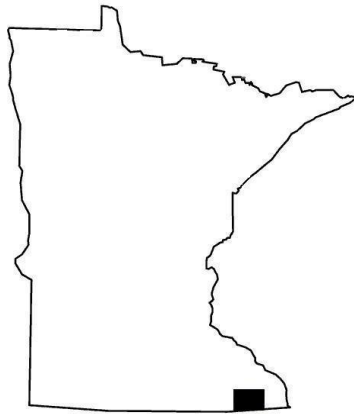


FILLMORE COUNTY



PERSONNEL POLICY & PROCEDURE MANUAL

NOTICE:

Any willful violation of these policies may result in disciplinary action. Employees and prospective employees are advised that the policies expressed herein do not create any rights of employment nor do the policies constitute a contract of employment between the County and employee or officer thereof. These policies are subject to amendment or elimination at the discretion of the County Board without notice to employees.

**THIS DOCUMENT SUPERSEDES ALL PERSONNEL POLICIES AND PROCEDURES MANUALS PREVIOUSLY
ESTABLISHED BY FILLMORE COUNTY**

PERSONNEL POLICY AND PROCEDURE MANUAL

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INTRODUCTION (1.00)

EFFECTIVE DATE OF POLICIES

All of these personnel policies have been in force since: July 22, 2003. Updates and changes which are approved by the Board shall be in effect as of the date listed on the individual policy.

Board of County Commissioners of Fillmore County:

Randy Dahl
Larry Hindt
Mitch Lentz
Duane Bakke
Marc Prestby

Dated at Preston, Minnesota, this 8th Day of July, 2014.

Attest: Fillmore County Board of Commissioners

By: /s/Bobbie Hillery
Bobbie Hillery
County Administrator

By: /s/ Mitch Lentz
Mitch Lentz
Chair of Fillmore County Board

A. Scope

It is the intent of the Fillmore County Board of Commissioners to establish uniform County personnel policies consistent with State and Federal laws, which promote and insure a spirit of confidence and cooperation between the County Board and its employees.

The following policies shall apply to employees of Fillmore County, and are the minimum standards of procedure for all County employees. These rules must ensure compliance with Merit System standards.

Any conflict between these policies and other authorized guidelines shall be resolved by the controlling boards or commissions and the County Board.

B. Adoption

1. These rules, regulations and policies shall take effect upon adoption by the Fillmore County Board of Commissioners.
2. Policies are developed to provide information and direction and are subject to change at any time by the County Board. All changes shall be provided to all department heads, employees and bargaining unit representatives. Employees are responsible for reading, asking any questions needed for full understanding, and signing off on new or updated policies. Completed sign off sheets shall be maintained in the Administrator's Office.

C. Administration

1. These rules shall be administered by the Human Resources Officer under the direction of the County Administrator who shall be accountable to the County Board. The Human Resources Officer under the direction of the County Administrator shall develop and provide the necessary forms, procedures, and instruction for the implementation of these personnel regulations.
2. Copies of these rules shall be made available to all employees, other appointing authorities and interested union representatives. Printed copies of these regulations shall be on file in the Administrator's office, and shall be available for public review upon request.

D. Savings Clause

If any personnel regulation shall be held invalid by judicial or legislative action, the remainder of these rules, other than that which has been held invalid, shall not be affected.

E. Departmental Rules

In accordance with these rules each department head may establish departmental rules of procedure, which do not conflict with these rules, to cover unique circumstances. Departmental rules must be approved by the County Board prior to implementation and shall be filed with the Administrator's office.

F. Disclaimer

In accordance with Minnesota Statute 466.01-466.15 the County Board hereby declares its intent to defend and hold harmless and indemnify any of its officers or employees who are sued in tort action arising out of the performance of their official duties, except where such tort action arises from malfeasance in office which shall be determined by the County Board at a hearing.

G. Labor Agreements

Those employees who are subject to collective bargaining agreements as negotiated in accordance with the Public Employment Relations Act, M.S. 179.61-179.76, as amended, shall be exempt from the provisions of these rules which are inconsistent with such agreements. Should said collective bargaining agreement not address any regulation or rule of procedure prescribed in the County personnel manual then said employee shall be subject to that regulation or rule

of procedure under the County personnel manual.

H. Management Rights

The County Board retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish policies and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; and to perform all inherent managerial functions not specifically limited by current collective bargaining agreements, these regulations, and County Board resolutions.

A. Policy Statement

1. This is to affirm Fillmore County's policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363.
2. Fillmore County will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, status with regard to public assistance, or any other state or federal protected status.
3. Fillmore County will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
4. Fillmore County will use its best efforts to afford minority and female business enterprises with the maximum practical opportunity to participate in the performance of subcontracts for construction projects in which the County is engaged.
5. Fillmore County will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.
6. Fillmore County fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts.
7. Fillmore County will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this County, or subcontractor to this County, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this Statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State, and Local governing bodies or agencies thereof, Specifically Minnesota Statutes 363 will be subject to appropriate legal sanctions.
8. An Equal Employment Opportunity Officer is appointed by the County Board to manage Fillmore County's Equal Employment Opportunity Program. Their responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of the County's Affirmative Action Program, as required by Federal, State and Local agencies. The Fillmore County Board will receive and review reports on the progress of the program. If any employee or applicant for employment believes they have been discriminated against, please contact the Equal Employment Opportunity Officer, 101 Fillmore Street, P.O. Box 466, Preston, MN 55965, or call 507-765-4566.
9. This policy applies to all phases of full, part-time, intermittent, temporary and seasonal employment including but not limited to: recruitment, hiring, placement, promotion, demotion, or transfer; layoff, recall or termination; rates of pay, or other forms of compensation and selection for training, including apprenticeship. This policy also applies to the use of all facilities and participation in all County sponsored employee activities.
10. It is the responsibility of every County department head/supervisor to cooperate in the implementation of this policy. Failure of any County employee to perform in a manner consistent with the affirmative action policy will constitute grounds for disciplinary action in accordance with County policy.
11. The County requires that every person making application for, currently employed by, or applying for future

vacancies in the employment of Fillmore County will be considered on the basis of individual ability and merit without discrimination or favor.

APPOINTING AUTHORITY means the County Board of Commissioners or other officer or board authorized by statute or lawfully delegated authority to make appointments to positions under the County policies.

APPOINTMENT means the appointment of an individual to a position within the County.

CLASSIFICATION means the assignment of a position to an appropriate class or grade on the basis of the type, educational requirements, difficulty, decision level and responsibility of the work performed in the position.

COUNTY BOARD means the Fillmore County Board of Commissioners.

DAYS mean working days, unless otherwise indicated.

DEMOTION means a change by an employee from a position in one class/grade to a position in another class/grade with less responsible duties and/or a lower salary range.

DEPARTMENT HEAD means a duly elected, appointed or hired county official duly authorized and responsible to supervise the activities of a department or agency under their jurisdiction.

EMPLOYEE means any individual employed by Fillmore County in a position covered by these rules who is paid a salary or wage.

EMPLOYER means the Fillmore County Board of Commissioners.

EXEMPT POSITIONS mean positions of a managerial, administrative, or professional nature, or for elected officials, as prescribed by federal and state labor statutes, which are exempt from mandatory overtime payments.

INTERMITTENT EMPLOYMENT includes employees who work on a fluctuating or as needed schedule. There is no guarantee of hours with intermittent employment positions.

LAYOFF means the termination of employment because of shortage of funds, curtailment of services or other reason not reflecting negatively on the employee's performance.

MILITARY LEAVE means the leave of absence granted by state law to employees entering active duty or required training in the armed forces of the State of Minnesota or the United States of America.

NON-EXEMPT POSITIONS mean positions of a clerical, technical, or service nature as prescribed by federal and state labor statutes, which are covered by provisions for overtime payments.

REGULAR FULL-TIME EMPLOYEE means an employee who is regularly scheduled to work thirty (30) or more hours per week and who has successfully completed the required probationary period of twelve (12) months in a newly hired/appointed position.

REGULAR PART-TIME EMPLOYEE means an employee who regularly works less than thirty (30) hours per week, is not an intermittent employee, and who has successfully completed the required probationary period of twelve (12) months in a position.

PROBATIONARY PERIOD means a working test period of twelve (12) months during which the employee is required to demonstrate their fitness for the position to which they are employed by the actual performance of the duties in the position.

PROMOTION means a change of an employee from a position in one class/grade to a position in another class/grade with more responsible duties and/or a higher salary range.

RECLASSIFICATION means a reassignment of a position by raising it to a higher class of positions, reducing it to a lower class of positions, or moving it to another class of positions at the same level, on the basis of significant changes in the type, difficulty, decision level or responsibility of the work performed in the position.

RESIGNATION means the termination of employment made at the request of an employee.

SUSPENSION means an involuntary leave of absence with or without pay for disciplinary purposes, or for investigation of charges made against an employee.

TEMPORARY FULL-TIME EMPLOYEE means an employee who works thirty (30) or more hours per week for a period not to exceed six (6) consecutive months in a department or employees whose positions are basically seasonal or temporary in character and 1) are not for more than 67 working days in a calendar year or 2) are not for more than 100 working days in any calendar year, are under 22 years, and are full time students enrolled in a nonprofit or public educational institution prior to being hired and have indicated or intend to continue as a student following the temporary employment.

TEMPORARY PART-TIME EMPLOYEE means an employee who works less than thirty (30) hours per week for a period not to exceed six (6) consecutive months per calendar year in a department and includes part-time employees who work the lesser of 14 hours per week or 35 percent of the normal work week in that unit OR employees whose positions are basically seasonal or temporary in character and 1) are not for more than 67 working days in a calendar year or 2) are not for more than 100 working days in any calendar year, are under 22 years, and are full time students enrolled in a nonprofit or public educational institution prior to being hired and have indicated or intend to continue as a student following the temporary employment.

TERMINATION means any separation, whether voluntary or involuntary, of employment from County service.

TRANSFER means a change of an employee from one position to another position in the same grade or the move of an employee into the same position within a different department.

VETERAN means an applicant and employee who is entitled to Veteran's Preference as outlined in M.S. 197.46 et seq. (Veteran's Preference Act)

RECRUITMENT, HIRING AND STATUS (2.00)

Section 2.01 JOB ANNOUNCEMENTS, RECRUITMENT AND SELECTION

Date Approved by the County Board: August 25, 2020
Supersedes Policy Dated: June 25, 2019

A. Determination of Open Position

Departments Heads shall notify Human Resources when a vacancy exists. The personnel committee (made up of two County Board members, the County Administrator, Human Resources Officer) and the applicable Department Head shall meet, following the submission by the Department Head of a Hire Analysis form, to review all position openings to determine if the position will be rehired, how many hours the position will be hired at, any changes that are needed to the applicable position description and how the position will be recruited.

B. County Application

1. Applicants for any County position will complete the County job application and related forms as found on the County's web site and/or as provided by Human Resources. Candidates may include additional documentation/information for consideration but not as a replacement for the County required documentation.
2. The announcement shall include job title, skills, experience, education required, and closing date for the receipt of applications.

C. Recruitment

Open positions in Fillmore County shall be announced and recruited using any of the following recruitment methods or a combination of methods:

1. Internal Recruitment – Position vacancies shall be posted on the Intranet for a period of not less than 7 calendar days or other period of time as stated in a Collective Bargaining Agreement. Employees who are in a probationary period are eligible to apply during an internal only posting.
2. External Recruitment – Announcements for positions shall be advertised for a period of time necessary to attract qualified candidates, but not less than 14 calendar days. Employees who are in a probationary period are eligible to apply for any positing which is open to the general public.

Positions may also be filled by Promotions, Transfers and Demotions.

1. Promotions - Vacancies in positions are encouraged to be filled by promotion of qualified County employees. Request for promotions must be reviewed by the Personnel Committee and approved by the County Board. A Department Head requesting for a promotion for an employee must show the employee meets the qualifications of the position, and that further training and development of the employee would both benefit the employee and be in the best interest of the County.
2. Transfers - An employee may be transferred to a similar position in a different department in which there is a vacancy. An employee desiring to be transferred should make a written request to Human Resources/Administrator. The request must be reviewed by the Personnel Committee and approved by the County Board. Transfer of an employee may be permitted when it is determined that the employee meets the qualifications of the position, that the transfer is in the best interest of the County, and that further training and development of the employee in the new position would be beneficial to the County.
3. Demotions - An employee may be demoted to a position of lower grade at the discretion of their department head, subject to the approval of the County Board. Reasons for the demotion shall be detailed in a written statement. Employees may request a demotion, subject to Board approval.

All promotions, transfers and demotions are subject to review by the Personnel committee and approval by the County Board.

D. Selection Process

The selection of applicants shall include, but not be limited to, the following:

1. Education, Training, and Experience – The Hiring Committee (consisting of the Department Head, Human Resources/County Administrator and one member of the County Board) shall review all applications, resumes and other documentation submitted and apply points to each applicant based on qualifications for the job. Points shall be based on education, training, and experience prior to advertising the position. Eligible applicants will receive Veterans Preference points at this stage of recruitment in accordance with state and federal law. Those applicants who do not meet the minimum qualifications shall not be considered.
2. Eligibility List – Human Resources shall be responsible for the creation of an eligibility list of qualified persons. The eligibility list shall be valid from date of establishment for not more than 1 year.
3. Testing – Applicants meeting minimum qualifications may be asked to participate in further testing. This testing may vary depending upon the position but may include one or more of the following tests: ability; achievement; performance; physical agility; and/or dexterity. Human Resources shall make test scores available, upon request, to the individual who completes a test. Completed exams and/or answer keys to the exam shall not be provided to any applicant.
4. Interview - Upon completion of the rating, and any applicable testing, Human Resources should offer at least the top 3 candidates an interview, if available. The interview shall be conducted by the Hiring Committee and shall be based on the use of structured questions relating to the responsibilities and duties to be performed in the position.

Offers of employment are contingent upon successful completion of a background check; including applicable items such as employment, education, credit, and criminal checks; reference checks and approval of the County Board, which is the final hiring authority. Appointments may also be contingent upon the successful completion of a leadership assessment, psychological and/or pre-employment physical examination and other background investigation appropriate for the position and consistent with State and Federal laws.

E. Physical Exam

1. Job applicants may be required to complete a physical examination, but only after a conditional offer of employment is made. The conditional offer of employment is based upon whether the potential employee can complete the essential duties and functions of the position being filled with or without reasonable accommodation.
2. When requiring a physical examination, everyone applying for the position must be made aware that such an examination will be required for the position finalist and that the offer of employment will be conditional and based in part upon the results of that examination.
3. All medical and psychological examination information on an individual shall be confidential data and is to be kept in a secure file with Human Resources.
4. Job applicants requiring a Commercial Driver's License (CDL) shall be required to take and pass a pre-employment drug test.

F. Rejection of Applications

Causes for rejecting applications for positions may include, but are not limited to any of the following reasons:

1. Lack of specified minimum qualifications.
2. Intentionally making a false statement.
3. Where reference and/or investigation prove unsatisfactory.
4. Where applicant has directly or indirectly rendered or promised to give any money or valuables to any person in connection with the appointment.
5. Incomplete application form or untimely submission of application.

6. Applicant's score does not place them in the top group of candidates to be interviewed.
7. Applicant has a conflict of interest with regard to the position which is not able to be rectified.
8. Failure to receive final approval from the Fillmore County Board of Commissioners.

All applicants must be notified as soon as practicable after they have been eliminated from consideration for the position.

G. Appointment and Notification

The candidate selected for the position and approved for hire by the County Board, shall be notified in writing of the following information before the first day of work: 1) position offered; 2) anticipated starting date and time; 3) position classification (i.e. exempt/non-exempt, salaried/hourly, part-time/full-time, department head, etc.); 4) compensation; 5) their immediate supervisor's name; 6) any deviation from the personnel policies or collective bargaining agreement; and 7) other relevant information applicable to their position.

H. Selection of Department Heads

The full County Board shall be considered the Hiring committee in the selection and appointment of all non-elected Department Head positions.

I. Student Interns

Students who are applying for both unpaid and paid internships within the Fillmore County Departments:

1. Students may apply directly with the department in their field of study.
2. Students must provide basic information about themselves, their course of study and requirement(s) of the internship.
3. Students will complete an interview with the department head and/or supervisor and Human Resources.
4. Student interns will be selected based on the needs of the department as well as the availability of the department head/ supervisor.
5. Paid student internships must be approved by the County Board.

Student Orientation

1. The student will be provided with access to personnel policy will sign the policy acknowledgement form.
2. The student will be directed to the Fillmore County Employee Handbook, specifically the Code of Ethics, Policy on Offensive Conduct, and Dress Code policy. Students will be expected to follow policies as if they were a Fillmore County Employee.
3. The student will receive and sign any Department specific policies.
4. The student intern will be expected to adhere to HIPAA Data Practices Policies and will sign the Confidentiality Statement.
5. The student will be given general orientation to the department and tour of the department

Student Expectations

1. The student will create goals with their department head/supervisor
2. The student will have an agreement with the internship site concerning a specific work schedule (for example, number of hours per week)
3. Human Resources will provide a clear list of expectations and job duties
4. The internship site will spend a considerable amount of time in training and supervising the student's activities, therefore, the student will be expected to conduct themselves professionally at all times.
5. If the student is unable to attend scheduled hours, they will be expected to notify the agency as soon as possible (i.e. illness)

Student evaluation

1. The department head/supervisor will provide an evaluation of the student intern at the completion. The department head/supervisor will use the evaluation tool required by the school/university. If an evaluation is not required by the school/university, the County's evaluation form will be used and retained per policy.
2. If the student fails to meet the reasonable expectations of the department and/or the internship site, the internship will be terminated immediately.

J. Veteran's Preference

Fillmore County complies with the provisions of the Veteran's Preference Act as outlined in Minnesota Statutes Chapter 197.

K. Reasonable Accommodations

Qualified individuals with disabilities have the right to ask for changes in procedures or other assistance, i.e., reasonable accommodation, in order to apply for jobs or perform their jobs. For purposes of this policy, individuals with disabilities are those who have a physical or mental condition, which interferes with or substantially limits, i.e., impairs, their major life activities as defined by the Americans with Disabilities Act.

1. Fillmore County will provide reasonable accommodations to qualified individuals with disabilities who are job applicants or employees, and prohibits retaliation against any applicant or employee for requesting a reasonable accommodation.

This policy applies to all qualified job applicants and all Fillmore County employees.

2. All job vacancy announcements will state that Fillmore County will provide reasonable accommodations to qualified applicants with disabilities.
3. Requests for reasonable accommodations may be presented to an immediate supervisor or the Human Resources Officer.

L. Requesting a Reasonable Accommodation for an Applicant

You may request a reasonable accommodation to assist you in applying or interviewing for a job.

1. When you request a reasonable accommodation, you may be asked to provide additional information that will help Fillmore County and DHS to decide if your accommodation can be granted.
 2. You can make the request for reasonable accommodation to a supervisor or other management personnel, or Human Resources. The request can be made in person, over the phone, or in writing.
-

A. Policy Statement

Occasionally, family members of current County employees apply for positions within the County. The County's policy is to hire the best-qualified individual for a position. There are, however, several guidelines which should be followed prior to making a job offer to a family member.

B. Guidelines

1. The term family members will be defined as spouse, child, parent, sister, brother, grandparent, grandchild, uncle, aunt, niece, nephew, in-laws or step relative of any aforementioned relationship, or other relationships as determined by the County Board.
2. In no instance shall a hiring decision be made which knowingly creates a supervisor/subordinate family member relationship within the same department.
3. Generally it is not a good practice to employ a family member within the same department or in a situation where they routinely interact or influence the work of one another.
4. All decisions and determinations with regard to the interpretation and effect of hiring a family member of a current employee shall be made by the County Board of Commissioners.
5. This policy will not apply retroactively to employees currently employed by the County.

A. Probationary Period

The probationary period is an integral part of the selection process and shall be utilized for observing the employee's work and for addressing any employee whose performance does not meet the required work standards. A newly appointed employee shall serve a probationary period of one year (12-months) in the position to which they are appointed, except as otherwise provided by law. This may be extended up to an additional six months at the discretion of the department head and upon approval by the County Board. Full-time or part-time employees hired, transferred, promoted or demoted into another position classification shall be required to serve a probationary period, pursuant to this section.

