

Davison County Employee Resource Guide



**Adopted by:
Davison County
Board of Commissioners
4/1/2024**

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PURPOSE OF THIS GUIDE

As an employee of Davison County, there may be questions concerning employment. It is the purpose of this guide 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 is not here or is not referenced, see the Department Supervisor.

All employees, regardless of their length of employment should carefully review this guide, as it is designed to give the essential information needed during employment with Davison County. It is imperative to adhere to the rules and policies set forth in this manual as well as those established by the Department Supervisor for the specific position. Failure to comply with any policy could result in disciplinary measures up to and including discharge, as addressed in Section 12.3 of this manual.

This guide is not a contract of employment. Nothing contained in this guide or in any other statement of Davison 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. Davison County, like the employee, is free to terminate the employment relationship at any time for any or no reason. Only the Davison County Board of Commissioners has the ability to enter into written employment agreements with employees. No Davison County official is authorized to enter into an oral employment agreement. If and when employment ends, all guides are to be returned to Davison County. Please read the guide carefully and retain it for future reference.

This is the sole and exclusive Davison County Employee Resource Guide, which will supersede any other policy manual currently in effect. The terms of this guide are applicable to all Davison County Employees, unless superseded by a collectively bargained agreement. If any provision of the parties' collectively bargained agreement conflicts with state and/or federal law, 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, Davison County reserves the rights granted it by state and/or federal law even if not specifically set forth in the collective bargaining agreement.

1.1 DISCLAIMER

Davison County recognizes that South Dakota is an employment at-will state. The intent of Davison County is to maintain that employment of all employees will be an at-will status. "At will" means employees are free to terminate their employment at any time. Likewise, "at will" means that Davison County may terminate employment at any time, with or without cause or advance notice.

This guide 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, a specific job assignment or specific employment benefits.

Davison County Vision, Mission, and Core Values

OUR VISION

Our vision is to establish Davison County as a true partner with all patrons in continuous improvement and development of our resources through outstanding teamwork.

MISSION STATEMENT

The mission of Davison County is to provide excellent service to all, using available resources wisely, while preserving and protecting our community.

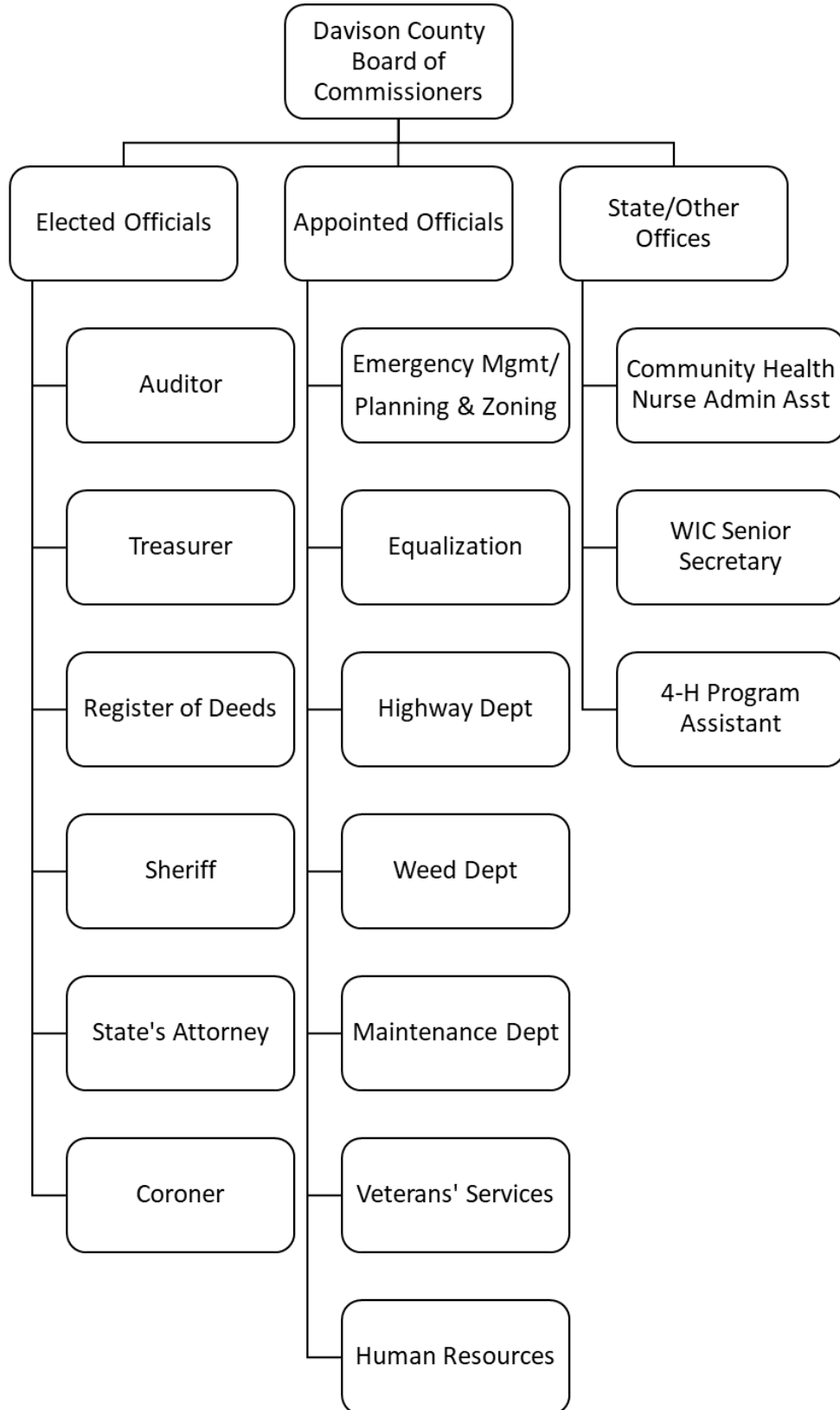
OUR CORE VALUES

SERVICE: Provide exceptional service with a high level of quality and consistency, a great degree of professionalism, and genuine customer-oriented accessibility and equality.

COMMITMENT: Fulfill a commitment of accountability through exemplary efficiency, education, and innovation while maintaining a deep sense of public responsibility.

COMMUNITY: Cultivate our community with uncompromising loyalty, fairness and equity for all, with an emphasis on communication, health, safety and security of our people and infrastructure.

1.2 ORGANIZATIONAL CHART



1.3 BOARD OF COMMISSIONERS

The Davison County Commission is the governing body of Davison County within the limits of the state law.

The Davison County Commission will make decisions in the best interests of Davison County, in accordance with SDCL 7-8-20. The Board is, among other duties, empowered to adopt ordinances, resolutions, establish programs, levy a tax not exceeding the amount authorized by law, appropriate funds, appoint certain officials, care, preserve and sell County-owned property, zone property and regulate development in the unincorporated area. In addition, members of the Board represent Davison County on intergovernmental agencies.

In Davison County five members of the board are elected to serve four-year terms. Each is elected from one of the five districts of Davison County as a part-time position. Their terms are staggered based upon the district they represent, i.e., those representing even numbered districts are elected in the year of the Presidential Election and those representing odd numbered districts are elected in the year of the Governor Election unless a vacancy has occurred. District boundaries are adjusted after every federal census to equalize district population.

A minimum of three (3) of the five (5) Commission members is required to define a quorum. A simple majority of the full board will be necessary to decide against or in favor of any matter.

The chairperson and vice chairperson are elected by the board members each year in accordance with SDCL 7-8-20. The chairperson will preside over the board meetings and execute documents in the name of Davison County. There may be limited instances, when both practical and necessary, to identify the Chairperson 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 Chairperson of the Board may not be reachable for the above referenced situations. In these circumstances, by default, the Chairperson's designee, unless otherwise specifically noted, will follow the progression:

1. Chairperson
2. Vice-Chair
3. Immediate Past Chair
4. Commissioner
5. Commissioner

Executive or Closed Session

Pursuant to SDCL 1-25-2, Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
- (6) Discussing information listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17).
 - A. 1-27-1.5(8) Information pertaining to the protection of public or private property and any person on or within public or private property including:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;
 - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
 - (d) Computer or communications network schema, passwords, or user identification names;
 - (e) Guard schedules;
 - (f) Lock combinations; and
 - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility.
 - B. 1-27-1.5(17) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning such matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in SDCL 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it.

1.4 SUPERVISORS

Supervisors have the responsibility of carrying out Davison County policies, ensuring proper job performance to include a yearly performance evaluation (Section 7.2), and maintaining a safe working environment. Supervisors should be the first person called on to answer any questions concerning work or personal problems that may affect an employee's work. Employees can help the Supervisor and, in turn, themselves, by giving full cooperation. All supervision of Department Heads will be completed by the Davison County Commission. A commission liaison is assigned to each department.

2.0 MEDIA AND TECHNOLOGY

2.1 PUBLIC RELATIONS

All Davison County employees must keep in mind they are working for the citizens of Davison County. Fair, courteous and equitable dealing with the public at all times is very important; to include outside of the workday and on social media (Section 2.3).

2.2 MEDIA CONTACT

From time to time during the course of service for Davison County, employees may receive unsolicited contact regarding Davison County business from representatives of the media, including but not limited to newspaper reporters, television and radio reporters, and others. Davison County Commissioners, Elected Officials, and Department Supervisors have been designated as the authorized spokespeople for Davison County in the event of communications with the media. Therefore, any employee who receives contact from the media should advise them that they cannot comment and refer them to the Davison County Commissioners, Elected Official, or Department Supervisor in their chain of command. Media representatives will understand that all employees cannot comment and will appreciate a referral to the person able to answer their questions.

When an incident occurs that could give rise to a claim against any employee, please notify the Department Supervisor, who will in turn ensure all Davison County employees are reminded that they may receive contact from the media and that they must be aware of and follow this media policy, not commenting on any occurrence and referring the media to the designated contact person.

Employees must follow this policy and the procedures described herein. Employees should be friendly and not defensive or evasive when advising members of the media that they are not able to comment. As noted above, the media will understand this position. No comment means no comment. Do not explain or discuss any occurrence or event with the media unless authorized to do so as the designated spokesperson. Keep in mind that whatever said may be viewed as an official statement on behalf of Davison County and all employees. This is yet another reason to follow the policy, make no comment, and direct the media representatives to the designated contact person.

2.3 SOCIAL MEDIA

While Davison County acknowledges the use of social media and encourages the use of official social media platforms, Davison County will not be responsible for comments or posts made by users. Unofficial comments and posts are not statements of Davison County and do not necessarily represent Davison County's opinions or policies. Individuals are responsible for ensuring that their audience understands when they are speaking as private citizens and not in their professional roles as Davison County employees in accordance with Davison County policies. Without Commission approval, employees posting on personal social media will not publicly comment on any event/person as a recognized Davison County employee stating a County position.

Before establishing an Official County Social Media Platform, individuals must obtain approval from the Commission. An individual must be designated to manage the content of the approved platform. This Social Media platform administrator is responsible for notifying Davison County Officials when a platform is compromised, requires enforcement action, or is no longer needed and has been deleted.

Davison County employees, or those working on behalf of Davison County, who use social media and social networking services and tools for personal use outside of the workplace do not require approval to do so. However, Davison County recognizes that these types of tools can sometimes blur the line between professional and personal lives and interactions. Therefore, employees are reminded that, as representatives of Davison County, these rules and guidelines must be taken into consideration. All employees must keep in mind that they are working for the citizens of Davison County. By exercising discretion and common sense when employing social media for professional or personal purposes, employees will help assure their potential is fully realized without inadvertently compromising the professional, legal, or ethical standards of Davison County. Employees should remember that standards of ethical behavior and other ethics policies are applicable outside of the workplace. Personal use of social media during work time is prohibited.

Department Heads, or designees, are responsible for designating appropriate levels of use as to County social media sites and are to abide by the following directives:

1. Social media network usage will be limited only to those with a clear business purpose to use the forum.
2. Appropriate usage levels include identifying what sites the individual is approved to use, as well as defining capability: publish, edit, comment or view only.
3. Only official spokespersons, Public Information Officers, Social Media Coordinators, and Department Head designees will be considered authorized users and have permission to post and respond.
4. Authorized users will review Davison County's social media policies and procedures and are required to acknowledge their understanding and acceptance of their scope of responsibility via signing the policy acknowledgement form.
5. All communication must be professional communications and is governed by this and other Davison County policies.
6. Integrity, professionalism, privacy and impartiality should be observed when posting on social media.
7. Violations of this policy will be reviewed on a case-by-case basis and may result in appropriate disciplinary actions.

The following forms of content should not be posted by personal or professional users and may be subject to disciplinary action:

- Content that promotes, fosters or perpetuates discrimination of protected classes;
- Sexual harassment content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;

- Making or publishing of false, vicious or malicious statements concerning any employee, Davison County or its operations;
- Disclosure of County confidential, sensitive or proprietary information;

2.4 BULLETIN BOARDS

In order to maintain an effective avenue for communicating with our employees, Davison 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, other than Supervisors, are not allowed to post any information on Davison County bulletin boards. Assigned Supervisors, who are responsible for keeping the bulletin boards up-to-date and attractive, will make all postings.

2.5 TECHNOLOGY USE

Employees will use County technology (telephones, computers, Internet, email, etc.) at their disposal in an appropriate manner. Emergency, reasonable, and appropriate communications are allowed. County technology such as laptops, tablets and cell phones will have appropriate security measures such as logging in by VPN and using passwords to safeguard information when not on Davison County property. Employees must not bypass safeguards. Doing so will result in employee discipline up to, and including if necessary, termination.

Any use of the computer programs, internet access or E-mail services will 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 employees to use for Davison County business purposes, and Davison County reserves the right to monitor transmissions. Employees should not expect privacy or confidentiality when using Davison County resources. County cell phones, computer access and email addresses will be assigned by the Department Supervisor or IT Representative. Employees requiring a cell phone for Davison County business will be provided one or given a stipend if an employee uses a personal phone.

Commercial software programs used by Davison County are licensed under law and will not under any circumstances be duplicated or transferred for use on equipment not owned or leased by Davison County. Any program development on Davison County equipment will become the property of Davison County. Use of county resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

Password protected information will be utilized by authorized personnel only. These passwords will not be shared with any unauthorized personnel. This would include, but not be limited to servers, emails, and mainframes. Authorized personnel would be defined as Supervisors, authorized employees for specific functions and authorized technical support personnel.

Upon discontinuation of employment for any reason, personal and/or shared passwords known by the employee will be immediately changed by authorized personnel.

Prohibited uses of Davison County's computer system include, but are not limited to, the following:

- Use of the system on County time for personal gain.
- 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.
- Participating in non-work-related activities, such as chat rooms.
- 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.
- Use of the system to harass, threaten, defame, or injure another individual or group.
- Use of the system to send or receive abusive, inappropriate, or pornographic materials.
- Printing, displaying, downloading, or sending any sexually implicit images, messages, cartoons, or jokes.
- Use of the system to create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material. "Material" is defined as any visual, textual or auditory entity. Such material also violates Davison County's anti-harassment policies (Section 12.5) and is subject to disciplinary action.
- Use of Davison County's electronic mail system used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way.

3.0 OUTSIDE WORK/ACTION

3.1 OUTSIDE EMPLOYMENT

Davison County employment must be the principal vocation of all full-time Davison County employees. However, a Davison County employee may engage in outside employment, or business, subject to all the following:

Davison County employees must provide notice of any outside employment to their Supervisor. The outside employment:

1. must not interfere with the efficiency or performance of the Davison County employee's position;
2. must not conflict with the financial or public interests of Davison County or any of its departments; and
3. must not be the type that would give rise to any appearance of impropriety

All documentation involving outside employment will be on record in the official personnel file of the employee in the HR Department.

No Department Supervisor or employee, unless officially assigned to special duty, will 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. Davison County workers' compensation insurance coverage is not extended to outside employment.

All employees of Davison County are prohibited from engaging in any private appraisal work relative to real property located within Davison County.

3.2 CONFLICT OF INTEREST

Employees will disclose any possible conflicts of interest with their Supervisor. Department Supervisors and Elected Officials will disclose any possible conflicts of interest with the Davison County Commission. At the time of approving the agenda, Commissioners will disclose any possible conflicts of interest. SDCL 5-18A-17.2 Authorization of officer or employee to be a party to or derive direct benefit from contract, will assist an employee to determine if a conflict exists.

No employee will solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any gift of monetary value from any person, corporation, or group which:

- Has or is seeking to obtain, contractual or other business or financial relationships with Davison County.
- Conducts operations or activities which are regulated by Davison County.
- Has interests which may substantially be affected by the performance or non-performance of his/her official duty as an employee.

