must not use ECDs to distribute, access, or store content that is harassing, bullying, discriminatory, defamatory, insulting, sexually explicit, offensive, or erotic.
- No messages with derogatory or inflammatory remarks about an individual's race, age, sex, disability, religion, national origin, physical attributes, gender identity, sexual preference or any other protected class may be transmitted. Harassment of any kind is prohibited.
- Abusive, profane, or offensive language and any illegal activities – including piracy, cracking, extortion, blackmail, and unauthorized access to any ECDs on the internet or email – are forbidden.
- Must not create, distribute, copy, store, or knowingly use unauthorized copies of copyrighted material on Burleigh County ECDs, or transmit them over the County's IT infrastructure; approval for the use and distribution of such information must be obtained from the owner/author.
- Must limit the use of non-business related "streaming" audio & video (including Internet radio, stock/news tickers, and software such as Weather Bug, etc.) that use significant amounts of the County's bandwidth.
- Must not use the County issued ECDs for accessing external email.
- Must not use County issued ECDs for the purposes of probing or hacking.
- Must not use County issued ECDs for any illegal activity, gambling, trading in illegal substances, etc.
- Must not use ECDs to download, copy, distribute, store, or use pirated software. Only software approved by the IT Manager will be installed on any County-issued ECD. All files or software should be passed through virus-protection programs prior to use. Failure to detect viruses could result in corruption or damage to files or unauthorized entry into the County's IT infrastructure.
- Must not use ECD's with photo/video capability in restricted-access areas and areas where personal privacy would be expected (e.g., restrooms) or electronically transmit images, video, or audio recorded on such devices without permission.
- Must not create or distribute a virus or intentionally cause damage to any ECDs or bypass any County virus detection system(s) in place.
- Must protect the ECD from theft, damage, abuse, or unauthorized use.
- Must immediately report suspicious activity or unauthorized access of an ECD.
- Must report a lost or stolen ECD immediately.
- Must conform to County procurement policies when making business-related purchases using an ECD.

Email Use:

Communication via email is approved by Burleigh County but caution should be exercised in its use. This guidance applies to all ECDs:

- Email messages and attachments are not encrypted by default and are vulnerable to interception by persons with malicious intent.
- Encryption is not needed when sending email, messages, and attachments within the "nd.gov" domain as these items do not go outside of the State of North Dakota firewall environment.
- All email messages including personal email messages are the property of Burleigh County and may be examined if deemed necessary by the Burleigh County IT Division.

- Email users will not permit unauthorized individuals to access their Burleigh County email account.
- Email users should exercise caution when receiving unsolicited email messages or attachments:
    - Unsolicited messages may be spam or junk mail and could be part of a phishing attack.
    - Clicking a link or opening an attachment may initiate the download of malicious software.
- Burleigh County does not permit accessing external email on County issued ECDs.
- Contacts made through email should not be trusted with the County's information unless due diligence has first been performed.
- The County's email system does provide some protection against spam:
    - All inbound/outbound messages are scanned for common malware and spam filters are in place:
        - Suspicious spam emails are dropped
        - Emails identified with malicious attachments are dropped.
        - Specific file type attachments are automatically removed from messages before the message is forwarded to the recipient.
    - If you are expecting an email message that may have been removed or an attachment that may have been removed, contact the Burleigh County IT Division.

Additional Responsibilities of Employees Using Personally Owned ECDs:

The owner of a personally owned ECD is responsible for ensuring the device is protected, has antivirus software installed, enabled, and the antivirus software remains updated. Burleigh County is not responsible for providing antivirus software for personally owned ECDs.

The Owner of a personally owned ECD is responsible for ensuring that data exchanged with Burleigh County is free from viruses and other forms of malware.

The owner of a personally owned ECD is responsible for ensuring the latest operating system updates are applied, including all applicable security patches.

Social Media:

Social media is a means of communication using web-based and mobile technologies for the exchange or publication of information. Social media includes but is not limited to social networking sites, blogging, instant messaging, etc.

Department Heads have the authority to determine and establish social media programs at their department level. Access to social media networks from within the IT infrastructure should be limited to employees performing official county business. Department social media sites will be monitored regularly, and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the County at risk. An employee's use of social media must comply with all current Burleigh County policies such as, but not limited to Employer Responsibilities, Confidentiality, Employment Practices, and Use of Electronic Communications Devices.

- Every social medium utilized must be branded with the Burleigh County logo or the Department logo.
- Sites shall inform visitors of the intended purpose of the site and provide a statement regarding public comments so that the public is aware that inappropriate posts are subject to removal. Conversations are expected to be respectful. Each department is responsible for monitoring postings, and taking appropriate action, when necessary, to protect general site visitors from inappropriate or technically harmful information and links.
- Users will not post copyrighted/trademark materials without permission from the originator.
- Employees must follow the site policies and adhere to the Burleigh County HR policies.
- Departments will maintain a record of social media sites created for County use, including, but not limited to a log file containing the name of the social media network, account identification, password, and list of authorized site editors/administrators. Every site shall have more than one editor/administrator to ensure continuity. This log file will be kept in the IT Division.

Confidentiality and Monitoring

All technology provided by Burleigh County including ECDs, and IT infrastructure, county-related work records and other information stored electronically, is the property of Burleigh County and not the employee. Burleigh County reserves the right to examine, monitor and regulate email, and electronic communications, directories, files, and all other content, including internet use, transmitted by, or stored in the IT infrastructure, whether onsite or offsite.

It is important for all employees to understand that Burleigh County is subject to the North Dakota Open Records Law, and, as such, all records, including information contained within internal and external email, voicemail, text messages, and other electronic communications are considered open records unless an exemption is otherwise noted in the Open Records Laws N.D.C.C. §44-04-17.1 and as such are open to the public upon request. Employees must be aware of this possibility when communicating electronically within and outside of the County.

- Except where precluded by law, Burleigh County has the right to monitor the usage of ECDs. Monitoring includes but is not limited to, reviewing, storing, accessing, auditing, and intercepting information received or sent through email, texting, instant messaging, voicemail, or over the Internet.
- The tools available from the IT Division may allow for monitoring of an employee's Internet usage.
- Burleigh County reserves the right to block any Internet sites deemed by the County to be unrelated to the employee's responsibilities.
- Burleigh County will disclose records to law enforcement, management, government officials, or third parties through subpoena or other process. Consequently, employees should always ensure that their communications are accurate, appropriate, and lawful.

