

JOINT RESOLUTION AND AGREEMENT

Resolution 24C-004 Amending Resolution 23C-042

Removal of Section 9.8 Inclement weather as addressed in Section 4.3

WHEREAS, County employees are directly responsible to an elected official or the County Board;

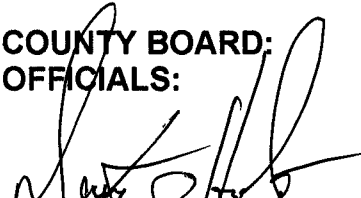
WHEREAS, elected officials, in working with their employees, may develop different employment practices and policies than used by other offices; and

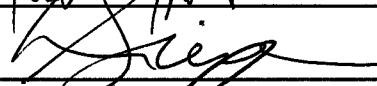
WHEREAS, different practices and policies can result in disharmony among the body of County employees;

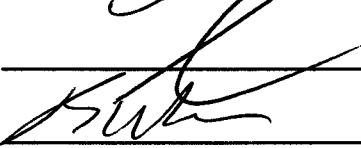
THEREFORE, the undersigned elected officials of Dakota County adopt a joint employee handbook (which is not a civil service system) that provides employment practices and policies common to all offices and departments of the undersigned.

Signed this 22nd day of January, 2024.


COUNTY BOARD:
OFFICIALS:

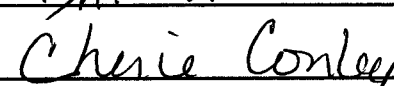









COUNTY ELECTED







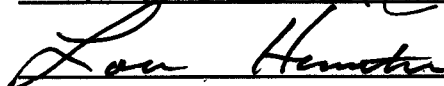












Dakota County Handbook

Effective January 1, 2024

Amended 1-22-2024 Section 9.8 Emergencies Removed

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Section 1: Purpose of the Handbook

This Employee Handbook ("Handbook") has been written to serve as a guide for the employer/employee relationship. This Handbook applies to all employees of Dakota County ("The County") regardless of job title, level within the organization, or status. There are several things to keep in mind about this Handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general guidelines described. For that reason, if employees have any questions concerning eligibility for a benefit, or the applicability of a guideline or practice, employees should address specific questions to the Clerk's Office. It is primarily the employee's responsibility to read and ask questions about a guideline which they do not understand. The Elected Officials or if none, Department Heads have the right to make final decisions concerning the interpretation and application of guidelines contained in this Handbook.

Second, the contents of this Handbook do not, in any manner, constitute terms or conditions of an employment contract, either implied or expressed, between Dakota County and its employees. Employment remains "at-will", which means that either the County or the employee may end the employment relationship at any time, for any legal reason, with or without notice. Additionally no Elected Official, and if none, Department Head, or representative of the County has the authority to enter into any agreement contrary to this Handbook or for employment for any specified time, and any such agreement or terms will be unenforceable, unless the agreement is in writing signed by the employee and the Elected Official, and if none, Department Head.

Third, the County reserves the right to revise, modify, supplement, or rescind any and all policies and procedures, including those covered in this Handbook, at any time, in its sole and absolute discretion. The County will seek to notify employees of such changes by email and other appropriate means. However, such a notice is not required for changes to be effective.

Fourth, some of the topics described in the Handbook are covered in detail in official policy or plan documents. Employees should refer to these documents for specific information since this Handbook only provides a brief summary.

Finally, this Handbook becomes effective **January 1, 2024** and supersedes all prior handbooks and prior oral and written policies where there is a conflict. This Handbook applies to existing employees and employees hired after the effective date.

After employees have had time to review the Handbook, sign the Handbook Receipt and Acknowledgement form contained at the end of this Handbook and return the form to the appropriate Elected Official, and if none, Department Head. The acknowledgement signifies that an employee has read the Handbook, understands the provisions contained herein, and agrees to abide by them as a condition of employment or continued employment.

The Dakota County Board ("Board") recognizes and declares the necessity of providing the most efficient and highest quality services for the citizens of Dakota County while, at the same time, providing a work environment that is both competitive within the community and equitable for its employees.

1.1 Code of Ethics

1. Employees shall not hold financial interests that conflict with the performance of their official duties.

2. Employees shall not engage in financial transactions using non-public governmental information nor allow the improper use of such information to further any private interest.

3. Employees shall not, except as may be otherwise provided by regulation, solicit, or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employees' agency or department, or whose interests may be substantially affected by the performance or non-performance of the employees' duties.
4. Employees shall not use public office for private gain.
5. Employees shall act impartially and not give preferential treatment to any organization or individual.
6. Employees shall protect and preserve County property and shall not use it for unauthorized activities.
7. Employees are expected to disclose waste, fraud, and corruption to appropriate authorities.
8. Employees shall adhere to all laws and regulations including those that mandate equal opportunity and treatment, regardless of race, color, religion, sex/gender, national origin, age, disability, marital status, pregnancy, military status, gender identity, sexual orientation, or any other prohibited basis of discrimination under applicable local, state, or federal law.

Section 2: Workplace Culture

2.0. Open-Door Philosophy

Our open-door philosophy is founded on Dakota County's commitment to communicate openly with employees. This allows for constructive problem solving, open communication, and cooperation between the County and its employees. It is also designed to provide employees with resolutions to work-related problems.

Employees are encouraged to discuss any work-related issues, ideas, or concerns with their Elected Official and if none, Department Head. If an employee feels the matter has not been addressed appropriately after speaking with the appropriate Elected Official, and if none, Department Head, or if the Elected Official, and if none, Department Head is not an appropriate person to go, employees are encouraged to speak with the Board of Commissioners.

2.1 Equal Employment Opportunity

The County is an equal employment opportunity employer and aims to provide equal opportunities to all employees and applicants for employment without regard to race, color, national origin, religion, sex (including pregnancy), disability, marital status, or any other basis protected or recognized by applicable federal, state, or local law. This applies to hiring and promotion (e.g., classification, recruitment, selection); compensation (pay and benefits); discipline (including termination); and other terms, conditions, and privileges of employment (e.g., training and development, relationships and associations, accommodation of disabilities and religious beliefs, freedom from workplace harassment). It is the County's policy to select the most qualified person for each position at Dakota County, whether that is a new hire, a transfer to another position, or a promotion. Nothing in this policy shall require the County to act in a manner contrary to federal, state, or local law.

The County wants our commitment to equal employment opportunity to be a success. If an employee feels the County is failing in its duty and promise of equal opportunity to all applicants or employees, the employee should report any concerns at once to the appropriate Elected Official, and if none, Department Head they feel comfortable discussing the matter. The County will take every reasonable measure to correct any unfairness and promise that the employee will

not be subjected to retaliation for bringing such matters to the County's attention in good faith. Dakota County will treat all such concerns with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

2.2 Management Rights

In addition to all powers, duties, and rights of the County established by constitutional provisions, statute, ordinance, charter, or special act, the County (Elected Official, and if none, Department Head) expressly reserves unto itself the following powers, duties, and rights, which belong solely, exclusively, and without limitation, to the County, to wit:

- (a) The right to manage the County's operations and to direct the working force;
- (b) The right to hire employees;
- (c) The right to maintain order and efficiency;
- (d) The right to extend, maintain, curtail, or terminate operations of the County;
- (e) The right to determine the size and location of the County's operations and to determine the type and amount of equipment to be used;
- (f) The right to assign work, the right to determine methods and material to be used, including the right to introduce new and improved methods or facilities and to change existing methods and facilities;
- (g) The right at any time to determine, create, modify, and terminate jobs, job vacancies, departments, job classifications, and job duties;
- (h) The right to transfer, promote, and demote employees;
- (i) The right to discipline, suspend, and discharge employees;
- (j) The right to lay off employees at any time;
- (k) The right to enforce and require employees to observe rules and regulations set forth by the County;
- (l) The right to determine when and whether a position or job classification is vacant and when it will be filled;
- (m) The right to determine how many employees shall be in each classification and whether any employees shall be in any classification; and
- (n) The right to determine the individual and relative qualifications ability, ability to perform, and physical fitness of all employees.

2.3 Harassment, Discrimination, and Offensive Conduct

The County is committed to providing a work environment free of harassment and discrimination. All forms of harassment or discrimination directed to or suffered by any employee based on race, color, national origin, religion, sex (including pregnancy), disability, marital status, or any other basis protected or recognized by applicable federal, state, or local law is prohibited.

Each employee has the right to work in a professional environment that promotes equal employment opportunities and is free from discriminatory practices, including without limitation, harassment. Statements or actions employees make with regard to fellow employees, whether done jokingly or otherwise, may create feelings of ill will and interfere with productivity. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

In general, statements, slurs, jokes, and other verbal or physical conduct relating to any of the protected classes, characteristics, or bases listed above, constitute unlawful harassment when they unreasonably interfere with the person's work performance or create an intimidating work

environment. Such conduct is strictly prohibited. Prohibited conduct may include, but is not limited to the following:

- Epithets, racial “jokes”, slurs or negative stereotypes, intimidating or hostile acts based upon protective classification, and/or written or graphic material that belittles or shows hostility or aversion to persons of a protected class that is posted or circulated on County property.
- Verbal harassment and unwelcome discussions relating to or motivated by a person’s protected characteristic or class.
- Unwelcome requests or demands for sexual favors. This includes subtle or blatant expectations to engage in sexual relations and pressure for dates, especially when submission to such conduct is a condition of employment, or when submission or rejection of such conduct is used as a basis for employment decisions affecting the individual.
- Unwelcome or unwanted sexual advances, such as patting, pinching, brushing up against, hugging, cornering, kissing, fondling, sexual flirtations, or any other similar contact.
- Using coercive sexual behavior to control or affect the career, salary, or performance review of another employee.
- Verbal harassment or unwelcome kidding of a sexual nature, such as telling “dirty” jokes and comments about body parts, appearance, or clothing, where such comments go beyond mere courtesy or are unwelcome.
- Making threats of retaliation a term or condition of employment (explicitly or implicitly).

Of specific concern is sexual harassment, which is a violation of both state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal, physical, or visual forms of conduct of a sexual nature when submission to that conduct is either explicitly or implicitly made a term or condition of employment or is used as a basis for employment decisions or when the conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment does not have to involve conduct of a sexual nature in order to constitute improper behavior. For example, abusive, offensive, or demeaning behavior that is directed to members of one gender only (whether male or female) may be deemed a form of sexual harassment, even though the conduct was not motivated by sexual desire or gratification. In addition, harassment of a male by another male, or a female by another female also constitutes a form of sex discrimination. Likewise, disparate treatment motivated by any other protected characteristic is discrimination and will not be tolerated.

If there are questions about whether conduct is permissible under this policy, employees should refrain from the conduct. Any person found to be engaging in any type of discrimination or harassment may be subject to disciplinary action, up to and including termination of employment.

Any employee with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring issues to the County’s attention by immediately reporting concerns or conduct to the County Clerk’s Office.

Employees can raise concerns and make reports without fear of retaliation. The County prohibits retaliation against any individual who reports discrimination, harassment, sexual harassment, or participates in an investigation of such reports. If an employee feels they have been retaliated against, report such conduct to the County Clerk’s Office immediately.

All new hires should take a sexual harassment training course through NIRMA within ninety days of starting employment. The Webinar course information is included in an employee’s new hire packet. The elected official or department head responsible for that employee should notify the

Clerk's Office when the course has been completed and provide written documentation of the same to the Clerk.

NIRMA | Nebraska Intergovernmental Risk Management Association - LocalGovU
<https://www.localgovu.com/nirma/>

2.4 Reporting Harassment, Discrimination, Sexual Harassment, and/or Offensive Conduct

All employees of Dakota County have a responsibility to promote equal employment opportunities, and the County expects everyone to share this commitment. If an employee believes they have been subjected to any form of discrimination, harassment, sexual harassment, and/or offensive conduct, the employee must take the following action immediately:

Step 1: Ask the offending party to stop, unless confronting the offending party would be uncomfortable or place the employee in danger, and;

Step 2: Report the complaint to the employee's immediate Elected Official, and if none, Department Head. If the employee's immediate Elected Official, and if none, Department Head is unavailable or if the immediate Elected Official, and if none, Department Head is the person responsible for the discrimination, harassment, sexual harassment, or offensive conduct, or if the employee believes it would be inappropriate to contact the Elected Official, and if none, Department Head or would feel uncomfortable doing so, the employee must immediately report the complaint to the County Clerk's Office.

Note that the complaint must be reported in accordance with Step 2, even if the offending party is asked to stop. The County will not know of the discrimination, harassment, sexual harassment, or offensive conduct unless it is reported, and the County cannot correct it if the County does not know about it.

If an employee has reason to believe someone else has been subjected to discrimination, harassment, sexual harassment, or offensive conduct, the employee must report the conduct in accordance with Step 2 above.

Dakota County takes all discrimination and harassment complaints seriously and will immediately investigate any concerns and/or complaints. The County will take appropriate disciplinary action under the circumstances after completion of an investigation, including but not limited to separation from employment. The County will maintain confidentiality of all complaints to the extent possible when conducting an investigation.

If any employee feels in good faith that they have been subjected to harassment by a co-worker, Elected Official, Department Head, or any non-employee, the employee is to immediately report it to any one of the following:

- (1) the employee's immediate Department Head;
- (2) the employee's Elected Official;
- (3) if the complaint is about an Elected Official, and if none, Department Head, or the employee is not satisfied with the handling or outcome of the complaint or feels more comfortable bypassing the other steps, the employee should take it to the County Clerk's Office.