Exceptions to this are:

- Family relationships.
- Food and refreshments.

- Loans from banks.

3.3 EMPLOYMENT REFERENCES

The HR Department is the only office designated to respond to all requests for information on current and former employees (including interns). In compliance with the Federal Privacy Act, Davison County is required to protect the privacy rights of all employees. In following this Act, it is Davison County's policy to provide only the following information on both present and past employees:

- Employment status;
- Dates of employment;
- Current position or position at the date of separation from employment;
- Any other positions held; and
- Verification of salary and pay grade information.

If an employee wants us to provide any further information, the information will be released upon a written and signed disclosure and release request from the employee (Attachment A). Davison County may request a written verification for the need of such employment information.

Providing employment references by any employee other than the HR Department, including off-the-record remarks, is a violation of this policy.

3.4 POLITICAL AFFILIATION OR ACTIVITY

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

Davison County employees will not use their work time or Davison 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 will prohibit any non-elected officer or employee of Davison County 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 Davison 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 of Davison County cannot use their position to coerce the political action of a person or group.

3.5 SOLICITATION / DISTRIBUTION

Employees may not solicit any service or distribute any literature on County property, to include:

- 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.
- Solicit for any other cause fellow employees or the public in working areas at any time.

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.

Solicitations for personal business will not be permitted on county time unless it has been approved or initiated by Davison County Commissioners, such as AFLAC or other insurance sales.

3.6 TAX SALE CERTIFICATE

To avoid the appearance of impropriety, all employees of Davison County are prohibited from directly or indirectly acquiring by purchase or assignment an interest in any tax sale certificate sold at private sale by Davison County. This does not prohibit participation in or acquisition of real property in the public tax sale process.

4.0 FINANCIAL/EXPENSES

4.1 FRAMING OF CERTIFICATES & ARTWORK

Employees may hang and display any certificate or artwork that is not of an offensive nature. Authorization is given to properly frame certificates that are property of Davison County, Davison County offices, or required to fulfill the duties of the position. Framing of personal certificates and artwork is not to be paid for by Davison County unless the certificate is required to fulfill the position duties.

4.2 EXPENDING COUNTY FUNDS FOR COFFEE, DONUTS, ETC.

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 Davison County funds to provide appropriate refreshments for meetings hosted by Davison County which are primarily attended by non-employees of Davison County on a voluntary basis. In such cases, refreshments may be purchased by the Department Head using their company credit card. However, any expenditure in excess of \$100.00 must receive prior approval by the Board of Commissioners. This does not preclude a Supervisor from authorizing the purchase of water/Gatorade for employees working in extreme heat situations, which is a safety and health issue and not a refreshment.

4.3 RECOGNITION/CULTURAL ENDEAVORS

The Employee Recognition Program is established to recognize employees who have dedicated many years of service to county government, to console those in time of sorrow, and to show appreciation for employees and volunteers. Periods of legally protected leave will not be deducted from time of service. Cost of these programs will be paid by Davison County.

- *Retirement recognition* – To be eligible for retirement recognition, the employee must have reached the retirement age recognized by the South Dakota Retirement System (SDRS). They must also have been employed full-time by Davison County for a minimum of 10 years for a normal retirement. The cost for this recognition will be \$25 per completed year of service, up to a maximum of \$500.00 per employee. A sworn law enforcement officer may receive, in lieu of the monetary recognition, their badge and firearm used during county employment.
- *Length of service award* – All full-time employees of Davison County with specified years of service will be eligible to receive a length of service award. Eligibility is determined by length of service computed from the date of the beginning of their last continuous employment. Service awards recognizing five years of service and continuing in five-year intervals will be formally presented to the employee by the Chair of the Davison County commission at a meeting or reception thereof. Awards are as follows:
 - 5 years of service: up to \$50.00
 - 10 years of service: up to \$100.00
 - 15 years of service: up to \$150.00
 - 20 years of service: up to \$200.00
 - 25+ years of service: up to \$250.00 (The cost of recognition for 25+ years of service gifts will not exceed \$250.00 per award.)

- *Outstanding performance recognition/acknowledgment* – All employees are eligible for recognition for outstanding performance and contributions. Rewards can range from simple spoken or written thank-you notes, county commission meeting recognition, or up to eight (8) hours of paid administrative leave. This award is intended for individual employees or teams who make exceptional contributions, such as providing outstanding service, implementing a new idea that saves significant time and money, completing a significant project, contributing to the success of a team initiative, or contributing above and beyond what is expected. Rewards must be recommended by the Department Head and approved by the Chair of the Davison County commission.
- *Bereavement* – Gifts, plants, or memorials may be given to an employee upon the death of an employee's immediate family, to include a spouse, parent (or in-law), child (or stepchild), or loss of an unborn child. Upon the death of an employee or a former employee, gifts, plants, or memorials may be given to the family of the deceased. Supervisors are to let the HR Department know of any instances that would necessitate such options.
- *Appreciation* – Receptions and/or gifts appreciating the service or achievements of all employees may be held from time to time, including congratulations on the birth of a child or marriage of an employee.

Non-Employee Recognition

Non-employee recognition will be awarded in such manner, and on such occasions, as the Davison County commission from time to time deems appropriate. Non-employee recognition can be done in many ways *i.e.* awards, gifts, gift cards, plaques, trophies, receptions, *etc.* Cost of non-employee recognition will be paid by the Davison County Commissioners. Any costs over \$100 need to be approved by the Commissioners in advance. Examples of recommended non-employee recognition include, but are not limited to:

- *Retirement or Service* – When a volunteer or non-employee member of a county committee, board, or commission has dedicated many years of service to county government, or when a person has served on county boards or commissions and is leaving county service or retiring.
- *Outstanding Performance/Achievement* – Awards which recognize outstanding performance by a volunteer or non-employee member of a county committee, board, or commission may be given for a single outstanding achievement.
- *Other government entities* – Achievements or bereavements of employees of other government entities may also be recognized on a case-by-case basis.

Other Recognition

From time to time the Davison County commission may determine that extraordinary achievements of either employees, non-employees, volunteers, or others warrant special recognition. Nothing in this policy prohibits the Davison County commission from recognizing such extraordinary achievements or service to county government in whatever additional, unique, or special manner it, in its sole discretion, deems appropriate. Cost of this other recognition will be paid by the Davison County Commissioners.

Other Solicitations

If any employees would like to organize any other solicitations for gifts, they should not do so on county time or on county premises, unless it is during breaks and out of public view.

Note regarding recognition awards: Internal Revenue Service (IRS) taxation rules apply to certain types of recognition awards.

4.4 FIXED ASSETS AND INVENTORY

Davison County policy is that all assets must be recorded. This includes, but is not limited to, items such as furniture, fixtures, equipment, machinery, vehicles, aircraft, buildings, building improvements, land, land improvements, infrastructure, and computer equipment. This also includes, but is not limited to, the cost of major restoration of vehicles and equipment and major remodeling of buildings.

Departments are responsible for providing the Auditor's Office with documentation of any equipment requiring a title and/or license plate through the Department of Transportation. All titled equipment is to be photographed. If the equipment has a license plate, an additional photograph of the license plate attached to the equipment is required. All titles and records for equipment are held with the Auditor's Office.

Departments are responsible for notifying the Auditor's Office of any changes in the status or condition of all capital equipment, regardless of value, listed on the inventory records. These changes may result from:

1. Trade-in: An item to be traded must have prior approval and must be listed on the purchase request, showing the tag number, description, serial number if available, and trade-in allowance. This information must also be shown on the final payment voucher. Based on this information, the Auditor's Office will remove traded-in items from the inventory records.
2. Excess or Surplus Items: equipment, which is unserviceable, obsolete or excess to the needs of a Department for any reason must be disposed of as surplus property. The Department must first submit the applicable surplus request form to the Auditor's Office requesting the item be declared surplus at the next Commission meeting. The form must also include the inventory number, a brief description, the current condition of the item, and the current location.
3. Direct Sale to Other Governmental Agencies: Departments must contact the Auditor's Office before the sale to obtain permission, as state laws and regulations prohibit certain types of sales. When permission is obtained, the Auditor's Office is responsible for working with the Department to assure that the item has been sold according to state law and regulations. The Department must prepare a memo to the Auditor's Office including the inventory number, a brief description, and other relevant details before the sale.
4. Theft of Equipment: Whenever the theft of equipment is discovered the Department must immediately report the loss to the Auditor's Office, including all pertinent information related to the equipment. The Sheriff's Office is responsible for investigating the circumstances of the loss and, upon completion of the investigation, for submitting a copy of the case to Auditor's Office. The Auditor's Office will not remove the item from the inventory records until all investigative action has been completed and all attempts to recover the item failed.
5. Transfer of Equipment between Departments: Departments must prepare an *Equipment Transfer Form* and submit it to Auditor's Office including the inventory number, a brief description of the item being transferred, and the department to which the item is being

transferred. The memo must also include the new building and room number location of the item. The Auditor's Office is responsible for verifying the transfer with the Departments.

On an annual basis, the Auditor's Office is responsible for providing Departments a list of the vehicles and equipment charged to their custody. The Department is responsible for verifying the list, to ensure that all equipment has been accounted for. The Department is also responsible for returning one (1) copy of the list to the Auditor's Office, along with a list of any changes to be made and for maintaining the second copy in the Department.

During the interval between annual inventory, the Auditor's Office may conduct spot inventories of various items in Departments and offices throughout Davison County. Items are selected at random but may include those reported as missing on the latest annual inventory as well as items that are subject to pilferage and high value items. All discrepancies discovered will be reported to the Commission.

4.5 CASH/PREPAID CARDS

The Auditor's Office is responsible for issuing cash/prepaid cards upon request. Only approved users are authorized to make purchases with the card. The following apply to use of cash/prepaid cards:

1. Cash/prepaid cards may be used for the purchase of supplies, small equipment needs, and many services in the amount of \$2500 or less. Charges to cash/prepaid cards may not be split in order to avoid exceeding the \$2500 individual transaction limit. Purchases over the \$2500 limit require Commission approval.
2. Cash/prepaid cards may not be used for cash advances or personal use. Cardholders are responsible for retaining all invoices, sales slips, register receipts, and cash/prepaid card slips for submission to the Auditor's Office. The amount charged to the cash/prepaid card must match the documentation exactly.
3. All purchases made using cash/prepaid cards are tax exempt. Documentation should include details of what was purchased, and the amount clearly stated and should show that sales tax was not charged. If tax has been assessed, the cardholder is responsible for contacting the vendor and having the tax credited to the account. Documentation for the credit must also be submitted with the receipts for that month to the Auditor's Office.
4. If an item is returned, a credit must be shown and supporting documentation must be submitted to the Auditor's Office with the monthly statement. If there is an unauthorized purchase, the cardholder will be responsible for payment of the charge.
5. Cardholders who observe fraudulent charges on their card should immediately call the bank through which the card is issued to find out the appropriate course of action to take.
6. Cardholders are responsible for turning in their monthly statements to the Auditor's Office in a timely manner with the appropriate documentation attached. If they delay and are charged a late fee, the cardholder will be responsible for payment of the charge.
7. Cardholders who have turned in their monthly statements late, have unallowable charges, or are missing documentation will be sent a written communication the first time it happens. For the second occurrence, written communication will be sent to the cardholder and the Commission. The third occurrence may result in the card being canceled.
8. In the event cardholders have a disputed charge on their card (e.g., unallowable charge, sales tax or missing documentation), they will be notified by the Auditor's Office via email. The

dispute must be resolved within thirty (30) days. If cardholders are unable to settle the dispute, they may be personally responsible for the disputed amount.

9. In the event a cash/prepaid card is canceled, all outstanding issues must be resolved within thirty (30) days.
10. In the event a cash/prepaid card is lost or stolen, cardholders must immediately notify the bank through which the card is issued as well as the Auditor's Office.
11. Statements for cash/prepaid cards are mailed directly to cardholders after the billing cycle is complete. Upon receipt, cardholders must immediately reconcile their statement and turn it into the Auditor's Office. Cardholders must review the activity on the card. If the cardholders have not received their statements in a timely manner and they are aware charges were made, the cardholder will immediately call the bank through which the card is issued and request a copy of the statement be faxed or emailed to them as soon as possible.
12. Cardholders must code the statement and attach all required supporting documents, retaining copies for their own office for future reference if a problem arises. The statement must have the appropriate department and expense account(s), if applicable.

4.6 EMPLOYEE PURCHASING STANDARDS AND POLICIES

It is the purpose of these standards and policies to provide guidance to those employees of Davison County who, as part of their job duties, are authorized to exercise their independent judgment and discretion in making purchases on behalf of Davison County. Failure to adhere to these standards and policies may be considered to be misconduct which may result in disciplinary action up to and including immediate discharge from employment.

It is important for all employees authorized to exercise their independent judgement and discretion in making purchases on behalf of Davison County to fully understand that when they are making such purchases, they are spending taxpayer funds. This resultingly carries both an obligation and responsibility to spend said funds in a fiscally responsible manner, with the benefit of the citizens of Davison County to be the sole consideration in determining how such funds are expended.

Personal incentives should never be a consideration influencing how taxpayer funds are expended. Rebates should never be a consideration influencing how taxpayer funds are expended unless the amount of the rebate influences the fiscal responsibility of the purchase when deducted from the sale price. Frequent flyer miles, hotel club program credits, fuel points, and benefits issued under other similar programs should never be a consideration influencing how taxpayer funds are expended, unless their application enhances the fiscal responsibility of the purchase when deducted from the sale price, and it is practicable for the employee to do so on behalf of the County.

- 1. Personal Incentives-**Personal incentives include any enticements by a retail establishment, supplier, or vendor to entice a purchase. Said enticements may or may not be deliberate on the part of the retail establishment, supplier, or vendor, but should never be a consideration to an employee in influencing the expenditure of taxpayer funds. Personal incentives may include, but are not limited to:
 - A. Tangible items of value, such as liquor, flowers, gifts etc.
 - B. Tickets to sporting, cultural, or entertainment events.

C. Additional goods or services. (e.g. “buy one get one free”).

If practicable to do so, a county employee offered a personal incentive by a retail establishment, supplier, or vendor to entice a purchase on behalf of Davison County should politely decline the personal incentive and refuse to accept it.

In the event it is impracticable to refuse to accept the personal incentive – particularly in the case of “buy one get one free” merchandise – the personal incentive received should be immediately turned over to the employee’s Supervisor or the Davison County Auditor’s office, so a determination may be made as to how to best utilize the received personal incentive for the benefit of the County and the taxpayers. Under no circumstances shall an employee retain a received personal incentive for their own benefit or confer or otherwise transfer a received personal incentive to a third party. All personal incentives received by employees making purchases on behalf of Davison County as part of their job duties are the exclusive property of Davison County and are not the property of the employee.

2. Rebates-Rebates are a special category of incentive offered by retail establishments, suppliers, or vendors to entice a purchase. Rebates should never be a consideration influencing how taxpayer funds are expended, unless the amount of the rebate influences the fiscal responsibility of the purchase when deducted from the sale price. Rebates may include, but are not limited to:

A. Cash or credit based on total purchases issued at the point of sale. (e.g. “instant rebates”).

B. Checks to be issued to the buyer upon the mailing of a rebate request and a copy of a purchase receipt. (e.g. “mail in rebates”).

C. Credits on future purchases to be issued to the buyer upon the mailing of a rebate request and a copy of a purchase receipt. (e.g. “merchandise credit check rebate” or “Menards-Style Rebates”).

D. Any other incentive offered by a retail establishment, supplier, or vendor to entice a purchase which is not contemporaneously received by the purchaser at the point of sale, excluding frequent flyer miles, hotel club program credits, fuel points, and other similar programs.

In the event of an “instant rebate” resulting in credit on total purchases at the point of sale, no additional action by the employee is required under this policy. In the event of an “instant rebate” resulting in cash issued to the employee at the point of sale, the cash must be immediately surrendered to the Davison County Auditor’s office. In the event of a “mail in rebate”, “merchandise credit check rebate”, or “Menards-Style Rebate”, both the complete and entire purchase receipt and rebate request form (if any) must be immediately surrendered to the Davison County Auditor’s office. In the event of any other incentive offered by a retail establishment, supplier, or vendor to entice a purchase which is not contemporaneously received by the employee at the point of sale, excluding frequent flyer miles, hotel club program credits, fuel points, and other similar programs, the incentive shall be immediately surrendered to the Davison County Auditor’s office upon receipt. Under no circumstances shall an employee retain a rebate for their own benefit or confer or otherwise transfer a rebate to a third-party. All rebates connected with purchases made by employees of the County as part of their job duties are the exclusive property of Davison County and are not the property of the employee.