Employee Usage Responsibilities

Every employee of Burleigh County is responsible for the content of all text, audio, video, or image files that he or she places or sends over the County's internet and email systems or downloads onto a County-owned ECD. No email or other electronic communication may be sent that hides the identity of the sender or represents the sender as someone else. Burleigh County's government identity is attached to all outgoing email communications, which should reflect county values and appropriate workplace language and conduct.

Nothing in this policy is intended to, nor should it be construed to limit or interfere with employee rights as set forth under all applicable provisions of the National Labor Relations Act (NLRA), including Section 7 and 8(a)(1) rights to organize and engage in protected , concerted activities regarding the terms and conditions of employment.

The above listed rules, obligations, and standards apply to all Burleigh County employees, part-time employees, contractors, and volunteers and other individuals who are provided access to the Burleigh County IT infrastructure. As such, each of these individuals acknowledge and agree that it is his/her responsibility to ensure the security of the Burleigh County technology system. Each individual understands that there should be no expectation of privacy of any kind related to the usage of the County-issued ECDs and the IT infrastructure, and consents to random monitoring of the Burleigh County technology systems and all County-issued ECDs.

I have read, and fully understand this policy. I understand that my use of Burleigh County's ECDs, IT infrastructure and IT communication systems constitutes full acceptance of the terms of this policy and consent to monitoring. I understand that a violation of the above policy will result in disciplinary action, up to and including termination of employment.

_____
Printed Name of User

_____ _____
Signature of User Date

BURLEIGH COUNTY
WIRELESS COMMUNICATIONS DEVICE AUTHORIZATION FORM

Employee Name:_____

Department:_____

Employee Authorization:

I certify that the employee requires a County-provided wireless communications device as a routine and regular part of their job duties. The plan cost is based on work utilization, consistent with the County Wireless Communication Device Policy. The County agrees to maintain records sufficient to document compliance with the policy.

The form will become part of the employee's personnel file and remain in effect until employee separation, or the Department Head revokes the form.

_____ _____
Department Head Signature Date

Employee certification:

I have reviewed the Burleigh County Wireless Communications Device Policy and agree to abide by the current policy and subsequent revisions.

_____ _____
Employee Signature Date

	**Travel Reimbursement**	**Date Last Revised** **02/28/2024** **Approved by Commissioners** **03/04/2024**

PURPOSE:

The purpose of this policy is to explain how Burleigh County provides for reimbursement of expenses incurred by any elected or appointed officer, employee, representative or agent (Employee) of Burleigh County for mileage, airfare, meals, incidental expenses, and lodging while engaging in the discharge of a public duty away from their normal working and living residence for all or any part of any quarter of a day.

Employee's submitting claims under this policy shall assure that the expenses incurred are not being reimbursed by any other governmental agency or private business.

POLICY:

In State Travel

Mileage Reimbursement

Personal vehicle mileage reimbursement rate will be as defined by the Internal Revenue Service. Personal aircraft mileage will be reimbursed at the same rate as established by the United States General Services Administration for privately owned vehicles.

Meals and Incidental Expenses Reimbursement

NDCC 44-08-04 provides for reimbursement of employee expenses for meals and lodging while an employee is away from their normal working and living residence.

If meals are included as part of a registration fee for a conference, seminar, or other meeting, the employee should be reimbursed for the entire registration fee, if paid by the employee. However, the employee cannot claim reimbursement for the applicable meal allowance for the quarter. An employee should be reimbursed for meals paid by the employee while attending a meeting at the request of, or on behalf of, Burleigh County up to the allowable rates.

Chapter 44-08-04 provides that reimbursement is allowed only for overnight travel and other travel while away from the normal place of employment for four hours or more. Employees will not be reimbursed for the first quarter if travel began after 7:00a.m. in order to claim expenses for the second and third quarters, the employee must have been in travel status one hour before the start of the quarter being claimed, and travel status must extend at least one hour into the quarter being claimed. Receipts are not required for the

first three quarters The federal per diem expense allowance for each quarter of any 24-hour period effective August 1, 2023, is as follows:

Meal Allowance	In-State Rate
First quarter, 6 a.m. to 12 noon	$9.00
Second quarter, 12 noon to 6 p.m.	$14.00
Third quarter, 6 p.m. to 12 midnight	$22.00
Fourth quarter, 12 midnight to 6 a.m.	

If an employee is claiming reimbursement for meals for travel when no overnight stay is involved, the meal reimbursement is taxable and will be processed through the payroll system.

Lodging Expense Reimbursement

Original lodging receipt(s) are required for the Fourth quarter. All lodging is reimbursed at the actual cost under the maximum United States General Service Administration (GSA) rate for lodging in North Dakota.

Out of State Travel

Mileage Reimbursement

When for reason of personal preference or convenience, the employee uses a motor vehicle for out of state travel, reimbursement will be limited to either the estimated commercial airfare rate or the Internal Revenue Service mileage rate.

Commercial Air Travel Reimbursement

Employees may be reimbursed for actual airfares paid for travel on official Burleigh County business. This reimbursement should occur as soon as possible after the purchase is made. Proper supporting documentation must be attached to the Burleigh County Travel Expense Voucher Form as a receipt. Employees are strongly encouraged to purchase airline tickets in advance of anticipated travel to take advantage of reduced or discounted fares. Employees should be reimbursed for their first piece of checked personal luggage. Any other pieces of checked personal luggage will need to be approved by the Department Head.

Meals and Incidental Expenses Reimbursement

The allowance for out of state meals, within the continental United States, is equal to the per diem meals and incidental expense allowance rate in the city for which a claim is made on that day as established by the rule for federal employees by the GSA and must be allocated using the table below:

Meal Allowance	Out-of-State Rate
First quarter, 6 a.m. to 12 noon	20% of GSA M&IE Rate
Second quarter, 12 noon to 6 p.m.	30% of GSA M&IE Rate
Third quarter, 6 p.m. to 12 midnight	50% of GSA M&IE Rate

Fourth quarter, 12 midnight to 6 a.m.