Based upon the performance evaluation of the probationary employee, Department Head shall:

1. Appoint the employee to regular status
2. Terminate the employee; or
3. Extend the probationary period for a period up to six months

In the event of items 2 or 3, the Department Head will discuss any concerns with Human Resources/Administrator prior to making a final decision.

B. Dismissal of Probationary Employees

Any employee on probationary status may be discharged by the department head at any time for any reason, after consultation with the Human Resources Officer/Administrator and approval by the County Board.

Said dismissal shall be final and not subject to review or appeal.

C. Full-Time Employee

A full-time employee is an employee, who has successfully completed their probationary period and is scheduled for forty (40) hours per week.

D. Part-Time Employee

A part-time employee is an employee who is regularly scheduled for less than forty (40) hours per week.

E. Temporary Employee

A temporary employee is an employee whose position has been established for a specific length of time and/or project.

A temporary employee may be discharged by the Department Head at any time for any reason, after consultation with the Human Resources Officer/Administrator. Such dismissal shall be final and not subject to further review unless they are a veteran, in which case the procedure prescribed in Minnesota Statute 197.46 shall be followed.

F. Grant Funded Employee Positions

A grant funded employee is an employee whose position shall be considered full-time/part-time only during the duration of the grant or grants.

G. Intermittent Employee

An intermittent employee is an employee who works variable and unpredictable hours, and is not designated as a full-time or part-time employee. This includes, but is not limited to, intermittent jailers, dispatchers and deputies.

An intermittent employee may be discharged by the Department Head at any time for any reason, after consultation with the Human Resources Officer/Administrator and approval of the County Board. Such dismissal shall be final and not subject to further review or appeal unless the employee is a veteran, in which case the procedure prescribed in Minnesota Statute 197.46 shall be followed.

H. Reduction in Workforce-Reasons, Procedures & Definition

A department head, pursuant to the recommendation of the County Administrator and the approval of the County Board, may lay off an employee in the employ of the County by reason of abolishment of the class position, lack of funds, shortage of work, or for other reasons.

A Regular Employee is defined as an employee who has successfully completed the required probationary period.

All temporary and provisional employees in the affected department function shall be laid off first, unless justification for a specific position can be documented and approved by the County Board.

Department Heads shall determine which employee(s) performing the service or function to lay off by applying the following factors, in the order listed:

1. The employee's ability to satisfactorily perform the remaining work
2. The employee's work performance
3. The employee's seniority

No full-time or part-time Regular Employee however, shall be laid off while any temporary, intermittent, or probationary employee continues to be employed in the same class position in the affected department unless approved by the County Board for reasons as listed above.

I. Notice of Reduction in Workforce

The Department Head shall notify in writing the employee and the employee's supervisor at least ten (10) working days before the effective date of the layoff and shall state the reason for the layoff. Employees must acknowledge the receipt of the notice in writing. Layoffs are not subject to grievance under the Rules.

J. Notice of Reduction in Workforce for Grant Funded Positions

In the case of reduced or eliminated funding of a Grant funded position, lay off or reduction in hours may be considered.

K. Resignation Notice

Employees wishing to resign in good standing shall give written notice not less than two weeks (14 days) before such resignation shall be effective for non-exempt employees and four weeks (28 days) for exempt employees. Department Heads and Supervisors are expected to give a thirty (30) day notice.

L. Retirements

Health insurance shall be made available for full-time retired officials or employees in accordance with Minnesota Statute 471.61. Persons are eligible to purchase health insurance from the County if the employee has a bona fide PERA or other governmental retirement. In the event of the retired employee's death the spouse and dependents may continue the insurance as provided by state or federal laws.

The employee must furnish written notice to the Human Resources Officer/Administrator stating this request. The employee shall be responsible for payment of the full cost of the monthly premium.

M. Appointed Department Head Separation

If the County Board intends to terminate or not reappoint an appointed Department Head for reasons other than just cause, the Board shall present written notice to the appointed Department Head 90 calendar days prior to the end of term. If the County wishes to terminate the appointed employee for just cause, they shall follow the rules and time frame as stated under Minnesota Statute for that position.

A. Policy Statement

All positions will be evaluated regarding physical qualifications needed to perform the essential functions of that job. These essential functions shall be determined by current employee questionnaires, the appropriate Department Head and the Administrator or Human Resources Officer. Qualified disabled individuals will be given equal consideration for all employment opportunities in Fillmore County.

A statement will be prepared identifying essential functions. Each new employee shall sign this statement certifying their ability to perform the essential job functions with or without reasonable accommodations. Any misrepresentation or deliberate omission of a material fact by the new employee may be cause for revocation of an employment offer or separation from the County. Information contained on the certification statement and pre-employment exam results are confidential and are retained in the employee's personnel file.

B. Examinations

The County Board may determine that a pre-employment medical examination is necessary for a specific position. After receiving a bona fide offer, the chosen applicant would be required to complete the examination prior to Board approval. This examination will be used only to evaluate the person's ability to meet the essential functions of the job with or without reasonable accommodations. The County will also require physical examinations which are required by federal and state regulations.

The County will specify the nature and extent of the physical examination. The County shall either refer the chosen applicant to the County's examining physician or specify which procedures are reimbursable should the chosen applicant choose their own physician.

C. Reimbursement

The County shall provide reimbursement to the physician/clinic for eligible costs upon submission of a properly itemized bill. Any charges for a second opinion shall be paid by the party requesting the second opinion.

A. Policy Statement

The probationary or working test period shall be regarded as an extension of the examination process. It shall be used by department heads and supervisors for closely observing the employee's work and rejecting any employee whose performance does not meet the required work standards. This time also enables the new employee to evaluate their interest in continuing their employment with the County.

B. Duration

Employees hired, re-hired, appointed, or promoted shall be required to successfully complete a twelve (12) month probationary period from the date of employment status change unless federal or state statutes or union contracts require otherwise. Refer to individual union contracts for length of probation in each union group.

C. Extension of Probationary Period

In rare or unusual circumstances or conditions that prevent the making of a full and fair determination as a basis for granting regular status or terminating the employee, a three (3) month extension of the probationary period may be granted. Any request for extension from a department head must be approved by the County Board. This request must be made no later than the beginning of the twelfth (12) month by completing a request for Board Action form and submitting it to the Administrator's office. A copy of the request shall be provided to the probationary employee.

D. Probationary Performance Evaluation

1. A written evaluation indicating the general progression/performance of the employee must be completed by the department head or supervisor at six (6) months of service as well as three (3) weeks prior to completion of the twelve (12) month probationary period.
2. The evaluation procedure in the personnel manual shall be followed. Once the completed probation final evaluation is received by Human Resources, the request for regular status will be placed on the agenda for approval by the Board prior to any change in an employee's employment status.
3. The new employee should be properly orientated, trained and supported so as to be aware of what the standards of performance are for the position and to ensure the employee has what they need to be successful. Each employee should be given every opportunity to have all questions answered regarding work assignments. It is the responsibility of each department head and supervisor to inform the new employee how they are doing during this qualifying period on a regular, ongoing basis.

E. Termination

A probationary employee may be terminated at any time during the working test period, if in the department head's opinion; the employee is unable or unwilling to perform the duties of the position satisfactorily.

F. Compensation

No raises, except cost of living adjustments, shall be enacted for probationary employees during the working test period unless otherwise required by a union contract.

G. Benefits During the Probationary Period

Leave benefits, as authorized under these policies, shall accrue to the employee during the probationary period, and, once earned, can be used at any time during the probationary period, subject to supervisor/department head approval. Benefit eligible employees shall receive applicable benefits on the first of the month in which they become eligible.

TERMS OF EMPLOYMENT (3.00)

Section 3.01 ACCESS TO NOT PUBLIC DATA

Date Approved by the County Board: **August 7, 2018**

Supersedes Policy Dated: **April 23, 2013**

A. Policy Background

Fillmore County employees will come into contact with information which is protected by various federal and state privacy laws. This information is known as not public data, and any unauthorized use or disclosure of this data may create liability for the County and employees.

Unauthorized disclosure of data includes releasing information over the telephone, in verbal conversations and in written form, without consent or unauthorized by law.

Protection of data for unauthorized use or disclosure is dependent upon and requires the cooperation of everyone. The following information provides guidelines and restrictions regarding use of data. It is the employee's responsibility to understand what information is protected and the proper care and use of protected data. Specific questions about responsibilities should be directed to the employee's immediate Supervisor, Department Head, Administrator, and/or the County Attorney's office.

B. Types of Not Public Data

Not public data means any data which the law declares not available to the public. It is a broad term which includes private, nonpublic, confidential, or protected nonpublic data, either singly or in any combination. Not public data may change classification in accordance with state statutes and administrative or judicial rules governing the classification of data. The following is an explanation of the various types of not public data.

1. Private data means:

- a. The subject of the data may see and have copies of data.
- b. The general public may NOT see or have copies.
- c. Access within the County is restricted to those employees who need the data to do their jobs.

The subject of private data is a human being. Private data may include certain data about persons who receive service and/or assistance from the human services, community health, court, and law enforcement systems. Some data about employees is also private data such as the employee's home address, telephone number, social security number, performance appraisals, or reasons for requesting paid time off.

2. Nonpublic data means:

1. The data is not on an individual.
2. The general public does NOT have the right to access the data.
3. The subject of the data, if any, has the right to see and have copies of the data.
4. The subject of the data can authorize anyone else to see the data by signing the consent for release of information.
5. Access within the County is limited to those employees who need the data to do their jobs.

The subject of nonpublic data is generally a corporation, vendor, or government agency. Examples of nonpublic data include security information, trade secret information, and some data on facilities licensed by the State or County.

Security information means government data which protects the agency or individuals against theft, tampering, improper use, illegal disclosure, trespass, or physical injury.

Examples of security information are passwords to access computer data or photocopy machines and combinations to safes. Security information may include procedures designed to prevent individuals from access to unauthorized areas of buildings.

Trade secret data means government data, including a formula, program, pattern, device, compilation, method, technique, or process.

The use of and disclosure of trade secret information contained in software and related materials are usually restricted by terms of a license agreement. These license agreements vary in scope and should be referred to for exact prohibitions regarding use.

Trade secret data means information might also appear in proposals or bids submitted by contractors. The trade secret information must be clearly identified as such.

3. Confidential and protected not public data means:

- a. The subject of the data CANNOT see or receive copies of the data.
- b. The general public does NOT have the right to access the data.
- c. Access within the agency is restricted to those employees who need the data to do their jobs.
- d. The subject of the data CANNOT authorize anyone else to see or receive copies of the data by signing the consent for release of information.

The subject of confidential information is a human being. The subject of protected not public information is usually a corporation, vendor, or a government agency. Examples of confidential data are adoption data, the names of individuals who report child or vulnerable adult abuse, and case data during the time of an investigation.

4. Copyrighted computer information:

Copyright protects written and artistic expressions which are valuable because of the way in which the information is expressed. Examples of types of data which may qualify for copyright are poems, books, computer programs, instructions manuals, photographs, or paintings. Data that is copyrighted has restrictions on copying and use of the information.

Most copyrighted data is public; however, copyrighted data that is computer related is treated as trade secret data and is classified as nonpublic.

Much of the software or other computer related material acquired by the State and the County is copyrighted and is subject to a licensing agreement which restricts the use of the data. Therefore, any employee or contractor who has access to, or occasion to use such software, is subject to the license and restrictions. Such restrictions may include prohibitions on:

- a. Copying the software or other copyrighted materials for use other than on the specific computer(s) or projects for which it was licensed.
- b. Disclosing any technical information about the software based upon access to it or disclosing any related manuals to anyone except another employee who has:
 - 1) Authorization to use this product.
 - 2) Has also read the license agreement and signed the non-disclosure agreement, if any.
- c. Reproducing the software, copyrighted material, or documentation and making it:
 - 1) Available to any third party.
 - 2) Available for use on any non-owned or operated computer.
- d. Altering the software or copyrighted material in any way.
- e. Using the software or copyrighted material for purposes not directly related to your employment. Since license agreements governing computer software vary in what they allow to be copied and disclosed, to whom they allow copying and disclosure, and for what purpose copying and disclosure are permitted, employees should consult supervisors or department heads with questions.

C. Penalties for Unlawful Use of Data

1. Data Practices Act Penalties: The Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, provides for disciplinary action for any government employee who knowingly violates the provisions of the Act. Any persons, even those who are not employees, who willfully violate the provisions of the Act, may be charged with a misdemeanor which is punishable by up to 90 days in jail and/or a \$700 fine.

A. Policy Statement

It is the policy of the County to operate in an ethical manner with respect to its employees and the public it serves. This policy covers gifts, favors, confidential information, conflict of interest, acceptance of advantage and political activity. Violation of the provisions of this policy shall be grounds for disciplinary action against an employee.

B. Acceptance of Gifts or Favors

1. Employees of the County, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expenses, compensation, gift reward, gratuity, favor, promise of future employment or other future benefit from any source, except the County for any activity related to the duties of the employee, unless otherwise provided by law.
2. The acceptance of any of the following shall not be in violation of this policy:
 - a. Gifts of nominal value;
 - b. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
 - c. Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by Fillmore County, and which have been approved in advance by the employee's supervisor as part of the work assignment; or
 - d. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the County.

C. Confidential Information

Every employee of Fillmore County has a responsibility to assure County data is kept private or confidential when classified as such, and to allow access to data classified as public. An employee shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

D. Use of Property

An employee shall not use or allow the use of County time, supplies, or County owned or leased property and equipment for the employee's private interest or any other use not in the interest of the County, except as provided by law.

E. Conflicts of Interest

The following actions by an employee of the County of Fillmore shall be deemed a conflict of interest and subject to disciplinary action as appropriate:

1. Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;
2. Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in exercise of official duties; or
3. Actions as an agent or attorney, which are adverse to the County of Fillmore except in the proper discharge of official duties or on the employee's behalf.

F. Determination of Conflicts of Interest

When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee or the employee's supervisor determines any one of the following conditions to be present:

1. The use for private gain or advantage of County time, facilities, equipment or supplies.

2. Receipt or acceptance by the employee of any money or other things of value from anyone other than the County for the performance of an act which the employee would be required or expected to perform in the regular course or hours of County employment or as part of the duties as an employee;
3. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee; or
4. The performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.
5. Employment or activities outside of County employment which involve so much of the employee's time that it impairs attendance or efficiency in the performance of duties as a County officer or employee, or which hinders the objective and impartial performance of their County duties. See Policy "Outside Employment" for more details.

G. Resolution of Conflict of Interest

If the employee or the employee's supervisor determines that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

H. Acceptance of Advantage by County Employee

No employee of the County in direct contact with suppliers or potential suppliers of the County, or who may directly or indirectly influence the purchasing of products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:

1. Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the County; or
2. Accept directly or indirectly from a person, firm, or corporation to whom a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation or contract for future reward.

I. Political Activity

County employees may participate in political or partisan activities of their choosing provided that such activities occur separately and apart from their employment with the County.

J. Elected Positions

1. If a County employee is elected to office in Fillmore County, the employee must resign their employment with the County prior to taking the oath of office.

A. Purpose

The performance evaluation process is a method to objectively rate, motivate, and develop an employee's effectiveness and career along with benefiting the leadership ability of the Department Head/Supervisor.

B. Description of Duties

Every new employee, as well as promoted or transferred employees, will be informed of their duties and responsibilities through job descriptions and will be given extensive on-the-job training.

C. Department Head/Supervisor's Responsibility

Supervisors and/or Department Heads are responsible for completing and reviewing employee performance appraisals with employees as required by these rules. The County Board approved appraisal form shall be used. Completed performance appraisals shall be filed in the employee's personnel file.

D. Evaluation of New Employees

The Department Head/Supervisor will complete a performance evaluation of all new hires after six (6) months and at least three (3) weeks prior to the end of the probationary period.

E. Evaluation of Regular Employees

Performance appraisals for regular employees who have completed probation will be completed by their Department Head/Supervisor annually. Evaluations in no way replace the expectation that Department Heads/ Supervisors regularly communicate with their employees regarding both positive performance as well as areas for improvement.

A. Policy Statement

It is the policy of Fillmore County to maintain a personnel file for each employee, consistent with the provisions of M.S. 15.162 through 15.167 (Privacy Act) and M.S. 177.30 (Fair Labor Standards Act).

B. Individual Personnel Records

1. The Human Resources Officer will be responsible for the maintenance and security of employee personnel files as a record of classification, qualifications, disciplinary actions, medical data, insurance, rewards and commendations, performance ratings and other pertinent personnel information. All files and records relating to and affecting payroll will be housed and maintained by the Auditor/Treasurer's office.
2. The Department Head shall be responsible for submitting employment data to the Human Resources Officer. Department Heads, or their designee may maintain in their office, copies of employee personnel information which include a record of disciplinary actions, current time records, a record of paid time off accrual and usage and other information necessary to perform their managerial function. Department Heads shall be responsible for the security of these files.
3. The employee shall be responsible for keeping personal data current. Changes shall be reported to the Human Resources Officer.
4. Questions pertaining to personnel data on employees and the data's relationship to the Minnesota Data Practices Act (M. S. 13.43) should be directed to the Administrator or the Human Resources Officer
5. Employees have the right to challenge any information in their file with which they disagree by reviewing such information with their department head, supervisor and/or Human Resources Officer and placing an explanatory letter with the disputed information in the file; or by filing a grievance in accordance with policy.

C. Accessibility of Personnel Records

1. Any employee or his/her designated representative, when provided written authorization by the employee, may review the official personnel file located in the Administrator's office during office hours. Access to these files shall be given by the Human Resources Officer or the Administrator. Such records are subject to review by the appropriate Department Head, Supervisor, Administrator or the Human Resources Officer.

Information from personnel files may not be removed from the premises unless authorized by the Human Resources Officer or Administrator.

A. Policy Statement

It is the policy of Fillmore County to place certain limitations on the types of outside employment in which an employee may engage.

B. Limitations:

1. Outside employment shall be regarded as secondary to regular County employment.
 2. Outside employment shall not interfere with the availability of employees for their regularly scheduled work week, emergency or call-in work.
 3. Employees shall not engage in any outside occupation, employment or business which could hinder the impartial, objective or efficient performance of their public duties.
 4. Employees shall not engage in non-County employment which could create a conflict of interest with their County employment.
 5. No employee shall be instructed or allowed to perform work for pay for private individuals or other governmental agencies as part of the employee's County employment.
 6. The County shall not grant paid time off leave to any employee injured in the course of outside employment where the employee is eligible for Worker's Compensation or other compensation from the secondary employer as a result of such injury.
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A. Policy Statement

It is the policy of Fillmore County to compensate eligible employees for required work time in excess of forty (40) hours in a regular workweek. The period of Friday through the following Thursday shall be considered a regular work week. Overtime shall be paid in the form of compensatory time off or paid compensation according to section 10.2 of this policy. This policy is in accordance with the Minnesota Fair Labor Standards Act (M.S. 177.25).

B. Eligibility and Compensation

1. Professional and administrative salaried employees ("exempt") shall be eligible for compensatory time off:
 - a. For each hour worked in excess of forty (40) hours a week, an exempt employee shall receive one (1) hour of compensatory time off up to a sixty (60) hour maximum balance or they may choose to receive one (1) hour of regular pay.
2. Employees covered by a union agreement:
 - a. These employees shall adhere to contract language relative to overtime pay and compensatory time.
3. All other employees ("non-exempt"), including full time, part time and intermittent employees, shall be eligible for compensatory time off or paid compensation according to the following:
 - a. A non-exempt employee shall receive compensatory time off at one and one half (1-1/2) hours for each hour in excess of forty (40) hours in a regular workweek, with a maximum accrual of sixty (60) hours of compensatory time. However, highway engineering technicians, building maintenance and eligible sanitation employees whose workload is directly affected by weather and/or seasonal changes or staffing, may receive cash payments, in lieu of compensatory time, with Department Head approval. An election for cash payment must be done by December 1st of each year.
 - b. When the maximum hours of compensatory time off have been accrued, all employees shall be paid at the rate according to their status for each additional hour worked.

