

**DAVISON COUNTY  
200 East 4<sup>th</sup>  
Mitchell, South Dakota**

***Personnel Policy Manual***



***Adopted by:***

***Davison County  
Board of Commissioners***

***August 1<sup>st</sup>, 2006***

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**CHAPTER #1**  
**PURPOSE AND USE**

- 1.1 Purpose of this Handbook
- 1.2 Disclaimer
- 1.3 Organizational Diagram
- 1.4 Office Descriptions
- 1.5 Board of Commissioners

**1.1 PURPOSE OF THIS HANDBOOK**

**Effective Date / Review Date: 7/6/2004**

As an employee of the county, you may have questions concerning your employment. It is the purpose of this manual to try to answer as many of these questions as possible.

It is impossible to cover all situations or to answer every question but an attempt has been made to cover those items that are of immediate interest. If the information you seek is not here, or this handbook does not provide a reference source, see your supervisor.

All employees regardless of their length of employment should carefully review this handbook, as it is designed to give you the essential information you need during your employment with the county. It is imperative that you adhere to the rules and policies set forth in this handbook as well as those established by your department head for your job. Failure to comply could result in disciplinary measures up to and including discharge.

This handbook is not a contract of employment. Nothing contained in this handbook or in any other statement of county philosophy, including statements made in the course of performance evaluations and wage reviews, should be taken as constituting an express or implied promise of continuing employment. The county, like the employee, is free to terminate the employment relationship at any time for any or no reason. Only the county Board of Commissioners has the ability to enter into written employment agreements with employees. No county official is authorized to enter into an oral employment agreement. If and when your employment ends, you are required to return this handbook to the county at the time you collect your last paycheck. Please read the handbook carefully and retain it for future reference.

This is the sole and exclusive Davison County Employee Personnel Policy Manual, which will supersede any other policy manual currently in effect. The terms of this manual are applicable to all Davison County Employees, unless superseded by a collective bargaining unit.

**1.2     DISCLAIMER**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

Davison County recognizes that South Dakota is an employment at-will state and the intent of this county is to maintain that employment at-will status of all employees.

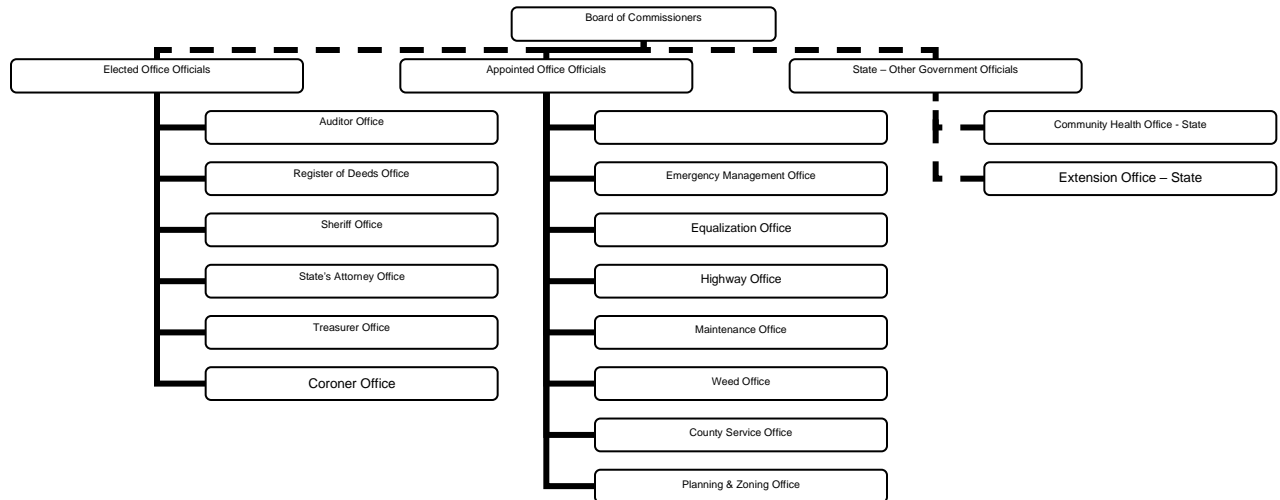
“At will” means that you are free to resign at any time, with or without cause. Likewise, “at will” means that Davison County may terminate your employment at any time, with or without cause or advance notice.

This manual does not confer a contract of employment. The policies, procedures, rules, and benefits contained herein are subject to change upon a majority vote by the commission. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.

### **1.3 ORGANIZATIONAL DIAGRAM**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

#### **Davison County, South Dakota**



**COUNTY COORDINATOR RESPONSIBILITIES**

**Effective Date / Review Date: 5/22/07**

Any duties or responsibilities performed by the County Coordinator will now be performed by the County Auditor as per motion made May 22, 2007.



#### **1.4 OFFICE DESCRIPTIONS**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

These are basic descriptions of the Office's of Davison County. All Offices are guided and governed by SD Codified Law.

##### **Elected Office's**

##### **Auditor Office**

Responsible, and accountable, for the efficient coordination of human, physical and budgetary resources in the effective accomplishment of all department duties and responsibilities as prescribed by Code or as assumed by past practice and established tradition; including acting as official secretary to the County Commissioners; coordinating the verification, preparation, and payment of all claims against the County, and the maintenance of all records related thereto; maintaining County owned property and real estate records, including the current maintenance of real estate ownership and proper legal descriptions, the coordination and preparation of the County master budget as developed from all taxing districts in the County, the direction, development, implementation and coordination of all data processing reports, needs and functions in the County, the coordination and directions of all voter registration and election procedures in the County; and the carrying out of various other duties and functions related to scope of responsibility, including special projects and the supervision of all subordinate staff and operations relating to described areas of responsibility

##### **Register of Deeds Office**

The Register of Deeds is a county based office who works with several government entities to bring services to the public on a local level. This office is under the direction of the Department of Health for the issuance of birth, death, marriage, and burial records and the United States Department of State as a Passport Acceptance Facility. The major function of this office is the storage facility, archivist and public records keeper for most real estate records (deeds, mortgages, plats, easements, contract for deeds, affidavits, etc.) allowed by law to be recorded for Davison County including all municipalities within the county dating back to the late 1800's. All land title transfers are communicated to the Director of Equalization for assessment purposes and to the Department of Revenue for audit purposes. Liens and Satisfactions of all sorts are filed in the Register of Deeds as well as business names of owners of businesses in Davison County and Military Discharge records voluntarily filed by the resident veteran.

##### **Sheriff's Office**

The sheriff shall keep and preserve the peace within his county, for which purpose he is empowered to call to his aid such persons or power of his county as he may deem necessary. He must pursue and apprehend all felons, must investigate all crimes and enforce traffic laws within the County; and must execute all writs, warrants, and other process from any court or magistrate which shall be directed to him by legal authority. The Sheriff is also responsible for maintaining and operating a county jail facility.

### **State's Attorney Office**

The State's Attorney duties include representing the State of South Dakota in criminal and juvenile court, and advising and defending, when necessary, Davison County in civil matters. The Davison County State's Attorney is a full-time position. He or she works with local law enforcement including the Mitchell Police Department, Davison County Sheriff's office, South Dakota Highway Patrol and the Department of Game, Fish and Parks, to enforce the laws of South Dakota. He or she makes all final charging decisions in regard to violations of the law and prosecutes those charged with crimes in court.

### **Treasurer Office**

The primary functions of the Treasurer's office include the collection of property taxes, all motor vehicle functions including transfer, registration, renewal, lien cancellation and notation, as well as investment and monitoring of county funds and accounts. This office also assists persons in applying for property tax assessment freezes for the elderly and disabled as well as sales tax refunds as approved by the State of South Dakota.

### Appointed Office's

#### **Emergency Management Office**

The Davison County Office of Emergency Management's mission is to protect lives, property and the environment through direction and coordination of state and local government through the Preparation, Mitigation, Response and Recovery from damages sustained by an emergency or disaster.

#### **Equalization Office**

To serve the tax payers of Davison County by providing fair and equitable property tax assessments. The Director of Equalization directs his/her staff, discovers, lists, and values all real property within the county for the property taxation purposes. This includes properties to be appraised, conducting on sight inspections of single and multifamily residential buildings, mobile homes, community industrial properties and agricultural land and improvements.

#### **Highway Office**

The Highway Office is responsible for the maintenance of all county roads to include snow removal and grading and repair. The Highway Office also serves as a contractor to Township Entities for the same above reference responsibilities.

#### **Maintenance Office**

The maintenance office is responsible for building maintenance and custodial services for all Davison County Facilities and property.

#### **Weed Office**

The Weed Office is responsible for the control and prevention of noxious weeds within Davison County. The Weed Office also serves as a contractor to Township Boards for the same above referenced responsibilities.

#### **Planning & Zoning Office**

The Planning and Zoning Office promotes the residential, commercial, and agricultural development within the county according to the comprehensive plan. The preservation of agricultural land, orderly development of residential subdivisions and consideration of property best suited for commercial use. Building permits are issued and assistance is

provided to property owners with Plat's (when required) and in all conditional use permits and variances. The Zoning Administrator is the compliance officer for Davison County zoning codes. The Planning & Zoning Office is located in the Director of Equalization Office.

### **County Services Office**

The mission of the Veteran Service Division is to assist former military service personnel with their requests for all forms of their entitled veteran benefits as provided by federal and state laws and regulations. In the area of county welfare, the office recognizes and assists indigent persons with their county poor relief assistance applications and dispositions thereto as set forth per SDCL 28-13.

### **State – Other Governmental Office's**

#### **Community Health Office – SD Department of Health**

Davison County Community Health Services (CHS) delivers a network of programs, services and education to help the residents of the area develop and maintain a more healthful lifestyle and achieve the highest quality of life. Community Health Services staff provide relationship-based nursing, nutrition services and coordinate other health related services. CHS works with communities, families, and individuals to ensure the best possible health outcomes. Community Health Services is dedicated to providing the highest quality public health services to South Dakota's diverse population.

#### **Extension Office**

The Davison County Extension Office is the local educational outreach arm of South Dakota State University, serving the people of South Dakota by helping them apply unbiased, scientific knowledge in the area of Agriculture to improve their lives.

**1.5 BOARD OF COMMISSIONERS**

**Effective Date / Review Date: 12-9-2003, 7/6/2004**

The Davison County Board of Commissioners is an elected board comprised of 5 members elected by the residents of Davison County.

Being such, decisions are made by a majority vote of the members present with a quorum being 3 members.

There may be limited instances, when both practical and necessary, to identify the Chairman of the Board as the decision making authority on behalf of the full board. This will only take place during emergencies covered by situation or policy.

Situations may also arise that the Chairman of the Board may not be reachable for the above referenced situations. In these circumstances, by default, the Chairman's designee, unless otherwise specifically noted, shall follow the progression:

Chairman  
Vice-Chairman  
Immediate Past Chairman  
Commissioner  
Commissioner

**CHAPTER #2**  
**GENERAL POLICIES**

- 2.1 Public Relations
- 2.2 Supervisors
- 2.3 Use of County Vehicles
- 2.4 Seat Belt Policy
- 2.5 County Property
- 2.6 E-Mail and Internet Use Policy
- 2.7 Outside Employment (Moonlighting)
- 2.8 Appraisal Work
- 2.9 Employment References (*Attachment*)
- 2.10 Executive Session – Personnel Discussion
- 2.11 Political Affiliation or Activity Policy
- 2.12 Solicitation / Distribution
- 2.13 Tax Sale Certificate
- 2.14 Bulletin Boards
- 2.15 Framing of Certificates, Wall hangings and Artwork
- 2.16 Expending County Funds for Coffee, Donuts, etc.
- 2.17 Recognition Policy
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- 2.24 Automobile Rentals Authorized
- 2.25 Commercial, Private, or Charter Air Travel
- 2.26 Registration Fee
- 2.27 Vehicle Accidents
- 2.28 Workplace Safety

**2.1 PUBLIC RELATIONS**

**Effective Date / Review Date: 7/6/2004**

As a county employee, you must keep in mind that you are working for the CITIZENS OF DAVISON COUNTY. Fair, courteous and equitable dealing with the public at all times are therefore, very important. You are also expected to maintain a clean and neat personal appearance. Failure to conduct yourself in accordance with these standards could result in disciplinary action up to and including discharge.

## **2.2 SUPERVISORS**

**Effective Date / Review Date: 7/6/2004**

Your supervisor has the responsibility of carrying out county policies, ensuring proper job performance and maintaining good and safe working conditions. Your supervisor should be the first person you call on if you have any questions concerning work or personal problems that may **affect** your work. You can help your supervisor and, in turn, yourself, by giving your full cooperation.

## **2.3 USE OF COUNTY VEHICLES**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

As a county employee, it is possible you may be provided a vehicle for use in performing county business. This may even involve taking the vehicle home after normal work hours.

**No county vehicle may be utilized for any personal reason.** If any exception to this policy is granted, however, you are required to reimburse the county for such use at the rate established by the federal government.

As a condition of utilizing a County vehicle, you will be required to provide a copy of your current issued Driver's License as well as informing your Department Supervisor of any change of status involving this license. In addition, each year a copy of your driver history record will be obtained by the Auditor's Office from the South Dakota Drivers Licensing Office. This record will be reviewed by your supervisor. If any problems arise from this review relating to your driving status, standard County Disciplinary Action (Section 5.11) processes will be followed.

A copy of your Driver's License will be placed in your personnel file located in the Auditor's Office.

### **IRS Tax Requirements**

If you are issued a County Vehicle and are allowed to commute back and forth from your home, you may be required to reimburse the County or have this amount included in your wage per IRS requirements. This only applies to vehicles that are Non Qualified nonpersonal use Vehicles. The Auditor's Office has this information on file as well as the most current Commuting Rule rates.