- 3. Frequent flyer miles, hotel club program credits, fuel points, and benefits issued under other similar programs-**Frequent flyer miles are issued pursuant to airline loyalty programs and may subsequently be redeemed by the traveler for future air travel, discounts, and other rewards. Hotel club program benefits are issued pursuant to hotel loyalty programs and may subsequently be redeemed by the traveler for future hotel stays, discounts, and other rewards. Fuel points are issued pursuant to gas station and grocery store loyalty programs and may subsequently be redeemed for discounted fuel.

Frequent flyer miles, hotel club program credits, fuel points, and benefits issued under other similar programs should never be a consideration influencing how taxpayer funds are expended, unless their application enhances the fiscal responsibility of the purchase when deducted from the sale price, and it is practicable for the employee to do so on behalf of Davison County.

While frequent flyer miles, hotel club program credits, fuel points, and benefits issued under other similar programs are also a form of incentive offered to entice a purchase, Davison County specifically recognizes that it is often not practicable for an employee traveling on County business to redeem frequent flyer miles, hotel club program credits, fuel points, and benefits issued under similar programs for the benefit of Davison County, as these benefits are often issued directly to the traveler on an individual basis and are often non-transferable.

Notwithstanding this, when it is practicable to do so, employees traveling on Davison County business are strongly encouraged to make reasonable efforts to redeem frequent flyer miles, hotel club program credits, fuel points, and benefits issued under other such programs for the benefit of Davison County, even if the benefits cannot be directly transferred to Davison County.

Notwithstanding this encouragement, frequent flyer miles, hotel club program credits, fuel points, and benefits issued under such programs earned by employees traveling on Davison County business are not the exclusive property of Davison County and may be retained by the employee for their own benefit without constituting misconduct, or a violation of these standards and policies.

4.7 CREDIT CARD POLICY

Each department in Davison County may have a credit card or cards as long as they are approved by the Davison County Auditor as to credit limit and a purpose is established for that card. There shall be no card allowed that charges fees for the privilege of having the card. The purchase authority policy currently in use for all Davison County Departments will remain in effect for credit card purchases, which states any purchase over the amount of \$2500 be approved by the Board of County Commissioners. All purchases made on the credit card must have itemized receipts along with the actual credit card statement and Department Head approval turned over to the Auditor's office for payment on a timely basis to allow approval and payment before the due date. If the itemized receipts are not self-explanatory, an explanation from that department as to what the expenditure was used for is required. The credit card can never be utilized for a personal expenditure for the user. Anyone not adhering to this policy may lose the privilege of having a credit card and may face disciplinary review.

The County Auditor is appointed as the manager for all Davison County credit cards and will be the liaison between the other offices.

4.8 GRANT COMPLIANCE

All Grant Applications must be approved by the Commission, prior to applying for the grant.

To maintain grant compliance and essential accounting procedures, the following will apply:

1. Grant expenditures must be expensed in the manner in which was detailed in the grant application, as well as in the Davison County Budget.
2. Before initiating a contract, purchase order, agreement with a service provider, professional services agreement, or other expense; the Commission must approve the expenditure of funds to purchase any item over \$2500.
3. Assets must be received prior to payment by the Auditor's Office.
4. A copy of all grant paperwork must be submitted to the Auditor's Office for reporting purposes.
5. Continue to comply with Davison County policy and procedures; as well as those in the grant contract.

4.9 REGISTRATION FEE

Conference registration fees will be an allowable expense for Davison County business. The preferred method is direct bill to the vendor. Employees may also be directly reimbursed.

5.0 TRAVEL/DRIVING GUIDELINES

All “non-routine” work-related overnight travel, such as district meeting attendance, conventions etc., must have prior approval of the Davison County Commission. A resolution may be passed at the beginning of each year authorizing known travel for that year, which will be reflected in the Commission meeting minutes. Travel within Davison County & non-overnight travel can be approved by Supervisors. Day to day routine travel is considered a Department function.

In the event of an unforeseen emergency, the Emergency Responders may need to deploy prior to Commission approval. In this instance, the Department Supervisor will notify the Commission Chairperson as time allows.

5.1 SEATBELT

Davison County is committed to doing everything possible to prevent injury to employees, prevent damage to property, and protect the employees and the public from the results of accidents. Davison County realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that all Davison County employees and their passengers will be required to use seatbelts in accordance with SDCL 7-8-20.

5.2 TRAVEL RULES AND REIMBURSEMENT

1. Approval-Regardless of how the travel is authorized the usual review and approval of expenses incurred will be made by the Davison County Auditor and the Davison County Commission before payment is made. The Davison County Commission will regulate county travel. Questions regarding interpretation of those regulations should be referred to the Auditor’s office.
2. Employees will accomplish county travel by whatever method is most economical and practical to Davison County with consideration given to time requirements and the destination of travel. Employees are encouraged to travel together whenever possible on joint county business. See Attachment K for rules of Davison County travel vehicle use and waiver for additional travelers.
3. Meals Allowed-Meal expenses for an overnight business trip located outside Davison County are non-taxable and will be reimbursed at the current per diem rate. Allowable meal reimbursements will be paid in accordance with ARSD 5:01:02:11 (Out of State) and 5:01:2:14 (In State); with the following exceptions:
 - A. As per SDCL 7-7-25 and 7-7-26, County Commissioners, highway superintendents, auditors, treasurers, registers of deeds, state’s attorneys, sheriffs, assessing officers and coroners will be paid actual necessary expenses. Claims over the amount allowed in ARSD 5:01:02:11 or ARSD 5:01:2:14 will require receipts.
 - B. Jail Transport employees and deputies who are in the process of transporting an inmate during mealtime or other county employees who are working outside of the county for the day are allowed a meal expense as per ARSD 5:01:02:14 with a receipt . Breakfast-leave before 5:31 am and return after 7:59 am, Lunch-leave before 11:31 am and return after 12:59 pm, and Dinner-leave before 5:31 pm and return after 7:59 pm. These will be taxable expenses and run through payroll.
4. In lieu of actual transportation expenses, an employee will be reimbursed at the current rate allowed in ARSD 5:01:02:01 for use of a privately-owned motor vehicle on official business,

outside the county limits of the employee's designated post of duty. The mileage rate covers all expenses incidental to the operation of a motor vehicle, including fuel, oil, tires, repairs, towing, and insurance. Davison County is not responsible for damage to any personal automobile used on official Davison County business.

Employees authorized to utilize private vehicles for Davison County use will be responsible for:

- A. Maintaining a valid SD Driver's License.
 - B. Maintaining the vehicle in a safe operating condition.
 - C. Retaining automobile liability insurance, in accordance with SDCL 32-35-70, for bodily injury and property damage on the vehicle operated.
5. Davison County Commissioners will be paid traveling expenses for each mile traveled in the discharge of their official duties of not more than the state rate. For the purpose of this section, traveling expense incurred by Davison County Commissioners to attend meetings in the state of South Dakota, called for the purposes of instructing or exchange of information pertaining to Davison County officers and government, are miles traveled in the discharge of their official duties.
 6. Lodging-Lodging rates, in or out of state, will be at the going market rate for reasonable accommodations, not to exceed the lowest rate available for that lodging facility. Davison County employees will request Government Discount Rates when registering.
 7. Additional Policies:
 - A. Travel Advance: A travel advance is NOT available to any Davison County employee required to travel on County business.
 - B. Travel Vouchers: All travel vouchers for payment will be submitted to the 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.
 - C. Proof of Expense: Receipts are required for all reimbursable expenses requested, with the exception of per diem for meals allowed as explained above.

5.3 USE OF COUNTY VEHICLES

Certain Davison County employees may be provided a vehicle for use in performing Davison County business. This may even involve taking the vehicle home after normal work hours.

Davison County vehicles may not be utilized for personal reasons. However, conducting routine stops to and from work are acceptable. If any exception to this policy is granted, employees may be required to reimburse Davison County for such use at the rate established by the federal government.

Citizens will be transported in Davison County vehicles only when necessary to accomplish a police purpose, or as approved by the Commissioners. Some exceptions apply. If the employee wishes to have non-employee(s) ride with them in a county vehicle, such as a spouse going along to a conference, the employee and rider would be required to sign a waiver of liability (Attachment K). In no circumstances will a non-employee ride in a vehicle that may have to respond to an emergency.

As a condition of utilizing a Davison County vehicle, employees will be required to provide a copy of their current issued Driver's License, which will be placed in their personnel file. Employees will also be required to inform the Department Supervisor of any change of status involving this license. In addition, each year a review of the driver history record will be obtained and reviewed by the HR Director from the South Dakota Drivers' Licensing Office. If any problems arise from this review relating to the employee's driving status, Disciplinary Action (Section 12.3) processes will be followed.

Employees issued a Davison County Vehicle and allowed to commute back and forth from home may be required to reimburse Davison County or have this amount included in their wages per IRS requirements. This only applies to vehicles that are non-qualified non-personal use vehicles. The Auditor's Office has this information on file as well as the most current Commuting Rule rates.

Cell phones will not be used while operating a Davison County vehicle or equipment unless the call is required to be answered by emergency personnel.

Protective equipment, such as helmets, gloves, eye protection, and ear protection should be used while operating certain equipment.

5.4 AUTOMOBILE RENTAL AUTHORIZATION

Regularly scheduled rates by automobile rental services will be an allowable transportation expense 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 in accordance with the following:

1. A compact vehicle for two or less passengers.
2. A mid-size vehicle for three to four passengers.
3. A full-size vehicle for five or more passengers.

5.5 COMMERCIAL, PRIVATE OR CHARTER AIR TRAVEL

Regularly scheduled rates by air travel services will be an allowable transportation expense for Davison County business only with prior approval from the Board of Commissioners. Exception to this policy includes emergency transportation of inmates by the Sheriff's Department which cannot be transported by auto, or it is more economical to use air travel.

5.6 VEHICLE ACCIDENTS

Any employee involved in a motor vehicle or equipment accident during work hours or while engaged in performing services for Davison County is responsible for making a report of the accident as soon as possible to the Department Supervisor. All employees are also responsible for cooperating fully with any accident investigation conducted by law enforcement, Davison County or its representatives, and insurance companies.

Department Supervisors will inform the HR Department within three working days and 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. Any

employee involved in an accident will be required to undergo drug and alcohol testing. Arrangements for such testing will be made by the Supervisor, Department Head or other Davison County representative, and the expense of such testing will be borne by Davison County. A positive test may result in discipline in accordance with Section 12.3 Disciplinary Action. All fines and damages for accidents with positive test results will be the responsibility of the driver. See Appendix M for Accident Packet for County Vehicles

Failure to report an accident or to cooperate fully in an accident investigation may result in disciplinary action, up to and including immediate discharge. If the test results indicate the employee was in violation of Section 5.7 Commercial Driver Operating Guidelines or Section 12.6 Drug and Alcohol Abuse Policy, appropriate action will be taken under the provisions of that policy.

5.7 COMMERCIAL DRIVER OPERATING GUIDELINES

All Davison County employees who are required to have a commercial driver's license and are also required to have the tanker endorsement will comply with Section 5.7 Commercial Driver Operating Guidelines and Section 12.6 Drug and Alcohol Abuse Policy of this Employee Resource Guide.

Davison County will provide a safe and productive work environment for all commercial drivers. It is the policy of Davison County that all commercial drivers will 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 will possess alcohol or marijuana in the workplace during working hours or consume alcohol or marijuana 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.

This policy will be interpreted, administered, and amended by Davison County as necessary within its discretion. The policy covers all employees who are subject to regulation by any Local, State, or United States Department of Transportation Regulations.

1. Period of Workday 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 will permit the driver to perform or continue to perform safety-sensitive functions.

B. On-Duty Use

No driver will 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 will permit the driver to perform or continue to perform safety-sensitive functions.

C. Use Following an Accident

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

2. Prohibitions Based on Test Results

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 will not perform safety-sensitive functions for a minimum of twenty-four hours. No driver will 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 will 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 a negative blood alcohol concentration test. Davison 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

Tests will be given to employees who must have a CDL to perform their job.

A. PRE-EMPLOYMENT OR PRE-DUTY TESTING

Before a driver performs safety-sensitive functions for Davison 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. A full query through the Federal Motor Carrier Safety Administration Drug & Alcohol Clearinghouse is also a condition of employment. Applicants who fail either test will be informed that the offer of employment is withdrawn. Davison County is responsible for the cost of this test.

B. POST-ACCIDENT TESTING

As soon as practicable after any accident or issuance of a 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 Davison County will consider the employee to have refused to submit to the test. Davison County is responsible for the cost of this test.

C. RANDOM TESTING

Under section 49 CFR, part 382.305 all safety sensitive CDL holders will be subjected to random alcohol and drug testing. All drivers are in the selection 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. Davison 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 Davison County will be notified of the date for random testing. All random testing will be unannounced and reasonably spread throughout 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 the 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. Davison 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 they return to duty. The return to duty test for alcohol must be considered negative under the standards in 49 CFR part 40, subpart O 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 Davison 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.

G. ANNUAL LIMITED QUERIES

Annually a limited query through the Federal Motor Carrier Safety Administration Drug & Alcohol Clearinghouse will be conducted as a condition of continued employment. Davison County will follow the FMCSA prescribed protocol if violations are found.

4. Test Procedures

A. Testing will be conducted by Avera Queen of Peace Hospital, which may include but is not limited to:

- 1) Amphetamines
- 2) Barbiturates
- 3) Benzodiazepines
- 4) Cocaine Metabolite
- 5) Opiates
- 6) Phencyclidine
- 7) Methadone
- 8) Methaqualone
- 9) Propoxyphene
- 10) Marijuana Metabolite
- 11) Creatinine

B. Urine 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, Davison County and Avera Queen of Peace Hospital will utilize independent laboratories that conform to DHHS and NIDA guidelines.

C. 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 382.201, a second confirmation test will be conducted. The results of the confirmation test will determine any actions to be taken.

D. 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. Results of all tests will be provided to the HR Department.

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.

A. Misuse of Alcohol:

1. Employees convicted of DUI while operating a Davison County vehicle will be terminated.
2. Employees convicted of DUI with work permit issued:
3. Must complete County or Court imposed recommendations prior to return to work.
4. Employees convicted of DUI 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.

B. Alcohol Testing Consequences:

<u>Type of Test</u>	<u>1st Positive</u>	<u>2nd Positive</u>	<u>3rd 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

7. **Criteria for determining discipline:**

A. Time frame since first offense (under 1-year termination)

B. Performance record (marginal or poor performance termination)

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

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

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

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

8. **Drugs – On the Job.** Employees who test positive for drugs on the job will be informed of the results of their test and terminated.

A. Drug Testing Consequences:

<u>Type of Test</u>	<u>1st Positive</u>	<u>2nd Positive</u>	<u>3rd Positive</u>
Random	Termination	N/A	N/A
Reasonable Suspicion	Termination	N/A	N/A
Return to Duty	N/A	N/A	N/A
Post-Accident	Termination	N/A	N/A

6.0 OTHER GENERAL POLICIES

6.1 COUNTY PROPERTY

The use of County property for any personal use is prohibited without prior approval from the Board of Commissioners. Use outside of the work environment will require the approval of the Department Supervisor. Uniforms are considered County property. Davison County prohibits fraud and theft in the workplace.

Fraud or *fraudulent* means an intentional deception designed to obtain a benefit or advantage or to cause denial of some benefit that is lawfully due. Examples of fraud include:

- Forgery or alteration of a check, bank draft, or any other financial document;
- Theft of a check or other diversion of a payment made to Davison County;
- Improper or dishonest handling of funds, supplies, or other assets;
- Improper handling or reporting of financial transactions;
- Profiteering as a result of insider knowledge of County operations; and
- Selling/using confidential County information for an outside business activity.

Theft means the act of taking something from someone unlawfully. An example of theft is taking equipment or supplies belonging to Davison County and keeping it for personal use. Davison County relies on South Dakota Codified Law regarding what constitutes fraud in the workplace. These laws establish control and aid in the prevention and detection of fraud against Davison County property. These laws apply to any actual or suspected fraud or theft by an employee.

Employees who suspect fraud or theft is happening in the workplace should report the matter immediately to their Supervisor or the State's Attorney office. Davison County provides whistleblower protections for the employee who reports fraud in the workplace. An employee may file a complaint with the Commission if the employee believes that there has been retaliation because of reporting a violation of state law through the chain of command of the employee's department or to the State's Attorney Office.