C. Guidelines

1. Overtime hours must be approved in advance by the Department Head.
2. Exempt and non-exempt employees must accurately report hours worked in the timekeeping system. All times must be verified by the department head prior to processing.
3. Unless otherwise stated in a collective bargaining agreement, accrued compensatory time off should be used within six (6) months of the time in which it was earned. For employees who elect the cash option, overtime payments shall be paid as accrued.
4. Overtime provisions do not apply to elected officials.
5. Department Heads will distribute overtime as equally as is possible among employees.
6. Department Heads are responsible for scheduling the work in their departments in order to minimize overtime, and so that the functionality of the office is not disrupted.
7. Rest and lunch periods, if scheduled and not taken, shall not count toward the calculation of overtime or compensatory time off. Department heads should ensure that rest and lunch periods are taken in order to reduce the amount of overtime by employees.
8. Those County employees serving as volunteer fire fighters and ambulance personnel can answer calls during

working hours with the approval of their department head. For the time away from their job, employees must use accumulated PTO hours, compensatory time, or make up the time with the approval of the department head in such a manner that it will not qualify as overtime.

9. If PTO is used during a regular workweek and the total hours show that overtime/comp time is due the employee, then the PTO will be reduced until the total no longer creates overtime/comp time scenario.
10. Hours participating in supervisor approved attendance at training or conferences must comply with the Fair Labor Standards Act. After deducting normal commuting time, supervisors shall consider training time in excess of 40 hours to be eligible for overtime. If office hours can be maintained, supervisors may consider utilizing a flexible schedule to avoid overtime requirements for that employee. For more information on flex time, see the Work Hours and Attendance policy 3.07. Training or conferences that require an overnight stay are generally exempt from overtime requirements.

A. Policy Statement

It is the policy of Fillmore County that regular full-time employees be scheduled to work forty (40) hours per week or 2080 hours per year. Hours worked are calculated in 15 minute increments. A payroll workweek shall be five days, from Friday through the following Thursday, excluding the weekend. The normal workweek, for the convenience of the public and for efficiency of operations, shall consist of five (5) eight (8) hour days from 8:00 a.m. to 4:30 p.m., Monday through Friday excluding Sheriff's Office. Employees are expected to be at work and working during their normally scheduled days and hours unless on approved leave. Any variations require Department Head and/or County Board approval. Nothing shall prevent the County Board or management from changing the schedule of office hours or the length of the work day/week for any employee. Employees who fail to meet attendance requirements may be subject to disciplinary action.

B. Non-Regular Schedules

Non-regular schedules are used to enhance the ability of units and individuals to meet County or client needs that deviate from the normal County work schedule, providing offices are adequately staffed for the normal workweek. This type of scheduling is primarily for specific events or needs and is therefore not regular or repetitive.

C. Alternative Schedules

Alternative Schedules are pre-arranged, repeating, regular work hours for the units/employees who use them. Alternative Schedules for individual employees must be pre-approved, in writing, by the Department Head, or their designee. Employee requests must include all relevant facts and requested conditions. Alternative schedules shall be reviewed for consideration of their effectiveness and continuation yearly as a part of the yearly evaluation process.

Note: Not all positions will be suited to utilize alternative schedules due to specific job responsibilities. An alternative work schedule is a privilege and not an entitlement. As is provided in 3.A above, schedules for an entire department, which deviate from normal business hours, must receive County Board approval.

Alternative Schedules are limited to Monday-Friday, except for those departments, which by their nature (i.e., Sheriff's Department) or by County Board approval work different hours and/or days. Employees approved for Alternative Schedules cannot start earlier than 7:00 a.m. or end later than 6:00 p.m. The hours worked in any day shall not exceed ten (10) and will total forty (40) in one week.

Between the period of April 1 and the first snowfall of the year as determined by the Building Maintenance Supervisor, with Department Head approval, employees will be allowed to start at 6:00 a.m. The starting and ending dates are subject to change based on weather conditions.

Unless arrangements have been made, in accordance with leave policies, employees are to be present at work during all regularly scheduled hours. Unexcused absence and tardiness shall be reasons for disciplinary action. Should a Holiday fall on a scheduled day off, employees on Alternative Schedules shall take the following day as a Holiday. Eight hours will be the maximum allowed for Holiday pay unless otherwise stated in a bargaining agreement. Compensatory time or paid time off hours should be entered to complete the regularly scheduled day.

D. Flextime

Flextime is a mutually agreed alternative to compensatory time or overtime, providing offices are adequately staffed. Flextime is primarily to be used to avoid the accumulation of compensatory time or overtime as directed by the employee's supervisor. Use of flextime for employees to meet personal obligations and appointments will be granted only under special circumstances, as employees should utilize PTO for needs to be away from work for personal reasons. By its very nature, flextime is of short duration and does not occur on a regular or repetitive basis.

Any changes to an employee's work schedule associated with flextime must have the pre-approval of the Department Head or their designee. Any change in work schedules to allow for meeting a personal appointment and corresponding make up time must be mutually agreed to by the employee and the supervisor before it will be granted.

While employees may request a variation of the hours worked within a normal work day, the Department Head or their designee is under no obligation to grant such requests. The County retains the right to deny the use of flextime.

Use of flextime does not allow employees to work on their normal days off. Nor does it allow employees to deviate their work schedule by more than 2 (two) hours earlier or later than their normal working hours. Flextime cannot be banked or carried over from one pay week to another. Time off due to flextime use must be made up within the pay week utilized.

E. Volunteer Time

Those County employees serving as volunteer fire fighters and ambulance personnel can answer calls during working hours with the approval of their department head. For the time away from their job, employees must use accumulated PTO hours, compensatory time, or make up the time with the approval of the department head in such a manner that it will not qualify as overtime.

F. Approval/Denial of non-regular hours

Requests based on Department need or personal medical or family need will be given first preference. Requests based on want will be determined on a first come basis. Multiple requests received at the same time will be determined by the department head or their designee. Non-regular work schedules will be evaluated at least annually to determine that the need still exists. Management reserves the right to remedy arrangements that are deemed unsatisfactory, in any manner they consider necessary, up to and including termination of the non-regular hours.

G. Rest Periods

For each four (4) hour scheduled work period, employees will be given one fifteen (15) minute break. Rest periods are part of the paid work shift. An employee shall not be compensated in additional money or time off for refusing to take a scheduled rest period. Department Heads are responsible for scheduling rest periods as to not interfere with work requirements. An employee may not use any of their paid rest periods at the end of their normal workday in order to leave early.

H. Lunch Periods

An employee is entitled to a one-half (1/2) hour lunch period during each full eight (8) hour or variable scheduled day shift of work. Lunch periods are not a compensated part of the work shift. Lunch periods shall be scheduled by the Department Head or Supervisor to ensure continual services throughout the workday. It is both the employee and supervisor/department head's responsibilities to ensure that every employee receives and takes their lunch period. An employee may not take their lunch break in the last thirty (30) minutes of their regularly scheduled workday for the purpose of leaving early.

I. After Hours Work

An employee is not to perform any type of work for Fillmore County during their off hours unless expressly directed to do so by their supervisor. This includes, but is not limited to: using an electronic device to make/take phone calls; checking, reading or sending emails; visiting with clients; reviewing and/or preparing documents. Any time, which is more than diminutive, spent working during off duty hours must be reported to your supervisor. The department head/supervisor will determine whether the employee should flex the time, receive comp time or overtime compensation.

COMPENSATION AND BENEFITS (4.00)

Section 4.01 COMPENSATION

Date Approved by the County Board: April 27, 2021

Supersedes Policy Dated: June 13, 2017

Policy Statement

The compensation plan shall be directly related to the classification system. Pay grades for positions shall be established and procedures identified to ensure employees have an equal opportunity for advancement.

Employee recognition ceremonies are held annually as part of the Fillmore county compensation system. Employees are presented certificates at each five (5) year increment of service at an official ceremony with the County Board. This recognition is an integral part of the employee compensation plan to show appreciation for services rendered and is in accordance with the Public Service Act.

A. Classification Review Procedures

1. Fillmore County will review and analyze all classification titles at least every four years. Reclassification requests are considered annually following the guidelines set forth in the classification review procedure below.
 - a. The Human Resources Officer will assume responsibility for dating all classification reviews, and tracking when classification titles are subject for classification review. It will also be the responsibility of the Human Resources Officer to maintain classification ratings and to notify department heads when classifications are up for review.
 - b. Reclassification requests must be made by the Department Head. Department heads will be responsible for reviewing the job descriptions and determining if there is a significant change in the nature or scope of the work. Significant change will be defined as at least 25% change in the nature of the work or time spent performing new duties. If there is no significant change in the job, this is noted. If a significant change is noted, department heads are responsible for completing a review form detailing the reasons for the review request. This would include specific tasks added to the job, what tasks are no longer being performed, education and/or certification requirement changes, and why these changes came about in the position.
 - c. Requests for consideration must be submitted to the Human Resources Officer by May 15 (or the closest following working day) each year.
 - d. The Human Resources Officer reviews the classification request forms for completeness.
 - e. Completed requests are submitted to the Personnel committee for recommendation to the Board for consideration of a formal reclassification study.
 - f. Studies may result in one of the following actions: no change, a higher salary grade placement, a lower salary grade placement, or a reallocation to a new classification. Any changes made in compensation are subject to final Board approval and will not be effective until the first pay period of the following year.
 - 1) If a position is evaluated at a higher pay grade or reallocated to a new classification, the employee will receive either the minimum for the new grade, or the step within the new pay grade, which is closest to their current pay without being lower.
 - 2) If a position is evaluated at a lower pay grade, the employee's salary is then moved to a rate within the new grade that is closest to their current rate of pay without being lower. If the employee's current wage is above the new range, their wages will be frozen until the new range exceeds the pay rate, at which time the employee will again be eligible for increases.
2. A market study is recommended every five years to maintain the pay plan.

3. Reorganization of a department/division may include reclassification of current positions. Position Analysis Questionnaires may or may not be required but a detailed analysis by the department supporting the organization must be presented. The Board shall approve effective dates for compensation changes due to reorganization.

B. Classifications/Job Descriptions

1. It is an inherent right of Fillmore County to redesign, restructure, and create jobs in order to meet the objectives of the organization.
2. When a classification is redesigned, restructured, or created, it will be the responsibility of management to define and determine essential requirements and duties of the position.
3. The Human Resources Officer will work with department heads to provide a job description template so all job descriptions can be formatted in the same manner. Department Heads will be responsible for working in collaboration with the Human Resources Officer to prepare a draft description.
4. The description must be reviewed by the Personnel Committee and approved by the County Board prior to any further action. Approval is necessary to assure the needs of the organization are being met. It will be the responsibility of the Fillmore County Board to review and determine whether or not each request can be accommodated within the current classification structure or whether a new classification is warranted. Once approval is obtained the new description will be evaluated for placement on the Fillmore County compensation system by a consultant and a recommendation will be forwarded to the Board for approval.
5. It will be the responsibility of the Human Resources Officer to work with department heads to review classifications that may be impacted by the redesigned, restructured or creation of a job. Duties added to one position involving an increase in responsibilities are often accompanied by a reduction in responsibilities from another position. Affected classifications will be reviewed to determine if a significant (25%) change has occurred and possible reclassification is necessary.

C. Compensation Setting - New Hires

In general, Fillmore County will hire new employees at the minimum of the salary range. However, a salary management program needs to be flexible enough to address special situations that generally arise. The setting of a new employee's salary should be a joint decision between the Hiring Committee and the County Board. Reasons for granting new hires pay rates above the minimum will typically include:

1. Candidate possesses additional skills, licenses, or certifications not related to the position but which are highly desirable to the County and may save future training dollars.
2. Candidate's current salary is documented and higher than the minimum of the salary range and no other equally acceptable or qualified candidates are available.
3. Market pressures and prevailing pay rates call for and are justified at rates higher than the minimum.
4. The current wage of direct subordinates is documented at higher than the minimum of the positions salary range.

If a decision is made to place a new hire at a rate higher than the minimum, the Hiring Committee will jointly recommend a rate above. Starting wages beyond Step 1 will require that a formal written recommendation be completed and presented to the County Board for consideration prior to further action. The recommendation should document reasons for requesting a pay rate above Step 1.

D. Wage Increases

1. Employees will receive increases in pay according to the County's current compensation system. Years in the position and performance will be the determining factors for an employee to receive their increase.

2. Employees must have a completed annual evaluation with a minimum overall rating of meeting expectations on file in Human Resources to be eligible for any step increases. Department heads, elected officials and supervisors are responsible for ensuring that every employee receives an evaluation annually. If an evaluation is not completed, the step increase will not be granted until the evaluation is completed and sent to Human Resources at which time any retro pay will be given to the employee back to the original anniversary date.
3. Any employee whose overall evaluation is less than meeting the minimum expectations, a follow up evaluation will be scheduled for no more than three (3) months. Once the employee receives an overall minimum rating of meeting expectations, the step increase will be given effective the date of the positive evaluation. Employees in this case will not receive retro pay back to the original anniversary date.4. Each year, the County Board will determine if an adjustment to the pay plan will be made based on market comparison. If an adjustment is approved, employees must have a current performance evaluation on file in Human Resources to be eligible to receive this additional increase.

E. Payroll Procedures

1. All employees, elected officials and paid volunteers will be required to participate in electronic payroll deposit unless it would present a hardship to the individual.
 - a. The only acceptable hardship for an individual regarding participation in electronic payroll deposit is not having a checking or savings account. Individuals not having a checking or savings account may pick up their paper check after 3:00 P.M. on the appropriate Thursdays.
2. The County paydays are every two weeks on alternate Fridays. Payroll that is electronically deposited will be available on that Friday; the time that cash is available may vary according to individual banking procedures. If the payday falls on a holiday, then the checks will be electronically distributed on the preceding workday.
3. Employees are responsible for recording an accurate account of hours worked, unpaid leaves, and paid leaves. Employees will utilize the electronic timekeeping system unless specifically directed otherwise. Department heads and/or Supervisors will review all time submitted both electronically and manually and have all required approvals completed and submitted by noon on Friday following the end of the pay period. If a holiday falls on this day, then the deadline will be moved to the next working day.
4. It is the County policy to decline all requests for early paychecks or pay advances.
5. Mandatory deductions will be made from an employee's gross wages as required by Minnesota statutes and federal law.
6. Every employee must complete withholding allowance certificates (IRS and MN Form W-4) upon hire. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 or adjust their withholdings through the electronic timekeeping system as often as they deem necessary.

F. Compensation for Working Out-of-Class

- a. Policy. Employees may be required to perform duties inconsistent with their job description on a temporary basis as required for the continuity of County Business. Employees will not be temporarily assigned to a position in a class two (2) or more grades higher for more than ninety (90) days without the approval of the County Board. Such approval shall be given only under unusual circumstances for up to one (1) year.
- b. Requirements. Work out-of-class is the performance of work, more than fifty percent (50%) of which is exclusively covered by a higher job classification. An employee must be performing work at a grade two (2) levels or more above their own level in order to be considered working out of class.

Arrangements for employee's working out-of-class in a department head capacity shall be exempt from this policy and considered by the County Board on an individual basis.

- c. Procedure. In order for an employee to receive out of class compensation the following steps must occur in a timely matter:
1. Department head/Administrator becomes aware that an employee will be on a legally filed leave such as FMLA or that a vacancy is being experienced and cannot be filled in a timely manner. Employee leaves taken for the purpose of vacation will not be considered.
 2. Department head/Administrator determines if staff members have the needed availability, skills and experience to perform necessary duties of position as a team.
 3. If current county staff cannot perform enough of the duties required, the department head/Administrator may designate one employee whom would be working out of class to perform such duties. A written request outlining the work needing to be done, the reason the department cannot handle the workload and qualifications of requested employee will be prepared for the request.
 4. Human Resources will present information to the Personnel Committee for consideration and possible recommendation to the County Board for final approval.
- d. Amount of increase. All increases are contingent on recommendation by the Personnel Committee and approval of the County Board and shall be considered on a case by case basis.
- e.
- f. Preservation of Seniority. An employee who has been temporarily assigned to work in a higher class shall be reinstated to their former position at the end of the assignment without loss of seniority.

Policy Statement

The County's family and medical leave (FMLA) policy is intended to provide employees non-compensated time away from work as an option and/or in conjunction with paid time off for a non-work related serious health problem or major life event for them or their immediate family as defined below.

A. Leave Entitlement

In accordance with the federal Family and Medical Leave Act (FMLA) an eligible employee shall be entitled to a total of 12 weeks (or 26 workweeks, as appropriate) of non-compensated absence in any 12-month period for family and medical leave for one or more of the following reasons:

- a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- b. Because of the placement of a son or daughter with the employee for adoption or foster care.
- c. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- e. Because of care needed for a spouse, son, daughter, or parent who is a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active duty that may render a person unable to perform the duties of the member's office, grade, rank, or rating. A total of 26 weeks of FMLA leave is provided in such an instance.
- f. Because of a qualifying exigency arising for employee's spouse, son, daughter, or parent (i.e.: the "service member") on active duty or impending active duty. Examples of qualifying exigencies include certain military events, arranging or providing alternate child care or school, addressing certain financial and legal arrangements, addressing issues arising from short-notice deployment, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Entitlement to FMLA for the birth or placement of a child expires 12 months after the birth or placement of the child. Family and medical leave shall be taken simultaneously with any leave permitted under the Minnesota Parenting Leave Act.

B. Eligibility

1. Employees who have worked for Fillmore County for at least 1 year AND
2. Employees who have worked at least 1040 hours in the previous 12 months.
3. Upon notification, employees will receive forms from the Human Resources Officer to document eligibility and use of FMLA. Completed forms must be submitted prior to a request for Board approval.
4. No FMLA hours can be accrued.

C. Usage

1. The County requires an employee to utilize any Banked Sick leave accruals toward compensation for the 12 weeks of family and medical leave before reporting unpaid leave. Absences reported as Short Term Disability or Workers Compensation shall count toward the 12 weeks of FMLA leave.
2. The employee may take FMLA leave in 12 consecutive weeks, intermittently (a day periodically) or under certain circumstances may use leave to reduce the work day or work week. In all cases, the leave may not exceed a

total of 12 weeks (480 hours), or 26 work weeks (1040 hours) as appropriate over a 12 month period.

- a.) Medical justification indicating why the leave can best be accomplished through an intermittent or reduced leave schedule is required.
 - b.) When an employee is taking intermittent leave or leave on a reduced schedule, the employee must attempt to work out a schedule with the supervisor which meets the employee's needs and does not unduly disrupt the operations of Fillmore County, subject to the approval of the health care provider.
3. Failure to return to work at the end of the leave period may be treated as a resignation unless an extension has been agreed upon and approved by the Board. Special circumstances that require an employee to be absent without pay beyond 12 weeks of FMLA and up to a maximum of six (6) months require documentation and approval by the Department Head and the Fillmore County Board of Commissioners.
 4. An employee returning from FMLA for more than 12 weeks must notify their department head within two (2) weeks prior to their return. The employee may be required to provide a statement from a physician indicating that the employee is able to return to work.

D. Medical Verification

Employees requesting FMLA must furnish documentation that their request qualifies for this type of leave. This professional documentation should include appropriate medical facts about the condition and work limitations. Anticipated leave dates must be submitted with requests for family and medical leave. Employee will be given forms which must be completed by the employee and medical provider and returned to the County.

E. Employee Status & Benefits During Leave

1. While employees are on approved FMLA, Fillmore County will pay its share of health care premiums for eligible employees. Employees are responsible for timely payment of the remainder of all monthly premiums.
2. Paid Time Off (PTO) benefits shall not accrue during periods of unpaid leave.

F. Misuse of Family and Medical Leave

Claiming absence due to FMLA for reasons other than policy guidelines may be cause for disciplinary action, including cancellation of banked sick leave benefits, suspension, demotion or termination.

G. Notification of Family and Medical Leave

Notice of intent to take FMLA should be given in writing to Department Head thirty (30) days in advance. If not possible, written notice should be given as early as possible when the leave is needed. Failure to make diligent effort to give such notice may result in payroll deduction for absent time.

In all circumstances it is the employer's responsibility to designate leave, paid or unpaid, as FMLA-qualifying, and to give notice of the designation to the employee as provided in this section. In the case of intermittent leave or leave on a reduced schedule, only one such notice is required unless the circumstances regarding the leave have changed.

H. Employment Security

Upon return from FMLA, Fillmore County will make every effort to restore said employees to their original or equivalent positions with equivalent pay and benefits. Anniversary dates will not be adjusted following periods of FMLA.