**2.4 SEAT BELT POLICY**

**Effective Date / Review Date: 7/6/2004**

Davison County is committed to doing everything possible to prevent injury to employees, prevent damage to property and to protect the employees and the public from the results of accidents. The county realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that all county employees and their passengers shall be required to use seat belts when driving any vehicle while on county business and at all times when driving county vehicles.

## **2.5 COUNTY PROPERTY**

**Effective Date / Review Date: 7/6/2004**

Commercial software programs used by the county are licensed under law and shall **not under any circumstances** be duplicated or transferred for use on equipment not owned or leased by the county. Any program development on county equipment shall become the property of the county.

The use of county property for any personal use is prohibited without prior approval from the Board of Commissioners. Use of county property for county related business outside of the work environment will require the approval of the Department Supervisor. Violation of any of the provisions of this policy can result in disciplinary action, up to and including immediate discharge.

Uniforms are considered county property.

## **2.6 E-MAIL AND INTERNET USE POLICY**

**Effective Date / Review Date: 7/6/2004**

### **E-Mail and Internet Guidelines**

Any use of the County's Internet access or E-mail services shall be considered and treated as any other work product, subject to review and approval of the employee's immediate supervisor. These services are intended for County business purposes, and the County reserves the right to monitor transmissions.

Prohibited uses of the County's E-mail system include, but are not limited to, the following:

- Use of the system on County time for personal gain;
- Use of the system to harass, threaten, defame, or injure another individual or group;
- Use of the system to send personal chain letters;
- Use of the system to send or receive copyrighted material, trade secrets, proprietary information, or similar materials without authorization;
- Use of the system to send or receive pornographic materials;
- Use of the system to conduct non-County activities, such as the operation of a private business, conducting job searches, promoting religious beliefs, or forwarding political advertisements.

Prohibited uses of the Internet include, but are not limited to, the following:

- Participating in non-work-related activities, such as chat rooms.
- Downloading abusive or inappropriate material from the Internet.
- Printing, displaying, downloading, or sending any sexually implicit images, messages, cartoons, or jokes.

### **Access Connections**

Internet E-mail addresses will be assigned by the Department Supervisor. Users desiring an E-mail address must obtain permission from their Department Supervisor. All requests for the installation of E-mail or Internet Browser software on specific PCS must be submitted to the Department Supervisor. It is the duty of the Department Supervisor to present all request to the board of commissioners for approval or rejection, and relay the decision of the board the respective department head.

### **Use by Non-County Employees**

All other users of the County E-mail and Internet browse services must agree to abide by all of the above rules.

## **2.7 OUTSIDE EMPLOYMENT**

**Effective Date / Review Date: 7/6/2004**

County employment must be the principle vocation of all full time county employees; however, a county employee may engage in outside employment, or business, subject to all of the following:

County employees must provide **Written Notice** of any outside employment to their supervisor. It is then the supervisor's responsibility to forward this information to the Board of Commissioners.

- 1) The outside employment must not interfere with the efficient performance of the employee's county position.
- 2) The outside employment must not conflict with the financial or public interests of the county or any of its departments.
- 3) The outside employment must not be the type that would give rise to any appearance of impropriety.

*All documentation involving outside employment shall be on record in the official personnel file of the employee. All official records are kept in the office of the Auditor.*

No department supervisor or employee, unless officially assigned to special duty, shall be granted sick leave for any injuries or illness resulting from any employment other than that required in the course of his/her assigned duties. As a reminder, Davison County workers' compensation insurance coverage **IS NOT** extended to outside employment.

**2.8 APPRAISAL WORK**

**Effective Date / Review Date: 7/6/2004**

As an employee of Davison County, you are prohibited from engaging in any private appraisal work relative to real property located within Davison County.

Violation of this policy could result in disciplinary action up to and including discharge.

## **2.9 EMPLOYMENT REFERENCES**

**Effective Date / Review Date: 7/6/2004**

In compliance with the Federal Privacy Act, the county is required to protect the privacy rights of all employees. In following this Act, it is the county's policy to provide only the following information on both present and past employees:

- \*If an employee has been employed with the county in  
County government services;
- \*Dates of employment
- \*Current position or position at the date of separation  
From employment and other positions held; and
- \*Verification of salary and pay grade information

This information will be released, upon approval of the County Auditor, and upon a written and signed disclosure and release request from the employee (See Authority to Release Attachment). The county may request a written verification for the need of such employment information.

Due to the potential liability for the release of employment information, only persons authorized by the county commission shall instruct such authorized individual that no additional information be released on certain employees. All requests for information on an employee's employment shall be immediately directed to the person authorized by the commission.

Board authorized personnel is: County Auditor

Providing employment references, including off-the-record remarks, without authorization is violation of the above stated policy and may result in disciplinary action.

**2.10 EXECUTIVE SESSION – PERSONNEL DISCUSSION**

**Effective Date / Review Date: 7/6/2004**

Pursuant to SDCL 1-25, the county commission may recess into executive session to discuss personnel issues such as employee qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee.

Refer to a current version of SDCL available on the internet or on file with the Auditor's Office.

**2.11 POLITICAL AFFILIATION OR ACTIVITY POLICY**

**Effective Date / Review Date: 7/6/2004**

Political affiliation or activity shall not be a factor in hiring, promotion, demotion, suspension, termination, or any other conditions or employment with Davison County.

County employees shall not use their county work time or county facilities to aid, encourage, or promote candidates for elected public office whether partisan or non-partisan.

Those employees whose employment is financed by loans or grants made by the United States or Federal Agency may be subject to the provisions of the Federal Elections Campaign Act (the "Hatch" Act) regardless of when or where partisan election activities occur. This act prohibits certain types of involvement in federal, state and local elections such as use of official authority or influence to affect an election fund, or becoming a candidate for office in a partisan election.

Nothing in this section shall prohibit any non-elective officer or employee in the county service from exercising his/her right as a citizen to express an opinion, cast a vote, or do any partisan or non-partisan political act not expressly prohibited herein. Questions relating to constitutional amendments, referendums, approval of state laws, and other issues of similar character are not specifically identified with a national or state political party.

An employee in the service of the county will not be obliged to, by reason of that employment, contribute to any political funds or collections or to render political service. Any employee refusing to contribute such funds or to render such service may not be removed or otherwise disciplined or prejudiced for that refusal. An employee in the county cannot use their position to coerce the political action of a person or group.



**2.12 SOLICITATION / DISTRIBUTION**

**Effective Date / Review Date: 7/6/2004**

Employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, make or receive phone calls or perform other outside business related activities, or solicit for any other cause fellow employees or the public during working time or in working areas at any time. Employee's off-duty (e.g. those on lunch hour or breaks) may not solicit employees who are on working time for any cause or distribute literature to them. It is permissible to conduct some of these activities in non-work environments such as break rooms while on scheduled break periods, as long as the activity is outside of the public's view.

**2.13 TAX SALE CERTIFICATE**

**Effective Date / Review Date: 7/6/2004**

To avoid the appearance of impropriety, you, as an employee of the county, are prohibited from directly or indirectly acquiring by purchase or assignment an interest in any tax sale certificate sold at private sale by the county. This does not prohibit your participation in or acquisition of real property in the annual public tax sale process.

Violation of this policy could result in disciplinary action up to and including discharge.

**2.14 BULLETIN BOARDS**

**Effective Date / Review Date: 7/6/2004**

In order to maintain an effective avenue for communicating with our employees, the county maintains several bulletin boards. We use the bulletin boards to communicate official government information on equal opportunity employment, health and safety, and other issues. They are also used to communicate information regarding county policy and county business.

Employees are not allowed to post information on the county bulletin boards. Assigned supervisors, who are responsible for keeping the bulletin boards up-to-date and attractive, make all postings.

**2.15 FRAMING OF CERTIFICATES, WALL HANGINGS & ARTWORK**  
**Effective Date / Review Date: 7/6/2004**

Authorization is given to properly frame certificates that are property of the county or of the county offices. Framing for personal certificates and artwork is not to be paid for by the county.

**2.16 EXPENDING COUNTY FUNDS FOR COFFEE, DONUTS, ETC.**

**Effective Date / Review Date: 7/6/2004**

It is the policy of Davison County that county funds may not be expended to provide coffee, donuts, or other refreshments for county employees. Department heads may expend county funds to provide appropriate refreshments for meetings hosted by the county which are primarily attended by non-employees of the county on a voluntary basis. In such cases, refreshments may be purchased either by the department head or from the departments' petty cash fund and then reimbursed by voucher provided, however, that any expenditure in excess of \$50.00 must receive prior approval by the board of commissioners.

## **2.17 RECOGNITION POLICY**

**Effective Date / Review Date: 7/6/2004**

### Retirement or Service

When an employee has dedicated many years of service to county government or when a person has served on county boards and commissions and is leaving County service or is retiring.

### Outstanding Performance

Awards which recognize outstanding performance by an employee may be given for a single outstanding achievement.

This recognition can be done in many different ways (i.e. awards, gifts, plaques, trophies, receptions).

Elected officials, department supervisors, boards and commissions have the responsibility of providing this recognition recommendation to the Board of Commissioners. Awards will then be approved and given at the discretion of the Commission.

In establishing some fairness to this policy, the following expenditure guidelines have been set:

<u>Years of Service</u>	<u>Maximum Amount of Expenditures</u>
Up to 15 years	\$50.00
Over 15 years	\$75.00

**2.18 SMOKING**

**Effective Date / Review Date: 7/6/2004**

Pursuant to SDCL 22-36-2 "Smoking in public place or place of employment prohibited", smoking is prohibited in all county buildings and facilities.

Smoking is further prohibited in any County owned vehicle that is of joint use purpose or that is utilized by more than one County department.

**2.19 COMMERCIAL DRIVERS LICENSE**

**Effective Date / Review Date: 7/6/2004**

All Davison County Highway Department employees who are required to have a commercial driver's license are also required to have the tanker endorsement. Additionally, all Davison County Highway Department employees are subject to "Drug and Alcohol Abuse Policy" of the personnel policy manual.



## **2.20 COMMERCIAL DRIVER OPERATING GUIDELINES**

**Effective Date / Review Date: 7/6/2004**

Davison County shall provide a safe and productive work environment for all commercial drivers. It is the policy of this County that all commercial drivers shall not be involved with the use, possession, or sale of drugs, alcohol, or any controlled substances in any manner which may impair any person's ability to perform assigned duties or otherwise adversely impact the duties of driving. Further, no driver shall possess alcoholic beverages in the workplace during working hours or consume beverages in association with the workplace during working hours or at any time prior to performing safety-sensitive functions which may impair that person's ability to perform their duties.

### **Policy**

Our County's current policy and practice is outlined in this document. This policy will be interpreted, administered, and amended by the County as necessary within its discretion. The policy covers all persons subject to regulation by the United States Department of Transportation, all persons regulated by any State or Local Regulations, all applicants (including rehires) and current employees.

#### **1) Period of Work Day Covered**

##### **A. Pre-Duty Use**

No person may operate a commercial motor vehicle within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four hours shall permit the driver to perform or continue to perform safety-sensitive functions.

##### **B. On-Duty Use**

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol or a controlled substance. No driver may use alcohol or a controlled substance while on duty. No supervisor having actual knowledge that a driver possesses or is using alcohol or a controlled substance while on duty shall permit the driver to perform or continue to perform safety-sensitive functions.

##### **B. Use Following An Accident**

No driver required to take an alcohol or drug test following an accident may use alcohol for eight hours following the accident or until the driver has undergone the post-accident test.

#### **2) Prohibitions Based on Test Results**

##### **A. Alcohol Concentrations**

A driver with a measurable and detectable blood alcohol concentration that is prohibited under 49 CFR, part 382.505 but less than 0.04 shall not perform safety-sensitive functions for a minimum of twenty-four hours. No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that a driver has a prohibited level of blood alcohol concentration shall permit the driver to remain on duty. Alcohol test results of 0.04 and above will require that the employee be suspended from the duty without pay and be referred to a Substance Abuse Professional for evaluation. Return to duty will be subject to the recommendations of the Substance Abuse Professional and negative blood alcohol concentration test. The County is responsible for the cost of the initial referral to a substance abuse professional. The driver will be responsible for the cost of any follow up counseling or treatment.

3) Test Categories

Beginning on January 1, 1996, and each year after, the following tests will be given to employees who must have a commercial driver's license to perform their job.

A. PRE-EMPLOYMENT OR PRE-DUTY TESTING

Before a driver performs safety-sensitive functions for the County, the driver must undergo testing for controlled substances. Persons applying for a position requiring a CDL will be subject to drug testing after being given a conditional offer of employment. Applicants who fail either test will be informed that the offer of employment is withdrawn. The County is responsible for the cost of this test.

B. POST-ACCIDENT TESTING

As soon as practicable after an accident involving the loss of life or the issuance of a moving traffic violation, the driver of the commercial motor vehicle will be tested for use of alcohol and controlled substances. The driver must remain available for the test. If the driver is not available for the testing the County will consider the employee to have refused to submit to the test. The County is responsible for the cost of this test.

C. RANDOM TESTING

Under section 382.05 all safety-sensitive CDL holders will be subjected to random alcohol and drug testing. All drivers are in the section pool and may be subject to repeat testing. Random selection is required to be done without bias and must include all persons whether previously tested or not. The County has presently contracted with a private entity for their random selection and testing. All random selections will be completed and an appointed contact person within the County will be notified of the date for random testing. All random testing unannounced and reasonably spread through out the year. Testing will be completed as soon as possible after the employee is notified of a pending test. An employee will never receive prior notice of the testing date and time. Any medical condition restricting the driver's ability to perform the duties of a urine drug test must be documented by a medical physician and recorded in that employee's personnel file.