Lodging Expense Reimbursement

Reimbursement for out-of-state lodging is allowed at actual cost to the employee (including applicable taxes), an original receipt is required for reimbursement.

Non-Reimbursable Expenses

Burleigh County will not provide reimbursement to an employee for the following expenses:

- Alcoholic beverages
- Entertainment
- Late check-out charges
- Parking tickets or other traffic tickets
- Laundry

Travel Advances

Burleigh County shall advance at the request of the Department Head; for employees of that department; funds to be used for payment of meal and lodging expenses incurred while the employee is traveling on official business of Burleigh County, provided that such travel must be planned to be in excess of five days per month, whether or not consecutive, and provided that the funds advanced do not exceed eighty percent of estimated expenses for the period. Travel advances must be approved by the Department Head involved. Funds advanced for meals and lodging under this section shall be accounted for as required under NDCC 44-08-04 for travel.

Travel Expense Voucher

Burleigh County has a Travel Expense Voucher Form that must be completed in order for an elected or appointed officer, employee, representative or agent to claim expenses incurred for reimbursement through the County. The Burleigh County Travel Expense Voucher form is sent to employees annually from the Auditor/Treasurer's office. The procedures on the completion, authorization, and submission for processing this form are listed below:

Burleigh County Travel Expense Voucher Form Procedures

You must complete the Burleigh County Travel Expense Voucher Form to receive reimbursement for eligible expenses incurred. No other Travel Expense Voucher Form will be accepted. *The only exception to this would be the Reimbursement For Meals (without an overnight stay) Voucher Form that is used by the Burleigh County Human Service Zone employees and this form will be sent directly to the Human Resources Department for processing.* If you do not have a copy of the Burleigh County Travel Expense Voucher Form, please contact the Auditor/Treasurer's office to obtain this form.

1. Each employee claiming travel expense reimbursement shall submit only one Burleigh County Travel Expense Voucher form (Voucher) for each calendar month.

2. Vouchers must be submitted to the Auditor/Treasurer's office in a reasonable time fame in order for reimbursement to occur. It is preferred that employees submit Vouchers on a monthly basis. Vouchers submitted on a quarterly basis are also acceptable.

3. The information on the Voucher must be either typewritten or legibly printed.

4. Receipts are required for each expenditure for commercial transportation except taxi fare of $10.00 or less. Receipts are required for each miscellaneous expenditure exceeding $2.00.

5. Chapters of the NDCC pertaining to travel expenses are located at 44-08, 54-06. And 54-14. Penalties for filing false claims are stated in these sections.

6. All receipts for lodging must be original receipts. Credit card receipts cannot be substituted for original lodging receipts.

7. The purpose of the travel and other explanation of expenses shall be entered in the space provided for this purpose. The employee must enter the times of travel in the allotted spaces on the Voucher.

8. Please itemize each expense on the Voucher, i.e., Mileage, Meals, Miscellaneous Expenses and Lodging.

9. When the Voucher has been completed, attach any required receipts to the Voucher.

10. The employee must sign the Voucher and have their Department Head sign the Voucher prior to sending the Voucher to the Auditor/Treasurer's office for final authorization and processing.

11. An employee claiming reimbursement for meals for travel when there is no overnight stay involved, will be taxed for the meal reimbursement. When completing the Voucher, taxable meals must be noted in the space accordingly. The employee will receive the full meal reimbursement and the taxes will be withheld through the payroll system during the next administratively feasible payroll cycle.

12. Should Burleigh County approve advances for travel expenses, the present Voucher would require the addition of an extra space to enter the amount advanced.

Burleigh County Human Service Zone

REIMBURSEMENT FOR MEALS

Employees are eligible for meal reimbursement if traveling outside of the Bismarck area for six hours or more. "Claim forms should be submitted immediately after travel is completed.*

NAME: ___ _____

THIS FORM IS TO BE USED ONLY FOR MEALS CLAIMED WHEN AN OVERNIGHT STAY IS NOT INVOLVED:

----------Completed by Employee---------- ------Office Use Only-------

DATE	LEAVE TIME	RETURN TIME	DESTINATION CITY, STATE	PURPOSE OF TRAVEL (IE. HOME VISIT, WORKSHOP STAFFING\	QUARTERS	AMOUNT

TOTAL MEAL REIMBURSEMENT: _____

MONTH PAID: _____ TRAVEL ACCOUNT NUMBER: _____

COUNTY OF BURLEIGH

TRAVEL EXPENSE VOUCHER

Board meeting reimbursements - Send to HR - Goes thru payroll
Non-overnight meal reimbursements - Send to HR - Goes thru payroll

NAME: _____ FUND: _____ Total Amount(s) $ -

FUND: _____ $ -

ADDRESS: _____ FUND: _____ $ -

DEPT: _____ FROM: / / TO: / /

DATE	DESCRIPTION	ODOMETER		PERSONAL VEHICLE MILES	HOUR OF DEPARTURE/ ARRIVAL (AM/PM)	MISCEL-LANEOUS EXPENSE	IN-STATE MEALS	OUT-OF STATE MEALS	IN-STATE LODGING	OUT-OF STATE LODGING
		Beginning	Ending							
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Purpose of Travel and Explanation of Items

TOTAL MEALS AND LODGING $ -

TOTAL MISCELLANEOUS EXPENSE $ -

.30/mile is for Social Services mileage of personal car use

TOTAL MILES _____ MILES AT 0.30 CENTS PER MILE $ -

0 MILES AT 0.67 CENTS PER MILE $ -

I HEREBY CERTIFY that the within itemized statement representing a claim for payment of per diem, mileage or travel expense or a combination thereof, truthfully, and accurately states the days of service and the mileage traveled, and the purpose thereof. I further certify that I have not been and will not be reimbursed by any other source for the expenses herein claimed. I also acknowledge that any willful certification of an unlawful expense and/or traveling account constitues a misdemeanor punishable as provided by law NDCC 44-08-05.

TOTAL $ -

EMPLOYEE : DATE: / /

DEPARTMENT HEAD : DATE: / /

AUDITOR/TREASURER : DATE: / /

CHAPTER 12

SECTION 16: EXPENSE ACCOUNT

1. Amount allowed - Except as provided in Section 44-08-04.1, NDCC, each elective and appointed officer, employee, representative, or agent of this County, may make claim and shall upon approval of such claim be paid an allowance as established by the NDCC for meals and lodging while engaged in the discharge of a public duty away from his normal working and living residence for all or any part of any quarter of a day.