Policy Statement

It is customary to allow employees to observe certain national holidays by granting days off from regular duties with appropriate pay.

A. Paid Holidays

Fillmore County provides ten and one-half paid holidays each year for all regular full-time employees not subject to a collective bargaining agreement. The County, with the exception of the Sheriff's department, is officially closed on the following days:

| | |
|------------------------|--|
| New Year's Day | January 1 |
| Martin Luther King Day | Third Monday in January |
| President's Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| Day after Thanksgiving | Friday after Thanksgiving |
| Christmas Eve Day | December 24 (4 hour Holiday) Mon- Thurs only |
| Christmas Day | December 25 |

B. Holidays Falling on Non-Work Days

If these holidays (excluding Christmas Eve Day) fall on Saturday, the preceding Friday will be a holiday; holidays falling on Sunday shall be observed on the following Monday.

C. Holiday Eligibility

Employees must work the scheduled day before a holiday and the first scheduled working day following the holiday to be eligible for holiday pay unless time off on these days has been excused with pay (e.g. paid time off). Only regular full-time employees are eligible for full holiday pay. A holiday is an eight (8) hour day with the exception of Christmas Eve Day which is four (4) hours. Holiday pay will not be paid retroactively for part-time employees who become regular full-time employees.

D. Working on Holidays

Scheduled work on holidays is discouraged, except in the interest of public safety or when necessary to maintain operations. Regular full-time employees who are scheduled to work on a recognized holiday shall receive their holiday pay plus compensatory time off for hours worked.

E. Holiday During Paid Time Off (PTO)

If a designated holiday falls within an employee's scheduled PTO period, the employee shall not be charged PTO on the day of the holiday observance.

F. Religious Holidays

Employees may take religious holidays not designated as a County holiday without pay or by use of PTO. Prior approval in advance must be obtained from the employee's department head.

G. Eligible Part-time and Intermittent Employee Holidays

Each January, a full-time employee equivalency (FTE) percentage will be determined for each eligible part-time employee not subject to a collective bargaining agreement.

1. The FTE will be based on the average number of hours per week worked for the previous year.

2. Prorated holiday benefits for the above listed holidays will only be offered to regular part-time employees working 20 or more hours per week.
3. Hourly part-time employees must enter holiday hours on appropriate time voucher.

Policy Statement

Various insurance programs are made available by the County to employees and dependents to alleviate the burden of substantial losses. Other benefits include participation by eligible employees in the programs of the Social Security Administration and the Minnesota Public Employees Retirement Association (PERA). Employees are also eligible for Unemployment and Worker's Compensation in accordance with State regulations.

A. Eligibility for Insurance Programs

1. Only regular, full-time and salaried part-time employees who work at least 30 hours/week will be eligible to participate in these insurance programs. Part-time salaried (working under 30 hours/week), part-time hourly, temporary, seasonal, and intermittent employees will not qualify for these programs.
2. Eligible employees are provided an opportunity to participate in the County's insurance program. To be considered a participant, appropriate enrollment records must be completed and on file in the Administrator's office. An employee who chooses not to participate must complete participation waiving requirements.
3. Coverage takes effect upon completing the eligibility and/or waiting period requirements.
4. Dependents of the employee are eligible for participation in select group insurance programs if the following is true: the employee is an eligible employee; dependent coverage is available through the plan; the employee elects dependent coverage when enrolling in the plan; and the dependent satisfies the definition stated in the master policy.
5. During new employee orientation, the coverage and eligibility requirements of the programs will be explained and information regarding the policies will be provided. It will be the employee's responsibility to read this information and be familiar with the contents. Questions on coverage should be addressed to the Administrator's office or the administering party, depending on the type of question. If a question ever arises about the nature and extent of any of the insurance policies and their benefits, the formal language of the administrators' policy and not the informal wording of County policy will govern.
6. The County participates in the cost of the group health coverage up to an amount set by the County Board.

B. Termination

The group coverage is terminated at the end of the month in which the employee terminates. Arrangements must be made with the Administrator's office to continue coverage.

Terminating employees may, at their own expense, continue their group health insurance coverage as defined by law.

C. Unpaid Leave of Absence

Any employee on an unpaid leave of absence shall be responsible for paying premiums for their employee coverage in a timely manner. Arrangements should be made with the Finance Department to continue such insurance.

D. Retirement - P.E.R.A. and Social Security

Both the Public Employees Retirement Association and Social Security require employer and employee contributions for eligible employees. A payroll deduction is made for this purpose.

E. Unemployment Compensation and Workers' Compensation

Employees are eligible for unemployment compensation as outlined in M.S. 268 and worker's compensation as outlined in M.S. 176.

F. Employee Assistance Program (EAP)

Fillmore County recognizes that a wide range of problems, including those not directly associated with one's job function, can have an effect on an employee's job performance. The EAP provides employees and dependents with professional counseling services. Department Heads, supervisors, Human Resources, or an employee may initiate the use this program.

Policy Statement

The County defines specific situations that may require an employee's absence from work, and the character (paid or unpaid) and quantity of leave time for those situations.

A. Ambulance and Fire Calls

Those County employees serving as volunteer fire fighters and ambulance personnel may answer calls during working hours with the approval of their department head. However, for the time away from their job, they may use accumulated paid time off hours, compensatory time or make up the time, with the approval of the department head, in such a manner that it will not qualify as overtime.

B. Bereavement Leave

The County will allow the use of paid time off (PTO) for employees to attend funerals and/or to handle matters related to funerals. The amount of PTO use may be determined by the employee based on what they feel is necessary and is subject to supervisory approval.

C. Court and Jury Duty

1. Time off for mandatory jury duty or court appearances required as a result of a valid subpoena or court order is excused and paid at full salary, provided that proof of duty is verified by the employee's department head.
2. Employees will receive their regular compensation, but must return all jury duty fees to the Auditor/Treasurer department. Upon completion of jury duty, a letter from the court showing number of hours or days of jury duty served and amount of fees received should be forwarded to the department head and Human Resources. Employees may retain mileage allowances.
3. Time off for court appearances as a party to any civil or criminal litigation which are non-work required shall not be compensated, and the employee must arrange for time off without pay or use accrued paid time off for such appearances.

D. Educational Leave

1. After completing one (1) year of service, any regular full-time employee, upon request, may be granted a leave of absence without pay for education purposes.
2. Such leaves of absence must be related to the employee's professional career with Fillmore County, and be directly beneficial to the County.
3. The period of the leave of absence shall not exceed one (1) year, but the County Board may, at its discretion, approve extensions not to exceed one (1) additional year.

E. Family and Medical Leave (FMLA)

Refer to the Family and Medical Leave policy for information regarding this type of leave.

F. Military – Active Duty

1. Regular full-time employees who engage in active service in time of war or other emergency in the military or naval forces of the United States shall be granted a leave of absence without pay according to Minnesota Statutes 192.261, not to exceed five (5) years. In order to be eligible for such leave, the employee is to present a copy of their orders to the department head.
2. Employees are paid for all accrued but unused paid time off to which they are entitled upon entering the military service.

3. To be eligible for reinstatement with the County the employee must apply within ninety (90) days from their discharge date, or from hospitalization continuing after discharge for a period of not more than one (1) year.
4. If the employee is disabled during military service, and cannot perform their former job duties, they will be entitled to the nearest comparable job for which they are qualified.
5. A military leave of absence is terminated when an employee is reinstated for active duty beyond the period required by law; when discharge from the military service is under conditions other than honorable; when an employee accepts other employment before returning to Fillmore County; and when the period between discharge and request for reinstatement exceeds ninety (90) days.

G. Military - Reserve Duty

1. Employees required to attend annual reserve training will be granted military time off with pay for up to fifteen (15) calendar days per year. Leaves in excess of fifteen (15) calendar days will be granted without pay where required by the nature of an employee's military obligation.
2. There will be no loss of seniority or paid time off rights during such leave. Fillmore County insurance does not cover the employee for any medical or hospital services provided to the employee at Federal and State Government expense.

H. Military – Family member of Injured or killed soldier

MS 181.947 requires that up to 10 days of unpaid leaves of absence be granted to an employee whose immediate family member is injured or killed while serving in active military service.

1. Eligible employees include both federal and state active military service for any purpose, including training.
2. Immediate family member is defined as the injured or deceased service member's parent, child, grandparents, siblings or spouse.
3. The employee must give the employer as much notice as is practicable before taking leave.

I. Military - Military Ceremonies

MS. 181.948 requires up to one (1) day of unpaid leave be granted to employees to attend the send-off or homecoming ceremony of an immediate family member who has been ordered into active military service in support of a war or other national emergency.

1. Eligible employees include both federal and state active military service for any purpose, including training.
2. Unpaid leave will be limited to the actual time necessary to attend the ceremony and will not exceed one day in a calendar year. Immediate family member is defined as a grandparent, parent, legal guardian, sibling, child, grandchild, spouse, or fiancé/fiancée of the soldier.

J. Paid Time Off (PTO)

Refer to the paid time off (PTO) policy for information regarding this type of leave.

K. Maternity/Adoption

Maternity/Adoption leave may be covered by paid time off (PTO), short-term disability, FMLA and unpaid leave depending on eligibility for these leaves. The length of leave shall be determined based on medical necessity, Family and Medical Leave Act eligibility, and the existing work and staffing demands of the employee's department.

L. Short-Term Disability (STD)

The Short-Term Disability Program (STD) provides eligible employees protection against loss of income because of illness or injury. If an employee has an extended non-work related illness, injury, or disability and due to that disability cannot perform the essential functions of their position even if Fillmore County made reasonable accommodations, they may request a Short Term Disability leave. The amount of leave is dependent upon the employee's participation in a voluntary plan. Paid Time Off (PTO) may be utilized to supplement STD leave up to a maximum of 100% of the employee's regular schedule not to exceed 40 hours in a week.

M. Unauthorized Leave

1. Any absence of an employee from duty, including any absences for a day or part of a day that is not approved by policy shall be without pay and the employee shall be subject to disciplinary action.
2. Unauthorized absence by an employee for three (3) consecutive working days without approval shall be deemed a voluntary resignation. . However, the department head may subsequently decide to grant an approved leave of absence if the circumstances surrounding the absence warrant such action.

N. Voting

1. Every employee who is eligible to vote in an election shall be granted up to two (2) hours off with pay to vote. Employees are encouraged to vote before or after regular working hours. If this cannot be arranged, your department head will approve time off to vote either at the beginning or end of your workday provided that you give at least one (1) days' notice to your department head.
2. For purposes of this section, "election" means a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or representative, or a presidential primary.

O. Without Pay

Leave without pay is limited to circumstances when all other applicable leaves have been exhausted and the following conditions are met:

1. An employee must submit a request for an unpaid leave of absence as far in advance as possible in writing to his/her department head. Leaves of less than thirty (30) days may be approved by the department head. Leaves of absence in excess of thirty (30) days must be approved by the County Board.
2. Any leave of absence may be canceled if it is found that an employee is using that leave for other than the stated purpose.
3. Paid time off will not continue to accrue, nor will holidays be credited during leaves without pay.
4. If an employee is in unpaid status for an entire month, he or she shall be required to pay the full premiums due that month to continue coverage. For all other unpaid leaves of absence, the County will not be responsible for making payments on life and health insurance coverage. Arrangements should be made with the Administrator's office to continue such insurance. Failure to make the proper payments may result in insurance coverage termination.
5. Every effort will be made to place the returning employee in the position he/she previously held. However, the County will guarantee only to provide a position of like status and pay subject to the availability of a position.
6. Periods of leave of absence shall not be used when evaluating eligibility for paid time off and holiday benefits. Anniversary dates will not be adjusted following periods of unpaid leave.
7. Employees returning from extended leaves of absence (one month or more) shall notify their department head at least two (2) weeks prior to their return from leave or may forfeit their reinstatement rights.
8. Failure of an employee to return from an unpaid leave of absence on the date agreed without prior approval will constitute a voluntary resignation.

P. Worker's Compensation

Fillmore County will comply with state and federal laws and regulations regarding wage continuations for employees injured on the job.

1. All employees are covered by Workers' Compensation insurance for injuries and loss of time as a result of on-the-job accidents and illnesses. Employees who are injured on the job, regardless of the severity of the injury, must report that injury to their immediate supervisor within 24 hours of the injury and complete a First Report

of Injury form. The immediate supervisor shall complete an Accident Report form and both shall be turned into the Administrator's Office for processing through Minnesota Counties Intergovernmental Trust (MCIT).

2. The Workers' Compensation Administrator will notify the employee at their home address that their Workers' Compensation claim has been accepted or denied. If the employee's claim is accepted, the Workers' Compensation Administrator will make no payment for lost work time until after three calendar days of work have been missed due to the injury or illness. If ten or more calendar days are lost, the Workers' Compensation Administrator will retroactively reimburse the employee for the first three days of the employees lost work time.
 3. If the employee has accumulated balances of comp time or PTO at the time of the injury, the employee is allowed to use these benefits to help make up the difference between the Workers' Compensation payment and their average weekly wage at the time of the injury up to a maximum of 100% of the employee's regular schedule.
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Policy Statement

It is a continuing objective of Fillmore County to provide equity, consistency and flexibility in the delivery of benefits to county staff. Where appropriate, certain benefits have also been designed to incorporate employee tenure to recognize and reward loyal service to the County. These considerations are particularly significant in the accrual, utilization and administration of paid time off (PTO).

PTO can be utilized for any purpose, subject only to necessary request/approval procedures consistent with policy and labor contracts.

A. Eligibility

1. Regular full and part-time employees whose regular schedule is less than 40 hours per week will receive prorated PTO based on their regular schedule. To be eligible, an employee must be in an active pay status.
2. Temporary and seasonal employees are not entitled to PTO, but may request permission from their department head to take unpaid time off.
3. Employee groups covered by collective bargaining agreements must negotiate participation in the PTO policy through the collective bargaining process.
4. Each November, a full-time employee equivalency (FTE) percentage will be determined for each eligible intermittent employee not subject to a collective bargaining agreement.
 - A. FTE will be based on the average number of hours per week worked for the previous year.
 - B. Calculation of prorated PTO benefits will only be offered to intermittent employees averaging 20 or more hours per week.

B. Accrual Rates

1. Full time employees:

| Years of Service | Hours accrued per pay period | Approximate Annual Accrual Rate |
|------------------|------------------------------|---------------------------------|
| 0 - 5 years | 7.38 hours | 191.88 hours |
| 6 - 10 years | 8.32 hours | 216.32 hours |
| 11 - 15 years | 9.24 hours | 240.24 hours |
| 16 or more years | 10.17 hours | 264.42 hours |

2. Accruals shall not exceed the cap of 500 hours at any time.

C. Rate of Pay for PTO

The rate of PTO pay shall be the employee's regular straight-time rate of pay in effect during the employee's PTO period. No employee shall be permitted to waive PTO for the purpose of receiving double pay.

D. PTO During Unpaid Leave

Unpaid leave is time away from employment without wages. Unpaid leave may be part of a FMLA or other leave. PTO leave shall not be earned by any employee during a leave of absence without pay, or time otherwise not worked or paid.

E. PTO Scheduling

1. Department heads are responsible for scheduling PTO leave for employees under their supervision. It is possible that PTO requests may be denied if the requested time would cause an interruption in the service of the department or is otherwise not in the County's best interest.
2. Employees shall not be allowed to take PTO until after it has been earned.

The employee who requests time off first shall be given priority consideration in PTO scheduling. Other circumstances can be considered.

3. The minimum amount of PTO that can be taken at any one time is one half (1/2) hour.
4. Non-emergency use must be requested in advance per departmental practices. Emergency use may require documentation of the emergency as soon as possible.
5. At any time of the year, if an employee wishes to take PTO in excess of five (5) consecutive working days, he/she should request such time off from the appropriate department head at least thirty (30) days prior to the beginning date of the time off.
6. PTO is accrued each pay period before time taken during that period is subtracted from the employee's balance.

F. Accumulation of PTO and Annual Cash Out Option

Employees may cash out a portion of accrued PTO once per calendar year. The following restrictions will apply:

1. Employee must have used a minimum of 80 hours of PTO, taken off 80 hours of comp time, or any combination of the two totaling at least 80 hours during the previous calendar year, and
2. Employee must request payment of accruals from Auditor/Treasurer's Office by November 30th of each year, and
3. Maximum of 160 hours can be paid to the employee as long as a minimum of 80 hours are retained. Employee must recognize that this will be taxable income. Employees may be able to defer cash out payments in accordance with deferred compensation regulations.
4. Accruals shall not exceed the cap of 500 hours at any time.
5. Fillmore County grants paid time away from work under its PTO policy. Employees are encouraged to schedule sufficient time off for relaxation to promote good physical and mental health

G. Donations of PTO

Employees may transfer PTO to another employee when an employee has exhausted all their PTO due to an illness or injury to the employee or an immediate family member as defined by FMLA regulations. Donations will be allowable with these restrictions:

1. The affected employee must request donated PTO. This request is to be sent to the Human Resources Officer.
2. A notification will be sent to County employees stating that there has been a request, and the opportunity to donate PTO if desired.
3. Donor must have used 80 hours of PTO during the previous year, and
4. Donor must retain a minimum of 80 hours following the donation, and
5. Recipient must be eligible for PTO benefits, and
6. Transfers will be made at the rate of the giver, but used at the salary rate of the receiver, and
7. Transfers will be irrevocable and,
8. The identity of the donor shall remain anonymous.

9. Donated leave will not be available when the illness or injury is work related and workers' compensation applies.

NOTE: Employees may not request donations of PTO from other employees directly. Such requests would be considered just cause for disciplinary action as stated in section 1 (dd) of the Discipline Policy.

Policy Statement

When employment with Fillmore County ends, staff that have unused paid time off are remunerated in the following manner unless contracts state otherwise.

A. Paid Time Off and/or Banked Sick Leave

Upon termination of employment, whether voluntary or involuntary, with Fillmore County, any accrued Paid Time Off up to the cap of 500 hours shall be paid to employees at the rate of pay effective immediately prior to severance. Cash out hours shall not be included in this maximum.

1. When any employee is laid off they shall be paid for accrued Paid Time Off up to the cap of 500 hours in cash at the rate of pay effective immediately prior to lay-off. Cash out hours shall not be included in this maximum.
2. Each employee may designate, at any time, a person(s) to receive their accumulated Paid Time Off upon their death. If no such designation is made, then upon death of an employee, all Paid Time Off accumulated by an employee, where applicable, shall be paid first to that person's surviving spouse, then to the children of the deceased employee in equal shares, and otherwise to the estate, heir or beneficiary of the employee.
3. Employees subject to the Health Care Savings Plan shall not be treated as described above but as Health Care Savings Plan language dictates.

B. Overtime and/or Compensatory Time

Upon termination of employment, whether voluntary or involuntary, with Fillmore County, any accrued overtime and/or compensatory time hours shall be paid to employees at the rate of pay effective immediately prior to severance. Cash out hours shall not be included in this maximum.

C. Health Care Savings Plan

1. BACKGROUND

Fillmore County recognizes that its employees and elected officials may/will have medical expenses after they leave County employment. In an effort to prepare employees for these medical care needs, the County is providing this policy, which allows specific groups the ability to contribute pre-tax dollars to the Minnesota State Retirement Systems (MSRS) Post-Employment Health Care Savings Plan. The Health Care Savings Plan (HCSP) is an employer-sponsored program that allows employees to set aside funds, tax-free, to use upon termination of employment to pay for eligible health care expenses.

Laws of Minnesota 2001, Chapter 352.98, authorized the Minnesota State Retirement System (MSRS) to offer this program to state employees, as well as all other governmental subdivisions. MSRS received its private letter ruling establishing the HCSP as a tax-exempt benefit on July 29, 2002. While deferred compensation plans or retirement accounts provide a tax-deferred benefit, amounts paid out are considered taxable income. Under the HCSP, amounts contributed are tax-free and no taxes are paid on amounts used to pay eligible health, dental and long-term care insurance premiums, as well as, out of pocket medical expenses.

2. EMPLOYEE ELIGIBILITY

- a. Only regular, full-time and salaried part-time employees who work at least 30 hours/week will be eligible to participate in the HCSP in accordance to Fillmore County Personnel Policies related to medical insurance.
- b. Temporary, seasonal and intermittent employees are not entitled to paid time off and shall not be entitled to HCSP benefits.
- c. Employee groups covered by collective bargaining agreements must negotiate participation in the HCSP through the collective bargaining process.