Such complaints will be promptly addressed (and investigated if necessary) and appropriate action taken if warranted. Confidentiality will be maintained to the extent possible under the circumstances. If the County believes that a violation of this policy may have occurred or that the behavior in question was inappropriate for any reason, then it will take appropriate action, which

may include disciplinary action, up to and including discharge. If an investigation is necessary, it will be conducted quickly, thoroughly, and confidentially, and every effort shall be made to protect the rights of the accuser, as well as the accused. All parties and witnesses involved in the investigation will be informed that the fact of the complaint and the issues under investigation are confidential and not to be discussed with anyone without first informing the individuals conducting the investigation of the claimed need for third party involvement. Failure of any employee involved as a party or witness in the investigation to follow this directive shall constitute a separate violation of this policy and shall result in disciplinary action. The County reserves the right to provide information about a harassment complaint to the necessary legal authorities if, in the County's sole discretion, it believes illegal conduct has occurred.

The following procedures will be followed in the investigation of a complaint of harassment or retaliation:

- (1) The employee shall file a written complaint immediately with their respective Elected Official, and if none, Department Head of the alleged harassment. If the employee believes they are being harassed by the Elected Official, and if none, Department Head, they shall file the written complaint with the County Clerk's Office within thirty (30) days of the alleged harassment.
- (2) If at all possible, the investigation shall begin the day the conduct is reported.
- (3) The complainant will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the complainant at the end of the interview.
- (4) The alleged harasser will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the alleged harasser at the end of the interview.
- (5) Any witnesses will be interviewed in a private area. The interview will be thoroughly documented and reviewed for accuracy with the witness at the end of the interview.
- (6) Upon completion of a thorough investigation, the investigators will determine whether the complaint is substantiated or unsubstantiated.
 - a. **Substantiated Complaint:** Disciplinary action will be taken. The disciplinary action taken will depend on the severity of the harassment. However, the disciplinary procedure outlined in this manual will be followed in all cases. A record of disciplinary action taken will become part of the harasser's personnel file. Once disciplinary action is taken, the complainant is encouraged to communicate the actions effectiveness and Elected Officials, and if none, Department Heads will ensure its effectiveness by continuing to monitor the situation.
 - b. **Unsubstantiated or Inconclusive Complaint:** No disciplinary action will be taken. The complainant will be encouraged to come forward again if they perceive harassment and the County's policy against harassment will continue to be enforced.
- (7) Whether substantiated or unsubstantiated, the investigators will meet with both the complainant and alleged harasser to notify them of the results of the investigation and any disciplinary measures that will be taken.
- (8) An investigation report will be prepared summarizing interviews, conclusions, and discipline taken, if any.

The report, along with notes, written complaints, statements, and copies of relative documents will be maintained in a separate, confidential file by the Elected Official, and if none, Department Head.

- (9) Retaliation against an individual for bringing harassment allegations to our attention is strictly prohibited in accordance with the County's retaliation policy. In addition, individuals who participate in this complaint process as potential witnesses are assured of non-retaliation.
- (10) If the Elected Official, and if none, Department Head finds the complaint to be unsubstantiated and the employee is unsatisfied with this result; the employee shall file their appeal with the Chair of the County Board within ten (10) days of the date of the Elected Official's, and if none, Department Head's decision.

2.5 Employee Protection (Whistleblower) Policy

If any employee reasonably believes some policy, practice, or activity of the organization is in violation of law, a written complaint must be filed by that employee with the County Sheriff's or Attorney's Office.

Anyone filing a complaint or concern must do so in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

All employees are protected from victimization, harassment, or disciplinary action as a result of any disclosure, where the disclosure is made in good faith and is not made maliciously or for personal gain. All complaints will be kept as anonymous as possible, though in some situations it may not be possible.

If at any point in time an employee is not satisfied with the resolution of or response to their complaint, or if the complaint is not resolved in a timely manner, the employee should bring the matter to the attention of the Board of Commissioners

It should be emphasized that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial, or business decisions taken by the County.

2.6 Grievance Procedure

The County strives to ensure that all employees are treated fairly. This policy seeks to support the achievement of this goal by providing a just and equitable method for resolving grievances without discrimination, coercion, or reprisal against employees who may submit or be involved in a grievance.

A grievance is defined as any dispute concerning corrective action (suspension or discharge only) or written policy/procedure interpretation or application between an employee and the County. The grievance procedure will not be used to change but rather to clarify expressed provisions of County and/or department policies and procedures. An appeal of a corrective action (suspension or discharge only) starts at Step 3 of this procedure. If the grievance is a complaint of unlawful harassment or retaliation for reporting or supporting a claim of harassment, the employee must follow the complaint procedure in the Reporting Harassment, Discrimination, Sexual Harassment, and/or Offensive Conduct procedure instead of this grievance procedure.

The County will use a Grievance Board consisting of five (5) people. The Elected Official, and if none, Department Head, and employee involved in the grievance will each select two (2) people from a predesignated list. The four (4) people selected will then select the fifth member from the list. The Grievance Board will designate a Grievance Board Chair.

The County Board shall determine by random selection the predesignated list (15) of potential Grievance Board members annually by a Resolution of the County Board at the January reorganizational meeting.

Step 1

Employees who feel the County has violated a written policy(ies) or procedure(s) may request to meet with their immediate Elected Official, and if none, Department Head within five (5) business (Monday – Friday) days from the date the alleged violation took place. The immediate Elected Official, and if none, Department Head shall review the employee's concerns and advise the employee, in writing, of their decision regarding the grievance, normally within five (5) business days of receipt of the grievance.

Step 2

If the employee is not satisfied with the immediate Elected Official, and if none, Department Head's response, the employee may appeal the grievance to the Elected Official, and if none, Department Head within five (5) business days from the date of the immediate Elected Official, and if none, Department Head's response. In submitting the grievance to the Elected Official, and if none, Department Head, the grievance must be in writing and contain the following information:

- Name of person filing the grievance.
- Details of the alleged grievance.
- Names of persons violating County policy.
- Dates of alleged violation.
- Names of witnesses.
- Citation of the County policy(ies)/procedure(s) that have allegedly been violated.
- Requested remedy.

The Elected Official, and if none, Department Head may meet with the employee to discuss the grievance but must respond to the grievance, in writing, normally within ten (10) business days from the date of receipt of the grievance.

Step 3

If the employee is not satisfied with the Elected Official, and if none, Department Head's response, the employee may request a review of this decision by the Grievance Board. Employees shall submit a written request to the Grievance Board, indicating their desire to appeal the decision of the Elected Official, and if none, Department Head within five (5) business days of receipt of the Elected Official, and if none, Department Head's response. This written request must include all information as indicated in Step 2 and, in addition, the written response of the Elected Official, and if none, Department Head. The Grievance Board may conduct a hearing concerning the grievance within twenty-one (21) business days from receipt of the appeal. The hearing shall be conducted under the rules adopted by the Board. The Grievance Board's decision is final.

2.7 Workplace Accommodations

Dakota County complies with all applicable federal, state, and local fair employment practices law and is committed to providing equal employment opportunities to qualified individuals with disabilities, including disabilities related to pregnancy, childbirth, and related conditions. Consistent with this commitment, the County will provide reasonable accommodations to otherwise qualified individuals where appropriate to allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the business.

If an employee requires accommodation because of a disability, it is the employee's responsibility to notify their respective Elected Official, and if none, Department Head. Employees may be asked to provide medical certification from the employee's doctor including relevant information such as: (1) confirmation the employee has a medical condition requiring an accommodation; (2) a description of the proposed accommodation; (3) the reason the employee needs an accommodation; (4) how the accommodation will help the employee perform the essential functions of their job; and (5) how long the employee may need the accommodation.

Requests for accommodation will be processed as quickly as reasonably practicable under the circumstances. Any individual who requests an accommodation is required to fully cooperate in the process, including providing relevant information and providing any required HIPAA consent in order for the County to contact and obtain information from the employee's health care provider.

If the individual fails or refuses to provide any needed accommodation request and HIPAA consent, the County will terminate its processing of the individual's request for accommodation. If the individual is an employee, they will be expected to fully perform all essential functions of their job without accommodation and may be subject to disciplinary or performance-related actions, up to and including discharge, if they are unable to perform all essential functions of the job. If the individual is an applicant, their application for employment will be withdrawn from consideration.

The County encourages employees to suggest specific reasonable accommodations that the employee believes would allow them to perform their job. However, the County is not required to provide the specific accommodation requested by the employee and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the County.

If an employee is not satisfied with their Elected Official, and if none, Department Head's response to the request for a reasonable accommodation, employees must bring the matter to the attention of the County Clerk's Office.

While a request for accommodation is being processed, an employee may be placed on paid or unpaid leave of absence, assigned to a different job, or provided with light or modified duty, as determined by the County. An employee's base rate of pay will not be changed while the employee's request for accommodation is being processed.

If leave is provided as reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other county provided leave where permitted by applicable state and federal law.

Dakota County will not discriminate or retaliate against employees due to a disability, for requesting an accommodation, or for engaging in the interactive process.

Section 3: Employment Relationship

3.0 At-Will Employment

As stated in Section I of this Handbook, unless otherwise altered by written agreement signed by the employee and the Elected Official, and if none, Department Head, all employees are at-will employees. This means that either the County or the employee may end the employment relationship at any time and for any lawful reason, or no reason at all, with or without prior notice.

Disciplinary action noted through the Handbook is not all inclusive and does not restrict the County the right to terminate employment at-will. Cause is not needed to terminate any employee.

Also, please understand that no one has the authority to alter this employment-at-will status through an oral employment contract on behalf of the County, and only the County Board can enter into a written employment contract that changes the employment relationship from employment at will.

3.1 Job Descriptions

Dakota County attempts to maintain a job description for each position. If an employee does not have a current copy of their job description, the employee should request one from their immediate Elected Official, and if none, Department Head. Job descriptions are written by Elected Officials, and if none, Department Heads in conjunction with oversight from The Board of Commissioners.

Job descriptions prepared by the County serve only as an outline of job expectations. Due to organizational needs, employees may be required to perform job duties that are not within their written job description. Furthermore, the County may have to revise, add to, or delete from the employee's job duties per organizational needs. On occasion, the County may need to revise job descriptions with or without advance notice to employees.

If employees have questions regarding their job description or the scope of their duties, employees should speak with their immediate Elected Official, and if none, Department Head.

3.2 Promotions/Job Postings

The County believes in promoting employees from within when possible. As a result, the County has a job-posting program designed to give all employees an opportunity to apply for positions in which they are interested and qualified. While most vacancies will be posted on the County's bulletin boards, there may be some cases where the County will determine it is in the County's best interests to seek outside candidates for a position, and outside candidates may be recruited simultaneously with an internal posting.

All applicants for a vacancy to be filled through the promotional process must complete a County Application for Employment to be eligible for promotion.

All applicants must be filed with the appropriate Elected Official, and if none, Department Head, or their designated representative on or before the closing date specified in the job announcement.

3.3 Introductory Period

All newly hired employees are required to complete an introductory period of six (6) months. The introductory period is used by the Elected Official, and if none, Department Head to observe the employee's ability to satisfactorily perform assigned duties and responsibilities. During the introductory period, employees are expected to demonstrate the necessary skills and abilities to perform the duties for which they have been employed. During this time, employees have the opportunity to demonstrate:

1. That the employee is capable of performing the job for which they were hired;
2. That the employee understands County policies and procedures;
3. That the employee is suitable for employment at the County; and
4. That the employee is able to establish a sound record of attendance and punctuality.

Any new hire serving an introductory period shall not be entitled to benefits (except insurance and holidays as provided below). The County may have specific policies explaining the benefits and eligibility for such benefits.

- A. **New Hire Introductory Period (Including Rehire).** All new employees must serve an introductory period of six (6) months. Any new hire serving an introductory period shall not be entitled to benefits (except insurance and holidays as provided in Section 6). Former employees of the County are eligible for rehire at the discretion of the Elected Official, and if none, Department Head or Board of Commissioners. All rehires will be considered new employees. An employee shall be removed from introductory status on the day following the end of the introductory period, unless notified of extension or termination by the Elected Official, and if none, Department Head. Transfers between County offices will not be considered rehires.
- B. **Introductory Period for Promotions.** All employees who are promoted must serve an introductory period of six (6) months in the new job classification before being confirmed in the new position. Any change in compensation becomes effective immediately and all benefits will remain the same.
- C. **Transfer During Introductory Period.** The introductory period of an employee who is transferred (promotion, demotion, lateral move, or move to a lower position) within a department while serving an introductory period may be extended, at the Elected Official, and if none, Department Head's discretion.
- D. **Transfer Outside of Introductory Period.** In the case of personnel actions (lateral move or move to a lower position), employees may be required to serve an introductory period. The length of the introductory period is at the Elected Official, and if none, Department Head's discretion but will not normally exceed six (6) months, beginning on the date of the transfer. If an employee does not perform satisfactorily in the position to which they are transferred, the employee may be involuntarily transferred to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the duties of the employee may be reassigned, the employee may be reclassified to a lower salary grade, or the employee may be terminated.

Extension of Introductory Period. At the County's discretion, an Elected Official, and if none, Department Head may extend the introductory period of an employee beyond the initially agreed upon introductory period, for reasons of performance or transfer, for a period not to exceed a total of one (1) year from the date of hire or rehire or transfer. The employee will be notified, in writing, of the extension.

This notification of extension will include the specific period of extension. In cases of extension for performance reasons, the employee may be provided specific performance improvement requirements.

Completion of Introductory Period. Completion of the introductory period in no way implies a contract of continued employment with the County nor does it create a property interest in employment with the County. The employee and County relationship is for the mutual benefit of both parties and either party may sever the relationship, at will, at any time.

3.4 Employment Testing

3.4a Background Checks

All written offers of employment with the County may be contingent upon clear results of a thorough background check. Background checks may be conducted on candidates who have received a written offer of employment and on all employees who are promoted, as deemed necessary.

3.4b Drug Testing

Candidates who have received a written offer of employment may be required to undergo testing for commonly abused controlled substances in accordance with this policy. Dakota County also reserves the right to drug test at random, as well as drug test post-accident at the discretion of the County. Any employee who refuses to take a drug test when asked may be subjected to disciplinary action up to and including termination.