D. REASONABLE SUSPICION TESTING

Drug and alcohol testing will be conducted when a trained supervisor or department official observes behavior or appearance that is characteristic of alcohol or drug misuse. The County is responsible for the cost of this test.

E. RETURN TO DUTY TESTING

After a driver has tested positive for alcohol or controlled substance use, the driver will be tested before the driver returns to duty. The return to duty test for alcohol must be considered negative under the standards in 49 CFR 382 et seg for alcohol concentration. The return to duty test for controlled substances must result in a verified negative result for controlled substance use. The driver is responsible for the cost of this test.

F. FOLLOW – UP TESTING

A driver will be subject to unannounced follow-up testing if the County or substance abuse professional determines that the driver needs assistance with alcohol misuse or use of controlled substances. The driver will be subject to unannounced follow-up testing after the employee has returned to duty. The driver will be tested at least six (6) times in the first 12 months after the driver returns to duty. The follow-up testing may be extended for up to 60

months following return to duty. The driver is responsible for the cost of each follow-up test.

4) Procedures

A. TEST PROCEDURES

Drugs for which tests will be conducted are marijuana, cocaine, amphetamines, opiates, and phencyclidine (pcp). Urine specimens will be used to test for these drugs. Specimen collection, handling, and testing procedures will be conducted according to the U.S. Department of Health and Human Services (DHHS) and the National Institute for Drug Abuse (NIDA) guidelines. To ensure the accuracy of drug test results, the County will utilize independent laboratories that conform to DHHS and NIDA guidelines.

To ensure accuracy of alcohol test results, tests will be conducted using testing devices approved by the National Highway Traffic Safety Association (NHTSA). The tests will be performed by a trained and certified breath alcohol technician. If the alcohol concentration is positive under the 49 CFR 382 et seq, a second confirmation test will be conducted. This confirmation test results determine any actions to be taken.

All positive drug tests will be reviewed by a medical review officer, who is a licensed physician with knowledge of substance abuse disorders. The medical review officer will interpret and evaluate the results of each test, along with relevant medical information about each employee, to determine whether or not a positive test resulted from illegal drug use.

5) Refusal to submit and the consequences

Any employee who refuses to take a required test, fails to report for a test when scheduled, or fails to successfully complete a required rehabilitation program will be terminated.

6) Consequences for Violations

The following will be used as a guideline for disciplinary actions resulting from drug and alcohol use by employees in safety sensitive positions as defined by USDOT and FHWA Regulations.

**ALCOHOL – MISUSE**

- A. Employees convicted of DUI while operating a County vehicle will be terminated.
- B. DUI Conviction with work permit issued:
  - a. Must complete County imposed or Court recommendations prior to return to work.
- C. DUI Conviction with Loss of License:
  - a. Less than 45 days – refer to Substance Abuse Professional and Reassignment or Leave without pay (LWOP)
  - b. More than 45 days – Termination.

<u>D. Type of Test</u>	<u>1<sup>st</sup> Positive</u>	<u>2<sup>nd</sup> Positive</u>	<u>3<sup>rd</sup> Positive</u>
Random	Refer to SAP	*LWOP or Termination	Termination
Reasonable Suspicion	Refer to SAP	*LWOP or Termination	Termination
Return to Duty	N/A	Termination	N/A
Follow-up	N/A	Termination	N/A
Post- Accident	Termination	N/A	N/A

Criteria for determining discipline:

- Time frame since first offense (under 1 year termination)
- Performance record (marginal or poor performance termination)

E. Employees who test between .02 and .039 will be subject to the following:

1. 1<sup>st</sup> Offense – 1 workday or 24 hour period leave without pay.
2. 2<sup>nd</sup> Offense – Leave without pay of 2 to 5 days plus referral to a Substance Abuse Professional
3. 3<sup>rd</sup> Offense – Termination

F. Scheduled on-call employees who are unable to respond to call back due to alcohol consumption:

1. 1<sup>st</sup> Offense – Verbal warning noted to personnel file
2. 2<sup>nd</sup> Offense – Written Reprimand
3. 3<sup>rd</sup> Offense – Leave without pay of 1 to 5 days
4. 4<sup>th</sup> Offense – Termination

**Drugs – On the Job**

A. Employees who test positive for drugs on the job will be terminated.

<u>B. Type of Test</u>	<u>1<sup>st</sup> Positive Test</u>
Random	Termination
Reasonable Suspicion	Termination
Return to Duty	N/A
Post Accident	Termination

C. Employees who fail a test will be informed of the results of their test. Employees who fail a test will be required to comply with all specified consequences as a condition of their continued employment.

## **2.21 WEATHER OR FACILITY RELATED CLOSING POLICY**

**Effective Date: 12-9-2003, 7/6/2004, 1/8/2008**

It is the objective of Davison County to maintain the safety and welfare of Davison County Personnel as well as the Public. In cases when it is evident that due to weather related conditions or facility problems it will be dangerous for employees or the public to travel or to utilize a facility, Davison County Offices and facilities may be closed. A closing due to facility problems will only pertain to those facilities affected. All other facilities and offices will remain open for regular operations.

During adverse weather conditions, it shall be the responsibility of the Sheriff's Office and the County Highway Office to contact the Chairman of the Board (or his/her designee – See Board of Commissioners Section) between 6am & 6:30am to advise them of travel conditions and any "No Travel" advisories issued. When experiencing facility related problems, it shall be the responsibility of the Maintenance Office to notify the Chairman of the problem pursuant to the same timeline.

A determination to close a facility or facilities will be made by order of the Chairman of the Board of Commissioners (or his/her designee – See Board of Commissioners Section). This determination, when possible and feasible, will be made and communicated to the office supervisors by 7:00am. This determination will also be communicated and announced on local radio stations. Employees should listen to the local radio stations for announcements concerning weather related closings. Supervisors will be responsible for notification of their employee's.

Public safety offices, such as the Sheriff, Jail, Emergency Management, and Highway, being established for the purpose of public safety, will remain open to continue serving the public. The Maintenance Office may also be required to maintain operations due to snow removal or facility problems associated with the closure. It is the duty of the Supervisor of these offices to determine the employees needed in order to maintain efficient operations.

Employees (those required to work) shall only be paid their regular rate of pay. All other employees (those NOT required to work) will not be paid, but may use accrued vacation time, or make up the lost time if approved by their supervisor.

### **Phone Notification Procedure**

Chairman calls:

Auditor  
Emergency Management Director  
Balance of Commissioners

Auditor calls KORN Radio &:

Treasurer  
Register of Deeds  
Equalization Director  
Veterans Service Director  
Extension / Weed Supervisor

Emergency Management Dir. calls KMIT Radio &:

Sheriff  
County Highway Superintendent  
Maintenance Coordinator  
State's Attorney  
County Nurse

## **2.22 TRAVEL POLICY**

**Effective Date / Review Date: 7/6/2004 / 1/1/2005**

All “non-routine” work-related travel, such as district meeting attendance, conventions etc., must have prior approval of the County Commission although travel within Davison County & not over night travel can be approved by department head. Day to day routine travel such as inmate transportation, etc. is understood as a department function. It is also the understanding of Davison County that unforeseen emergencies may arise which may constitute travel for the Emergency Management Department without giving emergency management personnel ample time to get formal approval.

### **APPROVAL**

Regardless of how the travel is authorized the usual review and approval of expenses incurred will be made by the County Auditor and the County Commission before payment is made. The County Commission will regulate county travel; questions regarding interpretation of those regulations should be referred to the County Auditor’s office.

Employees shall accomplish county travel by whatever method is most Economical and Practical to the county with consideration given to time requirements and the destination of travel. Employees are encouraged to travel together whenever possible on joint county business.

### **MEALS ALLOWABLE**

Meal expenses are not considered an allowable business expense unless the business trip is overnight. Allowable meal reimbursements require meal receipts and are paid in accordance with Title 5.

**Meals will be reimbursed in accordance with Title 5, Administrative Rules of South Dakota. Section 5-01-02-11 (Out of State) and, Section 5-01-2-14 (In State).**

Meals and lodging will be a reimbursable expense for out of county travel only. This expense will not be allowed as a normally incurred expense during in-county employee service. No more than the maximum per day (as reflected by state rates) will be reimbursed. Receipts must accompany reimbursement request.

These rates reflect state rates as noted in Title 5, Administrative Rule of South Dakota, Section 5-01-02-11 (Out of State) and Section 5-01-02-14 (In State).

	<u>In State</u>	<u>Out of State</u>
<b>Breakfast</b>	\$5.00	\$8.00
<b>Lunch</b>	\$9.00	\$11.00
<b>Supper</b>	\$12.00	\$17.00

**MILEAGE RATE ALLOWABLE:**

Any Individual seeking mileage reimbursement from Davison County shall be reimbursed In accordance with Title 5, Administrative Rule of South Dakota. Davison County will reimburse eligible individuals for qualified mileage at the current State Rate of .37 cents per mile for elected and appointed officials (effective 7/1/07) and .40 cents per mile for county employees for the use of a private or personal vehicle while on official county business.

**LODGING:**

In-State and Out-of-State: Single rate shall be at the going market rate for reasonable accommodations, not to exceed the lowest rate available for that lodging facility. County employees shall ask for "State Discount Rates" when registering.

**ADDITIONAL POLICIES:**

- **Travel Advance:**

A travel advance is NOT available to any county employee required to travel on county business.

- **Travel Vouchers:**

All travel vouchers for payment shall be submitted to the County Auditor's office no more than 90 days after travel during normal voucher cycle. No claim will be accepted that is not completed properly. The reason for the trip and dates must be noted along with the documented expenses on a Request for Payment Voucher.

- **Proof of Expense:**

Receipts are required for all reimbursable expenses requested including meals.

## **2.23 USE OF PRIVATELY OWNED AUTOMOBILE ON OFFICAL BUSINESS**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

In lieu of actual transportation expenses, an employee shall be reimbursed in accordance with Title 5, Administrative Rule of South Dakota, Section 5-01-02-01 for use of a privately owned automobile on official business only if a county vehicle cannot be used.

If employees are traveling to the same destination and a county vehicle is available and the employee chooses to drive own vehicle, then the employee will not be reimbursed for mileage.

All employees authorized to utilize privately owned vehicles for Official use will be responsible for maintaining a valid SD Drivers License, their vehicle in a safe operating condition and retaining automobile liability insurance for bodily injury and property damage on the vehicle they will be driving for at least the minimums required by the State of SD.

Davison County is not responsible for damage to your personal automobile when you are using it for County business.



**2.24 AUTOMOBILE RENTALS AUTHORIZED**

**Effective Date / Review Date: 7/6/2004**

Regularly scheduled rates by rent-a-car services will be an allowable charge for transportation for county business when either county or privately owned vehicles are not available.

The department head must approve the automobile rental prior to the commencement of the travel. The department head will normally approve the rental of a compact car for two or less county employees, a mid-size car for four or less employees, and a full-size vehicle for six or more employees.

**2.25 COMMERCIAL, PRIVATE OR CHARTER AIRTRAVEL**

**Effective Date / Review Date: 7/6/2004**

This travel by airplane shall be allowed only if prior approval of the Board of Commissioners. Exception to this would be if the Sheriff's Department needs to deliver a prisoner & cannot be done by auto or it is more economical to use Airplane.

**2.26 REGISTRATION FEE**

**Effective Date / Review Date: 7/6/2004**

Registration fees will be reimbursed to employee if paid directly or preferably county will pay directly to the vendor.

## **2.27 VEHICLE ACCIDENTS**

**Effective Date / Review Date: 7/6/2004**

If you are involved in a motorized vehicle or equipment accident during work hours or while engaged in performing services for county, you are responsible for making a report of the accident as soon as possible to your supervisor or department head. You are also responsible for cooperating fully with any accident investigation conducted by the county or its representatives.

Your supervisor or department head **shall inform the commissioners at the next regularly scheduled Commission meeting** and consider the nature and seriousness of the accident and any other information available at the time of reporting. If the supervisor or department head has any reason to believe that you may have been under the influence of intoxicating beverages, nonprescription drugs or other controlled substances at the time of the accident, or if the circumstances of the accident could give rise to such an allegation, you may be required to undergo a drug and alcohol screening. Arrangements for such testing shall be made by the supervisor, department head or other county representative, and the expense of such testing shall be borne by the county. A positive test can result in discipline up to and including discharge.

**Failure to report an accident** or to cooperate fully in an accident investigation can result in disciplinary action, up to and including immediate discharge. If the test results indicate that you were in violation of the county's Alcohol and Drug Usage policy, appropriate action will be taken under the provisions of that policy.

## **2.28 WORK PLACE SAFETY**

**Effective Date / Review Date: 8/1/2006**

Workplace safety is a priority for Davison County, not only for our employees but for those we serve. A successful safety program depends on everyone being alert and committed to safety.

As an employee of Davison County, you are expected to obey all safety rules and policies and be careful at work. You must immediately report any unsafe condition to the appropriate supervisor. If you violate a safety standard, you may be subject to disciplinary action, up to and including termination of employment.

It is very important that you tell the appropriate supervisor immediately about any accident that causes an injury, no matter how minor it might seem at the time.

### **Hazardous Materials**

As an employee of Davison County, you have certain rights regarding the use of hazardous materials in the workplace. Davison County will provide you with information regarding the following:

- What chemicals are used in the workplace (MSD Sheets)
- Where the chemicals are located.
- Physical and health hazards associated with the chemicals.
- Protection measures that must be taken to prevent exposure.
- What to do in case of exposure to the chemicals.

For additional information on hazardous materials in the workplace consult with your supervisor.

### **First Aid**

In the event of a life threatening emergency, call 911.

If an accident or illness should occur, no matter how slight, notify your supervisor immediately so that appropriate medical treatment can be administered.