3. PLAN CONTRIBUTIONS

- a. Fillmore County participation in MSRS HCSP will be funded by payments at severance. Fillmore County will make a payment, on a participant's behalf, due to the participant's retirement/resignation from employment with Fillmore County, to the MSRS HCSP in accordance with applicable laws. This payment will be a percentage of any unused paid time off as outlined in this County policy. All lump-sum payments made on a participant's behalf to the MSRS HCSP are exempt from Federal and Minnesota state income taxes, FICA and Medicare taxes.
- b. Employees cannot voluntarily contribute to the HCSP.
- c. At severance, employees within the following specific categories of service shall contribute the respective amounts of accrued paid time off to the HCSP and receive the remainder in cash. Contributions and cash payouts shall not exceed 500 hours. Accruals of eighty (80) hours or less will be exempt from this policy and shall be paid in cash.

| Years of Service | Contribution to HCSP (% of PTO/Banked Sick) | Cash pay-out (% of PTO/Banked Sick) |
|-------------------------|--|--|
| 0 - 10 years | 0% | 100% |
| 11 – 15 years | 25% | 75% |
| 16- 20 years | 50% | 50% |
| 21 – 24 years | 75% | 25% |
| 25 or more years | 100% | 0% |

- d. Contributions will be invested in the Money Market, an interest bearing account, until designated otherwise. Participants will be able to choose among different investment options provided by the State Board of Investment. Assets in the account will accumulate tax-free and since payouts are used for approved health care expenses, they will remain tax-free.

4. EXEMPTION RULES

Employees may waive participation with documentation that they are:

- a. Eligible for Tri-Care
- b. A foreign national
- c. Have substantial health insurance coverage through spouse or another employer for your lifetime.

5. PLAN AMENDMENTS

With the approval of the plan by the Minnesota State Retirement Systems, this policy can be amended and/or will accept other groups every two years as allowed by statute and approved by the Fillmore County Board of Commissioners.

6. ELIGIBILITY TO USE HEALTH CARE SAVINGS ACCOUNT

Employees may use Health Care Savings Accounts for eligible expenses if they terminate employment from Fillmore County, retire, collect a disability, are on a medical leave of six months or longer or on a leave of absence of one year or longer. Participants can request payments for either one-time expenses or on-going expenses. Upon employee's death, the employee's spouse and legal dependents continue to use the account for health care reimbursements and the reimbursements remain tax-free. If the employee has no spouse or dependents, the designated beneficiaries will receive taxable reimbursement for the remaining account balance when used for eligible medical expenses.

7. FEES

Administrative fees are deducted from each participant's account. For up to date percentage rates and caps, contact the Minnesota State Retirement Association.

NOTE: Plan details are provided for information only. State and Federal Laws supersede plan Information.

The Fillmore County Early Retirement Incentive Program (ERIP) is designed to provide employees who wish to retire prior to being eligible for Medicare an option to do so by offering some extra financial incentive. This program is also intended to aid the County in reducing expenditures in order to respond in part to budget challenges. Participation in the ERIP is completely voluntary.

Eligibility Requirements

An employee is eligible to participate in the ERIP if the employee:

1. Is a current full-time employee. Temporary employees, interns, seasonal employees, elected officials and student workers are not eligible;
2. Is not 65 years of age or older as of the date of retirement;
3. Meets age and service requirements necessary to be eligible for PERA Retirement benefits
4. Has accrued at least 8 years of service with Fillmore County; and
5. Voluntarily retires.

Incentive Payments

The County will offer, within the parameters allowable under MN Statute 465.720, to employees meeting all the above eligibility requirements one of the following options:

1. One month of paid single health insurance coverage for each completed year of service with Fillmore County. This amount shall not exceed 24 months of coverage or until the employee turns 65 years of age, whichever comes first. The health insurance coverage provided shall be equivalent to the current lowest cost health plan offered to active employees, less appropriate payroll deductions and subject to all applicable withholdings. If the employee wishes to retain coverage whose cost is greater than the lowest cost plan, the employee is responsible for paying the difference in premium costs.
2. \$350.00 per month for each completed year of service with Fillmore County. This amount shall not be less than 8 months of coverage and shall not exceed 24 months or until the employee turns 65 years of age, whichever comes first. These funds would be deposited monthly into the employee's post-employment Health Retirement Account to use for the payment of applicable medical expenses.

Factors to Consider

The ERIP may be of value to you if you carefully evaluate your individual circumstances and then decide if it is right for you. Every employee's personal situation is unique. Only you can decide if the benefits and advantages of the ERIP offer outweigh any disadvantages of leaving County employment.

The County cannot advise you as to whether leaving County employment through the Early Retirement Incentive Program makes sense for you. Talk to your family, legal advisor, financial advisor, and/or other advisor(s). Only you can make this decision. It is the employee's responsibility to provide intent to participate in the program.

Authority

Fillmore County may alter or discontinue this program at any time through a vote of the County Board.

CONFLICT RESOLUTION (5.00)

Section 5.01 DISCIPLINE

Date Approved by the County Board: May 11, 2021
Supersedes Policy Dated: December 12, 2017

Policy Statement

Employees are expected to maintain high standards of cooperation, efficiency and integrity in their work with the County. If an employee's conduct fails to meet standards, the employee may be subject to disciplinary action.

The County recognizes that even with well-defined rules, policies and regulations, employees may deviate from normal patterns. It is the intent of the County to correct, train or instruct employees to follow and adhere to reasonable and practical rules of conduct with discipline being the last resort, used only when all other corrective measures fail. It is also the intent of the County to administer discipline fairly and reasonably, and to require employees to follow and adhere to reasonable and practical rules of conduct.

Nothing in this policy shall be construed as altering the at-will nature of the employment relationship.

Examples of Conduct Warranting Discipline/Discharge

1. The following actions are considered violations of County rules of conduct or otherwise grounds for disciplinary action. The following list is not intended to be exhaustive but rather is only illustrative of examples of misconduct subject to disciplinary action up to and including discharge:
 - a. Incompetency, inefficiency or ineffectiveness in the performance of duties as reflected in the lack of achievement of assigned workloads;
 - b. The inability, whether due to physical or mental conditions or otherwise, of the employee to perform the essential functions of their employment position following all considerations and processes as defined by the American's with Disabilities Act (ADA);
 - c. Unauthorized use of drugs or alcohol while on duty and/or excess use of drugs or alcohol while off duty which is detrimental to the performance of duties;
 - d. Hostile, insulting and/or abusive conduct or language used toward County employees and/or members of the public;
 - e. Violation of the County's policy against discrimination or harassment on the basis of protected class status, including but not limited to sex, sexual orientation, race, disability, national origin, marital or familial status, religion, age, or status with respect to public assistance.
 - f. Carelessness and/or negligence in the handling or control of County property;
 - g. Abuse of an official County position to achieve personal, political or financial gain;
 - h. Using or threatening to exert unethical pressure on any County employee or officer in securing promotion, transfer, leave of absence, increase compensation or other favors;
 - i. Engaging in outside employment that conflicts with County employment as outlined in the Outside Employment policy.
 - j. Absence from duty without approval;
 - k. Willful misconduct or insubordination;
 - l. Misuse, theft, destruction, neglect, or non-authorized use or appropriation of County equipment and supplies, including phone and computer use.
 - m. Dishonesty in performance of duties;

- n. Criminal conduct except as limited by Minn. Stat. Sec. 364 committed while working as a Fillmore County employee or off duty criminal conduct which would interfere with the employee's ability to consistently and securely perform the essential functions of their position;
- o. Failure to follow County and/or department safety rules;
- p. In the case of employees of the Sheriff's office, any criminal conduct while working for Fillmore County and any conduct as stated in MN Rules 6700 or MN Statute 626.8432 while either on or off duty;
- q. Falsifying government, client or employment records; falsely stating or falsely making claims of injury or illness; or false or inaccurate claims for reimbursement of expenses;
- r. Sale, distribution, possession, or use of drugs or alcohol on County property during working hours and/or while performing duties on behalf of the County;
- s. Being under the influence of drugs, alcohol, or controlled substances while performing duties on behalf of the County, using a County vehicle or driving on behalf of the County, or while on County premises;
- t. Neglect or refusal to follow established health, safety, or security policy rules or regulations;
- u. Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including physical or verbal abuse;
- v. Gambling on County property or using County equipment or resources which interferes with the effective and professional performance of duties;
- w. Possession of weapons on County property unless authorized by County policy or statute;
- x. Sleeping during work time;
- y. Allowing visitors into unauthorized County offices and locations;
- z. Violation of attendance and punctuality guidelines;
- aa. Performing work for outside organizations on County time unless specifically authorized as part of the employee's duties for the County;
- bb. Unauthorized disclosure of private or confidential data;
- cc. Violation of provisions of agreements such as Performance Improvement Plans (PIP) or other similar agreements;
- dd. Violation of any personnel policy set forth in this policy manual or as adopted by the County Board;
- ee. Failure or refusal to follow a lawful directive of a supervisor or to comply with department program regulations, policies, procedures;
- ff. Violation of any personnel policy set forth in this policy manual or as adopted by the County Board; any conduct which, in the discretion of the County, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

The above list is not all inclusive, disciplinary action may be taken for any reasons at the determination of the County, at its discretion.

- 2. The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable County policies and procedures as well as local, state or federal laws and regulations.
- 3. It is the responsibility of each supervisor and department head to thoroughly evaluate the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

Administrative Leave with Pay - At the discretion of the County Personnel Committee, an employee of the County may be placed on administrative leave with pay and benefits pending investigation of allegations of misconduct. Such

suspension is not a disciplinary action and shall not be subject to appeal. If the charges are not sustained, the employee will be restored to duty.

Range of Disciplinary Actions:

Any one or more of the following disciplinary actions may be imposed, based upon the nature and severity of the conduct. The listing does not imply a sequence of events. All disciplinary actions shall be documented and placed in the employee's personnel file.

- A. **Preventative Discipline** - This type of discipline attempts to anticipate possible situations which might require disciplinary action, and prevent them from happening. These situations may be prevented by orienting the employee to rules and regulations, and by working with the employee in areas of job performance. It is imperative that the employee knows what is expected of them. A routine employee performance appraisal affords the employee and the Department Head/Supervisor an opportunity to define job expectations and discuss performance on a regular basis. However issues with employment should not wait for the performance appraisal, but should be handled at the time of the occurrence.
- B. **Progressive Discipline** - Attempts to improve employee performance or conduct by assigning a disciplinary action appropriate to the offense. If, after the initial disciplinary action(s), employee performance or conduct has not improved, disciplinary action of greater severity may need to be administered. This is a "corrective" approach, not a "punitive" approach, to discipline problems.
- C. **Verbal Reprimand** - This type of discipline is used for infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. Supervisors will inform the employee that the supervisor is issuing a verbal reprimand, and that the employee is being given an opportunity to correct the condition.

If the condition is not corrected, the employee will be subject to more severe disciplinary action.

- D. **Written Warning/Reprimand** - this notice will be issued in the event the employee continues to disregard a verbal reprimand or if the infraction is serious enough to warrant a written reprimand in the employee's personnel file.

The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.

- E. **Suspension** - An employee will be suspended without pay when the offense is of a significant enough nature to warrant more than a reprimand, but when the specific incident does not warrant immediate discharge or the course of conduct and the employee's overall performance and history does not warrant immediate discharge. A written suspension will be issued to the employee and placed in the employee's personnel file documenting the basis of the disciplinary action, and the length of the suspension and what corrective action must be taken by the employee to avoid further discipline.

The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.

- F. **Demotion** - Demotion may be used in those instances where an employee has been promoted to a position where they are unwilling or unable to perform the responsibilities of that position. Demotion is not to be used as a substitute for discharge, when discharge is warranted. A written demotion notice will be issued to the employee and placed in the employee's personnel file documenting the basis of the demotion. An employee demoted to a lower position due to discipline will receive the pay at the lower demoted grade.

The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.

- G. **Discharge** - Discharge may occur as a result of some improper action or lack of ability to perform a job which is detrimental to the interest of the County. An employee may also be discharged after repeated offenses of a less serious nature. The County may immediately remove any employee from the job site following discharge. A written discharge notice will be issued to the employee and placed in the employee's personnel file documenting the basis of the discharge. The discharge will be approved by the County Board. In the case of honorably discharged veterans who have completed their probationary periods, a Notice of Proposed Termination shall be served on the veteran in compliance with the provisions of the Veterans Preference Act.

NOTE: Any employee who is absent from work for three (3) consecutive full shifts without any notification to their Department Head or Supervisor may be dismissed from employment and considered by Fillmore County to have resigned from their position.

Disciplinary Procedures:

- A. Responsibility for initiating and administering disciplinary action lies with Department Heads.
- B. An incident that may be subject to disciplinary action shall be investigated at the earliest possible date.
- C. Proposed written reprimands, suspensions, and discharges will be discussed by the Department Head/Supervisor and the Administrator and Human Resources Officer. The Human Resources Officer will serve as an impartial party in determining the accuracy and completeness of the facts, the fairness of the proposed action, and the interdepartmental consistency of the disciplinary action.
- D. In cases where disciplinary action has been initiated based on allegation, and the allegation has proven false, all written items pertaining to the case shall be removed from the employee's personnel file, the employee informed of this action, and full pay received for the time suspended.
- E. Regular employees have the right to file a grievance on any disciplinary action. See Grievance policy 5.02 regarding this process.

Policy Statement

It is the policy of Fillmore County to provide employees a means of communicating with management over disagreements or disputes involving the interpretation or application of County Board approved personnel policies or any disciplinary action. The established formal procedure assures employees access to all levels of management, complete and impartial hearings, and expedient, objective resolutions to problems.

Levels of Appeal

- a. Immediate Supervisor
- b. Department Head/ Division Leader
- c. Personnel Committee
- d. County Board

Grievance Procedure

The Administrator or Human Resources Officer is responsible for monitoring all grievances filed by employees of Fillmore County. Department Heads/Division Leaders shall provide a copy of a grievance to the Administrator's office accompanied with related correspondence. It shall be the policy to process all grievances promptly and fairly. In order to facilitate the processing of employee grievances in an orderly and just manner and to provide the employee access to all levels of management and to an impartial hearing, the following procedures are to be used:

Step 1

An employee shall present the grievance in writing to their Supervisor within five (5) working days from the date the alleged grievance occurred. After an investigation, the Supervisor shall provide the employee a written response stating the reasons for action within five (5) working days. The employee's written grievance and the Supervisor's response shall be filed in the employee's personnel file. In instances when the organizational structure does not provide a level of supervision between the Department Head/Division Leader and the employee, grievances shall be presented to the Department Head/Division Leader as set forth in Step 2.

Step 2

A grievance not resolved in Step 1 may be appealed to Step 2. The original grievance document and response from the Supervisor shall be presented by the grievant to the Department Head/Division Leader within five (5) working days from the time of receiving the Supervisor's response. The Department Head/Division Leader shall investigate the grievance, discuss it with the employee (and Supervisor) and give their written answer to the employee within five (5) working days following the meeting with the employee. The employee's written grievance and copy of the written response shall be filed in the employee's personnel file.

Step 3

A grievance not resolved in Step 2 may be appealed to Step 3. The original grievance document and responses from the Supervisor and Department Head/Division Leader shall be presented by the grievant to the Personnel Committee within five (5) working days from the time of receiving the Department Head/Division Leader's response. The Personnel Committee shall thoroughly investigate the grievance and, within five (5) working days of receipt of the written grievance, submit a signed statement of findings to the employee and the Department Head. The employee's written grievance and a copy of the Personnel Committee's written response shall be filed in the employee's personnel file.

Step 4

The employee shall notify the Administrator within five (5) working days of receiving the Personnel

Committee's written response of their desire for further appeal to the County Board. The Administrator shall, within ten (10) working days, include discussion of the grievance on the agenda for the next County Board meeting. The County Board shall review all documents and findings, and conduct a hearing, submitting a written decision to all involved parties. During the investigation process, data obtained will be considered not public for purposes of data privacy. A copy of the written decision shall be filed in the employee's personnel file. The decision of the County Board shall be final. Once the final determination is reached, the information shall be classified according to Minnesota data privacy law.

Provisions to the Grievance Procedure

- a. If an employee does not present the grievance within the time periods established, the grievance shall be waived.
- b. If an employee does not appeal the grievance to the next step within the time period established, the grievance shall be settled on the basis of the last answer.
- c. If the employer representative does not answer a grievance within the time period established, the employee may consider the grievance denied and immediately appeal the grievance to the next step.
- d. The time limit in each step may be extended by mutual written agreement of the employee and the employer representative involved in the step.

Protection of Employee Rights

No employee shall be subject to harassment, reduction of employment status, benefits or pay, or loss of advancement opportunity, or other retaliation as a result of filing a grievance, participating in a grievance procedure or testifying in a grievance proceeding.

False Complaint

Knowingly filing a frivolous or false grievance is prohibited, shall constitute a violation of this policy and constitute misconduct subject to disciplinary action.

Types of Terminations

- a. Voluntary termination - resulting from resignation or retirement.
- b. Involuntary termination - due to an unsatisfactory probationary period or to substandard performance or for just cause by a non-probationary employee.
- c. Layoff - termination due to reduction of the workforce or elimination of a position.

Procedures for Termination of Employment

- a. Voluntary Termination
 1. An employee voluntarily terminating employment is required to submit to the appropriate Department Head a signed notice of resignation or retirement stating the effective date of termination (last work day).
 2. Professional, administrative, and executive employees (exempt) shall be required to submit written notice of termination not less than twenty-eight (28) calendar days prior to the effective date of termination.
 3. Clerical, technical, manual employees (non-exempt employees) shall be required to submit written notice of termination not less than fourteen (14) calendar days prior to the effective date of termination.
- b. Involuntary Termination
 1. An employee may be dismissed prior to completing the probationary period for any reason and shall be provided written notice.
 2. Suspension or dismissal is the most extreme form of disciplinary action and should be executed in accordance with the procedures established by the Discipline policy.
 3. Non-probationary employees discharged for substandard performance or just cause will be provided with a written notice of dismissal.
- c. Layoffs
 1. When a reduction in force is necessary or if one or more positions are eliminated due to lack of work, reduced workloads, budget cutting, etc., employees will be identified for layoff after evaluating the following factors:
 - a. County work requirements.
 - b. Employee's abilities, experience and skill.
 - c. Employee's potential for reassignment within the organization.
 - d. Length of service.
 2. Assuming comparable ability and background, employees with the least service should be first affected regarding general County cutbacks.
 3. Regular employees who have completed their one (1) year probation period and are laid off must be given first preference over outside applicants in returning to work for a period of one year, provided the requirements for the position are similar to the laid off employee's background.
 4. The Department Head shall give written notice to the employee on any proposed layoff:
 - a. Full-time or part-time employees who have completed their probation period must be given notice ten (10) working days before the effective date or layoff.

- b. It is recommended that full- time or part-time probationary employees also receive notice of ten (10) working days before the effective date of layoff.
- c. Temporary, intermittent or seasonal employees generally have been informed as to their anticipated termination date at the time of hire. However, it is recommended a notice be given them two (2) working days prior to the termination date.

General Procedures for all Terminations

- a. On the employee's final date of employment, all County property should be surrendered including keys, equipment, material, etc. to the Department Head with documentation placed in the employee's personnel file.
- b. Final payment of salary and separation benefits, where applicable, will be issued with the next payroll.
- c. An exit interview is to be conducted and documented by the Administrator's Office with every employee who resigns or retires. All documentation will be included in the employee's personnel file. Questions should include:
 - 1. To learn or confirm the true reasons for resignation.
 - 2. To provide information to the employee about amounts and benefits due.
 - 3. To solicit constructive criticisms and suggestions about working conditions, employee relationships, and application of County policies.
 - 4. To determine whether the employee is to be eligible for rehire.

GENERAL POLICIES (6.00)

Section 6.01 CONFERENCES AND SEMINARS

Date Approved by the County Board: [May 11, 2021](#)

Supersedes Policy Dated: April 22, 2017

Policy Statement

It is the policy of Fillmore County that County employees should perform their tasks at maximum efficiency. Employee training through conferences and seminars are important aspects in maintaining that efficiency. County department heads are primarily responsible for approving conferences and training requests for their respective employees. Annual budgets for this training shall be approved by the County Board.