3.4c Physical Testing

All candidates who have received a written offer of employment may be required to undergo physical testing from a third-party vendor if their position requires such testing. Employees who are promoted or transferred into a position that may require physical testing may be asked to complete such testing for satisfactory results, as deemed necessary.

3.5 Personal Relationships at Work

Dakota County strives to provide a work environment that is collegial, respectful, and productive. This policy establishes rules for the conduct of personal relationships between employees, including Elected Officials, and if none, Department Heads, to prevent conflicts of interest, perceived favoritism, and maintain a productive, friendly work environment.

A "personal relationship" is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

An employee who is involved in a personal relationship with another employee may not occupy a position in the same department as, work directly for, or supervise the employee with whom they are involved.

The County reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who engage in a personal relationship that may affect terms and conditions of employment. Elected Officials, and if none, Department Heads are prohibited from dating subordinates and may be disciplined for such actions, up to and including termination.

When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment, or terminated from employment. If such a personal relationship between employees develops, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their Elected Official and if none, Department Head. After discussion, with the Elected Official and if none, Department Head, a decision will be made at their discretion as to work assignments.

When a conflict or a potential for conflict affecting terms and conditions of employment arises because of the relationship, the individuals concerned will be given the opportunity to decide who

is to be transferred to another position, or terminated, if no position is available. If no decision is made within thirty (30) calendar days of the offer to resolve the situation, the County will determine who is to be transferred, or if necessary, terminated from employment.

3.6 Employment of Relatives/Nepotism

Dakota County is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives.

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, the County will hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages, and leave requests.

Hiring of immediate family shall include spouse, child, stepchild, mother, father, stepparent, sister, brother, mother-in-law, father-in-law, grandchild, grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

3.7 Personnel Files and Information Changes

A personnel file is maintained for each County employee. It is the employee's responsibility to report any of the following changes to the County Clerk: address, phone number, emergency contact, marital status, legal name, retirement plan beneficiary designation, number of dependents for withholding tax purposes, direct deposit changes, etc.

3.8 Performance Reviews

To ensure employees perform job functions to the best of their abilities, it is important employees are recognized for good performance and receive appropriate suggestions for improvement when necessary. To achieve this goal, the County may evaluate employee work performance after completion of an employee's introductory period. Additional evaluations usually may occur on an employee's first anniversary date and annually thereafter. If an employee has not received a performance evaluation in accordance with this time frame, it is the responsibility of the employee to notify their Elected Official, and if none, Department Head to help the County ensure the appraisal process is administered in a timely manner.

In addition to the regular performance evaluations described above, special performance evaluations may be conducted by an employee's Elected Official, and if none, Department Head at any time to advise on the existence of performance or disciplinary problems.

All written performance evaluations will be based on an employee's overall performance in relation to an employee's job responsibilities and the County will also consider such factors as attendance, tardiness, and conduct towards the County fellow employees, and customers.

A performance evaluation is not a contract or a commitment to provide a pay raise or other compensation adjustment, promotion, bonus, continued employment, or retention. Such an evaluation is but one of several factors the County may consider in making these and other employment decisions.

3.9 Employee Conduct

The following examples illustrate what the County considers improper behavior. This is not a complete list, and the County reserves the right to investigate, make judgments, and take

appropriate disciplinary action in each individual incident. The level of severity of any infraction and the disciplinary action to be taken is solely at the County's discretion.

Infractions: Any behavior the County considers to be inconsistent with reasonable rules of conduct or is inconsistent with the County's best interests.

3.10 Progressive Disciplinary Process

Dakota County has established policies and guidelines to encourage efficient work operations and to encourage employees in correcting work-related issues. In cases where an employee fails to abide by guidelines, policies, or meet job requirements, the immediate Elected Official, and if none, Department Head will select the appropriate disciplinary action based upon the circumstances. Appropriate disciplinary action may include but is not limited to coaching, verbal warnings, written warnings, a performance improvement notice, probation, suspension, demotion, and termination, in no particular order.

The County reserves the right to exercise judgment in determining which level of discipline to impose, including termination, depending on the situation. Thus, any of the steps may be bypassed, skipped, or combined as deemed appropriate by the County under the circumstances.

Note that the same workplace violation or performance issue need not occur in order to progress through additional disciplinary steps.

At any time, an employee has the right to terminate employment with the County, for any reason or for no reason, and the County retains the same right to terminate an employee for any lawful reason, as the County is an "at-will" employer.

Verbal Warning

A verbal warning is the first step when an immediate Elected Official, and if none, Department Head becomes aware of a problem. The warning may be documented in writing should the Elected Official, and if none, Department Head deem it necessary. In the event the warning is documented, the employee shall receive a copy, upon the employee's request.

Written Warning

There are times when a written warning without a prior verbal warning is necessary and appropriate. Documented written discipline will normally be issued by the Elected Official, and if none, Department Head. The warning will state the action that caused the warning to be issued and the corrective action that must be taken by the employee to ensure the violation does not reoccur. The employee may receive a copy of the written warning upon request. A copy of the written warning, signed by the employee, will be submitted to the employee's personnel file. A written warning is not grievable.

Suspension With Pay

An Elected Official, and if none, Department Head may suspend any employee with pay for a period of time pending the outcome of an investigation into a complaint or possible policy violation. The Elected Official, and if none, Department Head shall notify the employee, in writing, of the reasons for the action and the number of days of suspension. An employee who is suspended has the option to file a grievance once the suspension has ended and a decision has been made

regarding the disposition of the complaint, following the procedure outlined in the policy entitled, "Grievance Procedure."

Suspension Without Pay

An Elected Official, and if none, Department Head may suspend any employee without pay for a period not exceeding sixty (60) calendar days in any twelve (12) month period; however, no single suspension will normally be for more than thirty (30) calendar days. The Elected Official, and if none, Department Head will notify the employee, in writing, of the reasons for the action and the number of days of suspension. An employee who is suspended has the option to file a grievance, following the procedure outlined in the policy entitled "Grievance Procedure."

Termination

Elected Officials, and if none, Department Heads may dismiss any employee under their supervision by delivering a written statement to the employee concerned. The written communication will usually indicate the reasons for the action, any relevant supporting evidence, or a summary thereof, and the date the dismissal is effective. Prior to the termination taking effect, the employee will be provided with an opportunity to present facts and/or explain circumstances which the employee feels will refute the charges. An employee who is dismissed has the option to file a grievance, following the procedure outlined in the policy entitled "Grievance Procedure."

3.11 Separation of Employment

Employment with the County is at will and may be terminated at any time by the employee or by the County with or without notice or cause. In the event an employee chooses to resign from employment, employees are requested, but not required, to give two weeks advance notice with a written resignation given to the Elected Official, and if none, Department Head.

Generally, the last day an employee works will be considered the employee's last day of employment and is used to determine all benefits. Prior to an employee's last day, the employee must return all equipment or property. Otherwise, a deduction for the value of any non-returned property/equipment and any other amounts the employee may owe the County may be made from the employee's final paycheck, as authorized by the employee in the Acknowledgement form of this Handbook. Final pay of wages or other compensation due to an employee will be made in accordance with applicable federal, state, or local laws.

Employees may be asked to participate in an exit interview so that the County can obtain suggestions for making the County a better place to work.

3.12 Job Abandonment

Employees who have been on a no call/no show for two (2) consecutive days without notifying the County may be considered, at the discretion of the County, to have voluntarily resigned from employment. Walking off the job mid-shift will also be considered a voluntary termination, and an employee may not be eligible for rehire.

3.13 Re-Hire/Re-Employment

Former County employees are eligible for re-hire at the discretion of the Elected Official, and if none, Department Head, or Board of Commissioners.

Section 4: Employment Classification, Hour, and Wage Policies

4.0 Classification of Employment

4.0a Employment Classification Definitions

Employment classifications are established as part of the Fair Labor Standards Act (FLSA) as administered by the Wage and Hour Division of the Department of Labor (DOL). Depending on an employee's position, each position is designated as either "non-exempt" or "exempt" from the overtime provisions of the federal and state wage and hour laws under the FLSA.

Understanding the definitions of the employment classifications are important. These classifications do not guarantee employment for any specified period.

Non-Exempt (Hourly) Employees are typically paid by the hour and are entitled to overtime pay under the specific provisions of federal and state laws.

Non-Exempt (Salary) Employees are typically paid by salary and are entitled overtime pay under the specific provisions of federal and state laws in addition to the hours for work weeks in which their time worked exceeds 40 hours.

Exempt (Salary) Employees are typically paid by salary and are excluded from overtime provisions of federal and state wage and hour laws.

Exempt employees are paid on a salaried basis and are not eligible for overtime pay. Rather, they are paid a regular weekly salary, which is generally not affected by the number of hours worked. Deductions from salary for time off work will only be made when allowed by applicable state or federal law. For example, the County will not make any deduction for absences of less than one day (except as permitted by the FLSA, if applicable). In addition, and except as otherwise permitted by law, the County will make deductions for absences of one or more full days only where (1) the employee is absent for personal reasons not related to sickness or disability; (2) the employee is absent due to sickness or disability and has no available paid time off; (3) the absence is related to a disciplinary suspension; or (4) the employee works less than a full week in their first or last week of employment.

4.0b Employment Categories

For purposes of salary administration, overtime, and benefits, Dakota County categorizes its employees as follows:

Introductory Employee. A new employee who has not yet completed the County's six (6) month introductory period. Introductory employees are not eligible for any County benefits (except insurance and holidays as noted later).

Regular Full-Time Employee. An employee who has completed the introductory period and is regularly scheduled to work forty (40) hours or more per week. If an employee's averaged hours drop below thirty (30) hours for twelve (12) consecutive pay periods, they will be reclassified as a part-time employee. Regular full-time employees are eligible for County benefits, as further explained in the County's explanation of benefits found later in this handbook.

Regular Part-Time Employee. An employee who has completed the introductory period and is scheduled to work at least thirty (30) hours per week but less than forty (40) hours per week. If a part-time employee works at least forty (40) hours per week for four (4) consecutive pay periods, they will be reclassified as a full-time employee. Except for retirement and insurance, regular part-

time employees shall receive benefits in a ratio proportionate to their part-time service. Insurance will be provided the same as for full-time employees.

Part-Time Employee. An employee who is scheduled to work less than thirty (30) hours per week. Except for retirement, part-time employees shall not be eligible for benefits contained in this handbook.

Part-Time Seasonal Employee: An employee who is scheduled to work less than thirty (30) hours per week and is hired for a specific short-term period only. Such hiring occurs when there is a special demand for additional personnel due to increased activity within a department at a certain time of year.

Temporary Employee. An employee hired to work full-time or part-time, with the understanding that they will be employed for only a short period of time or until a specific project is completed. Temporary employees may, however, be terminated prior to completion of the project or designated time when the County deems termination to be in its best interests. Temporary employees are not eligible for County benefits. Only benefits required by law will be offered to temporary employees.

Elected Official, and if none, Department Head. Any individual having authority in the interest of the County to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action if in connection with the foregoing. The exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

4.1 Attendance and Punctuality

The County believes it is entitled to regular attendance by all its employees and considers attendance to be an essential job function for all jobs. The County views attendance and punctuality as a reflection of an employee's commitment to the job. Attendance will be taken into consideration when opportunities for advancement arise, individual salary increases are considered, or awards are given. Therefore, employees must maintain an acceptable record of attendance, including work any required overtime, weekends, holidays, and other non-scheduled hours when requested.

4.1a Definition of an Absence

Dakota County defines an absence as failure to report for and remain at work as scheduled. The only exceptions to this definition of an absence are those approved in this Handbook.

4.1b Notifying an Elected Official, and if none, Department Head

Regardless of the reason for an absence, an employee must notify their Elected Official, and if none, Department Head as soon as possible when they know they will be absent but in no case less than thirty (30) minutes before their starting time. An employee must continue to notify their Elected Official, and if none, Department Head each day they are absent. Failure to do so may result in discipline, up to and including discharge. If an employee is unable to call their Elected Official, and if none, Department Head, they are responsible for having someone do so for them. When calling the County to report their absence, they must:

1. Give the specific reason for the absence.
2. Give the date when expected to return.

If an employee becomes ill during work hours, they must report to their Elected Official, and if none, Department Head prior to leaving the work premises. If an employee knows one or more days in advance that they will be absent from work, they must obtain your Elected Official, and if none, Department Head's prior approval. Excessive absenteeism and tardiness are not tolerated.

4.1c Expectations

A permanent attendance record for all employees is maintained. Attendance records are reviewed periodically and employees showing attendance problems will be counseled and/or disciplined by their Elected Official, and if none, Department Head. Regarding attendance, employees are expected to exercise good judgment with respect to contagious ailments which might have an adverse effect on other employees and attend to personal affairs during nonworking hours where possible.

4.1d Reporting Late or Leaving Early

If an employee must be late or finds it necessary to leave work early, they must make every effort to telephone the County to advise their Elected Official, and if none, Department Head. A "tardy" is any time an employee clocks in later than five (5) minutes after their starting time. Excessive tardiness may result in disciplinary action, up to and including termination.

If an employee becomes ill during work hours, they must report to their Elected Official, and if none, Department Head prior to leaving the work premises.

4.2 Meal and Rest Breaks

Work Breaks. Employees shall be granted two (2) fifteen (15) minute rest periods with pay at approximately the middle of each one-half (½) shift at a time designated by the employee's Elected Official, and if none, Department Head.

Meal Period. Employees shall be granted a one-half (½) hour meal period without pay scheduled at the approximate middle of the shift. The County cannot require an employee to remain in buildings or on the premises where their labor is performed. An employee must be completely relieved from all duties during the meal break (29 C.F.R. § 785.19). Employers covered by a valid collective bargaining agreement or other written agreement with an employee are not subject to this requirement (§48-212).

Exclusions. This "Work Breaks and Meal Periods" section does not apply to Salary Exempt Employees.