With the number of reported cases of AIDS and other blood borne pathogens continuing to rise, it is imperative that employees take extreme care in case of an accident. The transfer of any body fluid (blood, saliva, urine, etc.) may pass on a blood borne pathogen. Use caution to avoid contact with these body fluids. Each first aid kit contains protective gloves, please be sure to wear them. If this is not possible, use a strong disinfectant to clean up afterwards and report the incident to your supervisor.

**CHAPTER #3**  
**EMPLOYMENT**

- 3.1 Equal Opportunity Employer
- 3.2 Clothing Policy
- 3.3 Personnel Records
- 3.4 Change of Employment Data
- 3.5 Personnel Record Retention
- 3.6 Employee Classifications
- 3.7 Orientation Period
- 3.8 Residency
- 3.9 Nepotism
- 3.10 Hours of Work
- 3.11 Job Description
- 3.12 Time Records (*Attachment*)
- 3.13 Workers Compensation
- 3.14 Unemployment Insurance
- 3.15 Health & Life Insurance
- 3.16 Continuation of Coverage -COBRA
- 3.17 Overtime
- 3.18 Flex Time
- 3.19 Social Security
- 3.20 South Dakota Public Employee Retirement System
- 3.21 Longevity
- 3.22 Performance Evaluations
- 3.23 HIPPA

**3.1 EQUAL EMPLOYMENT OPPORTUNITY**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

The county is an "Equal Opportunity Employer". No employee shall suffer discrimination because of race, color, creed, sex, ancestry, national origin, religion, age, handicap, disability, marital status, union, non-union, sexual orientation, life threatening illness or disease, or political affiliation. Moreover, under Title I of the Americans with Disabilities Act, we are prohibited from unlawful or discrimination against employees or job applicants with disabilities when making employment decisions. We will provide reasonable accommodation that does not place an undue hardship on our business.

Persons are selected for hiring, training, promotion, or other employment opportunity on the basis of qualifications including such items as ability, availability, capability, aptitude, work performance experience, education, and willingness to work. Pursuant to law, the county does give preference to those persons who apply and qualify for veterans' preference.

If you believe you have not been treated in accordance with this policy, contact your supervisor, department head, or the Auditor's Office. You are also invited to self-identify any of the above-mentioned status as they apply to you.

### **3.2 CLOTHING POLICY**

**Effective Date / Review Date: 7/6/2004**

As an employee of Davison County you are expected to maintain a clean, neat, professional personal appearance. It is the responsibility of the Department Supervisor's to establish a **professional, job appropriate standard** for their department.

Davison County asks that all County Employees who have purchased clothing themselves and have placed the Davison County name on this clothing use appropriate discretion and recognize they are representing the County.

It is the policy of Davison County, with a few delineated exceptions, that the county shall not allow any clothing allowances or cleaning allowances for employee clothing.

*The limited exceptions to the above policy are as follows:*

- The county will provide protective safety orange clothing on jobs where such protective safety clothing provides the necessary protection against contact with materials injurious to health and to preserve the employee's safety.
  - \*It is not the intent to provide clothing where ordinary dirt and materials incidental to the job are involved or where by custom the employee provides his/her own clothing;
  - \*It is the employee's responsibility to maintain the clothing in good order and request replacement of any clothing which may be damaged;
- The Davison County Sheriff's Department;
- A department which mandates that its employee's wear a specific uniform while at work. These employees must be ones where the standard in other similar positions with other employers is to wear uniforms. The uniforms must be ones not generally capable of being worn as common clothing while not on the job.
- If any department of county government desires a clothing allowance under one of the exceptions, it must first develop a clothing policy for its employees and receive approval of the County Commission prior to instituting such clothing allowance.
- There shall be no cleaning allowance for clothing worn by Davison County employees whether such clothing is the employees or provided by the county.
- Any payment for clothing allowance to any employee shall be based upon a receipt for the clothing submitted through the proper channels. There will be no cash advances.



### **3.3 PERSONNEL RECORDS**

**Effective Date / Review Date: 7/6/2004**

It is the policy of the county to maintain accurate and updated information on each county employee in its personnel files. The personnel file may include, but is not limited to the following:

- Employment Application (see appendix)
- Letters of commendation and/or references
- Payroll deduction authorizations
- I-9 and W-4 forms
- Leave and absence slips
- Disciplinary actions
- Termination or discharge record
- Previous positions held with the county and rates of pay
- Work hour records
- Overtime records
- Performance appraisals

The county auditor shall be responsible for maintaining all personnel records. In the absence of the county auditor, his/her designee shall assume responsibilities for such personnel records.

Davison County recognizes that Department Heads may maintain unofficial documents, such as emergency contacts, copies of time sheets etc., however, all personnel actions will only be based on documentation held within the official personnel file maintained by the County Auditor.

All employee records whether official or unofficial are confidential. Such records shall be accessible only to the individual employee, and the decision-making authority affecting the individual employee's employment status.

The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the county auditor. The employee will make the file available to the employee's representative only upon express written authorization.

No written incident report or records of disciplinary action shall be placed in an employee's personnel file unless the county first advises the employee of its intent to enter such documentation into the file and affords him/her an opportunity to read and sign such material. Signing does NOT imply agreement, only that the contents have been made known to or discussed with the employee.

The employee shall have the express right to submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

**3.4 CHANGE OF EMPLOYMENT DATA**

**Effective Date / Review Date: 7/6/2004**

It is the employee's responsibility to inform the county auditor of any changes in name, address, telephone number, or withholding status. An employee must immediately report any of the above or other pertinent changes. Intentional failure to report such information is grounds for disciplinary action.

**3.5 PERSONNEL RECORD RETENTION**

**Effective Date / Review Date: 7/6/2004**

Personnel records are maintained in accordance with the records retention and destruction manual for counties published by the State Bureau of Administration. The county permanently keeps an employee's name, social security number, dates of employment, positions held and salary history, all of which are listed in the county's employment history index.

### **3.6 EMPLOYEE CLASSIFICATION DEFINITIONS**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

As an employee of the County, you are probably in one of the following classifications:

- **Full Time:** A full-time employee is regularly scheduled to work 40 hours per week over the course of a year.
- **Part Time:** A part-time employee is scheduled to work hours as needed per pay period. (not to exceed 32 hours per week)
- **Seasonal/Temporary:** A seasonal/temporary employee is hired either for a particular event or for a specific time period.

Part-time and Seasonal/Temporary employees are NOT eligible to participate in any fringe benefit program available to full-time employees.

**3.7 ORIENTATION PERIOD**

**Effective Date / Review Date: 7/6/2004**

During the first months of your employment, you will be evaluated regarding your adjustment to your new work, your punctuality, attendance, cooperation and your ability to perform the job assigned to you. At the same time, you will have the opportunity to decide whether you like your new job surroundings. This time is referred to as the Orientation Period.

If, at the end of your Orientation Period, the county determines that you have met the qualifications of the job, you will be classified as a full or part time employee, with your anniversary date being the original date of hire. If you or the county determines that you are not capable of performing the duties of the position, your employment may be terminated during or at the conclusion of the Orientation Period.

For most county employees, the orientation period is six (6) months from the original date of hire. Some departments however, may require extending the time frame due to additional training, possibly up to an additional six (6) months.

**3.8 RESIDENCY**

**Effective Date / Review Date: 7/6/2004**

In the event that there are two or more applicants with equal qualifications for a particular job with the county, preference shall be given to the applicant who is a resident of Davison County.

### **3.9 NEPOTISM**

**Effective Date / Review Date: 7/6/2004**

County employees shall not supervise or be supervised by a close family member nor shall any close family member of a Davison County Commissioner be hired during their tenure.

“Close family member” for the purpose of this policy includes your parent, spouse, spouse’s parents, child, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, step brother, step sister, step parent, or other domestic co-habitants.

“Supervise” includes an immediate supervisor or administrator.

Personnel employed on or before the effective date of this policy and are in violation of nepotism shall not be covered by the provisions of this policy.

### **3.10 HOURS OF WORK**

**Effective Date / Review Date: 7/6/2004**

The County's pay period shall run from 12:01am Saturday to 12:00midnight Friday every two weeks.

The County's normal workweek consists of forty (40) hours including leave days (sick, vacation, etc.), exclusive of the lunch periods, with the days of workweek determined by your department head. There may be times when this schedule will have to be extended, diminished or adjusted in order to better serve the citizens of the county.

Normally, there is an unpaid lunch break. This lunch period is usually taken after four (4) hours of work. This time frame and the length of lunch period may vary based upon factors in the department, such as workload.

In addition to your lunch period, there is normally a fifteen (15) minute paid break period in the morning and afternoon as work conditions permit.

Taking a period longer than the time allowed for lunch, breaks or cleanup can result in disciplinary action up to and including discharge.



### **3.11 JOB DESCRIPTION**

**Effective Date / Review Date: 7/6/2004**

When you are hired you will be told what is expected of you and what your job will be. Discuss your job description with your supervisor so that you understand your duties and responsibilities. It is important that you become aware of any additional training, education or experience required for your new job.

The department of the county for which you work may also have rules, policies and procedures with which you are required to comply, which will not supersede this manual.

### **3.12 TIME RECORDS**

**Effective Date / Review Date: 7/6/2004**

The county is required by law to keep accurate records of time worked for all hourly employees. The time keeping system works not only to ensure compliance with the law but also to assure all of the employees that they will be paid for all hours worked.

If you are an hourly or salary employee you must keep an accurate record of your time. Because each department of the county works differently, your supervisor will instruct you as to your time sheet or card and applicable forms. In all instances however, marking another employee's time record or falsifying time records is prohibited. Engaging in such activity will result in disciplinary action against you up to and including immediate discharge.

All full-time and part-time employees shall be required to complete a 2-week pay period time sheet or time card. All time sheets or time cards shall be signed by the employee and the Department Supervisor or their designee. Elected Officials and Deputy States Attorney shall not be required to fill out time sheets.

All time sheets shall be turned into the payroll clerk in the Davison County Auditor's office NO LATER THAN 9:00AM on Monday, following each two week pay period.

Pay for all Davison County Employees shall be deposited directly into the account or accounts specified by you on Friday following the end of each two-week work period or Thursday in the event a Holiday falls on a Friday.

If time sheets are not turned into the Auditor's office by the specified time, your pay WILL NOT be processed on the established payday but will be processed on the next payday. No processing of your pay will be performed without a time sheet properly filled out and signed with the required signatures. The Department Supervisor or their designee may sign on behalf of their employee in the event the employee is unable or incapacitated. Pay will be processed every two weeks, if all the proper requirements are met. (See Attachment for time-sheet example)

### **3.13 WORKERS COMPENSATION**

**Effective Date / Review Date: 7/6/2004**

If you are injured on the job, you may be covered under Workers' Compensation laws. Workers' Compensation is provided to all employees and entirely county paid. The amount of compensation will be determined by the insurance company subject to the approval of the South Dakota Department of Labor and South Dakota Law. Davison County encourages that employees use the provider contracted with if applicable. If you choose however, to use another physician it is the injured employee's responsibility to contact the county auditor's office to get the proper paperwork that will need to be completed by the physician and returned to the auditor's office. **Report your injury to your supervisor immediately** or as soon thereafter as practical so that he or she may complete the proper forms necessary to secure any available benefits.

**All injuries, regardless of severity, must be reported within 24 hours to the county auditor.** If you fail to promptly report an injury, it could result in loss of benefits and disciplinary action being taken against you.

### **3.14 UNEMPLOYMENT INSURANCE**

**Effective Date / Review Date: 7/6/2004**

Your unemployment insurance benefits are paid entirely by the county. They enable an employee who is laid off or is physically unable to work to draw unemployment compensation.

Further information concerning these benefits may be obtained from your local state employment office.

### **3.15 HEALTH AND LIFE INSURANCE COVERAGE**

**Effective Date / Review Date: 7/6/2004 / 12/7/2004, 8/1/2006**

A hospitalization/medical and major medical plan is offered to all full-time employees.

The county pays a percentage of the premium of your health insurance coverage. For your dependents, 50% is paid by you and matched 50% by the county. Rates, coverage and cost-share are subject to renewal and review yearly.

For the benefit of our employees, Davison County has instituted a Section 125 Plan. This plan allows employees who contribute toward the cost of their health insurance to pay on a pre-tax basis. Participants in the plan are able to reduce their actual out-of-pocket costs; your savings will vary depending on your particular tax bracket. Election forms for the 125 Plan are available every year during the open enrollment period. Please contact the Auditor's Office for more information regarding the 125 plan.

Full details of the group insurance plan are contained in the insurance certificate booklet and can be obtained from the Insurance Carrier. The extent and nature of the coverage available is dependent upon the policy in effect.

Coverage is effective on the first month following 30 days of employment. Premium deductions will start 30 days prior to effective date. Your decision to enroll in the insurance policy must be made within your first month of employment with the county in order to avoid underwriting, or wait until the annual enrollment date.

For information on the termination date of coverage and available COBRA coverage upon separation from County Service, contact the Auditor's Office.

For information regarding Life Insurance information, contact the Auditor's Office.

The County reserves the right to amend or terminate any of these programs or to require increases in employee premium contributions toward any benefits at its discretion.

### **3.16 CONTINUATION OF COVERAGE – COBRA**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

Under Federal law – *Consolidated Omnibus Budget Reconciliation Act (COBRA)*, you may have the right to continue coverage of your group medical insurance plan if you are separated from employment. *Some qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.* In order to exercise this right, you must notify the county of your desire to continue within thirty (30) days. If you elect to continue coverage, you must pay the cost of your premiums. Questions regarding your rights to continuation of coverage should be directed to the County Auditor.

### **3.17 OVERTIME**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

For all hours worked in excess of forty (40) hours during an employee's workweek. The county will pay the employee in accordance with the federal Fair Labor Standards Act ("FLSA").