Conditions

The following rules are hereby established to provide department heads with guidelines to implement sound decisions in granting conference and training requests:

- a. Conferences and workshops must be job related and used to develop the information and skills of agency staff.
- b. Attendance will allow for making essential contacts or obtaining information which is important to the improved operations and functions of the department.
- c. Information from conferences or workshops is needed to complete or meet changes in job responsibilities because of internal or statutory changes.
- d. Each employee shall share applicable information to appropriate co-workers who may benefit from the information obtained at the conference or training session.
- e. With the many conferences and training sessions that are available the department head should carefully consider each request so that the time away from their County job is well spent and educational.
- f. Attendance at these sessions must have prior approval of the department head.
- g. Overnight conferences or seminars must be approved by the County Board in advance through submission of annual departmental budgets and itemized lists of planned staff conferences and training sessions and on an as needed basis for unforeseen training opportunities.
- h. Out-of-State training which requires an overnight stay must be approved by the County Board in advance. Information about training participation for the last two years must be included with all requests. A maximum of \$500 will be allowed for mileage, flight, and lodging expenses that are not covered by registration fees unless otherwise approved by the Board in advance. The maximum does not include registration costs.
- i. A detailed voucher is required for all expenses incurred while attending an approved conference or workshop and shall be reimbursed at actual cost. If meals are provided as part of registration fees, the County will not pay for substitute meals. See Reimbursed Expenses policy for more information on what expenses are allowable.
- j. Department heads shall be responsible for keeping track of conferences and workshops that their employees attend each year. A report of conferences and workshops attended from all departments should be submitted to the Administrator by the first Thursday in December so that a report can be made to the County Board at the end of the year.

Variance

Variance from the conference and training request policy may be made by the County Board upon a showing of appropriate justification for the variance and the approval of the employee's supervisor and department head.

GENERAL PROVISIONS:

Of increasing concern to Fillmore County are the dangers of distracted driving to its employees. Numerous studies have demonstrated how the use of hand-held cell phones while driving pose a significant safety risk to motorists, their passengers and others on the road. Additionally, performing other activities while driving, also significantly decreases a driver's ability to operate a vehicle safely.

POLICY REGARDING DISTRACTED DRIVING:

It is the policy of Fillmore County that employees shall refrain from all types of distracted driving and will concentrate solely upon the safe operation of the vehicle.

CELL PHONE/ ELECTRONIC DEVICE USE

In accordance with Minnesota statute 169.475, Fillmore County bans use of a cell phone or other wireless device to compose, view or send an electronic message while operating a County vehicle or while using a County issued cell phone while operating a personal vehicle. This includes, but is not limited to, composing, reading or responding to e-mails and text messages, or accessing the World Wide Web. Employees are discouraged from using handheld cell phones while driving. Instead, Fillmore County strongly encourages employees to utilize a hands free device when talking on a cell phone while driving. Employees may be subject to disciplinary action for failure to adhere to distracted driving policy according to the Discipline policy 5.01.

There are times when employees may need to drive their personal vehicle to conduct County business and may have their own personal cell phone. During these instances, Fillmore County employees are encouraged to consider following the above policy for their safety and the safety of the general public.

Fillmore County also bans its employees from wearing headphones or earphones that are used in both ears simultaneously in accordance with Minnesota statute 169.471. This does NOT include employees who need hearing aid devices. This does not include employees who are required to wear hearing protection while operating County equipment in accordance with OSHA requirements.

ADDITIONAL TASKS

Employees are to refrain from participating in alternative activities while operating a County owned vehicle. Alternative activities include, but are not limited to: searching for items or documents, picking up fallen items, personal grooming, reading any document or material including a map, and eating while driving. If the driving employee is required to perform a task other than driving, the employee shall either 1) request a passenger perform the task for them (if applicable) or 2) pull off the road, safely stop the vehicle, then perform the task to completion before again beginning to drive.

If operating a personal vehicle for County business, the employee is encouraged to consider following the policy with regard to additional tasks as if they were operating a County vehicle.

PHYSICAL DISTRACTIONS

Employees driving County vehicles are required to be physically able to operate a vehicle safely. This includes not driving when the employee is too tired to safely drive a vehicle. Employees requiring medication which could interfere with their ability to safely drive are required to report this to their Department Head or Supervisor and request an alternate employee as a driver. Employees who are suffering from an injury or illness, which temporarily interferes with their ability to safely drive a County vehicle without distraction, are also required to report this information and request an alternate driver.

Employees operating a personal vehicle for County business are encouraged to consider following the policy with regard to physical distractions as if they were operating a County vehicle. The employee may request the use of a County vehicle with an alternate driver if they have a physical distraction which could impair their ability to drive safely.

A. GENERAL STATEMENT

Fillmore County requires all employees to have a well-groomed appearance appropriate for their specific work environment. Good personal hygiene is required of all employees. Employees are expected at all times to present a professional image to customers and the public. Clothing that reveals your cleavage, back, chest, stomach, any part of the buttocks or undergarments are not appropriate for a place of business. Acceptable personal appearance is an ongoing requirement of all employees.

B. PROFESSIONAL BUSINESS DRESS

Professional business dress and footwear is required when appearing in court and may be expected in the event of a public speaking appearance or other occasion when an employee is representing the County in a formal setting. Professional business dress consists of dress shirt and dress pants, suits, skirts or dresses.

C. APPROPRIATE DRESS

Not all types of clothing are suitable for the office. These guidelines will help employees determine what is appropriate to wear to work. Clothing that works well for the beach, yard work, exercise or sporting sessions may not be appropriate for a professional appearance at work. Any clothing that has terms or pictures that may be offensive to other employees or the public is unacceptable. Clothing that has the County logo is encouraged.

D. DEPARTMENT HEAD AUTHORITY

As departments vary in the work performed, so too does appropriate dress vary by type of work to be performed. Therefore, department heads are responsible to communicate instructions on appropriate dress to employees and to enforce these expectations uniformly.

E. UNIFORMS

Employees who are either provided a uniform by the County and/or given a uniform allowance must at all times wear, maintain and comply with the additional requirements for that specific uniform.

F. DISCIPLINE

If an employee dresses in a manner inconsistent with this policy, as determined by the supervisor or department head, the employee may be asked not to wear the inappropriate item to work again or may be sent home to change clothes (on the employee's own time). Progressive discipline may be applied if dress code policy violations continue.

Policy Background

The public has a high reliance on the integrity and accuracy of data shared from Fillmore County. Therefore, each employee is responsible for adhering to the guidelines and policies regarding the use of electronic communications. Electronic Communications means each of the County's communications systems, including but not limited to, computers, copy machines, electronic mail (e-mail), electronic files, faxes, internet, intranet, portable electronic communication devices, Web 2.0 and social networking technology. Compliance with policies will protect the accuracy, integrity and dependability of the County's electronic systems and information.

A. General Etiquette

1. County staff should be alert about their computer or terminal status and take care that unauthorized individuals cannot read or modify data through a valid system login or session. User should be aware that potentially sensitive data may be displayed on a computer screen they are using. Low-tech solutions can include anti-glare screen guards that prevent "shoulder surfing" and proper monitor placement.
2. Users should logout of computer terminals or systems if they are going to leave the computer terminal or system unattended for any period of time. Automatic logouts or password-protected screen savers should be enabled wherever practical.
3. When a user prints sensitive, proprietary or otherwise controlled information, that user should retrieve the printed material in a timely manner to ensure that it is not available for unauthorized use.
4. Staff should not make extra copies of any County or client information beyond what is required to perform official duties.

B. Appropriate Usage

Fillmore County electronic communication systems are intended for business use only. The sole exception is when employees make incidental and occasional personal use as long as such use does not interfere with an employee's performance of his or her job responsibilities or the business use of such systems by other employees. Before using these systems for business or personal use, employees must understand that any information that is created, sent, received, accessed or stored in these systems will be the property of the County and will not be private. If employees are using the electronic communication systems for non-work purposes, such use shall not violate any section of this policy or interfere with the employee's work performance. Interference with work performance or abuse shall be reported and will be grounds for discipline. All usage should be able to withstand public scrutiny without embarrassment to the County.

1. All usage shall be subject to the following:
 - a. No Privacy: Users have no expectation of privacy in using these systems. No communication using these systems should be considered confidential, private, or personal. Since records retention policies may apply to electronic communications, users should assume that even deleted items are retrievable at a later date.
 - b. Responsibility for Content: Each user is responsible for the content of all text, audio and video they send over County electronic communication device systems. All messages should contain the user's identity, and should be written in the same professional manner as any hard-copy correspondence.
 - c. Inappropriate Uses: Inappropriate uses of systems would include but are not limited to participation in illegal activities, gambling, commercial activities, working for profit or personal gain, transmitting or accessing sexually explicit, violent, abusive, profane or offensive material; using the systems to harass others or to disable other systems, creation or distribution of virus or destructive programs and distributing pirated software or stolen data.
 - d. Authority to Monitor: County owned electronic communication equipment and any and all software, data or

other information stored on County-owned equipment are the property of the County and may be monitored, read, examined, seized or confiscated as necessary. Employees should not expect that any electronic messages either sent or received, or any other electronic activities will remain personal.

- e. Password Security: Passwords should not be shared across multiple users or across multiple computer systems, unless expressly approved by Information Systems staff. Passwords will be changed periodically as determined by the password policy for each system. In general, this will be every 90 days. Users will receive prior notice that their password is about to expire so that they are provided ample opportunity to change their password if machines are shut down at least weekly. Passwords should be of sufficient complexity that they are not easily guessed. In the event of a suspected disclosure of a password, that password should be immediately changed.
- f. Virus Scanning: Virus protection software shall be installed and active at all times to prevent infection and loss of data.
- g. Public Nature of Electronic Communication: Electronic communication is a public record like any other public document. Users must understand that any communications created, received or backed up on the County's systems may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of, incorrectly, as personal and private.

2. Copy & fax Machine Usage

Personal copies, prints and facsimile transmissions made or received by an employee on county equipment will be reimbursed by the employee to the county. Cost for these actions shall be the same as is required by citizens of the public.

3. Email Usage

- a. Participation: Because each Internet e-mail user's identification includes the suffix "@co.fillmore.mn.us", it is imperative that employees not participate in news groups, chat groups, or bulletin boards where the content is not clearly related to individual responsibilities because such messages might be construed as an official Fillmore County position.
- b. Virus Scanning: Incoming messages containing file attachments may imperil County systems by importing viruses. Files or mail attachments entering the County network should always be scanned for viruses before being opened or used.
- c. Content: Be cautious of email sent and its content. E-mail messages are subject to forwarding by the recipient. Messages may be obtained as part of a court proceeding or disciplinary action.
- d. Departmental E-Mail Accounts: Departments can request and operate department-level e-mail accounts using the @co.fillmore.mn.us domain to meet legitimate business needs. Department heads who request such service shall assign a member of their staff to be the official "owner" of the account with responsibility for monitoring incoming messages. The designated owner of the account is responsible for the content of all messages sent from the account, regardless of whether the "From" e-mail address is his/her personal account address or the departmental-level account address.

4. Personal Long Distance Phone Calls

Telephone bills are subject to audit and easy to audit because they have complete information about the number, date, and time on the bill. It is not acceptable for County staff to use County land lines and County owned cell phones for long distance calls. It is illegal under Minnesota law (MN Statute 609.52) for County personnel or the public to make personal use of County funds. Therefore, it is illegal to make personal use of County owned cell phones or County land lines. The only exceptions shall be for extended or changed work assignments. Personal long distance calls shall be made on the employee's personal portable electronic device or charged to the employee's calling card.

5. Portable Electronic Communication Devices

Portable electronic communication devices serve a public service in providing employees the ability to perform, at any time and place, the job-related duties which are directly related to the governmental purposes for which the county was established. The County's Policy is to issue as few County-owned cell phones and smart cellular devices as possible and to move any employees that the County requires, as a function of their position, to have cellular communication to a taxable stipend.

Fillmore County issues cell phones and Smart Devices to employees and elected officials in a variety of work related situations. This policy recognizes that no one approach will work for all situations. It is the responsibility of department heads to assure that employees are placed into the correct categories of this policy, and that costs to the public are held to the minimum possible, and that documentation requirements are met.

a. Stipend Participation

- 1) A County employee may not receive a stipend and carry a County owned device.
- 2) Employees are not eligible for the taxable stipend program or the issuance of a County cell phone unless it is approved by their Department Head and the County Board.
- 3) An **Authorization of Taxable Stipend for Cell Phone or Smart Device** form must be on file with the Administrator's Office.
- 4) To assure that Department Heads re-evaluate the expenses at least once each year, a new enrollment form must be provided to the Administrator's Office or the stipend will be stopped. The time of the year will be determined by the contract enrollment anniversary date.
- 5) Department heads may require qualifying employees to provide proof of usage in order to determine the amount of the stipend. Allocated monthly stipends tiers are as follows:

\$15.00 Stipend:

Fillmore County may provide an electronic device stipend to employees/elected officials who, based on the roles and responsibilities of the position, need to be accessible via cell phone which is not otherwise available or provided by the County. Approval of any stipend is based upon application, recommendation by the department head and County Board approval.

\$40.00 Stipend:

Fillmore County may provide an electronic device stipend to employees/elected officials who, based on the roles and responsibilities of the position, need to be accessible via cell phone and have access to data which is not otherwise available or provided by the County. Approval of any stipend is based upon application, recommendation by the department head and County Board approval.

Stipend Rates: The County Technology Committee shall review stipend rates annually and provide a recommendation to the County Board as part of the annual meeting. The County Board shall retain the authority to set stipend rates.

- 6) No stipend may be paid while an employee is on unpaid leave or working in a telecommuting agreement.
- 7) The purchase and maintenance of the cell phone, smart device or PDA is the responsibility of the employee. Any cost involved in the purchase of insurance or extended warranties on cell phones, PDA's and smart devices is the responsibility of the employee. A cell phone, PDA or smart device is considered personal property of the employee unless the cell phone, PDA or smart device is issued by the County. The stipend that the employee receives each month is intended to also assist the employee in replacing and/or maintaining their device.

- 8) Employees participating in the County's Smart Devices Stipend Program are subject to all of the laws concerning data practices and HIPPA compliance. Participants are also required to follow all policies and practices established by Information Systems (IS) for selection and operation of equipment or their device will be disconnected from County data sources. Failure to follow relevant laws and internal policies and practices may be grounds for discipline up to and including termination.

b. County Owned Cell Phones and Smart Devices

- 1) In instances where the nature of the usage of the cell phone makes usage of a personal cell phone on county Business a security risk to the employee, the County may provide a County owned cell phone for use in the employee's duties. These cell phones may not be used for personal use. Employees assigned a County cell phone must sign an acknowledgement that no personal use will be allowed. The acknowledgement will be placed in the employee's personnel file. **(See Acknowledgement of County Policy Regarding No Use of County Assigned Cell Phones).**
- 2) The Department Heads assigning County owned cell phones to employees are responsible for auditing the usage of the phone by reviewing the call log for at least one month each year to assure that no personal usage has occurred. **(See Documentation of Audit of No Personal Use of County Assigned Cell Phones).**
- 3) Misuse of County owned cell phones by employees may be grounds for discipline up to and including termination.
- 4) Existing service contracts with cell phone service providers will be allowed to expire at the date set in their individual contract. The Department Head shall notify in advance employees who have County issued phones and arrange to either transition to a taxable stipend or to be authorized to retain the County owned plan.
- 5) The equipment owned by the County must be returned to their Department Head. The Department Head will report to the County Administrator of their inventory in the case that the equipment can be used by another County Department.

c. Web 2.0 and social networking technology

Government data that the department shares, posts and/or maintains using Web 2.0 and social media technologies are public data and subject to public access under the MN Government Data Practices Act. Employees should understand that everything they post or share in a publically available forum must not have a "not public" classification under Minnesota or federal law.

- 1) Any department contemplating use of Web 2.0 and social media technology must develop a specific social media plan that should include goals for use, establishment of one account name per department or division, identification of the target audience, procedures that will be used to manage outgoing message content and designation of one employee as responsible for the account. The plan should be developed in consultation with Data Privacy laws and must be reviewed by the County technology committee prior to implementation.
- 2) The purpose of this process is to ensure that the County is not exposed to legal or governance risks, the reputation of the County is not adversely effected, and users are able to clearly distinguish that information provided is legitimately representative of the County.

d. Public Requests for Data

Only authorized individuals should communicate to or respond to the public news media's requests for information regarding county business. Data, including document attachments, that is not public under the Government Data Practices Act should not be transmitted in clear text over the Internet.

- 1) The county may maintain public access points for information about the County and for access to County

records and information. These systems should be operated only by persons specifically authorized (and trained) to place or remove data on such a system. Release of data to the public in other formats should be carried out through authorized channels.

- 2) Due to risk to the County's electronic data system, requests for entire County email distribution lists will be filled only with paper lists. Electronic versions of all email distribution lists will not be transmitted to the public.

E. Training

New and transferred employees will receive orientation to county and departmental systems by staff and supervisors. Periodic instruction will be provided by Information Systems staff on Microsoft programs common to all or a significant number of employees.

F. Monitoring and Discipline:

- 1) It is a supervisory responsibility to oversee use and to determine if uses of electronic systems are appropriate to assigned work. Although content is not routinely monitored, it may occur internally under administrative procedures and externally under subpoena, request for public data or other legal actions, or due to unexpected absence of an employee or for other business or technical reasons.
- 2) Ultimately, responsibility for the content of a message or transmission that does not conform to these guidelines is with the individual. Non-sanctioned installations of hardware, software, and/or related components, or use of same within the County, or to gain access to County data network resources is strictly forbidden. Employees using remote wireless access will, without exception, use County defined secure remote access procedures.
- 3) Access points within the County firewall will be centrally managed by Fillmore County utilizing security protocols established by the County. End-users are expected to apply for connectivity to the appropriate department head with County provided forms prior to connectivity. Failure to adhere to County security protocols may result in immediate suspension of all remote access privileges.
- 4) The county reserves the right to treat the misuse of these resources as any other act of employment in accordance with County personnel regulations.

G. System Administration

- 1) Information Systems staff will use system administrator accounts to perform network administration and user account maintenance functions only. These individuals will use regular accounts for non-administrator functions.
- 2) System Administrators have the right and the obligation to take necessary actions to ensure the availability of the computer system that they are supporting.
- 3) Administrator passwords will not be shared, and will be changed with greater frequency than that required by these guidelines, to ensure the confidentiality of administrator accounts. Administrator level accounts clearly marked (e.g. ADMIN-LAURA) should only be used when performing duties requiring administrative access. Administrators should return to a "normal user" level when not performing administrative duties.
- 4) Passwords created for training purposes should be changed regularly and should be restricted to access from systems designated as training resources. All training systems should have passwords. Training passwords should be activated only when training is in session.

H. Personal Computer Replacement Program

Personal Computer's (PC) are on an as needed replacement basis, as recommended by Information Systems through documentation from maintenance records and the appropriate Department Head. Information Systems Staff will have the authority to replace computers on an as needed basis upon Department Head

recommendation. Public workstations will be replaced from existing stock. This program will significantly reduce down time of users and troubleshooting time by technicians and result in more efficient use of resources.

I. Leaving Employment

- 1) Voicemail: Voicemail stored on the system will be saved and access given to the supervisor for disposition and routing of existing messages. Password will be obtained and given to Department Head.
 - 2) E-mail: Internal E-Mail will be disabled immediately. As soon as practical, the former employee's name should be removed from the e-mail lists it was in.
 - 3) Internet mail: Internet mail directed to a former employee should be forwarded to the employee's supervisor for disposition upon request of the department head/supervisor.
 - 4) Network Access: Network access, including direct access from the LAN and remote network access, either through dial-up or through the Internet into the Fillmore County administrative networks, shall be stopped, at the latest, on the employee's termination of employment. Network administration requirements may be such that certain accesses need to be curtailed earlier.
 - 5) Administrative Passwords: Override and common administrative passwords must all be cycled whenever an individual who had knowledge of these passwords terminates employment.
 - 6) To maintain privacy and protect the county, unplanned terminations will result in the terminated employee's computer being immediately removed from its current work location and passwords changed. The Department Head must notify Human Resources of such action. Human Resources will then be responsible for informing the County Board and the Information Systems Department.
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General provisions:

Employees, elected officials and authorized representatives (to be further referred to collectively as "person") must possess a valid driver's license to operate a county vehicle or be reimbursed for use of a personal vehicle for official business. A copy of the license will be placed in each person's file. Persons are responsible for notifying the county of any changes in their driving status immediately.