4.3 Work Hours

County employees normally work Monday through Friday from 8 a.m. to 4:30 p.m., which are the regular Courthouse hours. Employees are normally given a half-hour unpaid lunch period. At the Elected Official's and if none, Department Head's discretion, employees may be given a one-half (1/2) hour unpaid lunch period and two (2) fifteen-minute paid break periods during each workday. At the Elected Official, and if none, Department Head's discretion, employees may take their fifteen (15) minute breaks in conjunction with their one-half (1/2) hour unpaid lunch period. Due to the nature of the County and in order to meet the needs of County citizens, it may be necessary to work at times or on days other than those listed above. Breaks not used within the 8-hour working day shall be forfeited.

Workday, Work Week, Arrival and Dismissal Times. With the exception of employees whose hours vary, and employees covered by collective bargaining agreements, the regular workday shall consist of eight (8) hours, excluding the meal period. The regular work week shall consist of forty (40) hours, excluding meal periods, Monday through Friday. The regular arrival time for all employees shall be 8:00 a.m. and regular dismissal time shall be 4:30 p.m.

Change in Hours. The County may change daily and weekly work schedules to meet the County's requirements. Employees shall be given one (1) week notice, both verbally and in writing, of any change in work schedules, except in cases of an emergency. Employees shall be required to work the hours scheduled by the County, including all hours scheduled during any emergency, subject to the restriction on "Maximum Hours" listed below.

Emergencies. The existence of emergencies and emergency situations shall be determined exclusively by the County. For purposes of this section, employees shall be compensated with a maximum of sixteen (16) hours pay per calendar year if the County closes its doors in the case of an emergency. If the County determines a late start or off early partial day due to inclement weather, an employee must work the hours the County is open to receive the partial day not worked as paid time emergency weather hours. If the emergency exceed/s sixteen (16) hours in a calendar year and the County notifies employees through local media prior to 7:00 a.m. not to report for work, the day shall be considered a day off without pay (employee may use accrued sick, vacation, personal, or earned compensation time to cover the day).

Maximum Hours. Except on Election Day and during "Emergencies" defined above, no employee shall be required to work more than fourteen (14) consecutive hours.

Limitation. This "Work Hours" section is intended to be construed as a basis for establishing work hours and shall not be construed as a guarantee of hours.

Clean-Up Time. Where established by practice, job-related non-personal clean-up time shall be considered work time.

Work Requirement. Unless an employee has been granted paid leave as provided in this handbook, they will be required to work in order to be paid.

Show-Up Time. If an employee reports to work when the County offices have closed due to inclement weather, they will be provided with two (2) hours work/pay. An employee may elect to forfeit this benefit to terminate their workday.

Called In While Off-Duty. Employees who are called to duty during their off-duty time shall be paid a minimum of two (2) hours.

Exclusions. This section does not apply to Exempt Salary employees.

4.4 Recording Work Time

4.4a Exempt Employees

Exempt employees are not required to clock in and out during the workday. Exempt employees are, however, required to request time off for PTO and any other paid time off.

4.4b Non-Exempt Employees

All non-exempt employees are responsible for using timesheets to record all time worked accurately, without exception, so they will be paid correctly. This includes paid time off. Working off the clock is not permitted. Rest breaks of 15 minutes or less and infrequent restroom breaks

are considered time worked and should not be entered on an employee's timecard. Non-exempt employees must clock out at the start of their meal break and clock back in when finished.

Non-exempt employees should not begin working, or clock-in, before their scheduled start time and should not work beyond their scheduled end time without approval from their Elected Official, and if none, Department Head. Employees who begin their shift prior to scheduled or stay longer than scheduled without prior approval will be paid for all hours worked but may be disciplined for violating this policy. No employee is permitted to work "off the clock," that is, work without recording the hours worked. No Elected Official, and if none, Department Head is permitted to ask any employee to work off the clock.

Unless an employee is working approved overtime, they should not begin work more than five (5) minutes before their regular starting time or end work more than five (5) minutes after their regular quitting time.

A timecard is considered a legal document. Employees are prohibited from engaging in any conduct to falsify their own or another employee's hours worked. Tampering, altering, or falsifying time records, or recording time on another employee's timecard is a serious infraction of policy and may result in disciplinary action, up to and including termination. Additionally, employees may only clock-in and out for themselves, never for another employee.

If an error is made, please correct and initial it—no "white out" allowed, and notify the appropriate Elected Official, and if none, Department Head.

4.5 Overtime Pay

Situations arise which necessitate an employee to work outside of their normally scheduled hours. The employee is to notify their Elected Official, and if none, Department Head, so adjustments may be made to the employee's work schedule within the same work week to maintain a work week consistent with the employee's hours. Overtime pay is subject to approval in writing by the immediate Elected Official, and if none, Department Head.

Unless otherwise required or exempted by law, overtime pay of one and one-half times an employee's regular rate of pay is paid for any hours worked in excess of forty (40) hours in a workweek. Personal Time hours, non-worked holidays, or unpaid leave does not count as time worked for computing overtime.

Work Week. For the purpose of computing overtime, the work week will commence at 12:01 a.m. Sunday and end at 12:00 midnight on Saturday.

Flex Time. Adjustments may be made to an employee's hours in an effort to maintain the hours worked by an employee at or below forty (40) hours in a week. Such adjustments must be made prior to the time that an employee works over forty (40) hours in a week. Once an employee has worked over forty (40) hours, payment for time in excess of forty (40) hours must be at time and one-half (1½) or given in compensatory time at time and one-half (1½). The Elected Official, and if none, Department Head, and the employee shall agree to the method in which payment is to be made prior to working overtime hours.

Each department will regularly audit overtime hours and ensure overtime opportunities are being offered fairly.

Exclusions. This Article does not apply to salaried exempt employees.

4.6 Compensatory Time

Upon proper authorization, up to Forty (40) hours of compensatory time may be accumulated by employees. Time accumulated over the above noted amounts will be paid for at time and one-half rates. Payment of overtime shall be paid at the employee's current hourly rate. The County will allow the employee reasonable use of compensatory time. Any employee who has accrued forty (40) hours of compensatory time off shall be paid overtime compensation for additional overtime hours of work.

Counties can provide compensatory time in lieu of monetary overtime compensation if the following requirements are met:

- Must be given at the rate of 1.5 hours for every hour of overtime worked.
- All compensatory time shall be noted on the employee timesheet when earned and when used.
- When employees use compensatory time, it is paid at the employee's regular pay rate at the time of payment.
- Accrued but unused compensatory time must be paid at termination of employment at the greater of the employee's average regular rate received during the last 3 years of employment or the employee's final regular rate.
- Employees must be permitted to use compensatory time within a reasonable period of time after their request for use, provided it does not unduly disrupt the County's operations.
- If the employees have no representative, the agreement must be arrived at between individual employees and the County prior to performance of the work.
- The agreement on compensatory time need not be written, but a record of its existence should be kept.

Exclusions. Compensatory time does not apply to salary exempt employees.

Compensatory Time Agreement

In accordance with the Fair Labor Standards Act, Dakota County grants employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement, emergency management, seasonal, and other employees. I (employee) understand that the compensatory time will be granted at time and one-half (1½) for all hours worked in excess of 40 hours per week or other permissible work schedules. I (employee) further understand that the compensatory time may be limited, preserved, used, or cashed out consistent with applicable law and regulations of the U.S. Department of Labor.

I (employee) knowingly agree to the provisions of time off as compensation for overtime work as a condition of employment and consent to the use of compensatory time in accordance with the Fair Labor Standards Act and the U.S. Department of Labor regulations.

4.7 Complaint Procedure Regarding Deductions/Overtime Eligibility

The County respects our obligations under the various federal, state, and local laws that govern the workplace, including the Fair Labor Standards Act (FLSA). Accordingly, the County strictly prohibits the making of improper deductions from the salaries of exempt employees. The County wants employees to be aware of this policy and that the County does not allow deductions that violate the FLSA.

In the event an employee believes the County has made an improper deduction from an employee's wages, the employee must promptly bring the matter to the attention of the County

Clerk. If an employee is not satisfied with the County's handling of the complaint, the employee must bring the matter to the attention of the Dakota County Board. Reports of improper deductions will be promptly investigated. If it is determined an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

4.8 Pay Period and Payroll Deductions

Federal and state law requires certain deductions to be taken from each employee's paycheck. These include Federal Income Tax, State Income Tax, Medicare Taxes and Social Security (referred to as FICA), and any local tax withholdings, such as state disability or unemployment insurance. In addition, there may be other deductions that are mandated by court order such as garnishments, or child support payments, that Dakota County will be required to deduct from an employee's paycheck.

Paydays. Employees shall be paid every other Friday (one (1) week after the last day of the pay period. The County requires its employees to participate in direct deposit.

4.9 Wages

Coverage. The pay classification for certain employees covered by this Employee Handbook shall be as set forth in the "Pay Classification" section below. Exclusions include road employees, employees whose salaries are set by other boards (Health Board) and one-of-a-kind positions, such as County Road Superintendent, Part Time Noxious Weed Superintendent, Emergency Manager, Veterans Service Officer, and the Building & Grounds Superintendent.

All Employees (including the employees excluded in paragraph one of this Section) shall be paid only for hours actually worked unless otherwise provided herein.

Pay Classification. All employees shall be placed in and paid in accordance with one of the following job classes:

CLASS	POSITIONS		2024-2026 Starting Wage	Wage Caps See details below
Class 1	Filing Clerks-Receptionist	hourly	15.75	18.25
Class 2	General Office Clerks	hourly	16.00	19.50
Class 3	Administrative Clerks	hourly	16.50	20.50
Class 4	Legal Secretary	hourly	16.75	22.50
Class 5a	Deputy of Elected Officials/Office Deputies*	salary	Set by Res	
Class 5b	Appointed Department Heads**	salary	Set by Board	
Class 6	Sheriff Captain	salary	Set w/Budget	
Class 7	Sheriff Chief Deputy	salary	Set by Res	
Class 8	Deputy Public Defender	salary	Set by Res	
Class 9	Deputy County Attorney	salary	Set by Res	
Class 10	Chief Deputy - County Attorney	salary	Set by Res	

*Office Deputies are required to make at a minimum 65% of elected official wage.

**Salary of Appointed Department Heads will be set by Board at hire then raises in line with hourly employees.

The wage of each employee in Class 1 through Class 4, shall be fixed by the Elected Official, and if none, Department Head; the salary of each Class 5a through Class 10 shall be fixed by the County Board of Commissioners; the above pay classification shall have a maximum rate as established by the Board of Commissioners. No employee shall receive maximum pay until they have at least three (3) years of continuous employment with the County from their most recent date of hire. This provision does not obligate an Elected Official, and if none, Department Head,

or the County Board, to pay an employee the maximum after three (3) years of continuous employment. In the event an employee is promoted from one class to another class, they shall not be entitled to receive the maximum rate for said class until they have one (1) year of service within said class.

Longevity Pay. In addition to regular annual compensation on the employees base pay*, employees shall be eligible to receive longevity pay as follows: fifteen cents (\$0.15) per hour after (5) years of completed service; thirty cents (\$0.30) per hour after ten (10) years of completed service; forty- five cents (\$0.45) per hour after fifteen (15) years of completed service; sixty cents (\$0.60) per hour after twenty (20) years of completed service; and seventy-five cents (\$0.75) per hour after twenty-five (25) years of completed service. To be eligible for longevity pay the employee must be in good standing and not under any disciplinary sanctions.

**Base pay is wage before any longevity was added.*

Section 5: Work-Life Balance

5.0 County Telephone Use

County telephones are to be used for business purposes only. Employees are expected to exercise reasonable discretion in using the County phones for personal use. Excessive incoming or outgoing personal calls during the workday can interfere with employee productivity and be distracting to others. Employees should make personal calls during non-work times (meal and break periods) and ensure that friends and family members are aware of the County's policy.

Employees should exercise proper etiquette when using County phones to conduct business activities as they are directly representing the County. This includes greeting incoming and outgoing phone calls in a positive manner, exercising patience and care on every call, and refraining from using any language that defames, harasses, intimidates, or threatens any other person.

Violations of these policies may lead to disciplinary action up to and including separation of employment.

5.1 Personal Mobile Device Use

While the County permits employees to bring personal cell phones and other mobile devices (i.e. smart phones, tablets, laptops) into the workplace, employees must not allow the use of such devices to interfere with their job duties or impact workplace safety and health.

Use of personal cell phones and mobile devices at work can be distracting, disruptive, and cause a loss of productivity. Employees should primarily use such personal devices during nonworking time, such as breaks and meal periods. During this time, employees should use such devices in a manner that is courteous to those in the area. Outside of nonworking time, use of such devices should be minimal and limited to emergency use only. If an employee has a device with a camera and/or audio/video recording capability, employees are restricted from using those functions on County property unless use is directly related to an employee's essential job function. Employees are expected to comply with the County policies regarding the protection of confidential and proprietary information when using personal devices.

While operating a vehicle on work time, the County requires the driver's personal mobile device be turned off. If an employee needs to make or receive a phone call while driving, the employee must pull off the road to a safe location unless the employee has the correct hands-free equipment compliant with applicable state laws.

Employees may connect personal devices to the County network or to the County equipment (computers, printers, etc.) when it is directly related to the scope of work and performance of job duties.

Employees may have the opportunity to use personal devices for work purposes. Before using a personal device for work-related purposes, employees must obtain written authorization from their immediate Elected Official, and if none, Department Head. The use of personal devices is limited to certain employees and may be limited based on compatibility of technology. To ensure the security of County information, follow this procedure.

Non-exempt employees must have a legitimate business need for a mobile electronic app (such as email) to be installed on their personal mobile device and the issuance of the same must be approved by their Elected Official, and if none, Department Head. The legitimate reasons employees may need an app related to business include frequent time away from their desk, frequent business travel, project deadlines, or for key personnel who must be immediately reachable during an emergency. All non-exempt employees are responsible for tracking time spent on business-related mobile applications (such as email) outside of normal working hours and submitting all time worked to their Elected Official, and if none, Department Head. Employees may be subject to disciplinary action up to and including termination of employment for violation of this policy.