2. Verification of claims shall not be required for the first three quarters listed in Section 1 above and only a lodging receipt shall be required for the fourth quarter.

3. Persons engaged in travel outside State boundaries shall receive allowance for such travel as authorized by the North Dakota Century Code.

4. Persons submitting claims under this policy shall assure that the expenses incurred are not being reimbursed by any other governmental agency or private business.

Approved by the Board of Commissioners 7/6/00 ksj
Approved by the Board of Commissioners 7/15/13 TJT

CHAPTER 12

SECTION 19: INFANT AT WORK POLICY

Philosophy: It is the policy of Burleigh County to foster a "family friendly" work environment through an Infant at Work program.

Program Guidelines:

1. An infant, under six months of age, may accompany his/her parent to the office during normal work hours with prior approval of the Department Head.
   a. This benefit is available to those employees who work in an office environment where they are not required to have a high degree of contact with the public.
   b. Those employees who work "in the field" are able to participate only when they are in the office.
   c. Those employees whose job includes travel will need to make childcare arrangements for those days of travel.

2. Parents must assure that his/her infant's presence does not substantially interfere with their own and/or other employee's workloads. There is no reduction in the expectation for productivity including volume, accuracy and timeliness of work.
   a. If, in the opinion of the Department Head or parent, the infant's presence is disruptive to the work environment, the employee must make alternative childcare arrangements.
   b. Disruptions of the work environment also include excessive visiting of the infant by co-workers or other department employees.
   c. Traditional childcare arrangements may be necessary before the infant is six months of age, if the child would benefit from a less restrictive environment.

3. Department Heads and Supervisors must give approval and work with the parent(s) to develop a plan of care and to ensure that back-up care and transitional plans are in place.
   a. An infant who accompanies his/her parent to work should stay in the parent's workspace. An infant may be in another employee's workspace if agreed upon by the parent and the other employee.
   b. A co-worker who is willing to provide back up childcare must be agreed upon by the parent, co-worker and supervisor prior to the infant accompanying his/her parent to work. This is for instances in which a parent has to attend a meeting or leave the office either on short notice and/or a short period of time.

4. The parent(s) must provide appropriate furniture for the infant's care.
   a. Consideration must be taken to ensure the environment is safe for the infant at all times. This will be subject to inspection and approval of the County Risk Manager.

5. When an infant accompanies a parent to work, used cloth diapers must be stored in a closed container and taken home daily. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area that is not used by staff for office or meeting space.

This policy is to be viewed as a privilege that fosters a transitional environment for the parent and child, not as childcare arrangements.

Chapter 12

SECTION 20: EMPLOYEE PARKING

Purpose: Burleigh County will attempt to make reasonable efforts to accommodate parking for its employees. This is not to be considered a requirement or a guaranteed right on behalf of the County employees, but will be viewed as a benefit based on availability.

1. Currently, Burleigh County has four (4) parking lots available for employee parking:

    a) **The Lower East Parking Lot** (East of Burleigh County's Courthouse) has assigned parking for the following County elected officials, appointed officials and other State specifically designated positions: Assistant State's Attorneys (3 spots), Auditor/Treasurer, Burleigh County maintenance vehicle, Burleigh County Social Services vehicle, District Court Judges (6 spots), Finance Director, Human Resource Director, Judicial Referees (2 spots), Recorder, Senior Assistant State's Attorney (2 spots), Social Services Director, State's Attorney, Veterans Service Officer, and Sheriff's Department and Detention Center vehicles (18 spots). The remaining vacant parking spots will be assigned by employment date of hire with Burleigh County (seniority).

    b) **The Upper East Parking Lot** has six (6) assigned parking spots for the Burleigh County Sheriff's Department. The remaining parking spots will be given to employees based on employment date of hire with Burleigh County (seniority). Parking spots cannot be reassigned temporarily by individuals assigned in this lot.

    c) **The West Parking Lot** (West of Burleigh County's Courthouse) has fifteen (15) assigned parking spots for the Burleigh County Sheriff's Department and Detention Center. The remaining 12 parking spots are available for the general public who need to utilize services from the Burleigh County Courthouse.

    d) **The Professional Lot** (North Side of Rosser Ave. & 5th St.) shall be reserved for Burleigh County employees as parking spots are available based on employment date of hire (seniority).

Approved by the Board of Commissioners 4/7/00 ksj

Modified and approved by the Board of Commissioners 4/7/03, 3/1/04, 11/10/04 ksj

Modified and approved by the Board of Commissioners 8/18/10 RLG

2. The Burleigh County Parking Committee reviews any requests, discrepancies and grievances of Burleigh County and Non-Burleigh County employees. The committee consists of representation from the following areas: Building and Grounds, Human Resource Department, Sheriff's Department, Social Services, State's Attorney's Office, and a designated Burleigh County employee from the offices located in the City/County Building.

3. Parking permits are issued by the Building and Ground's Supervisor to the Department Designee for the Designee to provide to the employee. If an employee losses their parking permit the employee needs to report the lost card to the Building and Ground's Supervisor immediately in order for the card to be deactivated. There will be a $10.00 fee assessed to the employee to replace the lost permit.

4. The Board of Commissioners gives the Burleigh County Parking Committee authority to revoke any employee or non-employee's parking privileges, if the employee is not using the appropriate assigned parking lot. Loss of parking privileges can be appealed to the Board of County Commissioners as identified under item number 7, listed below.

5. If a Burleigh County employee who is parked in the Professional Lot and is eligible to be moved to another lot and he/she decides not to utilize the proposed new parking spot, the employee will not be placed on the list for consideration when a future parking spot becomes available in the other lots.

6. Current Juvenile Court, District Court, and Regional Child Support state employees shall be grandfathered into the existing parking lots. The Burleigh County Parking Committee reserves the right to place the state employees where room is available to park. Any employees hired to replace current District Court after June 2, 2003 and Regional Child Support State employees after June 30, 2007 will not have parking privileges in Burleigh County's Parking Lots.