All offices, desks, file drawers, cabinets, lockers, County vehicles, and other County equipment (including but not limited to computers, e-mail and voice mail) and facilities or any area on Davison County premises are the property of the County ("County Property") and are intended for business use. Employees should have no expectation of privacy with respect to County property and/or items stored within County Property or on County premises. Inspection may be conducted at any time, without notice, at the discretion of the County.

All employees must cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including termination.

6.2 SMOKING

Pursuant to SDCL 34-46-14 “Smoking in public or place of employment prohibited.” No person may smoke tobacco or carry any lighted tobacco product or use e-cigarettes or vaporizers in any public place or place of employment. Smoking on Davison County property is permitted in the designated smoking area only. Smoking is prohibited in any Davison County vehicle. A violation of this section shall be grounds for disciplinary action. No smoking of marijuana shall be permitted in Davison County buildings, facilities, grounds, vehicles or enclosed equipment.

6.3 WORKPLACE SAFETY

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

All employees of Davison County are expected to obey all safety rules and policies and be aware of their surroundings at work. Employees must immediately report any unsafe condition to the Department Supervisor.

All employees are required to inform the Department Supervisor immediately of any accident that causes an injury, no matter how minor it might seem at the time. Employees will also be required to complete a First Report of Injury Form, which is available at the Auditor’s Office.

Hazardous Materials

All Davison County employees have certain rights regarding the use of hazardous materials in the workplace. Davison County will provide information regarding the following:

1. What chemicals are used in the workplace (MSD Sheets)
2. Where the chemicals are located.
3. Physical and health hazards associated with the chemicals.
4. Protective measures that must be taken to prevent exposure.
5. What to do in case of exposure to the chemicals.

For additional information on hazardous materials in the workplace consult with the Department 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 the Department Supervisor immediately so that appropriate medical treatment can be administered.

The transfer of any bodily fluid (blood, saliva, urine, etc.) may transmit blood borne pathogens. Use caution to avoid contact with these fluids. Each department will be equipped with a first aid kit, which contains protective gloves to be worn prior to contact with bodily fluids. If this is not possible, use a strong disinfectant to clean the affected area and entire body afterwards and report the incident to the Department Supervisor. Employees in positions that may typically come in contact with bodily fluids shall be offered a series of Hepatitis B shots. If they decline that offer, they must sign a waiver showing it was offered. (Attachment J).

Safety Orientation

All new employees will have a safety orientation and sign off that they understand and will follow the Davison County Safety Manual. (Attachment L).

6.4 BREASTFEEDING

The Patient Protection and Affordable Care Act (ACA) signed into law on March 23, 2010, amended section 7(r) of the Fair Labor Standards Act (FLSA). This amendment requires employers to provide a private space, other than a bathroom, for an employee to express breast milk for up to 1 year after the birth of an employee's child. The private space must be shielded from view and free from intrusion from coworkers and the public. All Federal agencies are required to provide employees a private space, permanent or temporary, consistent with these requirements. The Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act) expands protection for nursing mothers and emphasizes the time spent to express breast milk is considered "hours worked" if the employee is not completely relieved from duty during the entirety of the break. If a nonexempt employee continues to work, or is interrupted during the break, then they must be paid for the entire break. Exempt employees continue to receive their full weekly salary, regardless of any break.

Davison County will recognize the responsibility a mother has to both her job and her child when she returns to work. Davison County is aware there are many health benefits associated with breastfeeding. Davison County supports mothers who breastfeed at work and we are committed to helping our employees continue breastfeeding when they return. Davison County will allow breastfeeding employees to have a flexible schedule for breastfeeding or expressing breast milk. The time allowed will not exceed the normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, employees may use leave or work an adjusted schedule.

Davison County is not required to compensate a non-exempt employee who is receiving reasonable break time spent to express breast milk and is completely relieved from duty, not working, nor interrupted during that time for work.

Davison County will provide, at little or no cost to the employee, the following services to show our commitment to this belief:

1. The addition of this policy.
2. A description of worksite accommodations and options available to women who breastfeed.
3. A reasonable break time for an employee to express breast milk for her child for 1 year after the child's birth; each time an employee has a need to express the breast milk. Because a flexible schedule is important, beginning and ending work times can be adjusted to accommodate these breaks.
4. A private space (not a bathroom) that is shielded from view and free from intrusion from coworkers and the public, with a comfortable chair that breastfeeding employees can use to pump their breast milk during the workday. A sink and either a cooler or refrigerator for breast milk storage will be in the room or nearby (a community fridge will suffice for breast milk storage). A room will be assigned at the time of the request.
5. Employee education that will explain why breastfeeding moms need support from their employer and coworkers.

6.5 PETS/SERVICE ANIMALS IN THE WORKPLACE

Davison County is responsible for assuring the health and safety of all employees. In keeping with this objective, Davison County does not permit employees to bring their pets to work.

6.6 PETS/SERVICE ANIMALS IN COUNTY BUILDINGS

Davison County permits in public buildings and grounds only service animals, defined as a dog that is trained to do work or perform tasks for a person with a disability. The dog must be vaccinated. The handler is responsible for caring and supervising of the animal and must ensure that the animal is harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices and in such cases the handler must maintain control of the animal. The animal must not be allowed to bark repeatedly in a place where quiet is needed. If the animal is out of control or creates a public health issue, Davison County reserves the right to have the animal removed from the public place.

Emotional support, therapy, comfort and companion animals are not permitted in public buildings or grounds, except as to those animals involved in a County provided training program that is permitted on the grounds for purposes of receiving the training and in such cases the animal handler must comply with all program rules.

Service animals are not considered pets. An employee who requires the help of a service animal (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") for an ADA qualifying disability will be permitted to bring a service animal to the workplace, provided that the employee has first obtained authorization through the job accommodation process, provided the service animal has any required training documents, and provided the service animal's presence does not create a danger to others and does not impose an undue hardship upon the organization. Under the ADA, emotional support animals are not service animals. Emotional support animals are not permitted in the workplace.

EMPLOYEE POLICIES

7.0 RECORDS/PAYROLL

7.1 PERSONNEL RECORDS

It is the policy of Davison County to maintain accurate and updated information on each Davison County employee in its personnel files. The personnel file will be maintained by the HR Department and may include, but is not limited to the following:

1. Employment Application
2. Letters of commendation and/or references
3. Payroll deduction authorizations
4. I-9 and W-4 forms
5. Leave of absence slips
6. Disciplinary actions and/or Performance Improvement Plans
7. Termination or discharge record
8. Previous positions held with Davison County and rates of pay
9. Work hour records
10. Overtime records
11. Performance appraisals

Department Supervisors may maintain unofficial documents, such as emergency contacts, copies of time sheets etc., however, all personnel actions will be based on documentation held within the official personnel file maintained by the HR Department.

All employee documents, whether official or unofficial, are confidential. Such documents will 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 will have reasonable access to his/her personnel records upon request to the HR Department. The employer will make the file available to the employee's representative only upon express written authorization.

No written incident report or records of disciplinary action will be placed in an employee's personnel file unless the employee is advised of the 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 will 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.

It is the employee's responsibility to inform the HR Department of any changes in name, address, telephone number, or withholding status. An employee must immediately report any of the above or other pertinent changes.

Personnel records are maintained in accordance with the records retention and destruction manual for counties published by the State Bureau of Administration, in accordance with ARSD 24:52:11 and SDCL 1-27. Davison County permanently keeps an employee's name, social security number, dates of employment, positions held and salary history.

7.2 PERFORMANCE EVALUATIONS

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 prior to the end of the employee's Introductory Period and then annually (See Section 8.7 Introductory Period). Department Supervisors will have their performance evaluation completed by the Commission liaison assigned to the specific department.

Any unsatisfactory evaluations will be reviewed again within 60 days. Introductory Period salary increases, if agreed upon at the time of hiring, will not be approved until a signed Introductory Period Evaluation (Attachment H) is filed in the HR Department and the raise approved by Commissioners.

Each employee will have at least one Annual Performance Evaluation (Attachment I). The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. The report will be completed by the employee's Supervisor, signed by the employee, and forwarded to the HR Department. A copy of the evaluation will be provided to the employee upon request. After each appraisal, the Supervisor will 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. Timeframes for performance evaluations are not required to start over for lateral transfers. However, the Commissioners and Department Supervisor may require a new Introductory Period.

Performance Evaluations are a confidential employment document, not to be viewed by anyone other than the employee, Supervisor, and the HR Department.

7.3 PAYROLL

Davison County is required by law to maintain 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 hourly employees will be paid for all hours worked and salaried employees are (a) paid at least the applicable minimum wage and (b) compensated fairly for all hours worked.

All hourly and salaried employees are required to keep an accurate record of hours worked by entering the hours into the official Time Keeping System, to be submitted at the end of each two-week pay period. Elected Officials and Deputy States Attorneys will not be required to enter hours into the system. As departments may vary, Supervisors will determine the appropriate time keeping method for the given department. In all instances, marking another employee's time record or falsifying time records is prohibited. Time records will be signed by the employee and the Department Supervisor or their designee.

All changes for employees (such as sick leave, vacation leave, etc.) must be made by employee Supervisors by 9:00 AM each Monday, following each work week. Time records will be turned into the HR/Payroll Department no later than 9:00 AM on Monday, following each two-week pay period.

Payroll for all employees will be deposited directly into the account or accounts specified by the employee. Pay will be deposited on the Friday following the end of each two-week work period, or Thursday in the event a bank holiday falls on a Friday; if all proper requirements are met.

If time records are not turned into the HR/Payroll Department by the specified time, pay will not be processed on the established payday; but will be processed on the following payday. No processing of pay will be performed without required information. The Department Supervisor or their designee may sign on behalf of an employee in the event the employee is unable or incapacitated. Electronic approvals of timesheets are acceptable.

7.4 PAY INCREASE

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

Approved starting salaries and wages will be kept on-file with the HR/Payroll Department. Post-Introductory salary increases will be agreed upon at the time of hiring, approved by the Commissioners, and noted in the Commission minutes.

Pay Increases *may* occur at the following times:

1. Annually by the first meeting in January, pay increases for personnel, if any, will be determined by the Davison County Commissioners and salaries will be set for all employees.
2. For employees who have received a favorable Introductory performance evaluation from their Supervisor, in accordance with Section 8.7, which will be filed in their personnel file in the HR Department.
3. For post-introductory employees, who have received a favorable performance evaluation from their Supervisor in the previous 12 months, in accordance with Section 7.2, which will be filed in their personnel file in the HR Department.
4. Any other time that the Commissioners see fit.

8.0 HIRING/NEW EMPLOYEE INFORMATION

8.1 EQUAL OPPORTUNITY EMPLOYER

Davison County will not tolerate harassment, discrimination or offensive behavior based on membership and/or status in a protected category, specifically: race, color, creed, religion, sex/gender (including pregnancy, childbirth, or related medical conditions), national origin, nationality, age, ancestry, marital status, familial status, domestic partnership and civil union status, atypical hereditary cellular or blood trait, affectional or sexual orientation, gender identity or expression, liability for service in the armed forces of the United States, genetic information, disability, or any other legally protected status or characteristic.

It is the policy of Davison County to provide equal employment opportunities to all employees and employment applicants without regard to unlawful considerations as above or any other classification protected by applicable local, state or federal laws. This policy prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. This policy applies to all aspects of employment, including, but not limited to, hiring, job assignment, working conditions, compensation, promotion, benefits, scheduling, training, discipline and termination. Qualifications including such items as ability, availability, capability, aptitude, work performance, experience, education, and willingness to work will be incorporated in decision-making.

Davison County expects all employees to support our equal employment opportunity policy, and to take all steps necessary to maintain a workplace free from unlawful discrimination and harassment and to accommodate others in line with this policy to the fullest extent required by law. For example, Davison County will make reasonable accommodations for employees' observance of religious holidays and practices unless the accommodation would cause an undue hardship on Davison County's operations. If you desire a religious accommodation, you are required to make the request in writing to your Department Head as far in advance as possible. You are expected to strive to find co-workers who can assist in the accommodation (e.g. trade shifts) and cooperate with Davison County in seeking and evaluating alternatives.

All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated. Any employee who believes they have not been treated in accordance with this policy is encouraged to contact the Department Supervisor or the HR Department.

8.2 HIRING PREFERENCES

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

Davison County is subject to SDCL 3-3 relating to veterans' preference in employment.

8.3 HIRING PROCEDURES

SDCL Title 7 explains several laws related to county government, of which some are explained below. However, due to the number of laws applying to county government, employees should research Title 7 for any specific concerns.

Authorization of Deputies, jailers, and clerks:

As authorized by SDCL 7-12-9, if in the judgment of the (Davison County) Board of County Commissioners, it shall be necessary for the prompt dispatch of business in the office of the sheriff that one or more deputies, jailers or clerks be appointed therein, the board shall by resolution fix the number of such deputies, jailers or clerks and the compensation which they shall receive. The salary of each clerk, jailer and deputy shall be paid out of the county general fund.

Appointment, qualifications, and powers of deputy attorneys:

As Authorized by SDCL 7-16-3, the state's attorney may appoint one deputy or limited deputy who shall be a duly licensed attorney and counselor at law having the qualifications required of state's attorneys, and if authorized by the board of county commissioners by resolution duly entered upon its minutes, the state's attorney may appoint one or more additional deputies or limited deputies, each of whom shall likewise be a duly licensed attorney and counselor at law having the qualifications required of state's attorneys. During such deputyship the person so appointed shall be vested with all the powers of the state's attorney, subject to the control of the state's attorney. A limited deputy shall be vested with only those powers specifically delegated by the state's attorney in writing at the time of his appointment, shall serve at the pleasure of the state's attorney and be under his supervision and control.

Authorization for employment of deputies and clerks:

As authorized by SDCL 7-7-20, If in the judgment of the (Davison County) Board of County Commissioners it shall be deemed necessary for the prompt and accurate dispatch of business in the office of the county treasurer, county auditor, county coroner, or register of deeds that deputies or clerks be employed therein, it shall by resolution fix the number of deputies or clerks to be employed, the time of employment, and compensation which they shall receive.

Appointment and removal of deputies and clerks:

As authorized by SDCL 7-7-21, the officer in whose office a deputy or clerk is employed may appoint or remove a deputy or clerk at pleasure. The appointment or removal shall be by a certificate in writing, and any deputy or clerk appointed shall before entering upon the duties of office, take and subscribe the oath or affirmation required by the Constitution. The oath or affirmation shall be endorsed on the certificate of appointment and filed as provided by law. The deputy or clerk shall furnish an official bond in an amount and with surety as the principal deems proper. The bond shall be attached to the certificate of appointment and oath of office.

Powers of Deputies:

As authorized by SDCL 7-7-22, such deputies are authorized to sign all papers and do all other things which the officers themselves may do respectively, and the respective officers shall be responsible for the acts of their respective deputies.

Employment Process:

1. 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.
2. In the event that there are two or more applicants with equal qualifications for a particular job with Davison County, preference will be given to the applicant who is a resident of Davison County or is a veteran, as explained in Section 8.2.
3. All Supervisors, including elected and appointed Davison County officers, will inform the Davison County Commission of a job opening prior to advertising.
4. The HR Department will be responsible for posting such vacant positions on the Davison County website, so that County employees and residents have notice of all open positions.
5. Applications for all Davison County positions will be distributed and collected by the HR Department. A job description for the office Supervisor will be provided, as well as any other information required by the office Supervisor necessary for processing of the application.
6. Applications accepted by Davison County may require a cover letter, a resume’ and/or a standardized application available on the Davison County Website or from the HR Department. The Department Supervisor will determine the requirements of each specific position and inform the HR Department.
7. The Supervisor will review the application received to ensure the applicant has provided all necessary information. The Supervisor will ensure the applicant meets the minimum qualifications for the open position, interview the top candidates for the position, check the references of the applicant listed on the application, and choose the best qualified applicant for the position. HR can assist in any of these tasks.
8. If it is determined the most qualified individual for the position possesses the qualifications and experience qualifying them for starting at a wage higher than the minimum wage shown in the Davison County wage and salary scale, the office Supervisor may submit the higher wage request to the HR Department prior to the formal request for hiring approval with the Board of Commissioners.
9. Post Introductory Period salary increases are not automatic. They must be approved by the Commission and noted in the Commission Minutes.
10. 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 who meets the criteria of a different job description 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 the person gains the knowledge and experience necessary to qualify them for the position advertised, the position will be re-classified to that advertised classification.
11. Once the Department Supervisor selects a candidate for employment, a conditional offer of employment will be given to the candidate, dependent on favorable results of a background check, sex offender check, reference check, pre-employment drug and alcohol test if required as per Section 12.6, physical if required, and approval by Commissioners. The Commission will also formally recognize the hiring of the employee if the position is in an elected office, although the Elected Officer maintains hiring prerogatives.