5.2 (County) Owned Mobile Devices

The County may issue an employee a county owned cell phone. The County requires that employees follow the guidelines listed below for their own and others' safety.

1. All employees are required to be professional and conscientious at all times when using a company issued cell phone.
2. It is the County policy that employees who are issued a cell phone understand the phones are issued for business use only.
3. The County has a zero-tolerance policy regarding using a cell phone while driving. For the safety of County employees and others, it is imperative that an employee pulls over and stops at a safe location to dial, receive, or converse on the cell phone in any way.
4. Any violation of this policy may result in disciplinary including or up to termination.
5. The County reserves the right to amend or alter the terms of this policy.

5.3 Social Media Policy

Use of social media presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about social media use, we have established the following guidelines for appropriate social media use. This policy applies to all employees who work for the County.

Guidelines

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow coworkers, or otherwise

adversely affects the County's legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the County's Harassment Policy and Complaint Procedure and Workplace Violence Prevention policy and ensure postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may be subject for disciplinary action up to and including discharge.

Be respectful

Always be fair and courteous to fellow coworkers, customers, and people who work on behalf of the County. Work-related complaints are more likely to be resolved when speaking directly with co-workers than by posting complaints to a social media outlet.

Be honest and accurate

Employees should always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Post only appropriate and respectful content

- ✓ Only express personal opinions. An employee should never present themselves as a spokesperson for the County. If the County is a subject of the content an employee is creating, they need to be clear and open about the fact that they are a County employee and make it clear that their views do not represent those of the County. If an employee publishes a blog or post online related to the work they do or subjects associated with the employment with the County, they must make it clear that they are not speaking on behalf of the County. It is best to include a disclaimer such as "The postings on this site are my (County employee) own and do not necessarily reflect the views of Dakota County."
- ✓ Do not divulge confidential County information. Examples of confidential information may include information related to pending criminal investigations in the Sheriff's Department and potential prosecution by the County Attorney's Office.

Use of Social Networking Websites on County Equipment, or During Work Hours

Employees are prohibited from using or accessing social networking sites on County equipment. Employees are also prohibited from using their personal equipment for social networking during working hours. Working hours are defined as an employee's scheduled shift but exclude lunch and other break times. The County reserves the right to monitor employees' website history on County equipment to determine whether employees are complying with this policy.

5.4 Authorization for Use of Personal Vehicle

All employees required to operate a motor vehicle as part of their employment duties must maintain a valid driver's license, acceptable driving record, and appropriate insurance coverage. Employees who operate a vehicle for work must be willing to consent to a motor vehicle department check to validate an acceptable driving record upon request and proof of insurance. Any employee who must operate a motor vehicle must provide a copy of a current driver's license for the employee's personnel file. Any changes in a driving record, including but not limited to, driving infractions or changes to an insurance policy, must be reported to the County within 24 hours of the infraction or change.

If employees use a personal vehicle in the course and scope of employment, employees may not operate such vehicle while:

- Under the influence of drugs, alcohol, or any other substance that might impair judgment or ability to drive; or
- Texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

State law requires all motorists to carry auto liability insurance. It is against the law to drive without insurance. If employees use a personal vehicle as part of employment duties, employees must provide their Elected Official, and if none, Department Head with a current proof of insurance statement or card. New proof of insurance is required every time a policy expires or renews. Note that personal auto insurance is the primary coverage for vehicles even while it is being used for business purposes.

Employees should track all mileage while using their personal vehicle for business purposes. Mileage must be submitted in a timely manner to the County Clerk for reimbursement. Mileage submitted in a timely manner may be paid at the discretion of the County depending on the circumstances.

5.5 Use of County-Owned Vehicles

The following rules and regulations govern the general operation of all County vehicles. Each department has specific guidelines for the use of vehicles assigned to that department. Employees shall comply with both the general rules and the departmental rules when operating any County-owned vehicles.

1. Employees must have the appropriate valid driver's license for the vehicle or equipment to be operated and must be in compliance with any restrictions listed on the license in order to operate any County vehicle or equipment.
2. Employees who drive County vehicles, even on an occasional basis, must notify their Elected Official, and if none, Department Head immediately if their driver's license is suspended or in any other way restricted.
3. County vehicles may not be operated at work or taken home by an employee without prior authorization of the employee's Elected Official, and if none, Department Head.
4. County vehicles shall be used for County business only and not for any personal use or gain.
5. A County vehicle shall not be operated by anyone other than the employee to whom it is assigned.
6. During the time the vehicle is under the employee's control, it shall be the employee's responsibility to operate the vehicle safely, comply with all traffic and parking rules and regulations, and to secure the vehicle when leaving it unattended.
7. Employees must call for a local law enforcement agency to come to the scene of any work-related vehicular accident immediately, even if there is no apparent damage. Every accident shall also be immediately reported to the employee's Elected Official, and if none, Department Head.
8. Employees may be held personally responsible for damage to a County vehicle if an investigation discloses negligence, carelessness, or misuse. The employee must wear seat belts while operating and/or riding in County vehicles. An employee may not use a

cell phone or any other electronic communication device while driving a County vehicle (including hands-free devices).

9. Employees shall not transport non-work-related passengers in County vehicles at any time without prior approval from their Elected Official, and if none, Department Head.
10. Employees shall not attempt to make any mechanical repairs to the vehicle, unless properly authorized by the employee's Elected Official, and if none, Department Head or unless assigned to such duties.
11. Employees shall immediately report to their Elected Official, and if none, Department Head any hazardous or unsafe condition of the vehicle, which may result in injury to themselves or others.
12. Employees shall keep all County vehicles free of objects that might lodge under the brake pedal or interfere with safe operation of the vehicle.
13. It is the responsibility of the employee operating a County vehicle or equipment to ensure that all supplies, equipment, machines, and vehicles being hauled or transported are properly secured to the transporting vehicle or trailer.
14. Any vehicle or equipment that has been tagged unsafe to use shall not be used by any employee until such tag has been removed by order of the Elected Official, and if none, Department Head.
15. An employee who drives a County vehicle must be fully-insurable under the County's motor vehicle and other insurance policies.
16. The County may obtain a driving record for an employee who drives a County vehicle, and the employee must provide written consent to obtain the record if necessary.

5.6 Off-Duty Use of County Property

Specific positions may allow to take County owned laptops and work from a remote location under certain extraordinary circumstances. This is discretionary based on the job role and prior approval from the Elected Official, and if none, Department Head.

5.7 Nursing Mothers Policy

The County will provide nursing mothers reasonable break time to express milk for their infant child(ren) for up to one year following the child's birth.

Nursing mothers will be provided with a space, other than a restroom, that is shielded from view and free from intrusion from co-workers and the public.

Expressed milk can be stored in County refrigerators or personally owned coolers. Employees must sufficiently mark or label milk if placed in shared refrigerators to avoid confusion for other employees who may share the refrigerator.

Break time should, if possible, be taken concurrently with any other break time already provided. If an employee needs to express milk outside of an employee's scheduled break time, the employee should work with their Elected Official, and if none, Department Head and do so. Employees are encouraged to discuss the length and frequency of these breaks with their Elected Official, and if none, Department Head.

No provision of this policy applies, or will be enforced, if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law.

5.8 Visitors in the Workplace

Visitors are welcome if it does not disrupt normal business operations. Visitors should not be left unattended at any time when on County premises. If the frequency, length, or nature of visits becomes problematic, the employee will be advised of the situation and will be expected to take corrective action.

5.9 Working Off-Site

Specific positions may allow for the ability to work from a remote location under certain extraordinary circumstances. This is discretionary based on the job role and prior approval from the Elected Official, and if none, Department Head.

5.10 Secondary Occupations

Outside employment that creates a conflict of interest or affects the quality or value of an employee's work performance or availability at the County is prohibited. Dakota County does not prohibit additional employment during off hours, but in all cases, the County expects that any outside employment will not affect job performance, work hours, scheduling, or otherwise adversely affect an employee's ability to perform job duties effectively and satisfactorily.

The employee must discuss with their Elected Official, and if none, Department Head whether it will interfere with their County job duties. All employees with an outside job must notify their Elected Official, and if none, Department Head to determine whether possible conflicts exist. Employees may not use County equipment, supplies, or facilities for activities related to a second job. Failure to adhere to this policy may result in disciplinary action up to and including termination.

Section 6: Employee Benefits

6.0 Benefit Programs Are Subject to Change

Where benefits are provided by Dakota County to eligible employees, all such benefits shall be controlled by applicable plan documents. The information provided in this Handbook is summary only; detailed information on plans are set forth in plan documents. To the extent there is any discrepancy between plan documents and this Handbook, the plan document shall control.

Each employee may receive information about the County's benefits from the Office of County Clerk in their new-hire packet. The packet contains information on the County's Health, Dental, and other applicable policies.

6.1 Health Insurance

All full-time employees are eligible for health insurance benefits under a group plan on the 1st of the month following thirty (30) days' employment. Specific benefits and plans are outlined in the pamphlet given to employees at the time of employment. Additional copies are available at the County Clerk's office. Regular part-time employees working 30+ hours may participate in the health insurance program plan. All benefit plans are subject to change from time to time. If an employee's average hours worked per week falls below 30 hours, health insurance benefits may be lost. Employees must maintain an average of 30 hours per week for four (4) consecutive bi-weekly pay periods.

Pursuant to Resolution 21C-048 Cash in Lieu of Health Insurance. In addition to the above salary, the County Commissioners shall have the option to be a member of the same health and medical group plan as offered to all county employees, which is single coverage; or shall have the option at the discretion of each Commissioner to elect a stipend of \$400.00 per month in lieu of receiving medical coverage through the county medical plan. The election will remain in force for the remainder of the Commissioner's term, absent a qualifying event.

Health insurance coverage ends the last day of the month of the last day worked.

6.2 Retirement Benefits

Eligibility, contribution requirements, and retirement benefits available to County employees are described in a plan description handbook published by the Nebraska County Employees Retirement System. A copy of this handbook may be obtained from the County Clerk or online at www.npers.ne.gov.

Section 7: Leave Policies

7.0 Vacation

7.0a Introduction

Vacation is provided to employees for the mutual benefit of the employee and the County. Extended time away from work on a periodic basis gives the employee a break, allowing them to return to work refreshed.

7.0b Eligibility

Vacation is given to full-time employees in a lump sum on an employee's anniversary date. New employees are eligible to receive vacation time after one year of employment. Vacation may be prorated based on the average hours worked by the employee.

Part-Time. Regular part-time employees shall receive vacation leave in a ratio proportionate to their part-time service.

7.0c Granted Vacation Schedule

Paid vacation time shall be granted to employees after continuous service pursuant to the following schedules/rate:

- (a) An employee in the continuous active service of the County for one (1) year or more as of the anniversary of their most recent date of hire shall be given five (5) days (40 hours) vacation with pay at their regular hourly rate.
- (b) An employee in the continuous active service of the County for two (2) years or more as of the anniversary of their most recent date of hire shall be given ten (10) days (80 hours) vacation with pay at their regular hourly rate.
- (c) An employee in the continuous active service of the County for six (6) years or more as of the anniversary of their most recent date of hire shall be given eleven (11) days (88 hours) vacation with pay at their regular hourly rate.
- (d) An employee in the continuous active service of the County for seven (7) years or more as of the anniversary of their most recent date of hire shall be given twelve (12) days (96 hours) vacation with pay at their regular hourly rate.
- (e) An employee in the continuous active service of the County for eight (8) years or more as of the anniversary of their most recent date of hire shall be given thirteen (13) days (104 hours) vacation with pay at their regular hourly rate.
- (f) An employee in the continuous active service of the County for nine (9) years or more as of the anniversary of their most recent date of hire shall be given fourteen (14) days (112 hours) vacation with pay at their regular hourly rate.

- (g) An employee in the continuous active service of the County for ten (10) years or more as of the anniversary of their most recent date of hire shall be given fifteen (15) days (120 hours) vacation with pay at their regular hourly rate.
- (h) An employee in the continuous active service of the County for eleven (11) years or more as of the anniversary of their most recent date of hire shall be given sixteen (16) days (128 hours) vacation with pay at their regular hourly rate.
- (i) An employee in the continuous active service of the County for twelve (12) years or more as of the anniversary of their most recent date of hire shall be given seventeen (17) days (136 hours) vacation with pay at their regular hourly rate.
- (j) An employee in the continuous active service of the County for thirteen (13) years or more as of the anniversary of their most recent date of hire shall be given eighteen (18) days (144 hours) vacation with pay at their regular hourly rate.
- (k) An employee in the continuous active service of the County for fourteen (14) years or more as of the anniversary of their most recent date of hire shall be given nineteen (19) days (152 hours) vacation with pay at their regular hourly rate.
- (l) An employee in continuous active service of the County for fifteen (15) years or more as of the anniversary of their most recent date of hire shall be given twenty (20) days (160 hours) vacation with pay at their regular hourly rate.

Deductions. For purposes of determining years of continuous service, the following absences that are in excess of six (6) months shall be deducted: layoff or an extended leave of absence.

7.0d Vacation Usage; No Use Before Granted

Vacation is paid at the employee's base rate of pay. A full week of vacation is typically equal to forty (40) hours, and a full vacation day for most employees is considered to be an 8-hour day. Vacation may be taken in one (1) of increments. Employees may only use earned vacation.

7.0e Vacation Time is Not Work Time

Vacation Time will not be deemed work time for the purposes of computing overtime pay.

7.0f Management of Vacation Time

The vacation year will be the individual employee's anniversary date to anniversary date. Accordingly:

- (a) All vacations earned should be taken by the employee prior to the employee's next anniversary date, except an employee may carry over one (1) week or five (5) working days into the following year.
- (b) If an employee reaches their anniversary date with more than five (5) days of accrued vacation leave, the employee shall be paid for the day(s) over the five(5) days mentioned in part (a) at the employee's regular rate of pay.
- (c) No vacation shall be earned prior to an employee's anniversary date.