7. If after an individual is denied a parking space or have their privileges revoked based on a decision made by the Burleigh County Parking Committee, the action may be appealed to the Board of County Commissioners within ten (10) working days from the date of the notice of the denial or revocation by the Burleigh County Parking Committee. The appeal must be in writing and state the basis for the appeal. The Chair of the Burleigh County Parking Committee shall place the appeal on the agenda of the Board of County Commissioners for consideration.

Approved by the Board of Commissioners 4/7/00 ksj

Modified and approved by the Board of Commissioners 4/7/03, 3/1/04, 11/10/04 ksj

Modified and approved by the Board of Commissioners 8/18/10 RLG

Chapter 12

Section 21: License Fee Reimbursement Policy

Statement of Philosophy: It will be the policy of Burleigh County to reimburse employees for fees associated with obtaining and maintaining licensures and various endorsements that are required by the County job description along with state and Federal law requirements.

1. This policy applies only to regular, full time and part time employees. Seasonal, temporary and probationary employees do not qualify.

2. Reimbursable fees for licenses, (including Commercial Drivers Licenses) background checks, endorsements and other fees must be a requirement for the position as outlined in the associated job description.
   - Examples of positions that require a license that has a renewal fee required by occupation are County Engineer, Road Superintendent, Social Workers, State's Attorney, all Assistant Attorneys, Highway and Shop Maintenance Workers, Highway Sign Technician, Sheriff and Deputy Sheriff's.
   - Certifications are not eligible expenses for reimbursement.

3. Fees for Commercial Drivers License (CDL) will only be reimbursed an amount above the required standard license fee.

4. Reimbursement procedures, excluding those specifically outlined in this policy will be the responsibility of the Department to submit for payment to the designated organization on behalf of the employee.
   - This would be effective for the Sheriff's Department, Regional Child Support Enforcement Unit and the State's Attorney's Office.

5. Reimbursement procedures for qualifying fees are as follows for these departments:
   Road and Bridge Department:
   a) Notify Department Supervisor that you will be renewing license and endorsements,
   b) Produce the original, dated receipt from the North Dakota DOT Driver's License Division and the actual license for review and proof of payment for fees.
   c) Department Supervisor will submit required documents for reimbursement to the individual employee.

   Social Service Department:
   a) Notify the Department Head and/or Administrative Services Manager that you will be renewing the license,
   b) Workers will be reimbursed half of the license fee within the first year of the renewal period and reimbursed the remaining half the second year of the renewal period. The department will submit the request for reimbursement on behalf of the designated employee.

Chapter 12

Section 22: Clothing Allowance Policy
(This section applies to only the Burleigh County Highway Department)

Statement of Philosophy: It shall be the policy of the Burleigh County Highway Department to reimburse employees that are working within a roadway easement or on a Burleigh County project site for qualifying work related footwear and clothing items.

1. New Employees must complete the required probationary period before any purchases will be authorized. The exception to this would be probationary periods for promotions of existing regular County employees. Seasonal, temporary and/or part time employees must complete a minimum of six week of work before any purchases will be authorized.

2. The amount available for reimbursement is up to $250 per calendar year for all regular fulltime employees and $75 per calendar year for all seasonal, temporary and/or part time employees.

3. Items submitted for reimbursement must be clearly consistent with the requirements noted in the Highway Department's Personal Protective Equipment Policy. In submitting a request for reimbursement, employees understand and acknowledge the requirements of the Highway Department's Personal Protective Equipment Policy.

4. Original receipts of purchases, including description of the item and cost, shall be submitted to the Account Manager for approval. Items may need to be inspected for verification if the receipt submitted does not clearly show that those items are consistent with the requirements described in the Highway Department's Personal Protective Equipment Policy.

5. Reimbursements are considered personal income and are taxable.

6. Reimbursements will be added to the employees payroll check.

7. Please allow thirty (30) days for processing of reimbursements.

Approved by the Board of Commissioners	09/01/04	RN/KSJ
Amendments approved by the Board	04/05/05	
Amendments approved by the Board	07/02/07	RN/RLG
Amendment approved by the Board	03/04/13	MJH

Chapter 12

Section 23: IDENTIFICATION CARD POLICY

Purpose, Policy, and Procedures

Purpose and Policy

The purpose of the Identification (ID) Card is to provide Burleigh County employees and emergency response volunteer agencies with a standardized and convenient form of identification for day-to-day business activities as well as emergency/disaster credentialing.

Procedures

All Burleigh County employees and emergency response volunteers associated with a Burleigh County emergency response agency are eligible to receive a Burleigh County ID Card. Emergency response volunteers may receive an ID card with written agency authorization and justification regarding the need for an ID card. An issuance date will be printed below the picture on every ID card.

The card may be obtained from the Burleigh County Human Resources Department located at 316 N 5th St Suite 106, Bismarck. Please call (701) 222-6669 to schedule an appointment. An official picture identification is required to obtain an ID card.

Employees leaving employment and volunteers whose service ends will be required to turn in their ID card to their Supervisor. The Supervisor will then forward the card to the Burleigh County Human Resources Department.

Reporting Lost Cards and Obtaining Replacement Cards

Lost cards should be reported to the Burleigh County Human Resources Department. A replacement card may be obtained by following the procedures listed above to obtain a card.

All ID Cards are the property of Burleigh County and are provided for appropriate use and identification. The card is not transferable and is valid as long as the holder continues his/her specific affiliation with their respective agency. Any misuse, alteration or fabrication of the card may subject the holder to disciplinary and/or legal action up to and including termination of employment.

Cards issued to Burleigh County employees and volunteers affiliated with an emergency response volunteer agency **must be returned** to the appropriate agency/department upon separation.

Lost, damaged or stolen cards can be replaced at the Burleigh County Human Resources Department. Cards replaced due to age/malfunction, name change, or title change, are issued at no charge provided that the old card is returned at the time of service. There is a $10 fee to replace lost, stolen or damaged ID cards after the second instance.

Approved by the Board of Commissioners 6/5/06 tac
Revision approved by the Board of Commissioners 2/06/17 (TT)

Draft: 09-23-2026

Burleigh County First Amendment Auditor Policy

Effective Date: October 19, 2026

A First Amendment auditor is a self-proclaimed citizen journalist who records (audio and/or video) public spaces and government employees to "test" whether officials respect their constitutional right to record. Uneventful audits are considered a "pass," while attempts to stop them are recorded and often posted to social media as "fails".