12. Davison County requests that any employee ending their service with Davison County give a two-week notice to their Supervisor.

8.4 NEPOTISM

Davison County employees will not supervise or be supervised by a close family member unless expressly allowed by the Commission, nor will any close family member of a Davison County Commissioner be hired during their tenure.

Close family member, for the purpose of this policy, includes relatives in the 3rd degree, to include step-relatives. This includes a parent, spouse, spouse's parents, child, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, stepchild, stepbrother, stepsister, stepparent, or other domestic co-habitants.

Personnel employed on or before the effective date of this specific policy of the Employee Resource Guide, which is May 1, 2022, and are in violation of nepotism, will not be considered in violation of this policy.

8.5 JOB DESCRIPTION

All employees will be provided a job description at the time of hiring. It will be the employee's responsibility to ask the Department Supervisor for clarification of any duties and/or responsibilities. Additional training and education may also be required for any position.

Each department of Davison County may also have specific rules, policies and procedures with which the employee is required to comply, which will not supersede this manual.

Department Supervisors may submit an Employee Change Request (Attachment G) if the duties of the position have significantly changed. The request should be submitted to the HR Director, who will verify the information and submit to the Commission, where the Department Supervisor will also have an opportunity to present the request or have it presented for them by the HR Director.

8.6 NEW HIRE POLICIES

Davison County is committed to belonging, inclusion, diversity and equity. We are committed to intentionally and proactively creating pathways to success for historically underrepresented populations. To accomplish this, we foster a culture of belonging and inclusion so that every employee is valued and has the opportunity and the ability to make an impact. Davison County strives to reflect the diversity of the communities we serve in the makeup of our workforce.

All new hires must consent to a background check to include, but not limited to the Sex Offender Central Registry. If all checks come back as acceptable, the prospective employee will be presented to the Commissioners for final approval.

In compliance with the Immigration Reform and Control Act of 1986, as amended, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

8.7 INTRODUCTORY PERIOD

Employees may be required to complete an Introductory Period, allowing the employee to be evaluated regarding professionalism, work quality, and required certification/education. The Introductory Period for full-time employees will be 6 months and part-time employees will be the completion of 1,040 hours; unless the position requires a longer period due to certain training requirements of the position.

At the completion of the Introductory Period, the approved Performance Appraisal Evaluation (Attachment H) will be completed by the Supervisor and signed by both the employee and Supervisor. Options include:

1. Regular employment (full or part time);
2. Extension of the Introductory Period to allow time for additional training; or
3. Termination.

Upon receiving a recommendation for regular employment, an employee change form will be sent to the HR Department and then submitted to the Commission for approval. This request may also include a wage adjustment as explained in Section 8.7. Wage increase requests for successful completion of the Introductory Period will be determined at the time of hire and reviewed by the HR Department prior to the formal request to the Board of Commissioners. If approved, such raises will be set to take place at the beginning of the pay period after approval. The employee's Anniversary Date will be the original date of employment in that position.

8.8 EMPLOYEE CLASSIFICATION DEFINITIONS

All Davison County employees will be classified as one of the following:

1. **Full Time:** A full-time employee is regularly scheduled to work 40 hours per week.
2. **Part Time:** A part-time employee is scheduled to work a designated number of hours, **not to exceed 29 hours per week.**
3. **Seasonal/Temporary:** A seasonal/temporary employee is hired either for a particular event or for a specific time period not to exceed six months.

Part-time and Seasonal/Temporary employees are not eligible to participate in any fringe benefit programs available to full-time employees except the SDRS SRP.

Regarding the Davison County Salary Schedule, employees are considered Exempt or Non-Exempt Employees.

8.9 PERSONAL APPEARANCE

All Davison County employees are expected to maintain a clean, neat, and professional personal appearance. It is the responsibility of the Department Supervisor to establish a professional, job appropriate appearance for each department. Davison County will comply with the Creating a Respectful and Open World for Natural Hair Act (CROWN Act) as we aim to create an inclusive and respectful workplace environment where employees can express their natural hair and cultural identities without fear of discrimination or adverse treatment. Employees will be treated fairly and without prejudice in all aspects of employment, in accordance with the CROWN Act.

Davison County prohibits the use of strong scents, disruptive odors, and allergy-inducing smells.

Employees wearing clothing bearing the Davison County name or logo should use appropriate discretion in public, on or off duty, as the employee is representing Davison County.

It is the policy of Davison County, other than the departments listed below, to not allow a clothing allowance or cleaning allowances for employee clothing. Clothing may be allowed for the following:

1. Protective safety clothing for positions where such clothing provides the necessary protection against weather or 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 whereby custom the employee provides his/her own clothing. Employees will be responsible to maintain the clothing in good order and request replacement of any clothing which may be damaged.
2. The Davison County Sheriff's Department will provide three uniforms per Deputy or Correctional Officer upon hire. Sheriff Deputies will also be issued ballistic vests meeting the current NIJ Level 3 standard. An Employee wishing to have more uniforms will be required to purchase them on their own. After initial issuance, replacement uniforms will be provided, as needed, up to three uniforms every three years. Uniforms destroyed in the line of duty will be replaced.
3. The Department of Equalization will provide a clothing allowance for clothing bearing the department name so employees will be easily identified as Davison County employees when they are assessing properties. Amounts will be determined during budget discussions. Employees are eligible for reimbursement through appropriate channels after successfully completing their introductory period. Unused funds will not be rolled over to the next year. Employees may use their own funds to purchase additional items with the department name/logo if they so desire. Winter coats will remain the property of the County and will be returned upon termination of employment.
4. Uniforms may be provided to any department which mandates an employee wear a specific uniform or require a uniform for identification purposes. The decision must be comparable to a requirement of similar positions to wear a uniform. The uniforms must be clothing not generally capable of being worn as common clothing while not on the job.
5. If any department desires a clothing allowance under one of the exceptions, it must first develop a clothing policy for its employees and receive approval of the Davison County Commission prior to instituting such clothing allowance. Any payment for clothing allowance to any employee will be based upon a receipt for the clothing submitted through the proper channels. There will be no cash advances. The Davison County Jail and Sheriff's office have an allowance for Supervisor approved appropriate footwear of a \$175 one-time reimbursement/three-year union contract with a receipt.
6. A cleaning allowance will not be provided, regardless of the clothing being purchased by the person or Davison County. All County purchased clothing and equipment will be returned upon leaving employment.

8.10 REHIRE

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

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, and vacation time. Their employment by Davison County is continuous.

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, and vacation time. Their employment by Davison County is continuous.

A termination occurs when the employment relationship is severed, either by Davison County or the employee. Employees whose employment is terminated are those who choose to have Davison County pay out accrued sick and vacation leave according to Sections 11.3 and 11.4, and terminate all other benefits, such as retirement and insurance benefits. Their employment by Davison County has been interrupted, regardless of the number of days.

Under rehire, all benefits begin accumulating at rates established for new employees; to include sick leave and vacation accrual. Health Reimbursement Account (HRA) funds will not start over if rehired in the same calendar year. However, any remaining funds may be accessed in the given year. Davison County employees who become elected officials (who are not required to participate in the South Dakota Retirement System) are exempt from the Rehire policy.

8.11 AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA), are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. Pregnancy itself is not included in the description of a disability unless complications make it rise to that level. Unlike the ADA where employees must be able to perform the essential functions of their jobs with accommodations, the Pregnant Workers Fairness Act (PWFA) requires employers to provide temporary reasonable accommodations to workers with physical or mental medical conditions related to pregnancy or childbirth who cannot perform the essential functions temporarily.

It is Davison County's policy not to discriminate against such qualified individuals in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

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

Davison County may require medical certification of the need for accommodation. Keep in mind that we can only seek to accommodate the known physical or mental limitations of an otherwise

qualified individual. Therefore, it is your responsibility to come forward if you are in need of an accommodation. Davison County will engage in an interactive process with the employee to identify possible reasonable accommodations, if any will help the applicant or employee perform the job without causing undue hardship to Davison County.

Davison County provides prompt and equitable resolution of grievance complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA or the PWFA. 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 themselves, or by an authorized representative, file a complaint.

Complaints should be addressed to HR Department.

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 enough 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 will promptly conduct an informal, but thorough, investigation of the complaint. All interested parties will 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 will be issued, and a copy forwarded to the complainant, no later than 30 days after completion of this investigation. The finding will 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 will 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 Davison County Commissioners within 10 working days of the original findings.
7. Nothing in this procedure will 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.

8.12 GARNISHMENTS

A garnishment is a court order requiring an employer to remit part of an employee's wages to a third party to satisfy a just debt. Once Davison County receives the legal papers ordering a garnishment, we are required by law to continue taking deductions from your check until the full amount has been withheld or until receipt of legal papers from the court to stop the garnishment. If an employee believes he or she has paid the debt and is not properly subject to garnishment, it is the employee's obligation to undertake the legal process to stop the garnishment. Davison County's only responsibility is to properly respond to the garnishment and timely remit garnished funds to the garnishing party.

9.0 HOURS OF WORK

9.1 WORKWEEK/PAY PERIOD

The Davison County pay period will run from 12:01 a.m. Saturday to 12:00 midnight Friday, every two weeks.

The normal workweek consists of forty (40) hours per week including leave days (sick, vacation, etc.), exclusive of the meal periods, with the work schedule and days of the workweek determined by the department Supervisor. There may be times when this schedule will have to be extended, diminished or adjusted in order to better serve the citizens of Davison County. The Davison County Commission and Supervisors reserve 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. In addition, the Supervisor may pre-authorize occasional unpaid time off, approving between a 36-40 hour week of work, in which there would be no penalty of pro-rated insurance premium payments and accrued vacation hours would not need to be used. Vacation and sick accruals would be pro-rated accordingly.

The normal workweek for law enforcement employees, except administrative positions, consists of eighty (80) hours in a fourteen (14) day pay period. In addition, the Supervisor may pre-authorize occasional unpaid time off, approving between a 72-80 hour worked pay period, in which there would be no penalty of pro-rated insurance premium payments and accrued vacation hours would not need to be used. Vacation and sick accruals would be pro-rated accordingly.

Employees are required to take a meal break, which is usually scheduled after four (4) hours of work. This time frame and the length of meal period may vary based upon factors in the department, such as workload. Employees are also allowed a fifteen (15) minute paid break period in the middle of each 4-hour work block, as work conditions permit. Effort should be made to stagger breaks, to allow for departments to remain staffed at all times during regular business hours.

According to the Fair Labor Standards Act (FLSA, the following will apply to all non-exempt employees:

1. An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not considered to be working while on call; and therefore, will not be compensated. Exceptions: Sheriff and Sheriff's Deputies get \$20/day to be on call and Highway employees on call during storms get a minimum of \$75/day. Additional constraints on an employee's freedom could require this time to be compensated at a higher rate.
2. If any employee is called in to work, they will receive a minimum of one hour of compensation.
3. Meal breaks, during normal workdays or at conferences, are not compensated if the employee is relieved from duty for the purpose of eating a meal.
4. Travel time to and from a training, conference, etc. is considered work time.

9.2 OVERTIME

In accordance with the Federal Fair Labor Standards Act (FLSA), all hours worked in excess of forty (40) hours during an employee's workweek will be paid at the Overtime Rate, with the exception of specific law enforcement employees who earn overtime after eighty (80) hours in a two-week period.

All overtime hours must be authorized by the employee's 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. As much as possible, the opportunity to work overtime will 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 and other FLSA Exempt Employees are paid a salary, which is allowable under Section 13(a)(1) and Section 13(a)(17) of the Fair Labor Standards Act. Salaried employees, within the definition of the FLSA, 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 will not receive additional pay or compensatory time off for hours worked in excess of forty (40) hours during an employee's workweek. Important Federal Laws pertaining to this policy are:

1. Federal Register 29 CFR Part 541 Subpart G §541.602(a) states an exempt employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked.
2. Federal Register 29 CFR Part 541 Subpart G 541.602(b)(1) goes on to explain deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Davison County Exempt employees are provided vacation leave, as explained in Section 11.4.
3. Federal Register 29 CFR Part 541 Subpart G 541.602(b)(2) states deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. Davison County Exempt employees are provided sick leave, as explained in Section 11.3.
4. Federal Register 29 CFR Part 541 Subpart G 541.602(b)(7) states an employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under FMLA.

Section 9.1 Hours of Work explains the beginning and the end of the work week.

Overtime hours for Correction Officers and Law Enforcement Officers (Deputies) will be paid when time worked surpasses 80 hours in a two-week work period. Overtime hours for all other County employees will be paid at the rate of one and one-half (1-1/2) times the employee's regular hourly rate of pay for actual hours worked in a 40-hour work week.

Holiday, Vacation, Bereavement and Sick hours, etc. are not considered when computing overtime hours if the employee did not work those days.

10.0 BENEFITS

10.1 HEALTH, DENTAL AND LIFE INSURANCE COVERAGE

A qualified health plan is offered to all full-time employees on a pre-tax basis. Davison County pays a percentage of the premium of the employee's health insurance coverage. Rates, coverage and cost-share are subject to renewal and review yearly. 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.

Davison County may put money into an HRA plan for employees covered by our health insurance as well as for those full-time employees who choose not to take our health insurance. Employees may contribute to a flex account for medical expenses or dependent care regardless of if they choose to have health insurance coverage or not.

Coverage is effective on the first of the month following 30 days of full-time employment. Premium deductions will start 30 days prior to the effective date. Decisions to enroll in the insurance policy must be made within the first 30 days of FT employment with Davison County, at the time of the annual enrollment date, or if the employee has a qualifying event.

For information on the termination date of coverage and available COBRA coverage upon separation from Davison County service, contact the HR Department.

Dental Insurance and Life Insurance are offered to all full-time employees. For information regarding these plans, contact the HR Department.

Davison 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.

10.2 HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Affordable Care Act (ACA) limit exclusions for preexisting conditions; prohibit discrimination against employees and their dependents based on their health status; guarantee 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 employees and dependents; 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 occurring.

10.3 CONTINUATION OF COVERAGE – COBRA

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees may have the right to continue coverage of a group medical insurance plan when 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, employees must notify the COBRA Administrator of their desire to continue within sixty (60) days of loss of coverage. If coverage is elected, the employee must pay the cost of the entire premium, plus COBRA Administrative fees. Questions regarding rights to continuation of coverage should be directed to the HR Department.

10.4 SD RETIREMENT SYSTEM

Full-time employees are automatically enrolled into the South Dakota Retirement System (SDRS). Participation begins on the date of the first contribution. Davison County will match the percentage contributed by the employee to SDRS, amounts to be determined by the appropriate classification. Contributions are deducted from the regularly scheduled payroll. Correctional Officers and Law Enforcement Officers are enrolled in the Class B Retirement Program, immediately upon starting. All other employees are enrolled in Class A.

Additional information on the retirement system is available in the HR Department. A complete manual outlining the retirement system is provided to employees upon contacting South Dakota Retirement System office in Pierre, SD or online from their website.

Seasonal/temporary and part-time employees do not qualify for participation in the retirement plan, but may participate in the Supplemental Retirement Plan, which does not have a matching contribution from the County.

Davison County is a participant in the South Dakota Special Pay Retirement Program, under the terms and conditions of SDCL Chapter 3-13A. Any employee in the process of separation and age 55 or older, please refer to Section 12.7 Separation from County Service for information on the mandatory South Dakota Special Pay Retirement Program.

10.5 WORKERS' COMPENSATION

All Davison County employees are covered by Workers' Compensation, to include elected, appointed officials, volunteers, and board members. This includes any official of Davison County, whether elected or appointed for a regular term of office or to complete the unexpired portion of any such term. Officials and employees will be covered under Workers' Compensation coverage per SDCL 62-1-3(2).

If injured on the job, employees 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 provider of the workers' compensation coverage subject to the approval of the South Dakota Department of Labor and SDCL 62. Davison County encourages employees to use the contracted provider, if applicable. Regardless of provider, it is the injured employee's responsibility to contact the HR Department to receive the proper paperwork to be completed by the physician and returned to that office. A report of injury will be filed by the employee's Supervisor immediately, or as soon thereafter as is practical; in an effort to complete the proper forms necessary to secure any available benefits.

All injuries, regardless of severity, must be reported within 24 hours to the HR Department. Failure to promptly report an injury may result in loss of benefits and disciplinary action.