7.0g Requesting and Approving of Vacation Time

Vacation time is to be in advance in cases when employees know they will be taking time off. The County understands unforeseen circumstances do arise and, in those cases, employees should notify their Elected Official, and if none, Department Head with a phone call of their request and/or absence. Vacation time must be exhausted before unpaid time can be requested. All unpaid time must be approved by the Elected Official, and if none, Department Head.

7.0h End of Employment

In the event of separation of employment, employees will be paid for all earned, unused vacation time. This will be paid out in the final paycheck based on the employee's base rate of pay in effect at the time of separation. At the County's discretion, an employee may be paid vacation pay on a prorated basis from their last anniversary date to their separation date from the County. No employee who was terminated for cause shall receive this prorated vacation pay nor shall any employee during their first year of service.

All vacation due to an employee upon termination shall be paid on the employee's last paycheck (the paycheck listing the last day the employee actually worked).

7.1 Paid Personal Leave

Employees will receive three (3) paid personal days on January 1st and one (1) paid day during their birthday month that must be utilized during the calendar year or will be forfeited. Personal leave shall not be used in increments of less than one (1) hour.

New employees are granted three (3) paid personal days upon hire, and one (1) paid day during their birthday month (should it fall before the end of the calendar year). These days must be used before the start of the new calendar year on Jan. 1st. Personal leave shall not be used in increments of less than one (1) hour.

7.2 Holidays

Eligible full-time employees will receive eight (8) hours of straight time pay at their regular rate of pay. The following days may be recognized as paid holidays and observed on the dates established by the County:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	½ Day Christmas Eve
	Christmas Day

Employees shall be dismissed with pay at 12:00 p.m. (noon) on December 24 when said day falls on Monday through Thursday.

Holidays observed are established by the County Board each year. The holidays listed above are subject to change each year at the re-organizational meeting and are listed only as a guideline.

Observance of Holidays. The County shall designate the day on which the holiday is to be observed. A recognized paid holiday occurring on Saturday will normally be observed on the preceding Friday and a holiday occurring on a Sunday will normally be observed on the following Monday.

Eligibility for Holiday Pay. A new hire in his/her introductory period shall receive holiday pay for holidays observed after three (3) full months of employment. In order to be eligible to receive holiday pay, a nonexempt employee must have worked the entire last scheduled workday immediately before and the entire scheduled workday immediately after each holiday unless the employee is using a pre-approved vacation or personal day. No employee who has been laid off, who was discharged, or who is under suspension will be eligible for holiday pay. An employee on leave of absence is not eligible for holiday pay.

Holiday Pay. Regular full-time employees eligible for holiday pay shall receive holiday pay at their normal rate of pay for their regularly scheduled shift for anyone (1) holiday. Regular part-time employees eligible for holiday pay shall receive holiday pay their normal rate of pay prorated based upon their average daily hours of work. Exempt employees will not receive any additional compensation for holidays. Rather, they will receive the same salary for the week in which the holiday occurs that they would have received for the week had there been no holiday.

Holidays During Vacations. If an observed holiday falls during an employee's vacation period, such observed holiday shall not be charged against the employee's vacation leave.

Premium Pay. A nonexempt employee required to work on the day on which any holiday is observed by the County shall be paid time and one-half (1½) the employee's normal hourly rate of pay for the actual number of hours worked, plus holiday pay. This section does not apply to salary exempt employees.

7.3 Sick Leave

Dakota County recognizes that economic hardship may occur due to illness or injury to an employee or their immediate family. The County also recognizes that employees may require time off for certain personal emergencies and to secure treatment for disabilities. For these reasons, the County provides paid sick days to regular full-time and part-time employees.

Permissible Uses. Sick leave will be considered for a nonwork-related bona fide illness or injury. Employees will be entitled to utilize earned sick leave for treatment of drug or alcohol addiction, injury, pregnancy, or sickness, which renders an employee incapable of performing their required job duties, for medical and dental care, or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's attendance on duty. Sick leave will not be granted if an employee is injured while gainfully employed by a different employer and/or self-employed. An employee may use a maximum of one-half (½) of one (1) day of sick leave for attending routine doctor or dentist appointments. Five (5) sick days per year may be used for care of the employee's children, spouse, or parents.

Allowance. Regular full-time employees shall be allowed ten (10) days of sick leave annually. Sick leave shall not be used in increments of less than one (1) hour. For purposes of determining sick leave accrual, employees will accrue five (5) days every six (6) months from an employee's anniversary date in accordance with this section. Regular part-time employees shall receive sick leave benefits in a ratio proportionate to their regular part-time service.

Employees shall have the right to accumulate unused sick leave up to a maximum of sixty (60) working days.

Sick leave shall not accumulate during periods when an employee is absent due to an extended leave of absence of thirty (30) calendar days or more.

Physician's Statement. Employees on sick leave for three (3) consecutive days must submit a physician's certificate in order to receive sick pay, unless waived by the Elected Official, and if none, Department Head and noted on timesheet. The cost, if any, of the certificate shall be paid by the employee. For a lesser period of absence, the Elected Official, and if none, Department Head may, at their discretion, require evidence of illness from a physician or other reason, as defined in this section.

Notice to County. When unable to report to work due to illness or injury, an employee shall notify their Elected Official, and if none, Department Head as soon as possible, but in any event, not less than thirty (30) minutes prior to the starting time of the employee's workday (except in an obvious emergency), to be eligible for sick leave payment. During absence due to illness, employees must notify their Elected Official, and if none, Department Head of their progress and expected date of return.

7.4 Family Medical Leave Act (FMLA)

7.4a Basic Leave Entitlement

Under the Family and Medical Leave Act of 1993 ("FMLA"), employees may be eligible for up to 12 weeks of unpaid leave. To be eligible for this leave, an employee must: (1) have been employed by the County for at least 12 months; (2) have worked at least 1,250 hours during the 12 months immediately preceding commencement of the leave; and (3) be employed at a location where 50 or more employees are employed or a location where there are 50 or more employees within 75 miles of the employee's location. This leave consists of up to 12 weeks of unpaid leave during a 12-month period for any of the following reasons:

1. The birth of a son or daughter/ to care for such son or daughter.
2. The placement of a son or daughter with an employee for adoption or foster care.
3. To care for a spouse, son, daughter, or parent with a serious health condition.
4. A personal serious health condition which makes the employee unable to perform their job.
5. To handle various non-medical "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is a "military member" on "covered active duty" or on call to "covered active-duty status".

Examples of "qualifying exigencies" arising out of the covered active duty, which may qualify for this type of FMLA leave include, but are not necessarily limited to: (a) short-notice deployment (seven calendar days or less); (b) military events and related activities; (c) childcare and school activities; (d) making financial and legal arrangements; (e) personal counseling sessions, the covered military member or for a child or dependent; (f) up to fifteen days of leave to spend time with the covered military member who is on short-term, temporary rest and relaxation leave during the period of deployment; (g) post-deployment activities; (h) parental care leave to care for a military member's parents who is incapable of self-care when the care is necessitated by the member's covered active duty (including arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility); and (i) other events and additional activities that arise out of the military duty if we agree these qualify.

A husband and wife who are eligible for FMLA leave and are employed the County are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parents with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement.

FMLA leave for the birth of a child or placement of a child for foster care or adoption must be completed within 1 year after the birth or placement.

7.4b Servicemember Family Leave

Additional leave time may be provided for the spouse, son, daughter, parents, or next of kin of an injured or ill "covered servicemember" or "covered veteran" who is undergoing medical treatment, recuperation, or therapy, is otherwise on outpatient status, or is otherwise on the temporary disability retired list, for a "serious injury or illness".

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember or covered veteran may be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the injured or ill servicemember or veteran. Leave to care for an injured or ill covered service member, when combined with other FMLA qualifying leave, may not exceed 26 weeks in a single 12-month period.

For Servicemember Family Leave, the 12-month period begins on the first day of the leave.

7.4c The 12-Month Period

In calculating entitlement to FMLA leave, the 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 12 weeks which has not been used during the immediately preceding 12 months.

For examples, if an employee uses four weeks beginning February 1, 2021, four weeks beginning June 1, 2021, and four weeks beginning December 1, 2021, the employee would be entitled to four weeks of leave on February 1, 2022, and on June 1, 2022, they would be entitled to an additional four weeks, etc.

7.4d Concurrent Use of Vacation, Sick, Personal & Worker's Compensation

Employees will be required to take any available vacation, sick, personal time (if any) as part of their FMLA leave that would otherwise be unpaid. Upon exhaustion of available vacation, sick, personal time, the remainder of the FMLA leave will be unpaid. Employees do not continue to accrue vacation, sick or personal time during any period of such leave.

Employees on leave for a condition or injury covered by Worker's Compensation will be required to take FMLA leave concurrently with that Worker's Compensation leave.

7.4e Notice

In the case of foreseeable leave, employees must provide 30 days advance notice, if possible. If 30 days' notice is not possible, notice must be provided as soon as possible.

Notice must be provided either in writing (for foreseeable leave only) or by calling (for either foreseeable or unforeseeable leave). When requesting leave for the first time for a FMLA-qualifying reason, the employee must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization, or continuing treatment by a health care provider. Calling in "sick" is not enough and additional information should be provided so that the County is informed that FMLA leave is being requested or may otherwise apply.

Employees must also inform the appropriate County representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

7.4f Certification

In the case of leave due to the serious health condition of an employee or their spouse, child, or parent, they will be required to provide appropriate medical certification. This certification must include information such as the date the serious health condition commenced; the probable duration of the condition; the appropriate medical facts within the knowledge of the health care provider regarding the condition; and, in the case of their own serious health, a statement from a health care provider that the employee is unable to perform their job duties. In addition, if their leave is to care for a family member, the health care provider must indicate that they are needed to care for the family member and provide an estimate of the time they will be needed.

In the case of servicemember family leave, the employee must provide appropriate certification to confirm the family member is a "covered servicemember" or "covered veteran". This certification must include information such as the date the serious injury or illness commenced, the probable duration of the serious injury or illness, and the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, the health care provider must indicate that the employee is needed to care for the covered servicemember and provide an estimate of the time they will be needed, and if the individual is a covered veteran, confirmation that the military member is a veteran, the date of separation, and whether the separation was other than dishonorable.

In the case of military "qualifying exigency" leave, employees will be required to provide appropriate documentation and certification of the need for leave and certain details related to the leave, including but not limited to, where applicable, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

7.4g Failure to Provide Notice/Certification

Failure to provide required notices or certifications may result in a delay in the leave of absence or loss of the protections provided by the FMLA. It is vital that employees comply with all notice and certification requirements in a timely manner. The County will do the same with its requirements.

7.4h Response by Dakota County

The County will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employee's rights and responsibilities regarding FMLA leave. If an employee is not eligible, the County will provide a reason for the ineligibility. The County will generally notify an employee within 5 business days whether they are eligible for FMLA leave.

The County shall notify the employee in writing if the medical certification is incomplete or insufficient, and state the information needed to cure the deficiency. The employee shall have 7 calendar days to cure the deficiencies.

7.4i Regular Reporting

While on FMLA leave, employees must keep the County informed of their plans to return to work. As a general rule, the employee must contact the Elected Official, and if none, Department Head at least once every two weeks. Other reporting schedules may be agreed on between the employee and the Elected Official, and if none, Department Head based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

7.4j Scheduling Treatment and Intermittent Leave

If it is necessary for employees to take leave to obtain planned medical treatment, they must make a reasonable effort to schedule the treatment, so it does not disrupt the County's operations. In some cases, employees may need leave on only an intermittent basis. In those cases, they may be assigned to an alternative position which better accommodates their intermittent absences.

7.4k Benefits

Any group insurance an employee had prior to leave, if any, will continue during the term of their leave on the same basis as if they were not absent from work, including their obligation to pay their normal portion of the premium. Please note that if the employee fails to return from their leave, the County may recover from them the cost of any premiums paid on their behalf to continue insurance coverage, as allowed by law.

7.4l Return to Work

Upon return from the employees leave, the County will reinstate them to their former position or to an equivalent position. Their seniority and benefits will not continue accruing during any unpaid period of their leave. If they are returning from a leave due to their own serious health condition, they must provide a note indicating that they may return to work and that they can perform all the essential functions of the position, with or without accommodation. For intermittent leave, the County may require a fitness for duty certification as often as every 30 days if the health condition involves a contagious disease, or could reasonably affect the employee's, a coworker's, or third party's safety.

An employee who is unable or declines to return to work upon expiration of FMLA leave, has exhausted all other leave, and is not entitled to any leave under any other applicable law, including the ADA, will be considered to have voluntarily resigned.

7.4m Additional Questions?

It is impossible to cover all aspects of the family medical leave act in this policy. Therefore, when an employee determines that they will need to take leave under this policy, please contact the Clerk's Office for additional details. For further information, employees may also refer to the Federal Department of Labor's "Employee Rights and Responsibilities" notice.

7.5 Unpaid Leave of Absence

An unpaid leave of absence is an approved absence without pay. Anything over forty (40) consecutive hours of unpaid time off from work requires a leave of absence. Leaves of absence must be requested in writing and will be granted only for special reasons. Employees will not be eligible for holiday pay during a leave of absence. Leaves of absence will be considered on the basis of County requirements and hardships caused hereby, the employee's performance record, the reason for the request, and the employee's length of service with the County. The determination of whether the request shall be granted rests solely within the discretion of the Elected Official, and if none, Department Head unless required to provide a leave of absence under applicable federal, state or local law.

A leave of absence may be granted for personal (non-medical) reasons without pay for a period not to exceed five (5) days. Whether a leave of absence will be granted beyond five days for a medical reason will depend on whether such leave is a reasonable accommodation under applicable federal, state, and local law.