Federal courts and legal organizations have generally established that the public has a First Amendment right to record interactions in areas that are traditionally open to the public. However, they do not have the right to:

- Intrude on private areas of government buildings.
- Interfere with government operations or physically block public access.
- Harass, stalk, or single out private citizens in an intrusive manner.

Our Goal: Keep the interaction routine. First Amendment Auditors film public employees to provoke an emotional, angry reaction for social media views. If you remain completely calm and professional, they will leave.

Workspace Confidentiality
Ensure public-facing desks do not expose private or exempt information. Rearrange furniture so computer screens face away from public areas and adopt routine security habits—such as using privacy screens and clearing desks of sensitive documents when unattended.

Secure Private Spaces
Mark private zones with “Employees Only” signage. Strictly enforce boundaries by keeping visitors behind counters and out of back offices. Note that granting any civilian access to a private area can legally convert it into a public space, meaning you cannot selectively bar First Amendment auditors from entering it.

Prioritize Customer Comfort
If visitors express discomfort around a First Amendment auditor, offer them alternative service accommodations. Proactively invite them to complete their business over the phone or reschedule for another day.

Designate Audit Responders
Identify staff members who are comfortable being recorded to handle counter services during an audit. Other employees should continue working normally while facing away from the cameras.

Maintain Normal Operations
Continue normal business operations, handle routine inquiries, and document interactions as usual. If an issue cannot be resolved immediately, assure the individual that their complaint will be referred to the appropriate Department Head for action.

Route Employee Complaints
Refer complaints against employees to the relevant Department Head. Do not attempt to resolve these complaints yourself.

Identify Professionally
Politely provide your name and job title if requested by a First Amendment auditor or any customer.

De-Escalate to Reduce Liability
Remain calm, polite, and un-defensive to diffuse tension and protect the Town from legal risks. Do not automatically summon leadership or law enforcement simply because you are being recorded in a public space. Instead, only seek emergency assistance if you feel your safety or the safety of others is threatened.

Report All Incidents:
Report all audit interactions immediately to your Department Head, and, if appropriate, law enforcement. Prompt reporting ensures leadership can assess next steps and protect staff from potential follow-up harassment, such as spam phone calls.

In the Office

Allowed (Do Not Interfere)

- **Recording in open areas:** Members of the public have a constitutional right to film in public lobbies, open hallways, and at front service desks.
- **Refusing to give a name:** Visitors are not required to provide identification, state their business, or show a press pass just to stand in a public area.
- **Asking questions:** They may ask about public records, policies, or employee names.

Restricted (Enforce Immediately)

- **No entry to secure zones:** Do not let anyone pass "Employees Only" signs, counter gates, or locked doors.
- **No viewing confidential data:** Immediately lock your computer screen (Windows Key + L), flip over paperwork, and close desk drawers containing private citizen information.

At a Worksite (Field Operations, Roads)

Allowed (Do Not Interfere)

- **Recording from the perimeter:** People are allowed to film your work from public sidewalks, public easements, or across the street.
- **Filming equipment:** They can record municipal vehicles, license plates, and tools parked in public view.

Restricted (Enforce Immediately)

- **No crossing safety barriers:** Anyone entering an active construction zone, crossing caution tape, or standing too close to heavy machinery must be ordered to step back for physical safety.
- **No blocking operations:** They cannot physically obstruct a vehicle, tool, or crew member from completing their task.

The "Never" List (Avoid these Costly Mistakes)

- **NEVER touch the auditor or their camera.** Touching them or blocking their lens with your hand can lead to assault charges against you.
- **NEVER argue, debate the law, or get sarcastic.** They want you to argue. State your department policies calmly, or do not speak at all.
- **NEVER pull out your personal cell phone to film them back.** It escalates the situation and looks unprofessional.
- **NEVER call law enforcement just because someone is filming.** Only contact law enforcement if they trespass into restricted areas, block exits, make physical threats, or break a law.

STEP-BY-STEP ACTION PLAN

1. **Acknowledge and Pivot:** Smile, look directly at the camera, and say calmly: "Hello, how can I help you with County business today?"
2. **Disengage if ignored:** If they refuse service and just keep filming, quietly return to your work. Do not stare at the camera.
3. **Walk away:** If you do not have active work at the front counter, calmly walk into a secure back-office area.
4. **Notify Management:** Quietly inform your supervisor or Department Head that a camera is present in the building or worksite.

Burleigh County	**Code of Conduct**	**BCHR – 02** **Date Last Revised: 06/28/2021** **Board Approved: 07/07/2021**

Statement of Philosophy: Burleigh County will comply with all applicable laws and regulations and expects its department heads, employees and volunteers to conduct business in accordance with the relevant laws and refrain from dishonest or unethical conduct.

Purpose: To assure orderly operations and provide the best possible work environment, Burleigh County "the County" expects employees to follow rules of conduct that will protect the interests and safety of all employees and the County. 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.

1) Employment with Burleigh County is at the mutual consent of the County and the employee, and either party may terminate the relationship at any time, with or without cause and with or without advance notice. This is At-Will Employment.

Conduct Prohibited

1) Theft or inappropriate removal or possession of property.
2) Falsification of timekeeping records.
3) Working under the influence of alcohol or illegal drugs.
4) 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 or while using privately owned vehicles while conducting county business.
5) Fighting or threatening violence in the work place.
6) Boisterous or disruptive activity in the work place.
7) Negligence or improper conduct leading to damage of employer-owned or customer-owned property.
8) Insubordination or other disrespectful conduct.
9) Violation of safety or health rules.
10) Smoking in undesignated or prohibited areas.
11) Sexual or other unlawful harassment.
12) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place, with the exception of the Sheriff's Department.
13) Excessive absenteeism or any absence without notice.
14) Unauthorized absence from work station during the day.
15) Unauthorized use of telephones, mail system, computers and related electronic devices, or other employer-owned equipment.
16) Inappropriate use of computer equipment relating to non-county business or to access unprofessional, pornographic or demeaning web sites.
17) Unauthorized disclosure of business "secrets" or confidential information.
18) Violation of human resource policies.
19) Unsatisfactory performance or conduct.