Workers' Compensation is retroactive, requiring a statutory time period to be met prior to indemnity benefits paid for lost wages. This may result in the employee already having used vacation or sick leave by the time benefits may be payable. In the event that an employee receives workers' compensation benefits for the period of time for which vacation or sick leave was taken and paid to the employee, the employee may keep the Workers' Compensation benefits check, or endorse the check to Davison County in order to buy back a commensurate amount of the vacation or sick leave taken. In that event, the returned leave hours will be placed back in the employee's accumulated hours of vacation or sick leave; in accordance with SDCL 62-4-3. If no leave is available, and the employee chooses to take leave without pay, leave hours will not continue to accrue during this time.

Prior to making a determination to request benefits, employees should review SDCL 62-4-2 and 62-4-3 to determine their best option.

SDCL 62-4-2 explains the waiting period for temporary disability benefits. No temporary disability benefits may be paid for an injury which does not incapacitate the employee for a period of seven consecutive days. If the seven-day waiting period is met, benefits shall be computed from the date of the injury.

SDCL 62-4-3 explains the amount of temporary total disability compensation. The amount of temporary total disability compensation paid to an employee for an injury is equal to sixty-six and two-thirds percent of the employee's earnings, but not more than one hundred percent computed to the next higher multiple of one dollar of the average weekly wage in the state as defined in SDCL 62-4-3.1 per week and not less than one-half of the foregoing percentages of the average weekly wage of the state per week. However, if an employee earned less than fifty percent of the maximum allowable amount per week, the amount of compensation may not exceed one hundred percent of the employee's earnings calculated after the earnings have been reduced by any deduction for federal or state taxes, or both, and for the Federal Insurance Contributions Act made from such employee's total wages received during the period of calculation of the employee's earnings.

The SDML Workers' Compensation Fund recommends members require all independent contractors doing business with a member or members to provide proof of Workers' Compensation insurance coverage before performing work for Davison County, in an effort to protect against a potential Workers' Compensation claim for an individual not employed by Davison County.

SDCL 62-1-19 through 62-1-22 allows some independent contractors the option to provide an Affidavit of Exempt Status to Davison County in lieu of carrying Workers' Compensation coverage. This only applies to independent contractors who meet the following criteria:

1. They are a sole proprietor. (Not incorporated and not an employee of Davison County.)
2. They do not have employees. (This includes paid temporary help from family, friends or any other person.)
3. They contract directly with Davison County. (There is no General Contractor for the project)

Prior to work beginning on a project, the Affidavit must be signed and notarized by both Davison County and the Independent Contractor with whom Davison County is doing business. The Affidavit requires that the Independent Contractor complete the Exempt Status Fact Sheet and attach it to the Affidavit. The Affidavit of Exempt Status is not dispositive of the issue, and only creates a rebuttable presumption that Davison County is not required to provide Workers' Compensation insurance for the individual signing the Affidavit.

If the Independent Contractor would bring any employee to the job, including temporary, seasonal, part-time, a family member or friend, this Affidavit may not protect Davison County. Therefore, the Independent Contractor would need to carry Workers' Compensation coverage and provide proof that coverage is effective.

SDCL 62-1-22 does not require Davison County to accept an Affidavit of Exempt Status as a substitute for a certificate of workers' compensation coverage. The best protection for Davison County is to require all independent contractors, including sole proprietors, to carry Workers' Compensation Insurance Coverage and provide a certificate as proof that the coverage is in force.

10.6 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Davison County Employee Assistance Program (EAP) provides full-time employees the opportunity to obtain counseling services to address issues or problems they are experiencing in life. These situations may be family or job related, financial or substance abuse issues, or any other challenge in life. Davison County covers the expense of up to three counseling sessions per 12-month period for full-time employees and/or immediate family members in need of services. These may be joint or individual sessions.

Confidentiality: Employees are not required to report sessions to a Supervisor. Any employee wishing to discuss access to sessions with their Supervisor or the HR Director may do so, and it shall be kept confidential.

Scheduling: When scheduling an appointment, please inform the provider this should be billed to the Davison County Employee Assistance Program.

Time Off: Employees may use sick leave for counseling sessions if the session falls during work hours.

Billing: Providers will send the invoice to the Auditor's Office, which will remain confidential. Client names will not appear on invoices.

Continuation of Counseling Services: Employees who wish to continue counseling after the first three sessions, may do so at their own expense; with the services billed at the same rate. Employees should consult their insurance provider for specific coverage for additional services.

Contracted Providers: (available regardless of religious affiliation)

- Dakota Counseling Institute, 910 W Havens, Mitchell. Phone: 605-996-9686
- Lutheran Social Services. Phone: 1-855-334-2953

- Catholic Family Services, Delaney Clinic, Mitchell or in Sioux Falls. Phone: 1-605-988-3700
- Linda L Logan Counseling Services, 115 E Havens Ste 107, Mitchell. Phone: 605-990-4555

Any questions on the Davison County Employee Assistance Program (EAP) should be directed to the HR Department.

10.7 REEMPLOYMENT INSURANCE

Reemployment Insurance (formerly Unemployment Insurance) benefits are paid entirely by Davison County, which enables an employee who is laid off or is physically unable to work to receive compensation.

Further information concerning this benefit may be obtained from the local state reemployment office.

10.8 SOCIAL SECURITY

Davison County will match employee contributions under the Federal Insurance Contributions Act (Social Security) for old age disability and survivor's insurance. Under certain circumstances, payments may be made to dependents in the event of the employee's death.

Employee contributions are deducted from the regularly scheduled payroll. Details of the social security plan may be obtained from the local social security office.

11.0 LEAVE

11.1 LEAVE OF ABSENCE

A Leave of absence may be requested in writing to the employee's Supervisor, which will then be presented to the Commissioners. Leaves of absence, for personal reasons or reasons of health, may be considered for employees absent from work for a period greater than three (3) consecutive days; for which sick leave, vacation, holiday or personal leave does not apply. Supervisors will consider any request for a leave of absence, not to exceed six (6) months.

Leaves of absence are not encouraged and will be considered only in unusual or emergency situations. Leaves of absences are unpaid. Requests for leaves of absence and requests for extensions of leave will be considered on a case-by-case basis.

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

Employees may continue group insurance coverage by pre-paying 102% of the monthly premium charged to Davison County (premium +2% Administrative Fee). Employees must arrange for such continuation of coverage prior to the commencement of the leave without pay. A leave of absence may require the employee to access COBRA Insurance to maintain coverage.

11.2 PERSONAL LEAVE

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:

- Birth or a child or placement of a child for adoption or foster care.
- Illness or death of a member of the immediate family. Immediate family is defined as: Employee's spouse, parent, spouse's parents, child, unborn 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 11.6 Funeral Leave).
- Volunteer fire or police work.
- Participation as an emergency rescue squad member.
- Military Reserve, FEMA Reserve, or National Guard service.

11.3 SICK LEAVE

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. There is no waiting period to use sick leave.

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 sick leave within a week, a primary care provider's letter will be required to be submitted to the department Supervisor, which will then be forwarded to the HR Department to be placed in the employee's personnel file. 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 10.5 Workers Compensation).

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 separation and are age 55 or older, please refer to Section 12.7 Separation from County Service, for information on the South Dakota Special Pay Retirement Program.

Infectious Disease

Davison County and its employees are dedicated to minimizing the spread of infectious disease in the workplace. Infectious disease refers to persistent conditions which are communicable in nature and able to produce serious illness in another person. Such diseases include but are not limited to influenza and H1N1 virus (Swine Flu). This policy is only intended to apply to short-term infectious diseases, not chronic conditions.

It is the responsibility of Davison County to provide a safe environment for employees and citizens. Employees with infectious disease present a health risk to others. Davison County bases its procedure for how to handle infectious disease on the current recommendations of the Center for Disease Control (CDC). If these recommendations change, depending on the severity of an outbreak of an infectious disease, these updated recommendations will be communicated to employees.

Employees with an infectious disease are subject to the same working conditions and performance standards as any other employee. All decisions regarding employment will be made on job related criteria, and no qualified employee who is able to perform the essential functions of the job will be discriminated against in employment decisions based upon the diagnosis of an infectious disease. If the condition affects an employee's ability to perform the essential functions of his or her job, the employee will be treated in accordance with the Americans with Disability Act.

Unless otherwise directed, sick employees must follow the following guidelines:

1. Employees must not come to work if ill and should stay home to recuperate. Employees staying home because they are ill must contact their Supervisor in accordance with the sick leave policy. Employees should not travel while they are ill.
2. The employee must not return to work until 24 hours after they are free of fever (100° F [37.8° C] or greater), or signs of a fever, without the use of fever-reducing medications.

3. Employees who are well but who have an ill family member at home with an influenza-like illness can go to work as usual. However, these employees should monitor their health daily, and they must stay home and notify their Supervisor if they become ill.

Unless otherwise directed, employees who become sick at work must follow the following guidelines:

1. Any employee who appears ill with a serious infectious illness will be promptly separated from other employees and sent home from work by Davison County. The Supervisor will decide whether an employee will be asked to go home because of illness, and if requested to do so, the employee must go home. The Supervisor has reasonable discretion in deciding whether to send an employee home for illness, and the Supervisor should consider the appearance of the employee, any outward signs of illness, the employee's general demeanor, and any statements by the employee in exercising this discretion.
2. If an employee becomes ill at work, the Supervisor should inform the other Supervisors and fellow employees of their possible exposure in the workplace to the illness without disclosing who specifically was the cause of the exposure.
3. If a Supervisor has reasonable cause to believe that an employee is unable to perform duties or is endangering the health and safety of others because of infectious disease, the Supervisor may request a medical exam or fitness for duty exam to clarify the employee's status. The result will be strictly confidential and available only to the Supervisor and HR Director.

In the case of any COVID-19 exposure or illness, Davison County will follow the recommendations of quarantine, isolation, testing, and return to work that the CDC is currently reporting.

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

Employees who require an extended leave period, who have depleted their accumulated leave, may request donated leave. Up to eight (8) hours of sick leave per employee may be donated to the employee requesting leave. The leave will be on an hour for hour basis.

11.4 VACATION LEAVE

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 8.7 Introductory 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 11.3, above, in which case you are eligible to use accrued vacation hours, but only for such diagnosed condition, prior to completing your Introductory Period. Also, in the case of a county closure due to weather or a facility closure due to malfunction, all employees will be allowed to use accumulated vacation hours for that day.

Years of Service	Rate of Accumulation	Maximum Accumulation
Hire date-Completion of 3 years	3.25 hours/per pay period	188
Year 4-Completion of 12 years	4.60 hours/per pay period	240
Year 13+	6.20 hours/per pay period	320

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

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. Davison 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, Davison 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 12.7 Separation from County Service, for information on the mandatory South Dakota Special Pay Retirement Program.

11.5 HOLIDAY PAY

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 rd Monday in January |
| 3. President's Day | 3 rd Monday in February |
| 4. Memorial Day | Last Monday in May |
| 5. Independence Day | July 4 |
| 6. Labor Day | 1 st Monday in September |
| 7. Native American Day | 2 nd Monday in October |
| 8. Veteran's Day | November 11 |
| 9. Thanksgiving Day | 4 th 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 Davison 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 Davison 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:
 - B. if the observed holiday falls on Saturday observe the preceding Friday as the paid holiday;
or
 - C. if the observed holiday falls on a Sunday observe the following Monday as the paid holiday;
 - D. 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;

- E. part-time employees falling under this paragraph 2., a., will not be paid for an observed holiday; and
- F. 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.
- G. 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;
- H. 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;
- I. 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
- J. 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, Davison County reserves the right granted it by state and/or federal law even if not specifically set forth in the collective bargaining agreement.

11.6 FUNERAL LEAVE

In the event of a death in the immediate family, an employee will be permitted to take three (3) days of eight (8) hours each, of paid bereavement leave, per bereavement. Additional leave days may be available to employees under Section 11.10 FMLA or Section 11.4 Vacation Leave. Hours used will be deducted from the appropriate leave balance.

Immediate family is defined as: employee's spouse, parent, spouse's parents, child, loss of an unborn 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. In the event of a funeral of a relative outside the immediate family, or close friend, an employee may take a reasonable amount of vacation leave, if approved.

11.7 MILITARY LEAVE

Davison County will adhere to all provisions of the Military Selective Service Act, as amended, as it applies to the reemployment rights of veterans who have left the employ of Davison County to perform active duty with the U.S. Armed Forces and who wish to return to the employ of Davison County upon completion of active duty. For specific information on rights, employees

are encouraged to review The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4335).

Full-time employees who are members of the National Guard or Military Reserve of the Armed Forces of the United States, and who, in order to receive military training leave a position of employ with Davison County not to exceed thirty-one (31) days, will be entitled to return to their position with the same status and pay as when the employee left. Seasonal/temporary employees are not eligible for Military Leave.

5 U.S.C. 6323 (a) provides 15 days per fiscal year for active duty, active duty training, and *inactive duty training*. An employee can carry over a maximum of 15 days into the next fiscal year. Inactive Duty Training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.

To be eligible for reinstatement as above stated, employees must supply a copy of Military Orders to their Supervisor and the HR Department, showing the date of departure and duration of the orders, to the extent reasonably possible. In addition, employees must provide a signed copy of the orders, showing evidence of satisfactory completion of such training or duty immediately thereafter. Employees must still be qualified to perform the duties of the position returned to.

With the exception of short annual training sessions, insurance coverage will terminate during a lengthy deployment, as the employee is no longer an active, full-time employee of Davison County. It will be automatically reinstated upon return to the employment of Davison County. Employees could elect to continue coverage per Cobra regulations, where 102% of the premium would be required by the employee (premium +2% Administrative Fee).

A maximum of eighty (80) hours per calendar year of Personal/Emergency leave is available to employees to be used for Military Reserve or National Guard service. Hours used can be deducted from the accumulated sick leave, as explained in Section 11.2.

11.8 VOTING

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

11.9 JURY DUTY

Full-time employees will be granted the necessary time off, with pay, to serve on jury duty. Seasonal/temporary or part-time employees are not eligible for jury duty benefits. If called to jury duty, employees should notify their Supervisor immediately so that a suitable work schedule can be arranged in advance. Employees are required to report the progress of jury duty to their immediate Supervisor daily, or as time permits.

Employees will be paid by the court system for jury attendance and mileage. Employees must furnish Davison County with a certified statement from the court setting forth the dates of jury service and payment received. Employees have three pay options:

1. Employees may turn in the amount of the check less mileage, and Davison County will pay the employee their regular pay. Payment should be provided to the Supervisor to be given to the Auditor for deposit, with notification to the HR/Payroll Department.
2. Employees may keep the jury duty money and not get paid for that time from Davison County.
3. Employees may use paid vacation leave and keep the jury duty money.

11.10 FAMILY AND MEDICAL LEAVE OF ABSENCE

The federal Family & Medical Leave Act of 1993 (FMLA) as amended, requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy. The following information about FMLA is provided, however, please understand that at the time of any FMLA request or leave, the federal laws may have changed from the below policies. To the extent any below stated policy contradicts with federal law, the federal law will control.

Eligibility for FMLA Leave:

Employees are eligible for FMLA leave if they:

1. Have worked for the company for at least 12 months;
2. Have worked at least 1,250 hours for the company during the 12 calendar months immediately preceding the request for leave; *and*
3. Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's USERRA-covered service obligation, or there was a written agreement that the employer intended to rehire the employee after the break in service.

Elected officials are not covered by FMLA. Under an exception to the FLSA in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Basic FMLA Leave:

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;

3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or childbirth; *or*
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

Serious health condition: A serious health condition is an illness, an injury, an impairment, or a physical or mental condition that involved either an overnight stay in a medical care facility or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of "continuing treatment."

Spouse: Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state.

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

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

In Loco Parentis: The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationship with a child may, nonetheless, stand in loco parentis to the child and be entitled to FMLA leave. Similarly, an employee may take leave to care for someone who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child, even if they have no legal or biological relationship.

The twelve (12) month period is determined on a "rolling basis", measured backward from the date an employee uses any FMLA leave. Under this method, each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve (12) weeks that has not been used during the immediately preceding twelve (12) months. Employees will be required to take any unused sick and vacation time as part of this 12-week period.

Married couples. In cases where a married couple is employed by Davison County, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

Military Family Leave:

There are two types of Military Family Leave available.