A leave of absence without pay under this policy may also be granted for illness, injury, or pregnancy disability for a period of time deemed to be a reasonable accommodation and does not pose a hardship for the County. If needed to determine restrictions or engage in discussion about reasonable accommodations, an employee may be required to present a certificate from

the employee's physician and/or a physician of their own choosing as to the fact of the illness, injury, or pregnancy disability, so that the County can determine the ability of the employee to safely perform essential duties with or without reasonable accommodation.

Any group health insurance premiums not exceeding five (5) days will be deducted from the employee's paycheck upon return to work.

The length of absence may be extended at the discretion of the Elected Official, and if none, Department Head upon further application in writing by the employee prior to the expiration of the initial period. If an employee's leave of absence is in excess of five (5) days, an employee's return is subject to job availability. If the employee's position is not available at the end of the employee's leave, the County will make a reasonable effort to return the employee to a substantially similar position.

It will be the responsibility of the employee who has been granted a leave of absence to pay monthly premiums for any continued group insurance coverage(s), if applicable. Employees should submit payment to the County by the fifteenth of each month. If paid leave is being substituted for unpaid leave, premiums will be deducted in accordance with the normal payroll cycle. In the absence of such payment, coverage may be terminated. However, employees will be given the opportunity to convert the policy for individual coverage (COBRA). Failure to return to work on the date scheduled by the County will result in termination of employment.

7.6 Military Leave

The County will comply with all applicable state and federal laws regarding Military Leave. Employees with further questions may contact the Nebraska Intergovernmental Risk Management Association (NIRMA) office at (800) 642-6671.

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve will be provided a leave of absence to perform voluntary or involuntary military duties. However, the amount of paid leave depends on how many hours an employee normally works or is normally scheduled to work in three consecutive weeks, as summarized below.

Military members who work or are normally scheduled to work in three consecutive weeks:	Required Paid Military Leave
159 hours or more <u>and</u> includes working 24-hour shifts	168 hours each calendar year
120 hours or more but less than 159 hours	120 hours each calendar year
less than 120 hours	Equal to the number of hours the military member normally works or is normally scheduled to work, whichever is greater, in 3 consecutive weeks

For example, employees who normally work or are normally scheduled to work one hundred twenty (120) hours or more but less than one hundred fifty-nine (159) hours in three (3) consecutive weeks will receive pay for up to one hundred twenty (120) hours of leave each year. Employees who normally work or are normally scheduled to work less than one-hundred twenty (120) hours in three (3) consecutive weeks will be paid for the number of hours they normally work or would normally be scheduled to work in three (3) consecutive weeks, whichever is greater. Any remaining leave is unpaid.

In addition, employees who: (1) are either the spouse or the parent of an individual who is called to military service lasting 179 days or longer with the state or the United States pursuant to the orders of the Governor or the President; (2) have been employed by the County for at least 12 months; and (3) have worked at least 1250 hours in the preceding 12 months are eligible for Nebraska Family Military Leave Act leave. The County will provide eligible employees up to 30 days of unpaid military leave during the time state or federal deployment orders are in effect. Eligible employees must provide at least 14 days advance notice if they intend to take military leave for five (5) or more consecutive workdays. Otherwise, eligible employees must provide as much advance notice as practicable. In addition, the County may require documentation verifying an employee's eligibility for leave.

7.7 Bereavement Leave

Dakota County strives to provide employees with time to heal to be with their family and friends following the loss of a loved one.

Regular full-time employees will be granted pay for time lost from work in the event of the death of an immediate family member, in accordance with the following schedule:

A leave with pay of not more than four (4) consecutive workdays per occurrence shall be granted in the event of the death of an employee's spouse, child, stepchild, mother, father, stepparent, sister, brother, mother-in-law, father-in-law or grandchild.

A leave with pay of not more than two (2) consecutive workdays per occurrence shall be granted in the event of the death of an employee's grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

At the Elected Official, and if none, Department Head's discretion, employees may be granted additional days of bereavement leave in excess of the days allowed or may be granted bereavement leave for individuals not listed. Additional bereavement leave under this paragraph shall be charged to sick leave, vacation leave, or shall be granted on an unpaid basis. Bereavement leave must be approved by the Elected Official, and if none, Department Head or their designated representative and must include the date of the funeral. The Elected Official, and if none, Department Head must be notified in advance of the need for bereavement leave. The Elected Official, and if none, Department Head reserves the right to request proof of death prior to approving bereavement leave.

7.8 Jury Duty and Witness Duty Leave

Dakota County recognizes that jury duty is a civic responsibility. If an employee receives a jury duty summons, the employee should immediately advise their Elected Official, and if none, Department Head and provide a copy of the jury summons. If an employee is selected, during the period of actual service on the jury, and are called to serve during normally scheduled business work hours, under Nebraska Law, employees will receive the difference between jury duty pay and an employee's regular day's pay for time spent serving on jury duty.

The County encourages employees to appear in court for witness or other court-ordered duty when subpoenaed. If an employee receives a subpoena, the employee should immediately advise their Elected Official, and if none, Department Head.

Under either circumstance, employees are expected to report for regular duties promptly on any day the employee is excused from attendance in court.

County employees who are summoned for jury duty should notify the County Court personnel or the District Court personnel on the first morning of jury duty that they are County employees and are not to be paid jury fees. Employees not residing in Dakota County will be reimbursed for mileage.

7.9 Voting Leave

Employees are entitled to two consecutive hours when the polls are open to vote. If an employee does not have two consecutive hours outside their working day to vote, the employee should contact their Elected Official, and if none, Department Head to request leave time that, when added with non-working hours when the polls are open, will total two hours. If the request is made before or on Election Day, there will be no deductions from an employee's wages. The County reserves the right to set the hours during which employees may be absent. Retaliation against employees who request leave under this policy is prohibited.

7.10 Election Leave

An employee may, upon written application and approval of the Elected Official, and if none, Department Head, be granted up to thirty (30) days' leave without compensation if the employee is a candidate for a paid partisan elective office. Leave may be granted for a primary, general, or partisan special election.

7.11 State of Emergency Leave

Employees called to active service by the state when the Governor declares a state of emergency will be granted state-of-emergency leave. Employees will receive their normal salary or compensation, less state active-duty base pay received from the state.

Section 8: Standards and Expectations

8.0 Dress Code

Employees are expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear. Clothing with offensive or inappropriate designs or stamps are not allowed.

Dress code will vary in every department. Employees must communicate with their respective Elected Official, and if none, Department Head on appropriate dress code expectations.

8.1 Tobacco Use

Dakota County is proud to be a tobacco-free workplace and believes it is critical to provide a safe and healthy environment for all employees, customers, and visitors. The use of any product containing tobacco on County property is strictly prohibited outside of the designated spot for those who choose to use tobacco products. Product examples include, but are not limited to, cigarettes, cigars, cigarillos, pipes, bidis, electronic cigarettes, spit tobacco, chew, snuff, and tobacco free cigarettes (vaping). This applies to all county employees as well as customers and visitors. Any unauthorized tobacco use on premise should be reported to an immediate Elected Official, and if none, Department Head. Employees who engage in the use of any tobacco, or illegal drugs, on County property will be subject to disciplinary action.

8.2 County Equipment

The County provides email, voicemail, Internet access, telephone service, and computer equipment for use in conducting County business. All such equipment and systems are County property and should be used primarily for business purposes. They may be used for appropriate personal reasons on an occasional basis only during non-working time, unless otherwise permitted under this policy. Because such property and systems are County property, the County

has the right to and will monitor the use of such property from time to time. Therefore, no employee should have any expectation of privacy in their use of such property, or any files, data, or information transmitted with, placed, or stored on, or otherwise communicated using such equipment and systems.

The following will clarify the types of equipment and services contemplated by this policy.

Computers: All data entered on the County's computers is considered the County's property. No employee should knowingly enter false or misleading information in the County's computer system or destroy any data that the County needs to conduct its business. Please realize that, for various reasons, the County will access employee equipment. As a result, County computers should not be used for personal business, even during non-working time, if an employee does not want the County to have access to personal information. Also, unauthorized access to a computer or computer system, or knowingly destroying a computer, computer system, computer software, or computer program, is specifically prohibited. Violators will be prosecuted to the fullest extent allowed by civil or criminal law.

Electronic Mail and Voicemail: Electronic mail and voicemail are to be used primarily for business purposes only. It can be used for appropriate personal reasons only during non-working time. Like a computer, the County will access employee email and voicemail when it deems such access necessary. Also, in use of email or voicemail for business purposes, employees should be aware that such messages are not entirely confidential. They can be forwarded to others without the original sender's knowledge. Email can be viewed by others who may improperly use a password to breach the security of the system. In addition, disclosure of email messages may be required in lawsuits against the County. As a rule of thumb, nothing should be sent by email if the information would not be put in a formal memo or if the information would not become public knowledge. Do not use derogatory, offensive, or insulting language in any email or voicemail message. Finally, employees are not to access or view email that is not addressed to them or access or listen to voicemail other than their own. Employees violating this policy will be subject to immediate termination.

Use of the Internet: Use of the Internet is to be limited to business use, except employees may access the Internet for appropriate personal reasons during non-working time. However, pornographic, or other offensive sites cannot be viewed at any time. In addition, the County prohibits the downloading or installation of any application software from the Internet onto County computers at any time. This software could contain embedded viruses or be incompatible with the County's computer operations. Please realize that the County will monitor Internet use.

Telephones: Employees may use the County telephones for appropriate personal reasons during non-working time, or so long as it is not excessive, on an "as needed" basis during work time.

8.3 IT Security Policy

This voicemail, email, and internet policy is intended to provide employees with guidelines associated with the use of the County's voicemail/email/internet system (the system). This policy applies to all employees and others accessing and/or using the system through onsite or remote terminals.

8.3a General Provisions

The system, and all data transmitted or received through the system, is the exclusive property of the County. Employees should not have any expectation of privacy in any communication over this system. If employees are permitted to have access to the system, they will be given a voicemail, email, and/or Internet address and/or access code and will have use of the system consistent with this policy.

The County reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over the system. Any individual who is given access to the system is hereby given notice that the County will exercise this right periodically and as needed, without prior notice and without the prior consent.

The interests of the County in monitoring or intercepting data include, but are not limited to: protection of County trade secrets, proprietary, and similar confidential commercially-sensitive information (i.e. financial or sales records/reports, donor records/reports, marketing or business strategies/plans, product development, customer lists, patents, trademarks, etc.); managing the use of the computer system; conducting internal investigations and/or assisting employees in the management of electronic data during periods of absence.

Employees should not interpret the use of password protection as creating a right or expectation of privacy. To protect everyone involved, no one can have a right or expectation of privacy regarding the receipt, transmission, or storage of data on the County system.

8.3b Internet Code of Conduct

Access is provided solely for the benefit of the County and allows employees to connect to information resources around the world. Every employee has a responsibility to maintain and enhance the County's public image and to use the Internet in a productive manner. To ensure all employees are responsible, productive Internet users, and are protecting the organization's public image, the County has established guidelines for using the Internet.

Employees accessing the Internet are representing the County. All communications using the County's system should be for professional reasons. Employees are responsible for using the Internet in an effective, ethical, and lawful manner. Internet relay chat channels may be used to conduct official County business or to gain technical or analytical advice. Databases may be accessed for information as needed.

The Internet should not be used for personal gain or advancement of individual views. Solicitation of noncounty business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the County's network or the networks of other users. It must not interfere with productivity.

Each employee is responsible for the content of all text, audio, or images that they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited. All messages communicated on the Internet should have the employee's name attached. No messages should be transmitted under an assumed name and users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No maliciously false, harassing, violent, threatening, and abusive language should be transmitted through the system. Employees who wish to express personal opinions on the Internet should be encouraged to obtain their own usernames on other Internet systems.

Any employee who violates this policy may be subject to corrective action, up to and including termination of employment. If necessary, the County will also advise law enforcement officials of suspected or actual illegal conduct.

8.4 Conflicts of Interest

A conflict of interest is defined as a situation in which a person has a duty to more than one person or organization but cannot do justice to the actual or potentially adverse interests of both parties. A conflict of interest arises where an employee's personal interests or concerns conflict (or gives the appearance of a conflict) with the County's interests or concerns. The County is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between an employee and a competitor, supplier, distributor, donor, or contractor to the County, the employee must disclose it to an immediate Elected Official, and if none, Department Head. If an actual or potential conflict of interest is determined to exist, the County will take such steps as it deems necessary to reduce or eliminate this conflict. Use of County information or equipment for personal gain is strictly prohibited.

8.5 Political Activity

Employees are prohibited from using their official authority or influence to further the cause of any political party or candidate for nomination or election to public office. In addition, employees are prohibited from using their job to distribute or receive political favors.

Employees wishing to take part in political activities (other than voting) during normal scheduled work hours must use vacation or leave without pay to cover this period of absence.

All employees have the right to protection from political coercion of any type from any person. Employees may not be interrupted by political activities while working. In addition, no employee is allowed to engage in any political activity while wearing a County uniform.

All employees have the right to vote as they choose and to express their opinions in an appropriately respectful and non-disruptive manner on political subjects and candidates.

8.6 Non-Solicitation and Distribution

The County prohibits solicitation and distribution on its premises and through campus mail by non-employees. Prohibited acts include but are not limited to soliciting funds or signatures, conducting membership drives, posting information, distributing literature or gifts, offering to sell or to purchase merchandise or services (except by representatives of suppliers properly identified), or engaging in any other solicitation, distribution, or similar activity on County premises.

Additionally, employees are prohibited from: soliciting and distributing literature or other materials to other employees during their working time of the person being solicited; and distributing literature or other materials in working areas during their non-working time. Non-working time is defined as time not on the clock, including breaks and lunches.

8.7 Gifts, Gratuities, and Business Courtesies

Dakota County is committed to competing solely on the merit of our products and services. Employees must avoid any actions that create a perception that favorable treatment of outside entities by the County was sought, received, or given in exchange for personal business courtesies or gifts.