Burleigh County	**Code of Conduct**	**BCHR – 02** **Date Last Revised: 06/28/2021** **Board Approved: 07/07/2021**

Reprisal

The Public Relations Act, (NDCC 34-11.1§04) as provided for in State Law, provides that an employee may, without fear of reprisal, report in writing to the employee's Elected Official/Department Head, or other related Burleigh County officials the existence of a job-related violation of state or federal law or, rules, or misuse of public resources. Any employee who intentionally furnishes false information is subject to disciplinary action, up to and including Termination.

Appearances of Impropriety

Burleigh County employees should avoid any action which would result in or create an appearance of using public office for private gain, giving preferential treatment to any business or person, losing independence or impartiality, making decisions outside official channels, or adversely affecting public perception of the integrity of Burleigh County or any of its departments or programs.

Prohibited Activities

Burleigh County employees may not engage in conduct that violates local, state, or federal law, or applicable standards of conduct that has or could have a direct effect on the employee's ability to carry out his or her duties and responsibilities. In addition, officials, managers and supervisors may not engage in any business activity with subordinates that could compromise the working relationship.

Employee Conduct

Burleigh County considers a consistently positive, cooperative, self-motivated, courteous, and professional attitude to be an essential function of every position. Employees have an obligation to serve the public in a fair, impartial and respectful manner. Each employee must understand that when in contact with the public, the employee must project a positive image of Burleigh County and its employees. Instances where the public has been offended will be reported to the supervisor.

Employees whose conduct shows a lack of respect or professionalism will be disciplined. Even while off-duty an employee should remember that as an employee of Burleigh County, the employee's activities may reflect upon Burleigh County and may affect the employee's ability to perform their job.

Prohibition of Acceptance of Anything of Value; Exceptions and Disclosure:

The term "anything of value" includes any things which exceed a worth of $50 in value if received in state or out-of-state.

1) A Burleigh County department head or employee may not accept anything of value in his or her capacity as an employee unless written disclosure is made to the Chairman of the Board or the employee's supervisor. The disclosure form must be forwarded to the Human Resource Department which has been signed by the individual receiving the item of value and the

Chairman or supervisor. The disclosure form is available from the Human Resource Department.

2) A Burleigh County department head or employee may not, directly or indirectly, give or receive or agree to receive, or ask for any compensation, except as allowed by statute (i.e., NDCC 14-03§22 Marriage license fee – Supplemental fee – Fee for marriage ceremony – Duties of officers. If the marriage ceremony is performed at a time other than during regular courthouse hours, the recorder, or designated official, may collect and retain a fee in an amount to be determined by the recorder, or designated official), gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, except from Burleigh County.
3) A Burleigh County department head or employee may, however, receive payment of witness fees as provided by law.

This policy does not prohibit an employee from purchasing for full consideration anything of value from a business or person if the transaction occurs in the ordinary course of business of the business or person. No disclosure is required for a purchase made under these terms.

Personal Gain or Profit – Use of Persons, Money, or Property

A Burleigh County department head or employee shall not knowingly use his or her office or position for personal or family benefit, gain, or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other person(s). Except as allowed by statute (i.e., NDCC 14-03§22 Marriage license fee – Supplemental fee – Fee for marriage ceremony – Duties of officers. If the marriage ceremony is performed at a time other than during regular courthouse hours, the recorder, or designated official, may collect and retain a fee in an amount to be determined by the recorder, or designated official).

No Burleigh County department head or employee may employ or use any person, money, or property under the Burleigh County department heads or employee's official control or direction, or in his or her official custody, for the personal or family benefit, gain, or profit of the Burleigh County department head or employee, or another.

This section does not prohibit the use of public resources to benefit others as part of a Burleigh County department heads or employee's public duties.

Conflict of Interest

A Burleigh County department head or employee shall not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such person, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein, and shall not knowingly engage in activities which are in conflict, or which have the potential to create a conflict, with performance of official duties. Examples of conflict, or potential conflicts of interest, include but are not necessarily limited to circumstances where the Burleigh County department head or employee, or their families.

1) Influences the selection or non-selection of or the conduct of business between Burleigh County and any entity when the Burleigh County official or employee has a financial interest;
2) Accepts any retainer, compensation, gift or anything of value which is contingent upon a specific action or non-action by the Burleigh County department head or employee;
3) Intentionally uses or discloses information not available to the general public and acquired by reason of his or her official position which financially benefits himself or herself, family, friends, or others.

A Burleigh County department head or employee is not interested in a contract if he or she has only a "remote interest" in the contract. "Remote interest" means that of:

1) A non-salaried employee of a nonprofit corporation;
2) An employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3) A landlord or tenant of a contracting party; and
4) A holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

A County Commissioner may not vote in the authorization, approval or ratification of a contract in which he or she has a direct and substantial personal or pecuniary interest in a matter before the board. Said Commissioner must disclose the fact to the board and may not participate in or vote on that particular matter without the consent of a majority of the rest of the board. (NDCC 44-04§22)

Items Acceptable to Receive

The following are presumed not to influence the vote, action, or judgment of a Burleigh County department head or employee, or be considered as part of a reward for action or inaction:

1) Unsolicited advertising or promotional items of nominal value, such as pens and note pads. Employees should use such items in the workplace instead of taking them home;
2) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
3) Unsolicited items received for the purpose of evaluation or review; if the recipient has no personal beneficial interest in the use or acquisition of the item;
4) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
5) Food and beverages consumed at hosted receptions where attendance is related to the recipient's official duties;
6) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
7) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
8) Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution;

9) Flowers, plants, and floral arrangements;
10) Food and beverages on where refreshments are served as part of a function for which attendance is related to the performance of official duties.

The presumption in this subsection is rebuttable and may be overcome by clear and convincing evidence based on the circumstances surrounding the giving and acceptance of the item.

This policy shall not apply to gifts made to Burleigh County. All such gifts shall be given to the Burleigh County Human Resource Department.

Confidential Information

Outside Employment:
No Burleigh County department head or employee may accept outside employment or engage in any business or professional activity that the department head or employee might reasonably expect would require or induce him or her to disclose confidential information acquired by the Burleigh County department head or employee by reason of the Burleigh County department heads or employee's official position.