Persons shall use the most cost effective means of transportation when traveling. The value of the persons' time shall be a factor in the decision.

Persons attending the same function should share transportation and accommodations when it is practical to do so.

Persons will sign an acknowledgement form to affirm that they understand that the receipt of reimbursement for mileage on a personal vehicle is payment for minimum insurance coverage on their personal vehicle, fuel, depreciation, and maintenance expenses during the time it is used for official business. During this time, the person's insurance will be primary and County insurance is secondary.

Persons who use a county vehicle or are reimbursed for use of their personal car for official business must provide a copy of their automobile insurance declaration page. Each person is responsible for notifying the County immediately in the event of a lapse in coverage.

Tax-exempt plates are required for County vehicles in accordance with State law.

Policy regarding County Vehicles

The following governs use of County vehicles:

1. Minnesota Statutes, Chapter 16B.55, prohibits the personal use of a County vehicle for other than authorized County business or specifically authorized commuting. This means that any other use of a County vehicle for personal benefit is strictly prohibited.
2. By statute, use of a County vehicle for commuting to and from a person's residence is also prohibited except under very limited circumstances. A County vehicle may be used by a person to travel to and from the person's residence under the following circumstances:
 - a. On a day when it may become necessary for the person to respond to a work-related emergency during hours when the person is not normally working.
 - b. If the person has been assigned the use of a County vehicle for authorized County business on an extended basis and the person's primary place of work is not the County workstation to which the person is permanently assigned.
 - c. If the person has been assigned the use of a County vehicle for authorized County business away from the work station to which the person is permanently assigned and the number of miles traveled or the time needed to conduct the business will be minimized if the person uses a County vehicle to travel to the person's residence before or after traveling to the place of County business.

Unauthorized personal use of a County vehicle may be grounds for disciplinary action.

Reservations:

Vehicles assigned to a specific department are to be reserved according to that department's procedures. Reservation information shall include, at a minimum, the name of the person reserving the vehicle, the destination, and the dates needed.

In the event reservations need to be changed, the department to whom the vehicle is assigned shall attempt to notify the responsible party for departmental vehicles no later than 4:00 p.m. on the working day preceding the proposed trip, or as soon as possible.

Record keeping:

Mileage information and the keys should be returned to the Department office upon the conclusion of the trip.

Fuel and oil:

Fuel should be obtained from the Highway department whenever possible. An identification number will be needed to refuel at Highway Department. If a refill is needed during the trip, fuel can be charged with the County credit card that can be reserved according to County policy or according to the County's reimbursed expenses policy (6.12). The vehicle should be refilled with fuel prior to its return to storage.

Parking, storage, and overnight use:

The County vehicle should be stored as directed by the Department in charge of said vehicle. A County vehicle shall only be taken home overnight if it reduces the number of miles traveled or taking the vehicle home minimizes the time needed to travel.

Cleaning and Care:

Every person using a County vehicle is responsible for keeping the interior of the vehicle in a neat and clean condition. The vehicle should be returned in the same condition as received. Wash the car and clean the interior as needed.

No tobacco use is allowed in any County vehicle.

Safety:

Vehicles shall be operated in a careful and prudent manner. A pre-operation inspection should be completed before use: tires, lights, oil, damage, and misc. No special privileges of law shall be assumed while using a county vehicle. Safety belts shall be used in accordance with law. Persons required to have a Commercial Driver's License to perform their job are required to comply with Fillmore County Drug and Alcohol policies. Using County vehicles to push or tow or jump-start other vehicles is discouraged. Any problems with a vehicle must be reported to Department Head or their designee. Any accidents shall be reported to the Department Head or their designee immediately.

Vehicle Insurance:

There are three types of vehicle ownership: 1) County-owned vehicles, 2) Personal vehicles, and 3) Short-term lease (rental) vehicle. Primary responsibility for insurance falls first upon the vehicle coverage that is in effect at the time of the accident. The second priority for coverage is any coverage in effect for the operator.

For county-owned vehicles, the county's insurance is primary and will be provided at the levels required by MN Statutes. Person's insurance would be excess coverage.

In the event that a person's personal vehicle is being used for official county business, the primary responsibility for coverage would be with the applicable policy. For person owned vehicles, the person's personal insurance policy would be the primary insurance. If the vehicle being used by the person is a borrowed vehicle, the owner's policy would be primary and the person's personal insurance would respond second. Person leased vehicles will have insurance applied in accordance to any rental agreement with the company and generally primary coverage will rest with the lease company with person's insurance becoming secondary. In all three of these person vehicle cases, the County's insurance would respond last.

Safety

Fillmore County and its employees are responsible for maintaining a safe and healthy work environment. The County shall comply with occupational safety and health standards and regulations as promulgated by federal or state statute. It is the duty of department heads to enforce/establish safety regulations and to instruct employees in accident prevention. Employees are expected to observe all County and department safety rules and report unsafe working conditions to their supervisors, department heads or member of the safety committee immediately. Suggestions regarding safety will be welcomed from all employees.

Notice of Injury to Employee

An employee injured on the job should get first aid and report the injury to their department head or supervisor immediately. The department head/supervisor shall first secure additional medical aid needed by the injured employee, and shall promptly file an accident report and First Report of Injury with the Administrator's office giving full particulars.

Notice of Injury to Public

Each employee shall report to their department head or supervisor any instance of injury to the person or property of a member of the public by a County employee or by operation of County property under their control. Employees are also expected to report to the department head any instance of injury to a member of the public arising from an incident on County property.

Public Relations

It is the duty of all department heads/supervisors to instruct their employees to deal courteously with the public. Favorable impressions created by courteous public relations develop citizen good-will and support for the employee, their department and the County as a whole. Any disposition or demeanor indicating an attitude of discourteousness toward the public will be cause for disciplinary action up to and including dismissal.

Political Activity

County employees may seek political office or participate in the campaigns of political candidates within the constraints of Minnesota law. County employees may not: solicit or receive funds for a political candidate during working hours; actively conduct a campaign during working hours; or use their authority or official influence to compel others to contribute to a campaign or become a member of an organization.

Personal Appearance

Fillmore County takes pride in its employees. Physical appearance, dress and outward action influence the image of Fillmore County government. Employees should dress appropriately for their job. Jobs involving physical labor may involve a different standard of dress than office work. Employees should refer to the County's Dress Code policy contained within this manual. Any questions on dress should be handled by an employee's department head/supervisor.

Release of News Information

When requests for information are made of County employees by members of the news media, the official response of the County shall be stated by the appropriate information officer or their designee with their approval. This provision of the Personnel Policy shall not restrict the rights of the individual employee to comment on any public matter in their capacity as a private citizen.

Conference Room Policy

Fillmore County's Conference rooms shall only be used for government related purposes and shall be scheduled through the appropriate office that is responsible for that specific conference room. Examples include, but are not limited to, court depositions, department directed meetings, city, township, or state meetings. Non-government use will not be allowed unless officially approved by the Board. Local politicians shall be allowed to use conference rooms only to provide information to the public. During a campaign, this shall be considered a violation of election laws.

Only Fillmore County employees will be allowed to use the conference rooms for wellness activities during lunch break or

after hours to promote their health and well-being. These activities are voluntary, on a first come, first served basis and participants understand that this is not part of their work assignment. Such activities will not interfere with other scheduled meetings. Employees will sign an acknowledgement that they have been instructed in emergency and security procedures and release the County from liability for their non-work-related actions. No one will be allowed to stay for wellness activities beyond the established shift for that specific building maintenance person. No overnight activities will be allowed. Exterior doors must not be propped open.

At no time will minors be left unaccompanied in the conference room or any Fillmore County facility. An adult will be responsible for opening and closing the conference room and be in attendance throughout all events/meetings. Failure to have proper supervision of minors may result in a group losing the ability to utilize the conference room for future events/meetings.

Conference rooms will be left in the same condition as prior to the meeting. Food and beverage containers shall be disposed of. The County Board will annually approve the list of groups authorized to utilize County conference rooms. No charges will normally be made for government related meetings. However, if a meeting room is not left in the manner in which it was prior to the meeting, the County will bill a minimum rate of \$100 for the cost of cleaning and/or resetting the meeting room. Failure to keep conference rooms in good condition following use may be grounds to rescind a group's ability to utilize the conference rooms in the future.

Solicitation on Premises

In order to prevent disruptions in County operations persons not employed by the County may not solicit or distribute materials on County property without authorization from the Administrator. Employees may not solicit or distribute materials during working time or in working areas.

Veteran's Preference

Veteran's policy of Fillmore County shall be in compliance with Minnesota Statutes that regulate Veteran's Preference for County civil service. Our State Statutes recognize that military service, training, and experience are qualifications of merit that cannot be assessed by examination alone. Therefore, veterans are granted additional points and preference ahead of other eligible non-veterans with the same examination ratings. This preference is in compliance with Minnesota Statute 197.455.

Policy Statement

Fillmore County takes a strong stance in creating and promoting a safe and respectful working environment for all of its employees, with zero tolerance for any acts of harassment or violence, including workplace bullying. Employees are expected to treat co-workers, supervisors, subordinates, and the public respectfully and to refrain from acts or comments that incite or constitute harassment or violence. Fillmore County strives to foster an environment where employees and the public can conduct their business free from fear.

Definitions

For the purposes of this policy, harassment is defined as any unwelcome conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law, which includes an individual's race, color, gender, ethnic or national origin, age, religion, disability, marital status, sexual orientation, gender identity, or other characteristic protected by law. A conduct is unwelcome if the employee did not solicit, instigate or provoke it, and the employee regarded the conduct as undesirable or offensive.

Violence is the threatened or actual use of force against a person or group that either results or is likely to result in injury, death, emotional damage, or coerced behavior. Workplace violence is an act of aggression, physical assault, or threatening behavior that occurs in a work setting and causes physical or emotional harm to customers, coworkers, or managers. Workplace violence also includes acts of sabotage on work-site property.

Workplace bullying is persistent, aggressive or unreasonable behavior by an individual or group against a co-worker or subordinate. By definition, workplace bullying is not incivility, simple rudeness, or the routine exercise of acceptable managerial prerogative.

Covered Actions/Behaviors

The following list of actions and behaviors are in violation of this policy:

- Conduct which is threatening, humiliating or intimidating
- Threatening/hostile acts, both verbal and physical
- Stalking
- Sexual harassment (See Sexual Harassment Policy)
- Assault
- Property damage, including vandalism
- Possession/use of a weapon at the workplace (with the exception of Law Enforcement)
- Verbal/ written statements, violent comments, gestures, emails or expressions that communicate a direct or indirect threat of an individual's physical safety
- Offensive statements, either verbal or written, toward another with regard to a protected trait
- Repeated remarks or actions toward an individual or group which creates a hostile work environment
- Work interference or sabotage which prevents work from getting done
- Exploitation of a known psychological or physical vulnerability

Note: the above list is not all-inclusive; **ANY** behavior that has the purpose or effect of creating an unsafe, intimidating, hostile, or offensive work environment is considered a violation of this policy and will be subject to disciplinary action up to and including termination.

Supportive Services

Fillmore County's goal is to reduce the potential for harassment, violence and bullying by providing an environment and support conducive to the health and well-being of its employees. As part of this effort, employees are encouraged to utilize the confidential services available through the Employee Assistance Program (EAP) including those designed to help deal with any issues related to workplace or family violence, stress, or anger issues.

Reporting Procedure

Situations that are dangerous or life threatening should be reported immediately by dialing 911.

Any employee who believes they have been subjected to harassment, workplace violence or bullying should promptly file a complaint with his or her:

1. Immediate Supervisor, or
2. Department Head, or
3. Administrator or Human Resources Officer, or
4. A County Board member.

All claims of harassment, workplace violence or bullying will be investigated.

Retaliation

Any acts of retaliation against one, who in good faith, brings a complaint alleging workplace violence, harassment or bullying; or who in good faith participates in the investigation of a complaint pursuant to this policy, is prohibited. Retaliation shall constitute misconduct subject to disciplinary action.

False Complaint

Knowingly filing a false harassment, workplace violence or bullying complaint is prohibited, shall constitute a violation of this policy and constitute misconduct subject to disciplinary action.

Confidentiality

Information received and records generated during the course of an investigation into a complaint of harassment, workplace violence or bullying are considered not public data in accordance with the Minnesota Data Practices Act. Once the investigation is completed, and a final determination reached, the information will be classified in accordance with said Act.

Medical information, if any, received or obtained will be protected pursuant to the Health Information Portability and Accountability Act (HIPAA) whenever appropriate.

A. PURPOSE

Fillmore County will issue a county photographic identification (ID) card affirming individuals as a Fillmore County employee or volunteer of the County. The purpose of the Identification Card Policy is:

- To enhance the County's mission of providing high quality public service
- To provide a consistent, standardized method of identification
- To provide a safe environment for the public to conduct business
- To provide an additional means of establishing a safe work place for employees

B. PROCEDURES

Identification cards are and will remain the property of Fillmore County and their use will be governed by the county and at its sole discretion. Identification cards will be provided by the County and will include a photo, name, and the department/division in which the person works. A card format may vary slightly by department based on safety and privacy needs. Variations of the ID card by department must be minimal to maintain conformity and must be within the capabilities of the ID card computer program used.

1. DISPLAYING ID CARDS

All County employees, volunteers and employees of an agency housed in a county owned or operated facility are required to display the identification card provided by the County prominently while on the job or on any County property except as noted in exceptions.

Employees should wear their photo ID when hosting or appearing at County functions or community events, especially if it is important to draw attention to the County's participation or attendance. Employees may use judgment in deciding whether to wear their photo ID while conducting official business that is not on County property if anonymity is a consideration or if outside the County.

2. EXCEPTIONS

At the discretion of the Department Head, certain employees will not be required to display the ID card while performing certain job tasks. Example would include but not be limited to:

- An employee whose safety would be put at risk by the wearing of an ID card
- An employee who is wearing a uniform with Fillmore County markings and bears the name of the employee on it.
- An employee who works in a capacity that would automatically exempt the employee, such as an under-cover law enforcement officer.

C. ISSUANCE OF EMPLOYEE ID CARDS

All employees of Fillmore County, volunteers and employees of an agency housed in a county owned or operated facility will be issued a photographic identification card. No sunglasses or hats may be worn for the ID pictures with the exception of the religiously required head coverings that may be worn, but must be back on the head so that it does not obscure the face. ID cards will be issued with a clip or break-away chain. All ID cards will be made at the Administrator's Office. No other location is authorized to make Fillmore County ID cards.

1. NEW HIRES

The Human Resources Officer will be responsible for authorizing and issuing an ID card to each employee at the time of their initial hire orientation.

2. VOLUNTEERS

Volunteers: Volunteers shall be issued a "Volunteer" ID that should be displayed at all times while at a County facility. This ID will use a different background than employee cards and may be printed on paper if only for a short duration. The word "VOLUNTEER" will be displayed in bold print. There may be some volunteer categories that should have specific designations written on the card, e.g. Citizen Core Council; C.E.R.T., Medical Reserve

Corp., etc. The volunteer's supervisor will request a temporary badge by completing the Photo ID Authorization Form.

3. AGENCIES HOUSED IN FILLMORE COUNTY OWNED OR OPERATED FACILITIES

Employees of agencies housed in Fillmore County owned or operated facilities shall be issued an ID card by the county unless they have a photographic ID to display that is from another state or county agency, and is less than five years old.

4. REPLACEMENTS

ID cards do not expire. A new card will be issued when an employee changes their name, department, or a card is lost or stolen. A lost or misplaced ID is to be immediately reported to the employee's supervisor who will notify the Administrator's Office. All lost ID cards will be recorded and inactivated in the employee ID card database. Employees with ID cards may request a new card using a Photo ID Authorization Form.

Fillmore County ID cards are invalidated upon separation of employment and must be returned to the County along with other County property. Employees shall surrender the ID card to their supervisor or Human Resource Officer upon termination of employment, or when requested. The card will be sent to the Administrator's Office who will ensure that the card is invalidated in the employee ID card database.

D. EMPLOYEE, VOLUNTEER & EMPLOYEES OF HOUSED AGENCIES RESPONSIBILITIES

Those issued ID Cards will:

- Wear their Photo ID card in plain view, above the waist, so it is observable under normal conditions.
 - Protect their ID card against loss, theft, or unauthorized use;
 - Maintain the card in good condition, avoiding contact with surfaces that can scratch or cause accelerated wear;
 - Will not trim, fold, mark, or otherwise deface or alter the card in any way that would change the original appearance of the card or cover any portion of the card;
 - Not loan the card to another person for any reason, and not use another person's card for any purpose; and only use the card for official county business;
 - Immediately report the loss, theft, unauthorized use, or recovery of a lost or stolen ID card to their immediate supervisor, turn over any recovered or found card to their supervisor immediately; and
 - Return the Photo ID card to their supervisor or Human Resource Officer if leaving County employment, transferring to a different department, beginning an extended leave of absence or upon the request of management.
 - Report any work conditions to their supervisor that may make wearing the ID card hazardous.
 - Violations of any of the above-listed rules may result in corrective action up to, and including, termination.
-

A. PURPOSE

It is the purpose of this policy to establish procedures which will serve as a guide concerning activities for Fillmore County employees. Such policies will also provide for uniform and consistent treatment of all employees.

B. POLICY

Employees who use their personal vehicles for County business shall be reimbursed at the rate set annual by the County Board for the use of their private vehicles. A request form must be submitted for mileage reimbursement in accordance with the Reimbursed Expenses policy and approved by the appropriate supervisor(s) before being paid.

1. HOME TO WORK / WORK TO HOME TRAVEL

An employee who travels from home before the regular workday and returns to their home at the end of the workday is engaged in ordinary home to work travel, which is a normal incident of employment. This is true whether the employee works at a fixed location or at different job sites. *See 29 CFR 785.35*

Exception: If mileage to the first visit/appointment exceeds mileage from the employee's home to their respective Fillmore County work site (hereafter work site), or if mileage from the last visit/appointment to the employee's home exceeds the mileage to the work site, the difference will be reimbursed.

Example: If the work site is 10 miles from the employee's home and the first visit/appointment is 32 miles from the employee's home, 22 miles will be eligible for reimbursement.

2. TRAVEL DURING THE WORKDAY

Travel time spent by an employee as part of their principal activity, such as travel from visit/appointment to the next visit/appointment during the workday, is work time and must be counted as hours worked. Miles accrued during this time is eligible for reimbursement.

3. OTHER TRAVEL

In order to receive job-related training, an employee may be required to travel to another city or outside of the County in order to attend lectures, training sessions and/or courses of instruction. When the training is required and/or approved by the employee's Supervisor, mileage and travel time will be reimbursed from the employee's home to the training or from the work site to the training, whichever is closer. *See 29 CFR 785.38*

4. MANDATORY STAFF TRAINING AND MEETINGS

When employees are required to attend a mandatory staff meeting or training session, such staff meeting or training session will be regarded as being the same as any other travel and will be paid according to the provisions outlined above.

Example: If a mandatory staff meeting is scheduled for the end of an employee's normally scheduled work day, they will be paid mileage and travel time from their last appointment to the location of the staff meeting. For compensation and mileage purposes, their work day will end at the completion of the staff meeting.

If the same meeting is scheduled for the beginning of the work day, the time and mileage from home to the work site is not compensable time or mileage. Upon completion of the training, if the employee travels to a visit/appointment, their time and mileage is compensable.

A. PURPOSE

This policy sets standards for evaluation, acquisition, and installation of approved County-Furnished Appliances at Fillmore County workplace facilities, and it provides standards for Employee-Furnished or manager approved appliances in the workplace. This policy applies to all Fillmore County workplaces, including Fillmore County offices and Fillmore County facilities.

B. DEFINITIONS

Appliance refers to any item that requires an electrical connection or a power source for operation, including permanent fixtures and temporary devices, other than general electronics such as personal computers (PC's), monitors, printers, and related technology items.