All overtime must be authorized by the employee's immediate Supervisor prior to the working of such hours except in emergency situations. Overtime is to be authorized only if the work cannot be otherwise done during normal work hours. Insofar as possible, the opportunity to work overtime shall be distributed as equally as practical among the employees in each department. Accrual of overtime without prior authorization may result in disciplinary procedures.

**Department heads, county officials, and professional employees** are paid a salary. As salaried employees within the definition of the FLSA, they are expected to perform all work and expend all hours as may be necessary to fulfill the obligations of the job position held. Such salaried employees shall not receive additional pay or compensatory time off for hours worked in excess of forty (40) hours during an employee's workweek.

**Law enforcement Officers (Deputy's)**, overtime hours will be paid for over 171 hours in a 28-day work period. Over-time pay is given only on hours worked. You do not count such hours as Holiday, Vacation, or Sick hours to compute overtime hours, if you did not work those days.

**All other employees** shall be paid at the rate of one and one-half (1-1/2) times the employee's straight time hourly rate of pay at the actual hours worked. You do not count such hours as Holiday, Vacation, or Sick hours to compute overtime hours if you did not work those days. You will be compensated for all hours worked in addition to any hours such as Holiday, Vacation, or Sick you are entitled to at straight time rate unless overtime applies.

**3.18 FLEX TIME**

**Effective Date / Review Date: 7/6/2004**

The county commission reserves the right to authorize flexible work hours within the pay period in situations where it is appropriate or necessary. Employees must still adhere to the standard 40-hour workweek unless overtime has been approved by their supervisor.



### **3.19 SOCIAL SECURITY**

**Effective Date / Review Date: 7/6/2004**

The county matches your personal contribution under the Federal Insurance Contributions Act (Social Security) for old age disability and survivors insurance and certain circumstances, for your dependents in the event of your death.

Your share of this contribution is handled by payroll deductions. Details of the social security plan may be obtained from the local social security office.

### **3.20 SOUTH DAKOTA PUBLIC EMPLOYEES RETIREMENT SYSTEM**

**Effective Date / Review Date: 7/6/2004**

If you are a full-time employee, you are covered under the retirement plan known as the South Dakota Public Employees' Retirement System. Your participation begins on the date of your first contribution. Please ask your supervisor for details.

You and the county share the cost of your retirement benefits by contributing a percentage of your annual salary to the system. Each year, the total contribution will equal a percentage of your gross annual wages matched by the county. Your contributions are deducted from your paycheck each pay period.

A complete manual outlining the retirement system is provided to you upon contacting South Dakota Retirement System office in Pierre, SD.

Seasonal/temporary and part-time employees do not qualify for participation in the retirement plan.

**3.21 LONGEVITY**

**Effective Date / Review Date: 7/6/2004**

Longevity only applies to County employees classified as full-time (See Employee Classifications Chapter #3). Longevity is a way that employees are recognized for their years of loyal service, and also, a way of rewarding those who have reached the top of the pay scale.

In order to receive your longevity pay you must have worked those months consecutively, therefore if an employee goes on a leave of absence (meaning: not using any sick or vacation time) that employee would receive longevity pay at a prorated percentage reflecting the leave of absence.

After 5 years, an annual longevity award will be made to all employees on the following scale.

5 Years	\$100	16 Years	\$500	27 Years	\$1050
6 Years	\$120	17 Years	\$550	28 Years	\$1100
7 Years	\$140	18 Years	\$600	29 Years	\$1150
8 Years	\$160	19 Years	\$650	30 Years	\$1200
9 Years	\$180	20 Years	\$700	31 Years	\$1250
10 Years	\$200	21 Years	\$750	32 Years	\$1300
11 Years	\$250	22 Years	\$800	33 Years	\$1350
12 Years	\$300	23 Years	\$850	34 Years	\$1400
13 Years	\$350	24 Years	\$900	35 Years	\$1450
14 Years	\$400	25 Years	\$950	36 Years	\$1500
15 Years	\$450	26 Years	\$1000	37 Years	\$1550

### **3.22 PERFORMANCE EVALUATIONS**

**Effective Date / Review Date: 1/20/2004, 7/6/2004**

Performance evaluations are designated to provide the employee with a record of his/her performance, to encourage professional growth, and to promote communication between the supervisor and employee. The employee's immediate supervisor will conduct the performance appraisal. A performance appraisal will be conducted during the employee's training period (at the mid-point or at the conclusion of the orientation period) and once a year, on or approximately 1 month prior to their anniversary date of employment, thereafter. (See Orientation Period) Any unsatisfactory evaluations shall be reviewed again within 60 days.

The performance evaluations are to be structured to each employee's position. The purpose of the evaluation is to commend strengths, address weaknesses, and suggest ways to improve, and discuss employee goals and objectives. Each employee shall have at least one evaluation report annually. The report shall be completed by the employee's supervisor, signed by the employee, and forwarded to the Auditor for placement in the official personnel file. A copy of the evaluation is provided to the employee. After each appraisal, the supervisor shall interview the employee to explain the evaluation, commend the employee for exceptional work, and to explore with them where necessary, ways by which they might improve.

**3.23 HIPAA (HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT)**

**Effective Date / Review Date: 8/1/2006**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits exclusions for preexisting conditions; prohibits discrimination against employees and their dependents based on their health status; guarantees renew-ability and availability of health coverage to certain employers and individuals; and protects many workers who lose health coverage by providing better access to individual health insurance.

The special enrollment rights apply without regard to the dates on which an individual would otherwise be able to enroll under the plan. Special enrollment periods apply to you and/or your dependent(s), if you have a new dependent as a result of marriage, birth, adoption or the placement for adoption (qualifying event). Under these rules, a group health plan is required to provide the opportunity for special enrollment for these individuals should they make the request within 30 days of the date the qualifying event occurred.

If you decline enrollment under Davison County's plan for yourself or your dependents (including your spouse) and state in writing that you and/or your dependents have coverage under another group health plan or health insurance coverage as the reason for declining to enroll you may also have enrollment rights. Special enrollment rights may apply to you and/or your dependents in the event that you and/or your dependents are no longer eligible for this other coverage.

Your plan may offer an Annual Open Enrollment giving you the opportunity to enroll yourself and/or your dependents if you have previously declined/waived coverage for you and/or dependents.

**CHAPTER #4**  
**LEAVE**

- 4.1 Leave of Absence
- 4.2 Family and Medical Leaves of Absence (*Attachment*)
- 4.3 Sick Leave
- 4.4 Sick Leave Transfer
- 4.5 Vacation
- 4.6 Voting
- 4.7 Jury Duty
- 4.8 Military Leave
- 4.9 Emergency Leave
- 4.10 Holidays
- 4.11 Funeral Leave
- 4.12 Administrative Leave

#### **4.1 LEAVE OF ABSENCE**

**Effective Date / Review Date: 7/6/2004**

If it is necessary, for personal reasons or reasons of health, for you to be absent from work for a period greater than three (3) consecutive days, for which sick leave, vacation, holiday or personal leave does not apply, you must apply for a leave of absence. Such a request must be submitted in writing and will then be acted upon by your department head & Commissioners. Your department head will consider any request for leave of absence, not to exceed six (6) months.

Persons failing to return from leave of absence on the scheduled date will be considered to have voluntarily terminated.

Leaves of absence are not encouraged and will be considered only in unusual or emergency situations. Leaves of absences are unpaid.

Request for leaves and requests for extensions of leave will be considered on a case-by-case basis.

The employee may continue their group insurance coverage by pre-paying 100% of the monthly premium charged to the county. Employees must arrange for such continuation of coverage prior to the commencement of the leave without pay. If the employee elects not to continue the group insurance and wants to reinstate the coverage after the leave without pay they will have to prove re-insurability to the insurer if they so require.

## **4.2 FAMILY AND MEDICAL LEAVES OF ABSENCE**

**Effective Date / Review Date: 7/6/2004**

Under the Family and Medical Leave Act of 1993 ("FMLA"), employees who have been with Davison County for 12 months and have worked at least 1,250 hours during the previous 12 months will be eligible for up to 12 weeks of unpaid leave during a 12-month period for any of the following reasons:

1. The birth of a son or daughter and in order to care for such son or daughter.
2. The placement of a son or daughter with you for adoption or foster care.
3. To care for a spouse, son, daughter or parent with a serious health condition.
4. Your own serious health condition which makes you unable to perform your job.

The twelve month period is determined on a "calendar year" basis.

Leaves of absence for pregnancy, childbirth, family care, or an employee's illness or injury which qualify under the Family Medical Leave Act and/or state law, will be granted in accordance with those laws. If any provision of the parties' collective bargaining agreement conflicts with state and/or federal law regarding leaves of absence, the parties agree to comply with state and/or federal law regarding leaves of absence. Employees shall not have any greater rights or benefits than required by state and/or federal law unless specifically provided for in the parties' collective bargaining agreement. Furthermore, the county reserves the right granted it by state and/or federal law even if not specifically set forth in this agreement.

You will be required to take any available leave as part of this 12 weeks.

In case of leave for the birth or placement of a child, you must provide 30 days advance notice, if possible. In most cases, you will be able to provide this notice. However, in rare cases, you may not have 30 days notice. Under those circumstances, you should provide us with notice as soon as possible.

If it is necessary for you to take leave to obtain planned medical treatment, you must make a reasonable effort to schedule the treatment so it does not disrupt the county's operations. You are also required to provide 30 days notice. If there are extenuating circumstances which do not allow for 30 days notice, you must provide notice as soon as possible.

In case of leave due to the serious health condition of you or your spouse, child or parent, you will be required to provide appropriate medical certification (see section 7.2A) This certification must include the date the serious health condition commenced; the probable duration of the condition; and, in the case of your own serious health condition, a statement from a physician that you are unable to perform your job duties. The county may require an additional medical opinion be obtained. This will be at the county's expense. After the county receives the above referenced information, you will receive a written employer response form. (See section 7.2B)

If your leave is to care for a family member, you must provide an estimate of the time you will need.

Upon return from your leave, we will reinstate you to your former position or to an equivalent position. However, certain highly-paid employees may not be returned to their positions. In that event, you will be notified of the county's decision to deny reinstatement to your former position.



If the leave has already begun at the time you receive the notice, you have the option of deciding whether or not to return to work.

Your benefits will not continue to accrue during the period of your leave. However, any group insurance you had prior to leave will continue during the term of your leave on the same basis as if you were not absent from work.

Please note that if you fail to return from your leave, we may recover from you the cost of any premiums paid on your behalf to continue insurance coverage.

It is impossible to cover all aspects of family and medical leave in this handbook. Therefore, when you determine that you will need to take leave under this policy, please contact your department head for additional details.

If these changes in the policy (specific language) conflicts with specific language in union contract, then language in union contract controls.

## **SECTION 4.3        SICK LEAVE**

**Effective Date/Review Date: 10/5/21**

Sick leave will begin to accrue upon the first day of full-time employment at a rate of 3.7 hours per pay period, with a maximum of 960 hours accrued.

Sick leave may be used if the following conditions are met:

- The employee has reported to their department supervisor, no later than thirty (30) minutes before the start of the shift, if possible. Supervisors may require additional time notification, due to the nature of the position.
- After three (3) full working days of consecutive sick leave, a primary care provider's letter will be required to be submitted to the department supervisor, which will then be forwarded to the Human Resources Department to be placed in the employee's personnel file. The department supervisor will also inform the Chairman of the Board of Commissioners of the extended illness. This notification is required for all reasons listed below.

An employee may use accrued sick leave in situations of personal illness, pregnancy and related disabilities, exposure to contagious diseases, required eye and dental care, required medical examinations, or in-house counseling or treatment. For work related injury or illness see workers compensation benefits. (Section 3.13 Workers Compensation).

A maximum of eighty (80) hours per calendar year of Personal/Emergency leave is available to all full-time employees, to be used in certain emergencies.

Personal/Emergency leave may be used to make up the difference in pay for up to 60 days. All Personal/Emergency hours taken are deducted from the accumulated sick leave hours and can be used for the following reasons:

1. Birth or a child or placement of a child for adoption or foster care.
2. Illness or death of a member of the immediate family. Immediate family is defined as: Employee's spouse, parent, spouse's parents, child, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, stepbrother, stepsister, and stepparent. The term also includes the spouse's equivalent of the above. (Also see Section 4.11 Funeral Leave).
3. Volunteer fire or police work.
4. Participation as an emergency rescue squad member.
5. Military Reserve or National Guard service.

Employees, who have had five or more years of continuous full-time service and leave in good standing, will receive a sick leave benefit when they leave Davison County employment, which will equate to \$2.50 for each hour of unused sick leave, up to a maximum of 800 hours.

Employees in the process of retirement and are age 55 or older, please refer to Section 5.3-Separation from County Service, for information on the South Dakota Special Pay Retirement Program.

Contagious Disease

If an employee of Davison County becomes infected by or exposed to a highly contagious disease, either as part of his or her work or outside the workplace, and that infection or exposure could adversely affect the operations of Davison County, the SD Department of Health and/or a Medical Doctor may place the employee into isolation or quarantine for a period of time. During such medically required isolation or quarantine the employee will be allowed to utilize his or her accumulated and unused Sick Leave.

Due to the essential nature of many of Davison County jobs and the possibility that a highly contagious disease could spread quickly to many other employees, every employee is responsible to immediately inform his or her Department supervisor of any medically directed isolation or quarantine. Department Supervisors are responsible to immediately notify the Board of Commissioners so additional control measures can be implemented, if appropriate, to limit further contagion hazard to other employees and to the public.