Personal Gain:
No Burleigh County department head or employee may disclose confidential information gained by reason of the Burleigh County department heads or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by the Burleigh County Commissioners or by terms of a contract involving:

1) Burleigh County; and
2) The person or persons who have authority to waive confidentiality of the information.
    a) A Burleigh County department head or employee shall not use information acquired in confidence from a Burleigh County customer, supplier, lessee or contractor for other than Burleigh County purposes.
    b) This section of the policy does not prevent a Burleigh County department head or employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.
    c) The State's Attorney shall determine, acting in the best interest of Burleigh County, whether information is confidential.



BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA
CODE OF CONDUCT DISCLOSURE FORM

1. An employee is prohibited from accepting anything of value unless written disclosure is made to the Chairman of the Board or the employee's supervisor. "Anything of value" includes anything which exceeds $50 in value, whether received in state or out of state, and was not offered, given, or agreed to be given to influence the action of an employee or to reward an employee for the performance of his or her duties.

   I disclose receipt of the following (please list the item, value of the item and identity of the person or entity providing the item):

2. If an employee has a private interest in any matter of Burleigh County business, the employee shall make full written disclosure of the private interest when it is acquired or when it becomes a matter of Burleigh County's business.

   I disclose the following private interest:

3. If an employee has a potential conflict of interest in any case, contract, or legal matter involving Burleigh County, the employee shall notify the Human Resource Department or appropriate supervisor in writing of the potential conflict and the cause of the potential conflict.

   I identify the following potential conflict of interest (disclosure should detail the potential conflict):

4. An employee shall not participate in, vote on, or attempt to influence a decision of Burleigh County or any of its departments with respect to a business or person in which the employee or the employee's immediate family is associated. An employee may not participate in any manner in a matter of Burleigh County business involving the employee's duties with respect to Burleigh County if the employee has a private interest in the matter and has any decision-making authority with respect to the matter.

5. An employee may not engage in employment outside of employment with Burleigh County if it may interfere with the proper and complete discharge of the employee's responsibilities and duties to Burleigh County.

I have received and read the Code of Conduct policy, have truthfully and fully responded where required, have had all my questions answered to my satisfaction, and agree to conform my conduct accordingly.

_____ _____

Employee's Signature Date

I understand that this document, as well as any written comments I make to the document will be placed in my personnel file. I further understand that my representations in this document are correct as of the date I signed it and that I am obligated to update my responses, immediately and in writing, as my situation changes.

_____ _____

Employee's Signature Date

Routing Instructions	
1. Department Head or Chairman of the Board	____
2. Human Resource Dept	____

BURLEIGH COUNTY

CODE OF CONDUCT

EMPLOYMENT OUTSIDE BURLEIGH COUNTY

(Attach additional documentation if needed)

As required in Code of Conduct – Confidential Information of the Burleigh County's Code of Conduct Policy, I hereby request authority for employment outside Burleigh County (including consulting work) as follows:
Nature of work:

(When completed by the employee, this form should be forwarded to the employee's Department Head or Chairman of the Board for approval.)

_____ _____

Employee's Signature Date

_____

Print Name of Employee

Department Head or Chairman of the Board **Approval** OR **Disapproval (Circle)**

_____ _____

Department Head or Chairman of the Board Date

COMMENTS: _____

_____

I understand that this document, as well as any written comments I make to the document, will be placed in my personnel file.

Dated this _____ day of _____, 20_____.

_____

Employee's Signature

Last Revised Date: 06/28/2021

CHAPTER 14

FRAUD

Section 1: Fraud Policy

BACKGROUND

This Burleigh County fraud policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the County of Burleigh. It is the intent of the County of Burleigh to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

SCOPE OF POLICY

This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with The County of Burleigh (also called the County). Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the County.

POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each county department head will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the Burleigh County States Attorney, who coordinates all investigations with the Burleigh County Sheriff and other affected areas, both internal and external.

ACTIONS CONSTITUTING FRAUD

The terms misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

- Dishonest or fraudulent acts relating to or affecting County operations
- Forgery or alteration of any document or account belonging to the County
- Forgery or alteration of a check, bank draft, or any other financial document relating to County business
- Misappropriation of funds, securities, supplies, or other assets owned, leased, or related to County business
- Improperly handling or reporting of money or financial transactions involving County business
- Disclosing confidential and proprietary information to outside parties

- Accepting or seeking anything of value from contractors, vendors, or persons providing services/materials to the County. Exception: Gifts less than $50 in value
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- Other acts that may have a negative impact on the County

OTHER INAPPROPRIATE CONDUCT

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct, should by resolved by the County department head. If there is any question as to whether an action constitutes fraud, contact the Burleigh County States Attorney for guidance.

REVIEW REPONSIBILITIES

Department Heads or their designees have the responsibility to review suspected fraudulent acts as defined in this policy. A Department Head or designee shall consult with the Human Resources Department to determine if further investigation is needed.

The Sheriff's Department's purpose is to conduct criminal investigations and in the event the Sheriff's Department becomes involved in suspected fraudulent acts involving Burleigh County employees or officials, the primary focus will be on the criminal aspects of the allegation. The Sheriff's Department may solicit the assistance of other entities if a conflict of interest or potential conflict of interest exists or if special expertise is needed to assist in the investigation.

The results and findings of the investigations will be provided to the Burleigh County State's Attorney for review. The State's Attorney will issue reports to appropriate personnel and/or the Burleigh County Commission. Decisions to prosecute or refer the results/findings to other entities for review will be made by the State's Attorney or other designated legal counsel.

CONFIDENTIALITY

The County treats all information received confidentially to the extent possible within the constraints of the law. Any employee who suspects dishonest or fraudulent activity will notify the department head immediately, or in certain situations, the County Commissioner who holds the department's portfolio and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see **REPORTING PROCEDURE** section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the County from potential civil liability.

AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

The Burleigh County Sheriff's Department and State's Attorney's office will have :

- Free and unrestricted access to all County records and premises, whether owned or rented; AND
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

REPORTING PROCEDURES

Precautions must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the department head immediately. All inquiries concerning the activity under investigation should be directed to the States Attorney.

The reporting individual should be informed of the following:

- Do not contact the suspected individual.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the State's Attorney or Sheriff's Department.

TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Burleigh County's Human Resources Department and the Burleigh County State's Attorney, and, if necessary, by outside counsel, before any such action is taken.