County-Furnished Appliances include large commodities such as refrigerators, microwaves, space heaters, coffee services, and personal appliances, such as fans, task lights, or special accommodations that are approved and installed through the Department Head and/or the Facilities Committee, and/or the Fillmore County Board.

Employee-Furnished Appliances are devices brought into the Fillmore County workplace by employees, such as coffee pots, radios, lamps, clocks, fans, etc. (Note: Not all appliances are acceptable for installation.)

C. RESPONSIBILITY

1. The Fillmore County Board, Labor Management Safety Committee, Maintenance Department, or any Department Head, may require the removal of unauthorized Appliances, subject to these responsibilities and procedural guidelines.
2. The Maintenance Department is responsible for providing a safe physical environment for all employees and for the review, acquisition, funding, installation, and oversight of approved County-Furnished Appliances at Fillmore County work sites. Maintenance provides guidance regarding the appropriateness of any Appliance in question.
3. The Labor Management Safety Committee and Department Heads are responsible to review and determine the appropriateness of any Employee-Furnished Appliance in the workplace, and they assume responsibility for safety compliance.
4. Employees must acquire their Department Head's permission in advance of installation for any Appliance they bring into the workplace. Employees who have unauthorized Appliances will be asked to remove them from the Fillmore County facility.

D. PROCEDURES

Refer to the Table of Appliances

1. County-Furnished Appliances (Category 1, Department Heads and/or the Facilities Committee, and/or the Fillmore County Board will evaluate requests for County-Furnished Appliances on a case-by-case basis. County furnished microwave ovens, toasters, refrigerators, or coffee services may be provided in designated refreshment areas. Appliances may be placed at locations, where employees work overtime or have irregular duty hours, and where nearby food facilities are closed during that time. County-Furnished Appliances may also include fans, space heaters, and task lights. These appliances will meet OSHA standards and be Underwriters Laboratory (UL) listed. Installation of these Appliances is generally approved once other adjustments to the physical work environment have been reviewed by the Maintenance Department. A request for the Appliance must be in support of the employees' physical well-being. Department Heads may evaluate the use of an Appliance after installation. Awareness of continued employee concerns or complaints may indicate other conditions, such as potential health issues that may need to be considered.

2. Acceptable Employee-Furnished Appliances (Category 2), Department Heads assume responsibility for any Appliance approved for use in the workplace. Small personal Appliances must comply with OSHA safety standards, be (UL) listed and must not pose potential disruptions to the workplace, such as interference with lighting or building power, noise pollution, and/or possible odors generated from stagnant water, lack of cleaning, etc.
3. Employee-Furnished Appliances NOT acceptable for installation in the workplace (Category 3, Appliances in Category 3 of the attached table are not approved for installation in the Fillmore County workplace. Items such as personal coffee pots, electric coolers, grills, griddles, hot plates, small refrigerators, toaster ovens, fish tanks and water fountains may cause safety hazards, significant noise pollution, or potential water damage. Cumulative use of these items may cause overload on certain building electrical systems and trigger outages. Any consideration of a Category 3-Appliance requires specific detailed justification and approval of the County Board. Any exception based on medical reasons for placement of unauthorized Appliances must be approved by the Fillmore County Personnel Committee as reasonable accommodation.

E. TABLE OF APPLIANCES

| Category 1: County-Furnished Appliances <i>Appliance should meet Energy Star® Standards. Website:</i> http://www.energystar.gov/index.cfm?c=bulk_purchasing.bus_purchasing | |
|--|---|
| Type | General Criteria/Issues |
| Coffee Services | Approved services may include coffee pots installed in designated common areas or break rooms. |
| Fans | Installed if Maintenance Department Hot/Cold inspections warrant. Issue based on case-by-case assessment. (External devices may interfere with HVAC balance and are not recommended due to high-energy demand.) |
| Microwaves | Approval based on employee access to local food services, and space availability. |
| Refrigerators | Approval based on availability/access to local food services, and space availability. |
| Space Heaters | Installed if Maintenance Department Hot/Cold inspections warrant. Issue based on case-by-case assessment. (External devices may interfere with HVAC balance. Not recommended due to energy demand.) |
| Task Lights | Approved if workstation adjustments are inadequate to serve need. |
| Toasters | Approval based on availability/access to local food services, and space availability. |

| Category 2: Employee-Furnished Appliances (Department Head Approved) Appliance must meet basic safety standards, including UL listed if electrical. | |
|--|--|
| Type of Appliance | General Criteria/Issues |
| Clocks | Acceptable if UL listed |
| Fans | Acceptable if UL listed and three pronged |
| Lamps | Acceptable if UL listed |
| Radios | Acceptable if UL listed |
| Other | Check with Maintenance Department regarding any and all other electrical devices brought into the workplace. |

| Category 3: Appliances <u>Not Approved</u> for Personal Use in Fillmore County Facilities | |
|---|--|
| Type of Appliance | General Criteria/Issues |
| Aquariums/Fish Tanks | |
| Heat Creating Devices not listed in Category 2 | This could include devices such as candle warmers |
| Coffee Pots | Personal/Individual use in employee workstation is not acceptable |
| Coolers and Small Refrigerators | (Exception must be in keeping with ADAs Reasonable Accommodation) |
| Hot Plates/Griddles/Pop-Corn Makers | Check with Maintenance Department regarding any and all other electrical devices brought into the workplace. |
| Space Heaters | Any device brought into the workplace by an employee.—See Accepted Issue, Category 1 |
| Toaster Ovens | |
| Other | Check with Maintenance Department regarding any and all other electrical devices brought into the workplace |

Scope

This policy applies to any Fillmore County officer or employee otherwise authorized in accordance with Minnesota Statutes §375.171, 471.38, and 375.12 to make a purchase on behalf of the county.

Policy

Fillmore County adopts this policy on credit card use for its officers and employees who are authorized to make purchases on behalf of the County. Individuals included are current Fillmore County elected officials, Department Heads and their designees. The credit limit for a credit card shall not exceed \$5,000.00.

The preferred method of payment is direct billing by vendor. Credit card use is allowable only when invoicing is not available or would result in additional fees. Approved purchases are County expenses incurred in the normal course of County business. Under no circumstance is personal use of a Fillmore County credit card allowed.

A purchase by credit card must otherwise comply with all statutes, rules or County policies applicable to County purchases. The Fillmore County Board of Commissioners will approve all disbursements either by resolution or by Commissioners' warrants. The County Board or a department head may, at any time and without notice cancel credit card use authorization for any of their designees.

Procedure

Each cardholder will be issued a separate account number; however, all account numbers are collectively, the property of Fillmore County. Designated staff shall receive authorization for use of credit cards from the Department Head prior to the use of the credit card through established internal procedures.

Applicable purchases may include airfare, lodging, meals, car rental, fuel for a county owned vehicle, conference/meeting expenses, data processing supplies or equipment purchased via internet and other approved departmental expenses for County business. If a County officer or employee makes a purchase by credit card that is not approved by the County Board in accordance with purchasing policies, the officer or employee is personally liable for the amount of the purchase. Taxable meals are NOT an allowable expense through the use of the credit card. Taxable meals are those meals purchased by the employee while at a one-day meeting where no overnight travel is needed. Such meals require that federal and state tax be deducted and requests must be submitted through payroll.

Receipts and/or back-up material must be provided for all credit card purchases. The Department Head will compile all supporting documentation including original receipts for purchases made with a credit card and submit them along with the completed, signed, and approved voucher requesting payment to the credit card company. All charges will be verified in the normal course of reviewing bills for payment.

Payments to the credit card company shall be made in a timely manner to avoid finance and/or late payment charges. Late payment or finance charges shall be the responsibility of the person(s) causing the late payment and cannot be paid from departmental county funds. Lost receipts where no duplicate receipt is available will be the responsibility of the individual(s) who made the purchase(s).

If a Fillmore County credit card is lost or stolen, it must be reported to the Department Head as soon as possible so the card can be cancelled. In the event the Department Head is unavailable the employee should call their immediate supervisor, the Finance Director or the Administrator to report the loss.

Any deviation from this policy may be grounds for discipline up to and including termination of employment from Fillmore County.

Policy Statement

It is the policy of the County to reimburse employees, officials and authorized representatives for actual expenses incurred while conducting County business. Receipts are required for all reimbursable expenses except mileage. Employees who will be using their private vehicles for County business are required to provide proof of liability insurance on vehicle(s) used for work and agree to notify the County of any lapse of coverage.

Allowable Expenses

- a. All use of private vehicles for approved County business shall be reimbursed at the rate per mile set by the County Board at its annual meeting.
- b. The County shall pay the actual cost of meals, not to exceed \$45.00 per day, including tips, when business is conducted outside the County. There will be no reimbursement for alcohol.
 1. To be eligible for breakfast reimbursement, the representative must need to leave prior to 6:00 a.m. To be eligible for dinner allowance, the representative must be unable to reach home prior to 6:00 p.m.
 2. The County shall pay the billed rate for meals when provided as part of a seminar or conference.
- c. The County shall pay the actual cost of lodging when the representative is required to stay away from home in the performance of their duties for the County.
- d. Parking and other authorized miscellaneous expenses incurred while on County business shall be reimbursed at actual cost.
- e. The County shall pay the per diem rate set at the annual meeting, at a rate of one per day, for meetings attended by officials and authorized representatives, other than employees, who are appointed members of County committees or commissions by the County Board.

Guidelines

- a. Employees, officials and authorized representatives shall submit an expense sheet and receipts to verify expenses. Receipts are required for all lodging, meals, and for any other expenses except mileage. Other information requirements are dates, beginning and ending locations of travel, a brief description of what the travel was for, and the number of miles actually driven or reimbursable.
 - b. The Department Head shall approve all expenses claimed by employees before they are submitted for payment. The Administrator or Finance Director shall approve one another's expense claims and all travel expenses claimed by Department Heads.
 - c. Bills are considered for payment the first, second, and fourth Tuesdays. Bills are due by 10:00 a.m. each Wednesday.
 - d. Reimbursement claims for expenditures should be turned in monthly for payment. Claims received in excess of sixty (60) days from date will not be paid.
 - e. Employees shall use the most cost effective means of transportation when traveling. The value of the employee's time shall be a determining factor in the decision.
 - f. Employees attending the same function should share transportation and accommodations when it is practical to do so.
-

Policy Statement

It is the policy of Fillmore County to maintain a work environment free of sexual harassment, a form of sex discrimination in employment prohibited by Section 703 of Title VII of the Civil Rights Act of 1964; as amended in 1972, 1982, or later. Sexual harassment as defined by Minnesota Statute 363.01, subdivision 10a, is unacceptable and will not be permitted with Fillmore County maintaining zero tolerance for any such behavior. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action up to and including termination.

Definition

Harassment based on sex, pregnancy, childbirth, sexual orientation, and related medical conditions are considered sexual harassment under Title VII. The federal government definition of sexual harassment states that:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature constitute sexual harassment when:

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

Forms of Sexual Harassment

Sexual harassment may include such actions as:

- a. Sex-oriented verbal kidding, or abuse;
- b. Subtle or overt pressure for sexual activity;
- c. Physical contacts such as patting, pinching, or constant brushing against another's body;
- d. Demands for sexual favors which affect an individual's employment status or consideration.

Department Head/Supervisor's Responsibility

Department Heads and Supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall:

- a. Establish and maintain a climate in the work place which encourages employees to communicate questions or concerns regarding the policy;
- b. Recognize incidents of sexual harassment and take immediate corrective action to eliminate such incidents;
- c. Document in writing any reports or complaints by an employee concerning sexual harassment;
- d. Allow the employee to provide a written description of the incident of sexual harassment;

- e. Notify the Administrator or Human Resources Officer immediately in the event of sexual harassment allegations so that consistent investigative procedures may be implemented.

Administrator or Human Resources Officer Responsibility

The Administrator or Human Resources Officer is responsible for:

- a. Ensuring that Department Heads and Supervisors are fully aware of their obligation under this policy;
- b. Informing employees of the County's policy regarding sexual harassment;
- c. Consulting with the County Attorney, initiating investigations based on sexual harassment allegations and ensuring that appropriate disciplinary action is consistently and fairly administered.

Procedure

- a. Any employee who believes they have been subjected to sexual harassment should promptly file a complaint with his or her:
 - 1. Immediate Supervisor, or
 - 2. Department Head, or
 - 3. Administrator or Human Resources Officer, or
 - 4. A County Board member.
- b. The County will not tolerate any retaliation or intimidation directed toward the complaining party as a result of such complaint.

Rights

This policy is not intended to deny the right of any individual who feels he/she has been sexually harassed to pursue a union grievance, or to contact government enforcement agencies or to any other person(s) deemed appropriate.

Discipline

The Fillmore County Board of Commissioners considers sexual harassment a serious workplace offense subject to extreme disciplinary measures. Such measures are outlined in Policy 5.01 of these policies and may include oral or written reprimand, suspensions without pay, or possible termination of the offending employee.

A. Purpose

The Fillmore County Board of Commissioners is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Smoking, tobacco use, and exposure to second-hand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and purposefully mimic the act of smoking. They produce a vapor of undetermined and potentially harmful substances and typically contain nicotine derived from tobacco, which is a highly addictive substance. Their use in locations where smoking is prohibited creates concern and confusion and makes policy enforcement more difficult.

The Fillmore County Board believes the use of tobacco products, including electronic delivery devices, on County property is detrimental to the health and safety of its employees, residents, clients, and other visitors.

B. Definitions

“All times” means 24 hours a day, seven days a week.

“Electronic Delivery Device” means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

“Smoking” means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

“Employee” means any person employed by **Fillmore County** in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by Fillmore County, or any person working on a volunteer basis. The term includes, but is not limited to: elected and appointed officials, personnel, contractors, consultants, and vendors.

“Tobacco Product” means any product containing, made, derived from tobacco that is intended for human consumption, whether chewed, smoked, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

“Tobacco Use” means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices.

“Visitor” means any person subject to this policy who is not an employee of Fillmore County.

C. Policy

The sale and use of tobacco products and electronic delivery devices is prohibited at all times in or on the **Fillmore County Office Building** or grounds, located at 902 Houston Street NW, Preston, MN.

There are no areas designated for tobacco use at the **Fillmore County Office Building** property.

D. Applicability

This policy applies to all visitors and Fillmore County employees on the **Fillmore County Office Building** property.

Organizers and attendees at public or private events on the **Fillmore County Office Building** property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

This policy also applies to private vehicles parked on **Fillmore County Office Building** parking lots.

E. Exceptions

It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

It is not a violation of this policy for a Native American to use tobacco on County property as part of a traditional Native American spiritual or cultural ceremony. Approval from County administration must be requested and received prior to the ceremony.

F. Dissemination

Signage will be posted at strategic locations to notify employees and visitors of this policy.

G. Cessation

Fillmore County Public Health will identify and/or offer cessation programs and services to those ready to quit.

H. Compliance and Enforcement

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Enforcement of this policy is a shared responsibility of all staff. Individuals acting in violation of this policy will be reminded and asked to comply. Employees found to have violated this policy, by using tobacco in prohibited areas, may be subject to disciplinary action. Visitors who violate this policy may be asked to leave the property.

I. Evaluation

This policy will be periodically assessed for effectiveness and revised accordingly.

A. Purpose

The Fillmore County Board of Commissioners is committed to providing safe and healthy environments. Tobacco use is a major cause of preventable disease and death. Smoking, tobacco use, and exposure to second-hand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. Electronic delivery devices, more commonly referred to as electronic cigarettes or e-cigarettes, closely resemble and purposefully mimic the act of smoking. They produce a vapor of undetermined and potentially harmful substances and typically contain nicotine derived from tobacco, which is a highly addictive substance. Their use in locations where smoking is prohibited creates concern and confusion and makes policy enforcement more difficult.

The Fillmore County Board believes the use of tobacco products, including electronic delivery devices, on County property is detrimental to the health and safety of its employees, residents, clients, and other visitors.

B. Definitions

“All times” means 24 hours a day, seven days a week.

“Electronic Delivery Device” means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to stimulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

“Smoking” means inhaling or exhaling from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

“Employee” means any person employed by **Fillmore County** in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by Fillmore County, or any person working on a volunteer basis. The term includes, but is not limited to: elected and appointed officials, personnel, contractors, consultants, and vendors.

“Tobacco Product” means any product containing, made, derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco.

“Tobacco Use” means the act of smoking, the use of smokeless tobacco, or the use of any other tobacco product in any form, including the use of electronic delivery devices.

“Visitor” means any person subject to this policy who is not an employee of Fillmore County.

C. Policy

The sale and use of tobacco products and electronic delivery devices is prohibited at all times in or on **Fillmore County Courthouse** property, located at 101 Fillmore Street West, Preston, MN 55965. There will be a designated

location for tobacco-use, this location will be established and sited in **Attachment A**.

D. Applicability

This policy applies to all visitors and Fillmore County employees on the **Fillmore County Courthouse** property.

Organizers and attendees at public or private events on **Fillmore County Courthouse** property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

E. Exceptions

It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

It is not a violation of this policy for a Native American to use tobacco on County property as part of a traditional Native American spiritual or cultural ceremony. Approval from County administration must be requested and received prior to the ceremony.

F. Dissemination

Signage will be posted at strategic locations to notify employees and visitors of this policy.

G. Cessation

Fillmore County Public Health will identify and/or offer cessation programs and services to those ready to quit.

H. Compliance and Enforcement

The success of this policy depends on the consideration and cooperation of both tobacco-users and non-users. Enforcement of this policy is a shared responsibility of all staff. Individuals acting in violation of this policy will be reminded and asked to comply. Employees found to have violated this policy, by using tobacco in prohibited areas, may be subject to disciplinary action. Visitors who violate this policy may be asked to leave the property.

I. Evaluation

This policy will be periodically assessed for effectiveness and revised accordingly.

FILLMORE COUNTY COURTHOUSE TOBACCO POLICY ATTACHMENT A

Designated Area for Tobacco Use:

The designated area for acceptable use of tobacco at the **Fillmore County Courthouse** is on the east side of the building at the end of the sidewalk. Signage will direct those wishing to use tobacco products to this area.

A. Policy Statement

Fillmore County recognizes the well-documented health advantages of breastfeeding for infants and mothers. Fillmore County provides a supportive environment to enable breastfeeding employees and visitors to express their milk during work hours. Breastfeeding employees will have access to milk expression breaks, places to express milk, breastfeeding equipment, education, and staff support. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees. This policy shall be communicated to all current employees and to new employees during orientation training.

B. Milk Expression Breaks

Employees who wish to express milk during work periods shall keep supervisors informed of their needs so that appropriate accommodations can be made. Breastfeeding employees who choose to continue providing their milk for their infants after returning to work are allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors per county policy.

C. Places to Express and Store Milk

A private room, other than a restroom, shall be available for employees and patrons to breastfeed or express milk. The room will be sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, have an electrical outlet, and have the ability to be locked. Lactation rooms will be available at the Fillmore County Office Building and Fillmore County Court House. If an employee prefers, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk can be stored in designated refrigerators provided by the county or in an employee's or patron's personal cooler. Employees should label all milk expressed with their name and date so it is not inadvertently confused with another employee's milk. When more than one breastfeeding mother needs to use a designated lactation room, they may sign-up for specific times to use the room. Breastfeeding employees are responsible for respecting posted lactation room use guidelines.

D. Breastfeeding Equipment

Fillmore County provides electric breast pumps to assist breastfeeding employees and patrons with milk expression during work hours. Fillmore County provides a hospital-grade pump that can be used by more than one employee or patron throughout their breastfeeding period. Pump attachment kits will be available for employees as part of the employee wellness program. Breastfeeding employees, patrons, and maintenance are responsible for complying with posted lactation equipment use guidelines.

E. Staff Support and Education

Prenatal and postpartum breastfeeding resources are available for all mothers, fathers, and their partners. Information about the breastfeeding policy and lactation support will be made available to employees at the time they request family leave. Staff may also be referred to Fillmore County Public Health for additional breastfeeding education and resources. Human Resources is responsible for alerting pregnant and breastfeeding employees about Fillmore County's worksite lactation policy and supports to help facilitate each employee's infant feeding goals.

Minnesota State Statute 145.905 Location for Breastfeeding

Minnesota State Statute 181.939 Nursing Mothers