Because Davison County recognizes that the threat of potentially infectious disease and isolation or quarantine as a result of exposure or infection could occur regardless of the length of time an employee has been employed, if you are a new employee and are still under probation and have not accumulated sick leave or existing employee without sufficient sick leave time accumulated, you will continue to be paid as if you were using earned and accumulated Sick Leave ONLY in such circumstance of isolation or quarantine. Your time in isolation or quarantine precluding your attending work will be tracked and deducted from your future earned and accumulating sick leave at a rate equal to 50% of the rate sick leave is regularly earned and accumulated until the utilized unearned Sick Leave is completely replaced. If you leave Davison County's employment before all unearned and utilized Sick Leave is replaced, such amount as is necessary to replace the balance of unearned and utilized Sick Leave shall be deducted from your final paycheck. Department Supervisors are responsible to immediately notify the Auditor of any probationary employee who is isolated or quarantined as a result of infection by or exposure to a potentially contagious disease. Notification by the employee and by the Department Supervisor are pre-requisites for probationary employees to qualify for use of unearned sick time.

**4.4 SICK LEAVE TRANSFER**

**Effective Date / Review Date: 7/6/2004**

Sick leave transfers will be handled on a case by case basis under the discretion of the Davison County Board of Commissioners.

## **SECTION 4.5 VACATION LEAVE**

**Effective Date/Review Date: 10/5/21**

Vacation leave will begin to accrue upon the first day of full-time employment. Accrued vacation hours may not be used prior to the completion of the orientation period, as explained in Section 3.7-Orientation Period unless a licensed primary care provider has diagnosed that you have transmissible severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or a transmissible variant thereof, and you have exhausted all sick leave allowed to be used under Section 4.3, above, in which case you are eligible to use accrued vacation hours, but only for such diagnosed condition, prior to completing your orientation period.

Vacation leave for full-time employees is calculated in the chart below. This scale is based on the employee's anniversary date (date of hire).

<b>Years of Service Accumulation</b>	<b>Rate of Accumulation</b>	<b>Maximum</b>
Hire date-Completion of 5 years	3.25 hours/per pay period	188
Year 6- Completion of 12 years	4.60 hours/per pay period	240
Year 13+	6.20 hours/per pay period	320

Upon accumulation of more than the maximum hours of vacation leave, hours accrued will automatically be subtracted down to the maximum allowable hours without time being granted for leave. It is the employee's responsibility to ensure that hours are used on a timely basis according to this policy.

When an employee's vacation leave falls on a holiday, such time is not to be subtracted from an employee's vacation leave balance. Vacation leave must be scheduled with the employee's immediate supervisor at the earliest possible time prior to the use of such leave. The County reserves the right, within reason; to disapprove requested time for vacation leave for purposes of maintaining the work force during heavy scheduled work periods. However, the County will make every effort possible to accommodate employee requests for time off. Vacation leave will be granted on a first come first serve basis, based on operational needs.

Upon separation from employment, an employee will be paid for any accumulated vacation leave hours, if they have completed their orientation period. Reimbursement for vacation leave will be at the employee's salary rate per their last day of employment and paid in a lump sum.

Employees in the process of retirement and are age 55 or older, please refer to Section 5.3-Separation from County Service, for information on the mandatory South Dakota Special Pay Retirement Program.

**4.6 VOTING**

**Effective Date / Review Date: 7/6/2004**

Employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to 2 hours to vote. Such time shall be treated as regular work time.

#### **4.7 JURY DUTY**

**Effective Date / Review Date: 7/6/2004**

When you are required to serve on jury duty, as a full-time or regular part-time employee you will be granted the necessary time off with pay. You will be paid by the courts for jury attendance and mileage. You must furnish the county with a certified statement from the court setting forth the dates of jury service and the payment received. You should then turn in to your supervisor the amount of the check less the mileage, and the county will pay you your regular pay.

If you are called to jury duty, you should notify your supervisor immediately so that a suitable work schedule can be arranged in advance. You are required to report the progress of your duty to your immediate supervisor each day.

If you are a seasonal/temporary or part-time employee, you are not eligible for jury duty benefits.



#### **4.8 MILITARY LEAVE**

**Effective Date / Review Date: 7/6/2004**

The county will adhere to all provisions of the Military Selective Services Act, as amended as it applies to the reemployment rights of veterans who have left the employ of the county to perform active duty with the U.S. Armed Forces and who wish to return to the employ of the county upon completion of active duty.

If you are an employee, except a seasonal/temporary employee who is in the ready reserve of the Armed Forces of the United States and who, in order to receive military training with your unit, leaves a position of employ with the county not to exceed thirty-one (31) days you shall be entitled to return to your position with the same status, pay and longevity as when you left. For computation purposes, longevity shall continue during the time of leave.

To be eligible for reinstatement as above stated, you must supply to your supervisor evidence defining date of departure and to the extent reasonably possible the date of return. In addition, you must give evidence of satisfactory completion of such training or duty immediately thereafter and must still be qualified to perform the duties of the position returned to.

It is suggested, however, that if you are subject to this military obligation, you schedule your vacations to coincide with the period of training. In this manner, you would suffer no loss of earnings.

With the exception of short annual training sessions, your insurance coverage will terminate because you are no longer an active, full-time employee of the county. It will be automatically reinstated upon your return to the employment of the county. You could elect to continue coverage per Cobra regulation, where by you pay 100% of the premium

**4.9 EMERGENCY LEAVE POLICY**

**Effective Date / Review Date: 7/6/2004**

The Department head shall have the discretion to grant Emergency Leave regarding other issues that may arise during employment. This leave will either be in the form of Vacation leave or unpaid time.

**SECTION 4.10 HOLIDAY PAY**

**Effective Date 1/1/2022 / Review Date: 10/26/2021**

Davison County recognizes and observes the following as paid holidays for eligible employees.

1. New Year's Day	January 1
2. Martin Luther King Jr. Day	3 <sup>rd</sup> Monday in January
3. President's Day	3 <sup>rd</sup> Monday in February
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	1 <sup>st</sup> Monday in September
7. Native American Day	2 <sup>nd</sup> Monday in October
8. Veteran's Day	November 11
9. Thanksgiving Day	4 <sup>th</sup> Thursday in November
10. Thanksgiving Friday	Friday after Thanksgiving
11. Christmas Day	December 25

And any other day(s) as may from time to time be designated by the County Commission as observed holidays.

The following rules apply to all holidays inclusive of the 11 observed holidays listed above and any others as may be from time to time designated by the County Commission as observed holidays:

1. For all departments other than those which do not close for observed holidays:
  - a. if the observed holiday falls on Saturday the preceding Friday is observed as the paid holiday;
  - b. if the observed holiday falls on a Sunday the following Monday is observed as the paid holiday;
  - c. full-time employees will be paid for 8 hours at their regular rate of pay for such observed holiday;
  - d. part-time employees will not be paid for an observed holiday;
  - e. both full-time and part-time employees are expected to absent themselves from county facilities during the observed holiday; and
  - f. if, due to an emergency, a full-time or part-time employee is required by their department head to work during the observed holiday, then in such event the

employee will be paid an additional amount equal to one-and-one-half times their regular rate of pay for the hours actually worked by them on the observed holiday.

2. For those departments which do not close for observed holidays, and only those departments:
  - a. those employees who are not scheduled to work on the actual date of the holiday will:
    - i. if the observed holiday falls on Saturday observe the preceding Friday as the paid holiday; or
    - ii. if the observed holiday falls on a Sunday observe the following Monday as the paid holiday;
    - iii. full-time employees falling under this paragraph 2., a., will be paid for 8 hours at their regular rate of pay for such observed holiday;
    - iv. part-time employees falling under this paragraph 2., a., will not be paid for an observed holiday; and
    - v. both full-time and part-time employees falling under this paragraph 2., a., are expected to absent themselves from county facilities during the observed holiday.
  - b. full-time employees who perform their regular duties on the actual date of the holiday will be paid for 8 hours at their regular rate of pay for such holiday;
  - c. full-time employees who perform their regular duties on the actual date of the holiday will, in addition to the holiday pay under 2., b., above, be paid an additional amount equal to one-and-one-half times their regular rate of pay for the hours actually worked by them on the holiday;
  - d. part-time employees who perform their regular duties on the actual date of the holiday will be paid an amount equal to one-and-one-half times their regular rate of pay for the hours actually worked by them on the holiday, and no other remuneration for working on an actual or observed holiday; and
  - e. notwithstanding any of the foregoing provisions of this paragraph 2., no employee of any department subject to this paragraph 2. will be paid more than once for any holiday, such limitation being in consideration of the possibility that an employee of a department subject to this paragraph 2. may take, observe, and be paid for a holiday on a Monday or Friday yet be required, due to an emergency or staffing shortage, to work on a Saturday or Sunday which is the actual date of an observed holiday.

If any provision of the parties' collective bargaining agreement conflicts with state and/or federal law regarding holiday pay, the parties agree to comply with state and/or federal law. Employees will not have any greater rights or benefits than required by state and/or federal law unless specifically provided for in the parties' collective bargaining agreement. Furthermore, the county reserves the right granted it by state and/or federal law even if not specifically set forth in the collective bargaining agreement.

**4.11 FUNERAL LEAVE**

**Effective Date / Review Date: 7/6/2004**

In the event of a death in the immediate family, an employee will be permitted to take three (3) days of paid bereavement leave per bereavement. Additional days may be taken as Personal Leave or Emergency Leave, for more information, see those applicable sections. Immediate family is defined as: Employee's spouse, parent, spouse's parents, child, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, step child, step brother, step sister, and step parent. The term also includes the spouse's equivalent of the above. In the event of a funeral of a relative outside the immediate family, or close friend, an employee may take a reasonable amount of annual leave if approved.

**4.12 Administrative Leave**

**Effective Date / Review Date: 8/1/2006**

An employee may be placed on Administrative Leave with or without pay or reassigned for alleged criminal charges pending investigation.

This Leave shall be paid or unpaid and determined jointly by the Department Supervisor and the Board of Commissioners.

If the employee was placed on paid administrative leave and is exonerated or is found innocent of the charges, the employee will be restored to original employment status. If the employee is exonerated or found innocent of the charges, and was placed on unpaid administrative leave, the employee will be restored to original employment status and paid back wages to the date of enactment of the administrative leave.

Reassignment should only be used when an employee's presence at work would not be harmful to the public, interfere with any ongoing investigations, or detract from the integrity of Davison County government.

A Law Enforcement Officer may be placed on Administrative Leave pending an investigation relating to the use of lethal force in the performance of their job or an incident that requires investigation.

**CHAPTER #5**  
**COUNTY PROCEDURE'S**

- 5.1 Hiring Procedures
- 5.2 Pay Increase Policy
- 5.3 Separation from County Service Procedure
- 5.4 Return of County Property
- 5.5 Un-Notified Absence
- 5.6 Retirement Age
- 5.7 Exit Interview
- 5.8 Re-Employment Procedure
- 5.9 Sexual & Other Unlawful Harassment Policy
- 5.10 Employment Misconduct Defined
- 5.11 Disciplinary Action
- 5.12 Drug and Alcohol Abuse Policy and Procedure
- 5.13 Americans with Disabilities Act Procedure
- 5.14 Problem Resolution Procedure
- 5.15 Emergency Procedures



## **5.1     HIRING PROCEDURES**

**Effective Date / Review Date: 7/6/2004**

### **Responsibilities of the County Commission:**

SDCL 7-7-20 authorizes the County Commission, if it deems it necessary, to dispatch business, to fix:

- \*The number of deputies or clerks to be employed;
- \*The time of employment; and
- \*The compensation which they shall receive.

### **Responsibilities of the Elected Official:**

SDCL 7-7-21 gives the officer the authority to appoint and remove clerks and deputies at their pleasure by certification in writing. Reference also those pertinent Chapters of Title 7 "Counties" of SDCL.

### **Responsibilities of the Appointed County Officers:**

The County Commission delegates the responsibility of hiring employees to appointed officers, subject to the policies contained in this section.

#### **Employment:**

- It is the policy of Davison County to be an equal opportunity employer and to hire individuals solely upon the basis of their qualifications and ability to perform the job.
- At all times employment with Davison County is considered to be "at will" and either party may terminate the employer/employee relationship at any time for any reason or no reason at all.
- Davison County requests that any employee ending their service with the County give a two-week notice to their supervisor.
- In the event that there are two or more applicants with equal qualifications for a particular job with the county, preference shall be given to the applicant who is a resident of Davison County.

#### **Policies:**

- All supervisors, including elected and appointed county officers, shall inform the county commission of a job opening prior to advertising.
- Before advertising, the board of commissioners along with the supervisor shall determine the compensation and time of employment for the position being sought.
- The office supervisor shall be responsible for posting such vacant position on the bulletin boards throughout the county or by e-mail announcement distribution to all county offices, so that county employees have "first notice" of all open positions.
- Applications for all county positions will be distributed and collected by the auditor's office and / or the advertising office. A cover letter from the office supervisor explaining the position and giving contact information shall be included with the applications. Any other information required by the office supervisor necessary for processing of the application shall be attached with the application.

- Applications accepted by Davison County may require a cover letter from the applicant, a resume' from the applicant and/or a standard job application. The office supervisor will make this determination and inform the auditor's office.
- The office supervisor will be responsible for collection of all completed applications after the closing date of the advertisement. It is then the supervisor's responsibility to review the applications received to ensure the applicant has provided all necessary information.
- The supervisor shall also ensure that the applicant meets the minimum qualifications for the position opening, check the references of the applicant listed on the application, interview the top candidates for the position and then choose the best qualified applicant for the position.
- If it is the determination by the office supervisor that the most qualified individual for the position possess the qualifications and experience qualifying them for starting in a higher step than the starting step in the Davison County wage and salary scale, the office supervisor will schedule a meeting time with the board of commissioners to discuss the issue.
- If through the application process, no candidate for the position meets the minimum qualifications for the position sought, the office supervisor with the approval of the board of commissioners may hire the best qualified person at a lower classification jointly agreed upon by the office supervisor and the board of commissioners. At this time, the supervisor and the commission may also agree that when a person gains the knowledge and experience necessary to qualify them for the position advertised, the position will be re-classified to that advertised classification.
- Once the office supervisor selects a candidate for employment, the board of commissioners shall be informed of the selection **prior** to notification of the prospective employee. The board of commissioners will then ensure that county policies have been followed in selecting the employee.
- The board of commissioners, upon favorable findings, shall approve the hiring of the employee if the position is in an appointed office and formally recognize the hiring of the employee if the position is in an elected office.
- After approval or formal recognition of the applicant by the board of commissioners, notification of the employee by the office supervisor in written form will take place and only then may the employee begin work for the county.