- 1. Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active-duty status (or has been notified of an impending call or order to covered active duty). For Regular Armed Forces members, "covered active duty or call to covered active-duty status" means duty during the deployment of the member with the Armed Forces to a foreign country (outside of the United States, the District of Columbia, or any territory or possession of the United States, including international waters). For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), "covered active duty or call to covered active-duty status" means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include:

- Short-notice deployment (seven or less calendar days)
- Attending certain military events and related activities
- Childcare or school activities
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the military member (up to 15 calendar days of leave, dependent on orders)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's covered active-duty status, and to address issues arising from death of military member)
- Attending to parental care needs arising from covered active duty or call to duty (arrange for alternative care for a parent of a military member, provide urgent or immediate care, admit or transfer to a care facility, or attend non-routine caregiver meetings with care facility staff)
- Other activities arising out of the military member's covered active duty or call to active duty and agreed upon by the company and the employee

- 2. Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during a single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations.

For a current member of the Armed Forces, including a member of the National Guard or Reserves, the member must be undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. For a covered veteran, he or she must be undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released

under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

An eligible employee must begin leave to care for a covered veteran within five years of the veteran's active-duty service, but the single 12-month period may extend beyond the five-year period.

Use of FMLA Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave. Employees are prohibited from engaging in alternative employment while on FMLA leave from Davison County. Employment by a branch of the United States' Armed Forces during approved military leave does not constitute alternative employment during sick leave.

Time off for FMLA

Under 29 USC §2612(D)(2)(A) Davison County requires an employee to substitute the right to 12 unpaid weeks of leave for accrued paid vacation leave, personal leave, or family leave. Once all accrued leave is exhausted, the employee may use unpaid leave for the remainder of the FMLA leave. Department Heads and Deputy States Attorneys who do not receive vacation or sick benefits will be allowed to use up to a total of 30 calendar days of paid leave for any combination of type of leave of absence, including an approved FMLA leave, per year. If all paid time off options have been exhausted, the remaining time off will be unpaid.

The use of paid leave time does not extend the 12- or 26-week leave period. Furthermore, in no case can the use of paid leave time result in the receipt of more than 100 percent of an employee's salary.

While out on leave, employees shall be required to periodically report in to their Supervisors regarding their return to work plans.

Medical and Other Benefits During an Approved FMLA Leave

During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is taken, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium and make arrangements through the Human Resources Department.

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the company will send the employee a letter to this effect. If the company does not receive the payment within 15 days after the date of that letter, the employee's coverage will cease.

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Health coverage includes health, surgical, dental, vision, etc. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Upon return at the end of FMLA leave, all health care coverage will be immediately reinstated at the same level as before the leave regardless if the employee did not pay premiums and the policy ceased, without any qualifying requirements like waiting periods.

Employees who fail to return from leave will be required to reimburse Davison County for the cost of any premiums paid to continue insurance coverage.

Return to Job at End of FMLA Leave/Inability to Return

Upon return from leave, employees will be reinstated to their former position, or to an equivalent position. However, certain highly paid employees are not guaranteed to be returned to their original positions; in accordance with 29 USC §2614(b)(2). In that event, the employee will be notified of Davison County's decision to deny reinstatement to the former position. If the leave has already begun at the time this notice is received, employees have the option of deciding whether or not to return to work.

Return to work documentation shall be necessary if an employee is on leave for their own serious medical condition. If reasonable accommodations are needed for an ADA (Americans with Disabilities Act)/ADAAA (Americans with Disabilities Act Amendments Act of 2008) qualifying disability to return to work, employees should follow Davison County's reasonable accommodation process. In addition, if the employee is unable to return to work and FMLA leave has expired, employees should follow the accommodation process for consideration of whether additional non-FMLA protected leave is possible (Note: If such additional leave is granted, the return to work and benefit protections provided under the FMLA laws are not provided). If an employee is unable to return to work, they must go on COBRA if they wish to continue health care coverage. If and when they return to work, they would then be considered new employees with the normal waiting period to start benefits.

Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give at least 30 days' prior notice of the need to take leave in writing to the Human Resources Department. If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave must, absent extraordinary circumstances, call his or her direct Supervisor and provide sufficient information regarding the employee's need for leave to support a request for FMLA leave. An employee should fill out Attachment B-FMLA Request Form, but not doing so will not automatically deny any benefits. In the case that an employee does not request FMLA leave at the beginning of a period of time in which FMLA leave would have been approved, and later submits a request, the beginning date will be used as the start date for FMLA. Once HR Department receives the request, Attachment C will be given to the employee as Notification of Eligibility. Employees may also refer to Attachment F-FMLA Poster, for additional information.

In the case of leave due to the serious health condition of an employee or qualifying family member, the employee will be required to provide appropriate medical certification which must

include the date the serious health condition commenced, the probable duration of the condition, and, for the employee with a serious health condition, a statement from a physician stating the inability to perform job duties. See Attachment E-FMLA Certification of Health Care Provider. Fifteen days are allowed in which to return this form. Davison County may require an additional medical opinion be obtained, at Davison County's expense. After Davison County receives the above referenced information, the employee will receive a written response. If incomplete information is provided, the employer will send a letter requesting the additional information required, allowing 15 days for receipt from the employee.

Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide periodic recertification supporting the need for leave.

Employer Responsibilities during an FMLA Leave

When an employee requests leave, Davison County will inform the employee whether he or she is eligible under the FMLA. An Eligibility Notice and a Notice of Rights and Responsibilities will be provided to the employee in writing. See Attachment D.

Reporting While on FMLA Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must notify their Department Head as soon as possible. If the FMLA is intermittent, it is the employee's responsibility to notify their Department Head in accordance with company call in standards. The employee also must clarify the time off is FMLA related and provide a written attestation.

Holidays During FMLA Leave

When a holiday falls during a week in which an employee is taking the full week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day. If an employee runs out of accrued sick and vacation leave and is on unpaid FMLA leave, they will not receive holiday pay during that time.

12.0 DISCIPLINE

12.1 EMPLOYEE MISCONDUCT DEFINED

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 Davison County.

1. Incompetent, inefficient, unreliable, unwilling, or incapable of fulfilling job duties assigned.
2. Inadequate performance or neglect of duties assigned.
3. Conviction or a plea of guilty or no contest of either (1) a misdemeanor offense that adversely impacts the ability of the employee to perform job duties; or (2) a felony.
4. Theft or misappropriation of Davison County property.
5. Insubordination.
6. Failure to observe drug and alcohol policies of Davison County.
7. Failure to observe harassment policies of Davison County.
8. Knowing or willful violation of Davison County ordinances.
9. Unauthorized absences.
10. Habitual tardiness.
11. Sleeping/loafing during working hours.
12. Disclosure of confidential information.
13. Offensive or inconsiderate conduct, or use of abusive language in public, or toward the public, Davison County officials or fellow employees while on duty.
14. 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 Davison County employment.
15. Knowing, intentional, or repeated falsification of any application for employment or any Davison County record, report, or time record entry.
16. Willful alteration, destruction or waste of Davison County property, facilities, equipment, or records.
17. Serious or repeated disorderly conduct or horseplay.
18. Threatening, intimidating, coercing, or interfering with Supervisors or other employees.
19. Deliberate attempts to injure another employee or fighting on Davison County property while on the job.
20. Unauthorized possession of firearms, explosives or any dangerous weapons while performing Davison County work.
21. Recklessness resulting in a serious accident while on duty, whether on or off Davison County property.
22. Knowingly violating any policy of this manual.

12.2 PROBLEM RESOLUTION PROCEDURE

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 will treat each other with mutual respect.

Employees who disagree with the Davison County rules of conduct, policies, or practices, can state their concerns through the problem resolution procedure described in this policy. Employees will not be penalized, formally or informally, for making a complaint or using the problem resolution procedure; as long as the employee does so in a reasonable and professional manner.

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

1. The employee may present the problem to their Supervisor after the incident occurs. If their Supervisor is unavailable or they believe it would be inappropriate to discuss it with the Supervisor, they may present the problem to the next higher level.
2. The Department Supervisor responds to the problem during discussion or after consulting with appropriate authority, when necessary. The Supervisor documents the discussion.
3. The employee may present the problem to the Board of Commissioners in writing.
4. The Board reviews and considers the problem. The Board informs the employee of the decision and forwards a copy of the written response to the employee as well as their 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.

Davison County will not tolerate any retaliation against an employee who:

1. Makes a good faith complaint, or threatens to make a good faith complaint regarding:
 - A. Organization or employee violations of the law;
 - B. Accounting, internal controls, or auditing matters that may lead to misrepresentations in financial accounting; or
 - C. That endangers the health or safety of an employee or the general public;
2. Objects to or refuses to participate in any activity, policy, or practice which the employee reasonably believes is a violation of the law; or
3. Provides information to assist in an investigation regarding violations of the law.

12.3 DISCIPLINARY ACTION

Disciplinary actions may be applied when the proper authority determines such actions are necessary. Davison County may, but is not required to, apply these actions progressively. A disciplinary action may be in the form of:

1. 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.

2. Written Reprimand-The Supervisor may discipline an employee by written reprimand. This formal disciplinary action will be documented and placed in the employee personnel file. This may also be included in the employee's annual performance appraisal and may be referenced in further progressive disciplinary actions.
3. Suspension with or without pay-The Supervisor may temporarily suspend an employee, with or without pay, for disciplinary purposes. Suspension will be for no more than 10 working days.
4. Demotion or Reassignment-The Supervisor, with approval of the Commissioners, may reduce an employee's salary, assign the employee to a lower position, or change the employee's duties within his/her current position or use any combination of the above for disciplinary purposes.
5. Termination-Separation from County Service, as defined in Section 12.7.

Employment with the County is at-will. Accordingly, discipline and termination may occur with or without notice or any opportunity to provide a reason why discipline should not occur, and with or without any required reason.

In all cases of formal disciplinary action, the employee will be required to sign the written notice of discipline and such notice will be dated and placed in the employee's permanent personnel file. If the employee refuses to sign the notice, notation to that effect will 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 will be attached to and remain with the disciplinary action in his/her permanent personnel file. Documentation of such discipline may be submitted to the chairperson 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.

Appointed Officials are all terminable at-will of the County and are not entitled to receive any pre-discipline or pre-termination notice and may be relieved of their appointment at any time.

12.4 ADMINISTRATIVE LEAVE

An employee may be placed on Administrative Leave with or without pay or reassigned for alleged criminal charges pending investigation. The decision of with or without pay will be 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 their original employment status. If the employee was placed on unpaid administrative leave and is exonerated or found innocent of the charges, the employee will be restored to their 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 force in the performance of their job or an incident that requires investigation.

12.5 SEXUAL AND OTHER HARASSMENT

It is the policy of Davison County that all employees will have the right to work in an environment free from any form of harassment. Harassment or discrimination or offensive behavior based on membership and/or status in a protected category, specifically: race, color, creed, religion, sex/gender (including pregnancy, childbirth, or related medical conditions), national origin, nationality, age, ancestry, marital status, familial status, domestic partnership and civil union status, atypical hereditary cellular or blood trait, affectional or sexual orientation, gender identity or expression, liability for service in the armed forces of the United States, genetic information, disability, or any other legally protected status or characteristic or any other basis prohibited by state or federal law will not be tolerated. Sexual 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. Harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature.

Davison County will not tolerate any form of harassment. Each employee is to be treated courteously by fellow employees so that he or she is free from harassment.

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 to 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:
 - A. repeated sexual flirtations, advances, or propositions;
 - B. continual or repeated verbal abuse of a sexual nature;
 - C. foul language;
 - D. unwanted physical contact;
 - E. graphic verbal commentaries about an individual's body or manner;
 - F. sexually degrading words used to describe the individual;
 - G. 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 HR or their Commission liaison.

Any Supervisor who becomes aware of any possible sexual or other harassment will immediately advise the Commissioners. Davison 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. Davison County will take prompt remedial measures to immediately end the offending action. Retaliation or intimidation directed toward a complaining party is also prohibited by law and will not be tolerated by Davison County under any circumstances. An employee who feels he/she has been retaliated against shall follow the same reporting procedure as above stated for a claim of harassment or discrimination, and Davison County will undertake an investigation.

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

Davison County will not tolerate harassment of or by any non-employees, such as customers, visitors, or others.

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

Davison County not only condemns harassing, but also intimidating, threatening, bullying, or assaulting behavior, speech, or actions by any elected official or Davison County employee against any employee or the public at and away from the workplace. In addition, Davison County will not tolerate intentional damage to Davison County property by its employees or elected officials. Any employee who violates this policy will be subject to discipline up to and including discharge. Employees having knowledge of violation of this policy shall report such violation to their Supervisors or through Davison County's procedures.

Employees are prohibited from using electronic equipment to violate this policy relating to all forms of harassment and/or discrimination.

All employees, including Supervisors, are responsible for reminding employees on a reoccurring basis of this policy, and all are responsible for assuring that the workplace is free of harassment.

Violations of the above stated policy by any employer, Supervisor, co-worker, or other employee may be cause for immediate disciplinary action, as explained in Section 12.3.

12.6 DRUG AND ALCOHOL ABUSE

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 Davison County will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform duties; and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the Davison County workforce. Davison County 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 Davison County has no intention of unreasonable intrusion into the private lives of any employee, Davison 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. Involvement with drugs and alcohol can have an impact on Davison County's goals, even while employees are off duty.

Davison County complies with the Drug-Free Workplace Act of 1998, the State's administrative rules, Department of Transportation regulations, and Davison County policies.

Disciplinary action, up to and including termination, may be used for any employee other than elected officials, in violation of the following:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, on or off business property owned or leased by Davison County.
2. The use of alcohol while on duty. The legal use of prescribed drugs (including but not limited to medical cannabis), is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Notwithstanding, certified law enforcement officers, employees fulfilling duties related to a federal contract, employees in DOT positions, and employees in safety sensitive positions are prohibited from using or possessing medical cannabis under any circumstance regardless of valid prescription.
3. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies. This may result in criminal prosecution of an illegal controlled drug or substance while acting in the line of duty.
4. Being under the influence of a controlled substance or alcohol on the job, except as provided for in item five (5).
5. The legal use of a controlled substance prescribed by a licensed physician is not prohibited. However, employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their Supervisor.
6. The illegal use, sale, and possession of controlled substances while off duty and off County premises which results in a criminal conviction.
7. Off-duty, alcohol-related, criminal convictions which may affect the job performance and the confidence of the public in Davison County's ability to meet its responsibilities.

Testing for Drugs or Alcohol

Pre-Employment-All final applicants will be offered employment, contingent on passing a pre-employment drug screen for those departments that require such testing.

Random-A random selection of up to 5% of employees per month will be selected for a random drug screen from those departments that require such, excluding elected officials.

This policy applies to all employees of Davison County who hold safety-sensitive positions, including but not limited to positions in a correctional facility and law enforcement departments as well as employees who regularly drive county vehicles in Maintenance, Director of Equalization, Veterans Service Office, and Emergency Management departments. DOT policies are listed in a separate section of this Employee Resource Guide. It is a violation of this policy for employees in these positions to have any detectable level of any unlawful controlled substance in the body at any time on or off the job; to use or possess alcohol or medical marijuana (THC) while working; or to report to work while under the influence of alcohol, medical marijuana, mind altering substances including items purchased over the counter, or unlawful drugs. Employees in safety sensitive positions are prohibited from using or possessing medical marijuana under any circumstance regardless of a prescription.

Legal Framework:

1. SDCL 34-20G-18 - Possession, use, or distribution of cannabis, except as provided by law, is prohibited and may be subject to criminal penalties. Undertaking any task under the influence of cannabis when doing so would constitute negligence is prohibited, including operating any motor vehicle, working in a correctional facility, or performing any safety-sensitive job.
2. SDCL 34-20G-22 - Employers have the right to establish, implement, and enforce a drug-free workplace policy, which may include testing for cannabis. A registered qualifying patient who uses cannabis for a medical purpose shall be afforded the same rights as one who is taking a prescribed pharmaceutical medication, which is still prohibited in a safety sensitive position.
3. SDCL 34-20G-24 - Employers may take adverse employment actions, including termination, for employees who test positive for cannabis, in accordance with their drug-free workplace policy.

Testing:

1. Davison County shall conduct random testing for cannabis, mind altering substances, and/or alcohol for employees holding safety-sensitive positions, including those working in a correctional facility and law enforcement as well as employees who regularly drive county vehicles in Maintenance, Director of Equalization, Veterans Service Office, and Emergency Management departments.
2. Employees shall be selected for testing randomly, with the process designed to ensure fairness and impartiality. The entire department shall be subject to testing, with 5% of the employees being tested monthly, or at least 50% of the number of employees/year in those safety sensitive departments.
3. Employees selected for random testing shall present themselves immediately. Refusal to take a test or to complete by the deadline shall result in the same consequences as failing a test.
4. Testing shall be done in-house with UA, mouth swabs, and PBT court approved tests. Positive tests shall result in the employee going to Occupational Health for outside testing immediately.
5. The use of Schedule I drugs, including marijuana for any reason, is not authorized. CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result.