Business courtesies include gifts, gratuities, meals, refreshments, entertainment or other benefits from persons or companies with whom they County does or may do business. Employees must neither give or accept business courtesies that constitute, or could reasonably be perceived as constituting, unfair business inducements that would violate law, regulations or policies of the County or customers, or would cause embarrassment or reflect negatively on the County's reputation.

Employees may accept unsolicited gifts, other than the courtesies mentioned above, that conform to the reasonable ethical practices of the County and marketplace, including:

- Flowers, fruit baskets and other modest presents that commemorate a special occasion.
- Gifts of nominal value, such as calendars, pens, mugs, caps and t-shirts, or other novelty, advertising, or promotional items.

Employees with questions about accepting business gifts and courtesies should talk to their Elected Official, and if none, Department Head, or the department prior to accepting a gift or immediately upon receiving one.

8.8 Reporting Criminal Activity, Criminal Charges, Child Abuse Complaints, Etc.

Involvement in criminal activity during employment, whether on or off County property, may result in disciplinary action including suspension or termination of employment. Disciplinary action depends upon a review of all factors involved, including whether or not the action was work-related, the nature of the act, or circumstances that adversely affect attendance or performance. Any disciplinary action is not dependent upon the disposition of any case in court and will be based on information reasonably available. This information may come from witnesses, police, or any other source if the County has reason to view the source as credible.

Employees are expected to be on the job, ready to work when scheduled. Inability to report to work as scheduled as a result of an arrest may lead to disciplinary action, up to and including termination of employment for violation of an attendance policy or job abandonment.

8.9 Expense Reimbursement

8.9a Mileage and Travel Pay

Dakota County adheres to the County Guidelines for Payment of Travel Time Away from Home under the Fair Labor Standards Act. In summary, travel time on public transportation away from a non-exempt employee's home community must be compensated if it coincides with regular daily normal work hours, even if it occurs on non-working days. Travel time which is outside normal working hours on any day of the week, however, need not be treated as compensable and need not be included in the calculation of hours worked for purposes of overtime. Furthermore, there is no requirement that travel time be compensated on an overtime basis unless the employee actually works in excess of forty hours during the work week.

If an employee elects to drive their own vehicle rather than takes offered public transportation, the County may elect to count as hours worked either the time spent driving or the time which would have been counted as hours worked if the employee had used offered public transportation. If the employee is not offered public transportation and is required to drive, all driving time, regardless of when it occurs, must be considered hours worked and must be compensated at either the regular or overtime rate because the act of driving is considered work which is required under such circumstances. Employees who use their own vehicle for County business (excluding normal travel to and from work) will be reimbursed on a per mile basis.

Meals. Overnight Travel: only actual amounts paid for meals may be claimed. No reimbursement may be made for alcoholic beverages or tips in excess of 20%. Requests for reimbursement must be made on a County Claim Form and must be accompanied by receipts itemized for each meal.

1. Breakfast – when an employee leaves for overnight travel at or before 6:30 a.m., breakfast may be reimbursed.
2. Lunch – when an employee leaves for overnight travel at or before 11:00 a.m., or returns from overnight travel at or after 2:00 p.m., the noon meal may be reimbursed.
3. Dinner – when an employee returns from overnight travel at or after 7:00 p.m., the evening meal may be reimbursed.

NOTE: The time limitations set forth in this policy do not include the time taken for the meal.

LIMITS: The following limit is to be imposed: \$60.00 per day per person for meal expense.

NOTE: Inmate transportation meals are a taxable wage fringe benefit.

8.9b Use of Personal Equipment

Employees who use their own tools/equipment for County business may be reimbursed by the County, at the County's option, on a basis agreed to in writing prior to the date such tools/equipment are used in this manner.

8.10 Use of County Owned Credit Card

Employees who are asked to make a purchase on a County credit card should use good judgement in purchasing decisions. All receipts for purchases made on a County issued credit card should be turned in promptly to the Clerk's Office. Any unauthorized use of a County credit card will be subject to disciplinary action, up to termination of employment. Employees in possession of a county credit card will be required to sign a credit card authorization form upon receiving the county credit card.

Section 9: Health, Safety, and Security Policies

Safety is important to the County and to all employees. It is the County's intent to provide a safe workplace for an employee's protection. All employees are expected to participate in safety programs and meetings, promote safety awareness, submit safety suggestions, wear protective equipment as provided, and follow safety rules. Safe work practices protect employees, their families, fellow employees, and the County. Each employee will be evaluated on safety activities, which will be recorded in their performance review. Failure to follow safety rules or using poor safety judgment can result in disciplinary action, up to and including termination of employment.

9.0 Workplace Accidents and Injuries

The County strives to maintain an environment of safety. In addition, we are required to keep an accurate record of all work-related accidents and to report accidents to our insurance carrier. All workplace accidents or injuries (including near accidents) of visitors and employees must be reported immediately to their immediate Elected Official, and if none, Department Head and recorded within 24 hours. If a workplace accident or injury occurs, it must be reported and an "Incident/Injury Report" must be documented completely and signed by the person(s) involved and by the immediate Elected Official, and if none, Department Head and turned into the Clerk's Office to ensure proper care is administered and prompt reporting to our insurance provider.

9.1 Worker's Compensation

Under the Worker's Compensation Act and the Worker's Occupational Diseases Act, the County covers all employees under worker's compensation insurance. This insurance covers all reasonable medical expenses required to cure or relieve the effects of a work-related injury or illness. Workers' compensation insurance may also provide partial payment of the injured employee's wages until the employee has reached Maximum Medical Improvement (MMI). Timely reporting of work-related injury or illness will be considered in determining eligibility of benefits.

9.2 Return to Work After a Workplace Accident or Injury

The County strives to assist employees to return to work at the earliest possible date following a workplace injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the ADA.

When possible, transitional positions will be made available to injured workers to minimize time lost from work. The County cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

The County will work with employees who are on leave because of workplace injury or illness and receiving worker's compensation benefits to modify work assignments within the worker's physical ability, knowledge, and skills until Maximum Medical Improvement (MMI) is achieved. Employees will be required to provide periodic status updates from the attending physician regarding their medical restrictions.

If an employee is on leave due to a non-work-related injury or illness, they will be unable to return to work until they have reached Maximum Medical Improvement (MMI) and receive doctor's authorization to return to the essential job functions without restrictions.

9.3 Disaster Recovery Procedures

The County strives to ensure employees are trained and aware of what to do in cases of disaster such as tornados, fire, an active shooter, power outages, etc. Please refer to the Safety Guide for guidance on what to do in cases of disaster.

9.4 Building Security

In order to assure the safety and security of the County employees, its visitors and its property, only authorized personnel have access to County secured facilities. All County published key fobs have limited hour access to ensure the safety of all County secured facilities.

9.5 Drug and Alcohol-Free Workplace

Dakota County is committed to protecting the safety, health, and well-being of its employees and all those who encounter its employees. Drug and alcohol abuse pose a direct and significant threat to these goals, and to the goal of a productive and efficient working environment in which all employees have an opportunity to reach their full potential. The County is committed to ensuring a drug and alcohol-free working environment for all employees and compliance with this policy is a condition of employment. Violations of the policy may lead to disciplinary actions up to and including termination.

All employees are prohibited from using, selling, or possessing illegal drugs or unauthorized (drugs not prescribed to the employee using it) prescription drugs on County premises or while performing any work for the County. The County reserves the right to conduct an individual drug test, in accordance with applicable law, where there is reasonable suspicion that an employee may be under the influence of alcohol or illegal drugs at work or following a job-related accident or injury.

Furthermore, each employee who observes or has knowledge of other employees in a condition that poses a hazard to the safety and welfare of others is expected to report such conditions promptly to the immediate Elected Official, and if none, Department Head.

Any off-duty activities, including drug or alcohol related activities that lead to an employee's arrest or harms County reputation may be grounds for disciplinary actions up to and including termination. All employees are required to report to their jobs in a fashion that allows them to safely and satisfactorily perform the essential functions of their job.

Substance and alcohol abuse are illnesses that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may inform their Elected Official, and if none, Department Head for assistance in seeking help to

address substance abuse. Employees who are seeking treatment may be entitled to leave to provide time away from work.

To the extent of any provision of this policy conflicts with any federal, state, or local law, the County will fully comply with the applicable law in the interpretation and application of the policy.

9.6 Workplace Violence Prevention Policy

The County is committed to creating and maintaining a work environment that is free from violence. The County has zero tolerance for violence in the workplace. Civility, understanding, and mutual respect toward fellow County employees, applicants, vendors, and customers are intrinsic to the existence of a safe and healthful workplace. The County prohibits verbal harassment, violent acts, threats of violence, or any other behavior which by intent, action, or outcome harms another person. Prohibited conduct includes, but is not limited to:

- Injuring another person physically;
- Using, possessing, or threatening to use weapons, firearms, or other dangerous or hazardous devices or substances;
- Engaging in behavior that creates reasonable fear of injury to another person;
- Engaging in behavior that subjects another individual to extreme emotional distress;
- Intentionally damaging property;
- Threatening to injure an individual or to damage property;
- Committing injurious acts motivated by, or related to, protected class status;
- Any other behavior that causes others to feel unsafe;
- Retaliating against any employee who, in good faith, reports a violation.

It is the responsibility of all County employees to:

- Help maintain a violent-free work environment;
- Report all threatening behavior to the Elected Official, and if none, Department Head immediately.

All employees should promptly report any workplace violence to their Elected Official, and if none, Department Head. Each allegation of violence will be taken seriously, and an investigation will be conducted by the County Attorney. The County prohibits retaliation against an employee for reporting a potentially violent situation.

The County will do what it can to prevent violence in the workplace. However, employees have a role in preventing violence as well. If an employee believes a co-worker may become violent a violation of this policy is seen, it must immediately be reported to the appropriate Elected Official, and if none, Department Head, or other management official with whom the employee feels comfortable.

9.7 No Weapons Policy

The County strives to provide a safe, nonviolent workplace for everyone. The County functions in accordance with Nebraska statute 69-2441. No weapons are allowed in the workplace. All weapons will be confiscated. Firearms stored in personal vehicles in accordance with Nebraska law are not prohibited by this policy. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Guidelines:

1. Employees are prohibited from carrying or bringing any weapon to their work site, customer site or any other location the employee may be required to be during the workday. This prohibition also applies to any employee who is licensed to carry a firearm or weapon.

2. Weapon means any firearm, whether loaded or unloaded, from which a shot may be discharged including but not limited to pistol, revolver, shotgun, rifle, bb gun or any knife including switchblade knife, gravity knife, or any knife with a blade longer than 3 inches, or billy, blackjack, bludgeon, metal knuckles, bow and arrow, electronic stunning device, etc.

3. Employees may seek approval from the Safety Committee for a waiver of this prohibition based on unique circumstances. Such request shall be made in writing and indicate the basis for the exception.

4. Any employee who is uncertain whether an instrument or device is prohibited under this policy is obligated to request clarification to ensure they are not in violation of this policy.

5. A violation of this policy is a serious infraction of the work rules and may result in discipline up to and including termination.

In an effort to provide a safe workplace and prevent violence, the County specifically prohibits employees who are not in law enforcement from possessing or carrying any weapons, including weapons transported in employee vehicles, while on the County's property or while performing work as a County employee. For purposes of this policy, weapons include guns, knives, explosives, and other potential weapons.

~~9.8 Inclement Weather~~

~~During inclement weather, employees should use their best judgment in trying to get to work. Employees choosing not to work during adverse weather conditions when the County remains open will be required to use earned vacation, earned compensatory time, or unpaid leave. It will be the responsibility of the Sheriff's Department to determine if the County will close due to inclement weather. If the weather is so severe that the office is closed, affected full time employees will be paid for such time off.~~

Section 10: Handbook Receipt, Acknowledgement, and Consent

I have received the County's Employee Handbook and have either read it or had it read to me carefully. I understand all its rules, policies, terms, and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action up to and including termination of employment. I also understand that this Handbook supersedes all previous inconsistent written and unwritten policies, and any previous handbooks or manuals.

I further understand that the Handbook is not a contract and does not in any way constitute a contract of employment but is instead intended to provide employees with a better understanding of their responsibilities, benefits, and the general policies and philosophy of the County. I understand that the County may change, modify, or eliminate any or all the guidelines/policies in this Handbook, in its absolute discretion.

I acknowledge that unless altered by a separate written contract signed by me and an officer at the County, my employment with the County is "at will" and may be terminated by myself or the County at any time and for any lawful reason, without prior notice or cause. Nothing contained in this Handbook provides me with an expectation of continued employment.

I further certify and acknowledge that:

- I know how to access the Dakota County Employee Handbook.
- I understand it is my responsibility to read the Handbook, to understand it, and do my best to comply with its provisions.
- I understand that I should contact my Elected Official, and if none, Department Head, or the Elected Official, and if none, Department Head, for interpretation or clarification of any guideline which I do not understand.
- I understand that the Handbook contains information on harassment, discrimination and retaliation which outlines my responsibilities and obligations and provides a grievance method for me to use in case of unlawful harassment, discrimination, or retaliation.
- I understand that the County may monitor my computer files and activity, internet activity, electronic communications, and voice mail messages for various reasons, and I consent to the same. The County may also disclose such activity and messages to a third party without my consent when it deems such action necessary. I have no expectation of privacy in the use of the County's information systems, or in information or items stored or kept on County premises.
- I understand that upon termination of my employment for any reason I must return all County materials, property, uniforms, and equipment issued to me and pay the County any money that I may owe the County and agree that upon my failure to promptly do either of these the County can withhold corresponding amounts from my final paycheck and take whatever action the County deems necessary to recover such amounts from me.

Consent to Use Name and Image

I authorize the County to use my name and/or images in its marketing materials, including on its website or social media outlets. I understand I can opt out later if I authorize this practice now. If I wish to opt out now, I have checked the box below.

I opt out of such practice.

Print Name

Employee Signature

Date