**5.2 PAY INCREASE POLICY**

**Effective Date / Review Date: 8/1/2006**

The Davison County Board of Commissioners shall have the authority to establish County salaries, pay rates, and fringe benefits.

Approved starting salaries and wages are on-file with the Auditor's Office.

Annually at the first meeting in January, pay increases for personnel, if any, will be determined by the Davison County Board of Commissioners and salaries will be set for all employees.

Increases only occur when an employee has successfully completed the orientation time period for their "Employee Classification" and position, and the employee has received a favorable "Performance Evaluation" from their supervisor.

### **5.3 SEPARATION FROM COUNTY SERVICE**

**Effective Date / Review Date: 7/6/2004**

Voluntary Separation: Written resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by employee. A county employee may resign from county service by giving his/her appointing authority written notice of his/her resignation at least two weeks in advance of their leaving county service. In extenuating circumstances, the appointing authority may accept the employee's resignation as taking effect immediately.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

Any employee terminating their position with Davison County for any reason, if they are 55 years of age or older and if they have accrued \$600.00 or more in sick and vacation benefits, must comply with the mandatory Special Pay Program Unit of the South Dakota Retirement System, as per resolution of the Board, effective July 1, 2006.

Anyone not falling under the criteria for Special Pay Plan would receive accrued vacation and sick leave if applicable. (Please refer to page 73, section 4.3 SICK LEAVE and page 76, section 4.5 VACATION).

**5.4 RETURN OF COUNTY PROPERTY**

**Effective Date / Review Date: 7/6/2004**

County employees are expected to return all county property and keys at the time of their departure from county service. The county reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The county may take further action if necessary to recover county property.

**5.5 UN-NOTIFIED ABSENCE**

**Effective Date / Review Date: 7/6/2004**

If an employee is absent for more than 3 consecutive days without proper notification in accordance with the attendance policy, they shall be considered to have voluntarily resigned their position in county service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of supervisors and Commissioners.

**5.6 RETIREMENT AGE**

**Effective Date / Review Date: 7/6/2004**

There is no mandatory retirement age for county employees. However, all employees must continue to meet the performance requirements for their position.

**5.7 EXIT INTERVIEW**

**Effective Date / Review Date: 7/6/2004**

All employees leaving employment with the county may be requested to appear before the Board of Commissioners to conduct an exit interview. The employee may also request an audience with the Board for purposes of an exit interview. An exit interview is conducted to aid the county in gathering information to help improve the county's working environment and other employment relationships. The employee also needs to meet with the Auditor's Office to be advised of the affect their separation will have upon all benefits they have coming upon separation on employment



## **5.8 RE-EMPLOYMENT**

**Effective Date / Review Date: 7/6/2004**

Employees who previously worked for the county, whose employment terminated, but who are later rehired will be treated as new employees. Re-employment does not include employees who are reclassified or transferred from another position or department of the county.

The following definitions are established to help distinguish between transferred, reclassified and terminated.

1. "Transfer": A transfer may occur within a department or from one department to another to fill a vacant position. Transferred employees do not withdraw any accumulated benefits, such as retirement contributions, sick leave, vacation time, and longevity. Their employment by the county is continuous.
2. "Reclassification": A reclassification occurs within a department when the duties of a position are expanded but not substantially altered, or when specified criteria for reclassification are met reclassified employees do not withdraw any accumulated benefits, such as retirement contributions, sick leave, vacation time, and longevity. Their employment by the county is likewise continuous.
3. "Termination": A termination occurs when the employment relationship is severed, either by the county or the employee. Employees whose employment is terminated are those who choose to withdraw retirement contributions, have the county pay out all vacation pay due and terminate all other benefits, such as sick leave, longevity, and insurance benefits. Their employment by the county has been interrupted, regardless of the number of days.

Under re-employment, all benefits begin accumulating at rates established for new employees. For example, this includes beginning at a zero balance for sick leave and vacation accrual.

County employees who become elected officials (who are not required to participate in South Dakota Retirement System) are exempt from the transferred-terminated policy.

## **5.9 SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY**

**Effective Date / Review Date: 7/6/2004, 8/1/2006**

It is the policy of Davison County that all employees shall have the right to work in an environment free from any form of harassment. Harassment is defined as unwelcome or unsolicited verbal, physical, or sexual conduct that interferes with an employee's job performance or which creates an intimidating, offensive or hostile work environment. Davison County will not tolerate any form of harassment, including sexual harassment.

**All personnel are reminded that each employee is at all times to be treated courteously by fellow employees so that he or she is free from harassment or interference.**

Under this policy, sexual harassment is defined as behavior of a sexual nature which is unwelcome and personally offensive to another person and undermines the integrity of the employment relationship.

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitutes harassment when:

1. By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit sexual advances or refusal to tolerate or participate in unwanted conduct or communication of sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
2. Any conduct or communication of a sexual nature which has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment that may be considered offensive to another employee, including but not limited to:
  - repeated sexual flirtations, advances, or propositions;
  - continual or repeated verbal abuse of a sexual nature;
  - foul language;
  - unwanted physical contact;
  - graphic verbal commentaries about an individual's body or manner;
  - sexually degrading words used to describe the individual;
  - the display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels he/she has been sexually or otherwise harassed or that his/her personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her supervisor, the employee should immediately contact a Commissioner.

Any supervisor or manager who becomes aware of any possible sexual or other harassment shall immediately advise the Commissioners. The county will make a thorough, confidential, and impartial investigation of the complaint. All complaints and investigations will be held personal and confidential. All employees must cooperate with any such investigation. The county will take prompt remedial measures to immediately end the offending action.

Sexual harassment of any kind in the work place is prohibited by Federal and State law, whether committed by supervisory or non-supervisory employees, and will not be tolerated. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by the county under any circumstances.

A complaint of sexual harassment will not have any bearing on the terms and conditions of employment if the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc,

The county will not tolerate sexual harassment of or by any non-employees, such as customers, visitors, or others.

A formal complaint of sexual harassment may be initiated in lieu of, during, or following this informal process as provided by State or Federal law.

All employees, including supervisors and managers, are responsible for reminding employees on a reoccurring basis of this policy, and all are responsible for assuring that this work place is free of sexual harassment.

Violations of the above stated policy by any employer, supervisor, co-worker, or other employee may be cause for immediate disciplinary action

#### **5.10 EMPLOYEE MISCONDUCT DEFINED**

**Effective Date / Review Date: 7/6/2004**

The following is a partial listing of employee misconduct that may result in disciplinary action up to and including immediate discharge. **This list is not intended to completely list all employee misconduct that may result in the above, but rather is provided as a guideline by which employees can judge actions that will not be tolerated by the county.**

- incompetent, inefficient, unreliable, unwilling, or incapable of fulfilling his/her job duties assigned.
- inadequate performance of duties
- neglect of duty
- conviction of a felony or misdemeanor offense or a plea of guilty or non contender and the court grants a suspended imposition of a sentence on an offense which might adversely reflect on or create doubt about the moral character, credibility, or reliability of the employee.
- theft or misappropriation of county property
- insubordination
- failure to observe drug and alcohol policies of the county
- failure to observe harassment policies of the county
- knowing or willful violation of county ordinances
- unauthorized absences
- habitual tardiness
- sleeping/loafing during working hours
- disclosure of confidential information
- offensive or inconsiderate conduct, or use of abusive language in public, or toward the public, county officials or fellow employees while on duty
- personal acceptance or appropriation of any fee, gift, tip or other gratuity or remuneration received solely for the performance of official duties in connection with county employment
- knowing, intentional or repeated falsification of any application for employment or any county record, report or time sheet
- willful alteration, destruction or waste of county property, facilities, equipment or records
- serious or repeated disorderly conduct or horseplay.
- threatening, intimidating, coercing or interfering with supervisors or other employees
- deliberate attempts to injure another employee or fighting on county property while on the job
- unauthorized possession of fire arms, explosives or any dangerous weapons while performing county work
- recklessness resulting in a serious accident while on duty, whether on or off county property

## **5.11 DISCIPLINARY ACTION**

**Effective Date / Review Date: 8/1/2006**

### **Disciplinary Action**

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion or reassignment. The county may, but is not required to, apply these actions progressively.

### **Oral Reprimand**

The supervisor may orally reprimand an employee. This informal disciplinary may be documented on an employee's performance appraisal or referenced in further progressive disciplinary actions.

### **Written Reprimand**

The supervisor may discipline an employee by written reprimand

### **Suspension with or without pay**

The supervisor with approval of the Commissioners may temporarily suspend an employee with or without pay for disciplinary purposes. Suspension shall be for no more than 10 working days.

### **Demotion or Reassignment**

The supervisor with the approval of the Commissioners may reduce an employee's salary, assign the employee to a lower position, or change the employees duties within his/her current position or use any combination of the above for disciplinary purposes.

### **Disciplinary Interview**

Before formal disciplinary actions are taken the supervisor shall:

- Notify the employee in writing of the proposed disciplinary action. The notice shall state the reason(s) for the action, including any prior disciplinary actions and the facts of any other incidents upon which the present disciplinary action is based.
- Hold a disciplinary interview to give the employee an opportunity to present reasons, orally or in writing, why the action shall not be taken.
- Inform the employee in writing of the final decision, effective date of the disciplinary action, and his/her right to appeal such decision to the county commission by filing a written notice of disagreement with the chairman of the board within 5 working days of receiving the response. If the employee fails to appeal the decision within 5 working days the action shall become final.

### **Signing Requirements**

In all cases of formal disciplinary action the employee will be required to sign the written notice of discipline and such notice shall be dated and placed in the employee's permanent personnel file. If the employee refuses to sign the notice, notation to that effect shall be made by the decision-making authority with another county employee or official as a witness. The employee may submit a written statement of response to the disciplinary action which shall be attached to and remain with the disciplinary action in his/her permanent personnel file. Documentation of such discipline may be submitted to the chairman of the board for review.

In all instances in this policy where an employee is required to sign, signing does not imply agreement with the action, only that the contents have been made known to or discussed with the employee.

## **5.12 DRUG AND ALCOHOL ABUSE POLICY**

**Effective Date / Review Date: 7/6/2004**

### **County's Commitment to Drug and Alcohol Free Workplace**

Davison County has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the county will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the county's work force. The county's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of Davison County by preventing unacceptable behavior by its employees that discredits Davison County and its employees.

While the county has no intention of unreasonably intruding into the private lives of its employees, the county does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off the job; involvement with drugs and alcohol can have an impact on the county's goals.

### **Drug and Alcohol Abuse Policies**

Following are the policies of the county regarding drug and alcohol abuse:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the county is proper cause for disciplinary action.
2. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution of an illegal controlled drug or substance while acting in the line of duty.
3. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
4. The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could effect performance and safety on the job are required to make such use known to their supervisor.
5. The illegal use, sale, and possession of controlled drugs or substances while off duty and off county premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related, criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the county's ability to meet it responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

### **Testing for Drugs or Alcohol**

The county may request that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during working hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is

under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individuals for assistance.
2. Information provided by a reliable and credible source with personal knowledge.
3. Direct observation of drugs or alcohol use.
4. Presence of the physical symptoms of drug or alcohol use; (i.e. glossy of blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
5. Possession of substances in violation of the county's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and urine testing by a qualified medical physician or hospital at the county's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the county.

An employee who refuses to consent to drug and alcohol testing when "reasonable suspicion" exists may be subject to disciplinary action.

A positive result from the drug and/or alcohol test confirming the "reasonable suspicion" may result in disciplinary action/

The proper authority is required to detail in writing the specific facts, symptoms, or observations which led to the "reasonable suspicion". This documentation shall be given to the county auditor and placed in the employee's personnel file only if confirmed by the drug and/or alcohol test (see appendix five).

All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other persons, agency, or organization is prohibited unless written authorization is obtained from the employee.

#### Drug to be Tested For

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law:

1. Alcohol, ethyl
2. Amphetamines/Methamphetamines; i.e. speed
3. Barbiturates; i.e. to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital
4. Cocaine, Cocaine Metabolites
5. Benzodiazepines
6. Opiates; i.e. to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
7. Phencyclidime (PCP)
8. THC (Marijuana) Metabolite

#### Employee Responsibilities

1. An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug use. Employees



- called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
2. An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
  3. An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of county equipment.
  4. An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than two (2) days after such conviction.

#### Management Responsibilities and Guidelines

1. Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
2. Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the county.
3. Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.
4. Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the county's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedure set forth in policy 9.
5. Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.
6. Each employee will be given a copy of the county's policy on Drug and Alcohol Substance Abuse.

### **5.13 AMERICANS WITH DISABILITIES ACT**

**Effective Date / Review Date: 7/6/2004**

#### **Grievance Procedure**

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that “no otherwise qualified disabled individual shall, solely be reason of such disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination” in programs or activities sponsored by a public entity.

Davison County has adopted this grievance procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual who believes that he/she or a specific class of individuals with disabilities has been subject to unlawful discrimination on the basis of that disability by Davison County may, by himself or by an authorized representative, file a complaint.

Complaints should be addressed to: Davison County, 200 E 4<sup>th</sup>, Mitchell, SD has been designated to coordinate ADA compliance efforts.