Therefore, a Medical Review Officer will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

Confidentiality:

1. The results of testing shall be treated as confidential medical records and shall be disclosed only on a need-to-know basis. Disclosure of test results to any other person, agency, or organization is prohibited unless compelled by law or emergency.
2. Access to this information shall be limited to authorized personnel involved in the testing process, the supervisor(s), the commissioners, and the HR department.
3. Employee records containing information related to testing shall be maintained in a secure and confidential manner, separate from an employee's personnel file.

Return-to-Work Program

Notwithstanding anything stated herein, the County retains the right to immediately terminate an employee rather than allow a Return-to-Work Program. If a Return-to-Work Program is offered, it may include, in addition to other requirements, the following:

1. Employees in safety sensitive positions who test positive for drugs and/or alcohol or mind-altering substances shall be put on a return-to-work program or face termination.
2. As part of a return-to-work program and at the County's discretion, an employee may be required to get a Treatment Needs Assessment at a certified counseling center as soon as possible and follow their recommendations. In addition, the employee will need to sign an authorization permitting the center to verify the assessment was done and compliance with recommendations.
3. Employees must test negative and/or be released to duty by a Substance Abuse Professional (SAP) before returning to work.
4. Failing to complete required rehabilitation shall result in termination.
5. Employees shall be required to undergo unannounced UA and PBT testing as requested by their supervisor for a pre-determined amount of time.
6. Employees must develop their own written plan of how they will successfully complete all the requirements of their return-to-work program.
7. Depending on the severity of the individual situation, additional discipline may result, such as probation, weekly check-ins, remote breath testing, and any other restrictions the supervisor feels are needed to maintain a safe and drug/alcohol free workplace.
8. Termination of employment shall occur for any employee who tests positive a second time or who violates the return-to-work program.

Reasonable Suspicion-Davison 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 or blood-shot eyes, alcohol odor, slurred speech, poor coordination and/or reflexes).
5. Possession of substances in violation of Davison County’s drug and alcohol policy.

The employee, in all forms of testing, will be asked to submit to blood and/or urine testing by a qualified medical physician, clinic, or hospital at Davison County’s expense. Prior to testing, the proper authority will secure a signed release statement from the employee to release medical information to Davison County. An employee who refuses to consent to drug and alcohol testing or has a positive test may be subject to disciplinary action. Refusal of a pre-employment drug screen will revoke the conditional offer of employment.

The proper authority is required to detail in writing the specific facts, symptoms, or observations which led to the reasonable suspicion. This documentation will be given to the HR Department and placed in the employee’s personnel file only if confirmed by the drug and/or alcohol test.

All information from an employee’s drug and/or alcohol test is confidential, and only those with a need to know basis 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.

Drugs 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 to include but not limited to amobarbital, butobarbital, phenobarbital, secobarbital
4. Cocaine, Cocaine Metabolites
5. Benzodiazepines
6. Opiates to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
7. Phencyclidine (PCP)
8. THC (Marijuana) Metabolite

Alcohol Testing Consequences:

<u>Type of Test</u>	<u>1st Positive</u>	<u>2nd Positive</u>	<u>3rd Positive</u>
Pre-Employment	Offer Revoked	NA	NA
Random	Refer to SAP/ RTW Program	LWOP or Termination	Termination
Reasonable Suspicion	Refer to SAP/ RTW Program	LWOP or Termination	Termination

Drug Testing Consequences:

<u>Type of Test</u>	<u>1st Positive</u>	<u>2nd Positive</u>	<u>3rd Positive</u>
Pre-Employment	Offer Revoked	NA	NA
Random	RTW Program Or Termination	Termination	N/A
Reasonable Suspicion	RTW Program Or Termination	Termination	N/A

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 (including medical cannabis) 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 (including medical cannabis) 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 (including medical cannabis), prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of Davison 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 will not physically search the persons of employees nor will they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
2. Supervisors will 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 Davison County.
3. Any Supervisor encountering an employee who refuses to consent to a drug and/or alcohol analysis when reasonable suspicion has been identified, will 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 may 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 Supervisor should ensure the employee does not drive or operate equipment and is transported safely.
4. Nothing in this policy will be interpreted as constituting any waiver of or limitation on Davison County's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process.
5. Nothing in this policy will interfere with the procedure set forth in Section 12.2.
6. Whenever disciplinary action is used in this policy, it will include but not be limited to those explained in Section 12.3 Disciplinary Action.
7. Results of all tests will be provided to the HR Department.

12.7 SEPARATION FROM COUNTY SERVICE

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

If an employee is absent for more than three (3) consecutive days without proper notification in accordance with the attendance as noted in Section 9.1 Hours of Work, they will be considered to have voluntarily resigned their position in Davison County service. Re-instatement upon presentation of extenuating circumstances or reason for such absence may be at the discretion of the employee's Supervisor and Commissioners. Involuntary separation is not initiated by the employee in the form of a layoff, discharge, or termination.

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 South Dakota Special Pay Retirement Program.

Anyone not falling under the criteria for the Special Pay Plan would receive accrued vacation and sick leave, if applicable, in accordance with Section 11.3 Sick Leave and Section 11.4 Vacation Leave.

Davison County employees are required to return all Davison County property and keys at the time of their departure from Davison County service. The unpaid wages or compensation of such employee are payable the next regular stated pay day for which those hours would have normally been paid or as soon thereafter as the employee returns to the employer all property of the employer as per SDCL 60-11-10. Davison 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. Davison County may take further action if necessary, to recover Davison County property.

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

Any employee leaving employment with Davison 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 Davison County in gathering information to help improve Davison County's working environment and other employment relationships. The employee may also meet with the HR Department to discuss any concerns relating to employee benefits.

13.0 EMERGENCIES

13.1 EMERGENCY PROCEDURES

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. If a Bomb Threat is received by telephone:

1. Remain calm.
2. Record message if your office has the capabilities.
3. 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.

4. If possible, have a second person contact the police department concerning the call.
5. Request the following supplemental information from the caller:
 - A. What building is the bomb in?
 - B. What part of the building?
 - C. Exactly where did you place the bomb?
 - D. What time is the bomb set to explode?
 - E. What does the bomb look like?
 - F. How many bombs are there?
 - G. What kind of explosive is it?
 - H. How is it set off?
 - I. Why did you place it in this building?
 - J. What is your identity and / or affiliation?
 - K. 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.
 - L. Inquire as to the location of the telephone from which the call is being made.
 - M. Ask the caller to talk to another person in the office to verify the information.
 - N. 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.
 - O. Do not hang up the phone when the call is complete and make no other calls on that phone.

If a Bomb Threat is received by written messages/mail:

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

Evacuation of the Building or Buildings: Emergency Officials, in coordination with Davison County Officials, will make the determination if evacuation of the building is required. If time does not permit an evacuation determination 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 Response Officials coordinating with Davison 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 offices and personnel in the building of any alerts that are broadcast. Employees should be familiar with the following:

1. 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.
2. Severe Weather Warnings-Severe Weather Warnings (Tornado and Severe Thunderstorm) are issued when the indicated event is occurring. Take shelter immediately.
3. Shelters-Employees and citizens should seek shelter in the building they are in, most preferably in the basement away from windows and at a minimum, on the lowest floor away from windows. Direct all employees and visitors in the office/building to the shelter areas.

Outdoor Warning Sirens are not activated for Severe Thunderstorms. Outdoor Warning Sirens are utilized to warn those outside and are not intended to be heard indoors. Outdoor Warning Sirens will sound only for the following Severe Weather:

1. Tornado Warnings issued by the National Weather Service.
2. Cloud rotation observed by a trained weather spotter.
3. An actual tornado observed by a trained weather spotter.

Mechanical Difficulties/Failures

For any and all mechanical difficulties or failures experienced in a facility, contact should be made initially with the Maintenance Supervisor. If difficulties or failures may lead to the hindrance of conducting business in the building, contact should also be made with the Chairperson of the Davison 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 maintenance should contact the Chairperson of the Davison 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 the building:

1. Sound the alarm and activate any fire alarm systems available in the building.
2. Vacate the building and re-assemble building staff and visitors in one location, preferably 200 feet away from the building. Assembly areas have been identified for the following Davison County facilities, unless further distance is needed:
 - A. Courthouse: Northeast Parking lot.
 - B. Public Safety Building: Front offices will go to the east parking lot. Jail inmates will go to the recreation room, sally port, or a location to be determined by staff.
 - C. Highway Department: East parking lot.
 - D. Fairgrounds/Extension Office: Parking Lot to SE of buildings along Hwy 16.
 - E. North Offices: Parking lot/grass area to the northeast of the building.
3. Do not use elevators to evacuate the building.
4. All office staff, including any citizens present at the time, should evacuate the building. 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.
5. Call 911 and provide the following information to the dispatcher:
 - A. Your name and title.

- B. The building name and that it is on fire.
 - C. The approximate location of the fire if known.
 - D. Stay on the line to provide additional information to the dispatcher if requested.
6. If the fire can be extinguished, AT NO RISK TO YOURSELF, do so; otherwise, evacuate the building.
 7. Notification will be made to the Board of Commissioners if there is an actual fire, starting with the Chairperson, Vice Chairperson, Past Chairperson, and so on.
 8. The Fire Dept will determine when the fire is out and when it is safe to return to the building.

13.2 WEATHER OR FACILITY RELATED CLOSING

It is the objective of Davison County to maintain the safety and welfare of 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.

During adverse weather conditions, the process will include:

1. The Sheriff, Highway Superintendent, and Emergency Management Director will make a recommendation to the Chairperson of the Board, or their designee in accordance with Section 13.1, advising the Chairperson of travel conditions and any “No Travel” advisories issued. For overnight events, this will be determined prior to 0630. For daytime events, this will be determined at the time of the event.
2. The Chairperson will make the final determination, as authorized under SDCL 7-7-2.1. If the decision is to close any facility, the Chairperson will notify the Auditor and remainder of the Commissioners. (See Phone Notification Procedure below.)
3. The Auditor, Emergency Management Director, and Register of Deeds will call all Dept Supervisors and the media, in accordance with the Calling Tree, prior to 7:00 AM.
4. Department Supervisors will contact their direct employees.

Public safety offices, such as the Sheriff, Jail, Emergency Management, and Highway, being established for the purpose of public safety, may be required to remain open to continue serving the public. The Maintenance Office may also be required to maintain operations due to snow removal or facility issues 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.

When experiencing facility related problems, it will be the responsibility of the Maintenance Office to notify the Chairperson of the problem pursuant to the same timeline as noted above. A closing due to facility problems will only pertain to those facilities affected, and all other facilities and offices will remain open for regular operations.

In the event a facility is closed for either reason, the following procedure will be in place:

1. Employees required to work will only be paid their regular rate of pay.
2. All employees NOT required to work may use accrued vacation time or make up the lost time if approved by their Supervisor. Those who do not have enough accrued leave available will be required to pay the Davison County premium of their health insurance, pro-rated for the hours they are short.

3. Employees NOT required to work will not voluntarily report to work during weather or facility related closures unless requested to do so by their Supervisor.

OVERNIGHT COMPENSATION

Highway personnel who stay on call overnight due to weather will receive \$75 or the appropriate rate depending on the call status, plus the allowable daily meal reimbursement rate in accordance with ARSD 5:01:2:14.

If an employee is required to report for work during inclement weather, they may receive a hotel reimbursement allowance of \$35/night with a receipt and pre-approval from their Supervisor.

Phone Notification Procedure

Chairperson calls:

Auditor
Remainder of Commissioners

Emergency Management Director calls:

KMIT Radio
Physical Plant Director
State's Attorney
County Nurse
Regional EM Coordinator
Mitchell Republic (email)

Auditor calls:

KORN Radio
Register of Deeds
Court Services
Clerk of Courts
Judges

Register of Deeds calls:

Treasurer
Director of Equalization
Veteran's Service Officer
HR Director

SUMMARY

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

It is important to note that the language contained in this manual is not intended to create a contract of employment between Davison County and its employees. The relationship is on an at-will basis. Employees may leave Davison County employment at any time, and Davison County may cease an employee's services at any time. This manual, therefore, has been provided solely to assist employees to answer questions that may affect daily employment.

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

Davison County would like to thank all employees for taking the time to read this manual. Please sign the receipt acknowledgement and return it to the HR Department as soon as possible.

RECEIPT ACKNOWLEDGEMENT

I have been briefed on the Davison County Employee Resource Guide 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 the 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 realize this guide is not all inclusive and some unforeseen circumstances may arise. I understand and agree that my employment is terminable-at-will, so that both Davison County and I remain free to choose to end our work relationship. Similarly, no Davison County official has the authority to enter into an oral employment contract, and only the Davison County Board of Commissioners can enter into a written employment contract.

I understand that an up-to-date copy of this guide is located in the office of which I work and that it is available for review whenever necessary. The guide is also located on the Davison County website at www.davisoncounty.org. The Guide contains links to specific laws and forms, which shall be accessed if necessary. I understand I will be notified when updates are made but it is my responsibility to keep abreast of all changes. If I have questions, I can ask my supervisor or the HR Director for clarification.

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

Employee Signature

Date

Employee Printed Name

ATTACHMENTS

ATTACHMENT A - AUTHORITY TO RELEASE INFO FORM

<https://www.dropbox.com/scl/fi/mrq0f1rotjn22hfl48la/Attachment-A-Authorization-to-Release-Information-Form.pdf?rlkey=r780vuv31pm3gjwe2xsiines5&dl=0>

ATTACHMENT B – FMLA REQUEST FORM

<https://www.dropbox.com/s/83wgzjbmvel45lq/Attachment%20B-FMLA%20Request%20Form.pdf?dl=0>

ATTACHMENT C – FMLA ELIGIBILITY NOTICE & RIGHTS/RESPONSIBILITIES

<https://www.dropbox.com/s/t30yfgmdcdi5wfl/Attachment%20C-FMLA%20Eligibility%20Notice.pdf?dl=0>

ATTACHMENT D – FMLA DESIGNATION NOTICE

<https://www.dropbox.com/s/cnvta279w6non92/Attachment%20D-FMLA%20Designation%20Notice.pdf?dl=0>

ATTACHMENT E – FMLA CERTIFICATION OF HEALTH CARE PROVIDER

<HTTPS://WWW.DROPBOX.COM/S/VNPJKXOK5KMHUA/ATTACHMENT%20E-FMLA%20CERTIFICATION%20OF%20HEALTH%20CARE%20PROVIDER.PDF?DL=0>

ATTACHMENT F – FMLA POSTER

<https://www.dropbox.com/s/5oic74kb7cplh2/Attachment%20F-FMLA%20Poster.pdf?dl=0>

ATTACHMENT G - EMPLOYEE CHANGE REQUEST

<https://www.dropbox.com/s/sttrdge1twnu8ib/Attachment%20G-Employee%20Change%20Request.pdf?dl=0>

ATTACHMENT H – PERFORMANCE APPRAISAL INTRODUCTORY EVAL

<https://www.dropbox.com/s/l7ah4j22pvh80xc/Attachment%20H-Performance%20Appraisal%20Introductory%20Evaluation.pdf?dl=0>

ATTACHMENT I - PERFORMANCE APPRAISAL ANNUAL EVALUATION

<https://www.dropbox.com/s/qsv67hqbz5z85d2/Attachment%20I-Performance%20Appraisal%20Annual%20Evaluation.pdf?dl=0>

ATTACHMENT J – HEPATITIS STATEMENT

<https://www.dropbox.com/s/xhxudd59vgvdpk4/Attachment%20J-Hepatitis%20Statement.pdf?dl=0>

ATTACHMENT K – TRAVEL VEHICLE RULES

<https://www.dropbox.com/s/k6ao6db4ah1k85v/Attachment%20K-Travel%20Vehicle%20Rules.pdf?dl=0>

ATTACHMENT L – SAFETY TRAINING ORIENTATION

<https://www.dropbox.com/s/8b0oey1j6wsrsln/Attachment%20L-Safety%20Training%20Orientation.pdf?dl=0>

ATTACHMENT M – ACCIDENT PACKET FOR COUNTY VEHICLES

<https://www.dropbox.com/sh/rzkqlt750seh10b/AACytDcYmyYUGxHgHMMtMP9Ia?dl=0>