1. A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.
2. The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.
3. Davison County shall promptly conduct an informal, but thorough, investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.
4. A written determination of the validity of the complaint and a description of the resolution shall be issued and a copy forwarded to the complainant no later than 30 days after completion of this investigation. The finding shall include: findings of fact and conclusions of law, a description of a remedy for any violation found, and a notice of the rights available to both the entity and the complainant, including the complainant's right to file a private suit.
5. Files and records of all complaints filed shall be maintained.
6. The complainant may request a reconsideration of the complaint in cases where he/she is dissatisfied with the resolution. The request for reconsideration must be made to the county commissioners within 10 working days of the original findings.
7. Nothing in this grievance procedure shall be construed as preventing an individual from pursuit of other remedies including filing the complaint with any federal agency he/she believes is appropriate or with the U.S. Department of Justice. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

#### **5.14 PROBLEM RESOLUTION PROCEDURE**

**Effective Date / Review Date: 8/1/2006**

Davison County encourages an open, frank, professional atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Davison County Supervisors and Board of Commissioners.

Davison County strives to ensure fair and honest treatment of all employees. We correspondingly expect that supervisors and employees to treat each other with mutual respect.

If you disagree with Davison County rules of conduct, policies, or practices, you can state your concerns through the problem resolution procedure described in this policy. You will not be penalized, formally or informally, for making a complaint as long as you do it in a reasonable and professional manner. You will also not be penalized for using this problem resolution procedure.

If a situation occurs when you believe that a condition of employment or decision that affects you is not fair, you are encouraged to use the following problem resolution steps. You may stop the procedure at any step after started.

1. You present the problem to your supervisor after the incident occurs. If your supervisor is unavailable or you believe it would be inappropriate to discuss it with your supervisor, you may present the problem to the Department Supervisor or the next higher level.
2. Your supervisor or Department Supervisor responds to the problem during discussion or after consulting with appropriate authority, when necessary. Your supervisor documents the discussion.
3. You present the problem to the Board of Commissioners in writing.
4. The Board reviews and considers the problem. The Board informs you of the decision and forwards a copy of the written response to you as well as your personnel file. The Board has full authority to make any adjustment that is determined to be appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction. However, we believe that honest discussion and listening to each other will build confidence between employees and supervisors and help make Davison County a better place to work.

### **5.15 EMERGENCY PROCEDURES**

**Effective Date / Review Date: 8/1/2006**

#### **Bomb Threat**

In Davison County, any and all offices due to their governmental nature are at risk to receive a "Bomb Threat", therefore all offices will review this guidance.

##### Telephone Receipt

- REMAIN CALM
- Record message if your office has the capabilities
- Record on paper the entire message as accurately as possible. Ask the person to repeat the message to verify you have taken down the information accurately.
- If possible, have a second person contact the police department concerning the call.
- Request the following supplemental information from the caller:
  - What building is the bomb in?
  - What part of the building?
  - Exactly where did you place the bomb?
  - What time is the bomb set to explode?
  - What does the bomb look like?
  - How many bombs are there?
  - What kind of explosive is it?
  - How is it set off?
  - Why did you place it in this building?
  - What is your identity and / or affiliation?
  - Ask the caller to repeat the original message to permit possible corrections to the first copy and to aid in possible identification of the caller.
  - Inquire as to the location of the telephone from which the call is being made.
  - Ask the caller to talk to another person in the office to verify the information.
  - Immediately record the exact time of the call and distinguishable characteristics of the caller's voice (sex, nationality, approximate age) and any background noises. Try to get as much detail as possible about the caller and the call itself. The key is to REMAIN CALM during the call and be professional.
  - Do not hang up the phone when the call is complete and make no other calls on that phone.

##### Written Messages / Mail

- Limit handling of the message and container it was delivered in to a minimum to preserve evidence
- Place in another container and keep for police investigation
- Contact the Police immediately

Evacuation of the Building or Buildings

Emergency Officials in coordination with County Officials will make the determination if evacuation of the building is required. If time does not permit evacuation of the building, the senior staff member in the building will make the decision to evacuate. Fire alarm systems will NOT be used to announce an evacuation of the building.

Search Guidance

Whenever possible, maintenance staff and office staff may be requested to assist in searching the building or their office to look for out of place items.

Building re-occupancy

The decision will be made by Emergency Officials coordinating with County Officials when and if to re-occupy the building.

**Severe Weather Events**

In Davison County, each building is equipped with a NOAA Weather Radio. The Office in which this radio is located is responsible for notification of the other office's and personnel in the building of any alerts that are broadcast.

Severe Weather Watches

Severe Weather Watches (Tornado and Severe Thunderstorm) are issued when conditions are favorable for the development of severe weather. Remain aware of the weather and keep current with any additional information that is broadcast.

Severe Weather Warnings

Severe Weather Warnings (Tornado and Severe Thunderstorm) are issued when the indicated event is occurring. You should take shelter immediately.

Shelter

You should seek shelter in the building you are in, most preferably in the basement away from windows and at a minimum, on the lowest floor away from windows. Remember to direct visitors in your office or in your building to these shelter areas as well as you and your personnel.

**Mechanical Difficulties / Failures**

For any and all mechanical difficulties or failures experienced in a facility, contact should be made initially with the Maintenance Staff. If difficulties or failures may lead to the hindrance of conducting business in the building, contact should also be made with the Chairman of the County Commission. If mechanical difficulties or failures cannot be corrected immediately by the maintenance staff, a time frame of repairs should be estimated and the senior maintenance staff member should contact the Chairman of the County Commission and inform them of the situation.

If mechanical difficulties and or failures pose a threat to human life, the building should be evacuated immediately.

## **Fire**

In case of Fire in your building:

- Sound the alarm and activate any fire alarm systems available in your building
- Vacate the building and re-assemble building staff and visitors in one location preferable 100 – 200 feet away from the building. Assembly areas have been identified for the following County facilities:
  - Courthouse: Parking lot across 4<sup>th</sup> Street to the South
  - Public Safety Building/Tower: Boulevard to East of Building along South Miller
  - County Highway: Grass area across parking lot to South of building
  - Fairgrounds/Extension Office: Parking Lot to SE of buildings along Hwy 16
  - Do not use elevators to evacuate the building.
  - Each Office should evacuate the building including any public that is present at the time. The Office Supervisor should gather a count of people that evacuate from their office, ensuring all staff and public are evacuated, and close the office door behind them when they leave.
- Call 911 and provide the following information to the dispatcher:
  - Your Name and Title
  - The Building Name and that it is on fire
  - The approximate location of the fire if known
  - Stay on the line to provide additional information to the dispatcher if requested.
- If the fire can be extinguished, AT NO RISK TO YOURSELF, do so; otherwise, evacuate the building.
- Notification shall be made to the Board of Commissioners if there is an actual fire starting with the Chairperson, Vice Chairperson, Past Chairperson, and so on.
- The Fire Department will determine when the fire is out and when it is safe to return to the building.

**ATTACHMENTS**

Authority to Release Form  
Time Record Form  
FMLA Health Care Provider Certification Form  
Summary  
Receipt

**ATTACHMENT - AUTHORITY TO RELEASE FORM**  
**Effective Date / Review Date: 7/6/2004**

**Authority to Release Information**

I, \_\_\_\_\_ respectfully request and authorize you to furnish  
\_\_\_\_\_ located in \_\_\_\_\_,

any and all information that you may have concerning my work record, my reputation, and any other information requested. Please include any and all medical, physical, mental, military records and reports, including information of a confidential or privileged nature, and copies of same if requested. This information is to be used to assist the requesting entity in determining my qualifications and fitness for the position I am seeking.

I hereby release and hold harmless you, your organization or others from any liability or damage which may result from the furnishing of the information requested above.

All release information will become property of the requesting entity. Due to the confidential nature of the material, any information obtained will not be released to anyone except agents of the entity.

\_\_\_\_\_  
Signature of Authorizer

\_\_\_\_\_  
Signature of Witness



**DAVISON COUNTY**

DEPARTMENT

EMP. NO. \_\_\_\_\_

Name \_\_\_\_\_ Pay Period End Date \_\_\_\_\_, \_\_\_\_\_

Regular Rate \_\_\_\_\_ OT Rate \_\_\_\_\_

[illegible]

SICK TIME BANK	
SICK HRS. FORWARDED	_____
LESS SICK HRS. TAKEN	_____
ADD SICK HRS. EARNED	_____
<b>TOTAL AVAILABLE</b>	_____

VACATION TIME BANK	
VAC. HRS. FORWARDED	_____
LESS VAC. HRS. TAKEN	_____
ADD VAC. HRS. EARNED	_____
<b>TOTAL AVAILABLE</b>	_____

COMP TIME BANK	
COMP HRS. FORWARDED	_____
LESS COMP HRS. TAKEN	_____
ADD COMP HRS. EARNED	_____
<b>TOTAL AVAILABLE</b>	_____

**MULTIPLE DEPT. CODES:**

DEPT. \_\_\_\_\_ AMT. \_\_\_\_\_

DEPT. \_\_\_\_\_ AMT. \_\_\_\_\_

DEPT. \_\_\_\_\_ AMT. \_\_\_\_\_

DEPT. \_\_\_\_\_ AMT. \_\_\_\_\_

**PAY CODES:**

01 REGULAR  
02 OVERTIME  
03 SHIFT DIFFERENTIAL  
04 CALL/DRILLS/MEETINGS  
05 COMP. TIME EARNINGS  
06 OTHER PAY  
07 SICK  
08 VACATION  
09 HOLIDAY  
10 COMP. TIME LEAVE  
11 OTHER LEAVE

01 REGULAR PAY				*
02 OVERTIME PAY				*
03 SHIFT DIFF				*
04 CALL/DRILLS/MEEET				*
06 OTHER PAY				*
07 SICK				*
08 VACATION				*
09 HOLIDAY				*
10 COMP LEAVE				*
11 OTHER LEAVE				*
				*
TOTAL				*

I certify the time and cost distribution indicated hereon,  
to be true and accurate.

Employee

I certify that the charges made to the city hereon, represent only necessary services actually performed.

Supervisor

**ATTACHMENT – FMLA CERTIFICATION OF HEALTH CARE PROVIDER**

**Effective Date / Review Date: 7/6/2004**

1. Employee's Name

2. Patient's Name

(If different from employee)

\_\_\_\_\_  
3. The attached sheet describes what is meant by a "serious health condition" Under the Family and Medical Leave Act. Does the patient's condition qualify under any of the categories described? If so, please check the applicable category.

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_, or None of the above \_\_\_\_\_

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories.

\_\_\_\_\_  
5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity – if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in item 6 below)?

If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

\_\_\_\_\_  
6. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of an interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by another provider of health services (e.g. physical therapist), please state the nature of the treatments:

*1- Here an elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave. 2.- Incapacity for the purpose of FMLA is the*

*inability to work, or perform regular daily activities due to serious health condition, treatment therefore, or recovery therefrom.*

c. If a regimen of continuing treatment by the patient is required under your supervisor, provide a general description of such regimen (e.g. prescription drugs, physical therapy requiring special equipment):

7. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind? \_\_\_\_\_

b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee should supply you with information about the essential job functions)? \_\_\_\_\_ If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?

8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery? \_\_\_\_\_

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

\_\_\_\_\_  
(Signature of Health Care Provider)

\_\_\_\_\_  
(Type of practice)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)

**To be completed by the employee needing family leave to care for family member:**

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

A "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care- Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility. Including any period of incapacity or subsequent treatment in connection with or consequent to such patient care.
2. Absence Plus Treatment- A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  - (1) Treatment two or more times by health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
  - (2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy – Any period of incapacity due to pregnancy, or for prenatal care.
4. Chronic Conditions Requiring Treatments- A Chronic condition which:
  - (1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
1. Permanent/Long-Term Conditions Requiring Supervision – A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-Chronic conditions)

Any period of absence to receive multiple treatments (including any period of recovery Therefrom) by a health care provider or by a provider of health care services under orders of Or on referral by a health care provider, either for restorative surgery after an accident or Other injury, or for a condition that would likely result in a period of incapacity of more than Three consecutive calendar days in the absence of medical intervention or treatment, such As cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney Disease (dialysis).

- 
- 3 *Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.*
  - 4 *A regimen of continuing treatment includes, for example, a course of prescription medications (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.*

## **SUMMARY**

It is the county's desire that your employment be marked with success and satisfaction. The county endorses and will attempt to follow the policies outlined in this manual. At the same time, it is expected that you will make a conscious effort to follow the rules and procedures contained in this handbook.

It is important to note that the language contained in this handbook is not intended to create a contract of employment between the county and its employees. The relationship is on an at-will basis. Just as you may leave the employ of the county at any time, so may the county cease your services at any time. This handbook, therefore, has been provided solely to assist you in answering questions that may affect your daily employment.

An effort has been made to anticipate as many of your questions as possible. The subjects covered are the current policies and practices of the county. As the subjects evolve and change, so too, will this handbook.

Thank you for taking the time to read this handbook. Please sign the receipt page and return it to your supervisor as soon as possible.

RECEIPT

I have been briefed on the Davison County Personnel Policy Manual and have read it, or have had it read to me carefully. I understand that this manual supersedes all prior manuals. I also understand all of its rules, policies, terms and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination. I understand and agree that my employment is terminable-at-will, so that both the county and I remain free to choose to end our work relationship. Similarly, no county official has the authority to enter into an oral employment contract, and only the County Board of Commissioners can enter into a written employment contract.

I understand that an up to date copy of this Manual is located in the Office of which I work and that it is available for review whenever necessary.

I understand nothing in the Davison County Personnel Policy Manual in any way creates an express or implied contract of employment between the county and me, but rather, is intended to provide the fostering of a better working atmosphere while the employer/employee's relationship exist.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Printed Name