



Bannock County Personnel Policy

Effective on December 1, 2023.

Adopted by the Board of Bannock County Commissioners

amending previous versions dated

July 1, 2023; June 24, 2015; February 12, 2014; January 27, 2009; and January 9, 2009

Bannock County Vision

Bannock County will be a leader in the state of Idaho through effective, efficient and transparent processes.

Bannock County Mission

Bannock County is committed to investing in our employees, developing effective policies and support systems while promoting community wellness and economic growth through prudent stewardship of tax dollars.

Message to New Employees

Welcome to Bannock County. We wish you success in your new job. You can see in our mission statement that we are committed to investing in our employees. We value our workforce and recognize the effort and expertise of each individual is important. This Personnel Policy was developed to describe some of the expectations we have for all of our employees and what you can expect from us. We hope that your experience here will be challenging, enjoyable, and rewarding.

Sincerely,

Board of County Commissioners

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I. THE ORGANIZATION FOR WHICH YOU WORK

The County is a political subdivision of the state of Idaho, though it is not a part of state government. The Board of County Commissioners serves as the governing body of the County, carrying out local legislative duties and fulfilling other obligations as required by law. The Board of County Commissioners is the general policymaker for the County and has primary authority to establish terms and conditions of employment with the County.

Each employee should recognize that although he/she may serve as an employee in the office of an Elected Official, he/she remains an employee of the County, and not of the official who supervises his/her work. The terms and conditions set forth in this Policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official, without the express written agreement of the Board of County Commissioners. That is particularly true for at-will employment status and terms or conditions that would establish a current or future financial obligation for the County. You may, however, work for an office/department with a procedures and rules that provide additional direction to employees on expectations unique to that office/department.

II. YOUR EMPLOYMENT RELATIONSHIP WITH THE COUNTY

This Policy is designed to introduce you to the County, familiarize you with various policies, practices and procedures currently in effect at the County, and help answer many of the questions that may arise in connection with your employment.

This Policy is not a contract of employment and does not create a contract of employment. This Policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the County.

All employees of the County are at-will and are employed at the discretion of the Elected Official for whom they serve. Only a written contract expressly authorized and signed by the Board of County Commissioners can alter the at-will nature of employment regardless of anything written or spoken by an Elected Official or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Elected Official and the Board of County Commissioners. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

The County reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this Policy, at any time, without prior notice to, and consent of, county employees. Changes may be made in the sole discretion of the Board of County Commissioners.

III. EMPLOYEE CODE OF CONDUCT

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. County employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct.

Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of employment or limit the reasons for which an employee may be disciplined.

A. Expected Conduct

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all office/departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the County requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
7. Follow all workplace safety rules whether established formally by the office/department or by outside agencies.
8. Report all accidents that occur or are observed on the job, or that involve County property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the County and related agencies.
10. Adhere to any code of ethics in the employee's profession.

B. Prohibited Conduct

Employees are expected to refrain from behaviors that reflect adversely upon the County, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.
3. Not engage in conduct at or away from work that may reflect adversely upon the County or its officials or otherwise impair the employee's ability to perform.
4. Not engage in prolonged visiting with co-workers, children, friends or family members that interfere with work in the office/department in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones, cameras, or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
7. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Not have non-County employment, or serve on any board or commission, that conflicts with duties performed for the County in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
9. Not knowingly make any false report or complaint regarding behavior of others, or participate in such report or complaint.
10. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record.
11. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
12. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the County (I.C. §§ 18-3201 and 18-3202).

13. Not engage in political activities while on duty. This rule does not apply to Elected Officials.
14. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
15. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 *et seq.* (Ethics in Government Act), I.C. §74-501 *et seq.* (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
16. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
17. Not engage in criminal conduct of any kind while on or off duty.
18. Willful destruction of county property or the property of a fellow employee.
19. Not engage in insubordination, which is defined as an employee's intentional refusal to obey a supervisor's lawful and reasonable orders.
20. Not provide unsatisfactory job performance or unsatisfactory productivity of work.
21. Not sabotaging another's work.

IV. WORKPLACE VIOLENCE

The County seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The County will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor or Elected Official. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

V. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

The County strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the County prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

Legally protected class means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.

Participation in the workplace includes all aspects of being an employee at the County, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

A. Workplace Discrimination

Workplace discrimination is when one or more persons in a legally protected class are treated adversely with respect to their participation in the workplace. Adverse employment actions usually involve decisions made by supervisors, department heads, or Elected Officials that affect the workplace status and benefits of employees.

Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

B. Workplace Harassment

Workplace harassment is unwelcome conduct that is directed to one or more persons in a legally protected class that interferes with their participation in the workplace. The offensive conduct must be *severe or recurring* such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

C. Workplace Sexual Harassment

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so *severe or recurring* such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, elected officials, or customers of the County.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying (physically or online) derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

D. Hostile Work Environment

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a legally protected class, unreasonably interferes with participation in the workplace. To a reasonable person, the comments or conduct must be *severe or recurring* such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

E. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders

that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, office/department head or Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

F. Responsibilities

1. Employee Responsibilities

Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:

- Designated Official
- Supervisor
- Office/Department Head
- Human Resource Officer
- Legal Counsel for the County

If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed officials. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, vendor, visitor or customer.

2. Supervisor Responsibilities

All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes *severe or recurring*.
- Make sure the human resources office is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
- Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.

- Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Designated Official.
3. The County designates the Human Resources Director or his/her designee, as the Designated Official who will be responsible for directing the procedures of this policy.

G. Procedure for Reporting and Investigating

A person who believes he/she has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report a complaint to the Designated Official, his/her supervisor, office/department head, Elected Official, Human Resource Officer or legal counsel for the County. They should seek informal resolution. If the matter cannot be resolved informally the following steps will be followed:

1. Document the complaint in writing. A complaint form may be used but any written format is accepted.
 - a. In cases where the complainant is unable or incapable of providing a written statement a verbal complaint may be made, and the individual receiving the complaint will assist the person in reducing the complaint to writing and then have the complainant's provide signature.
 - b. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
2. The individual receiving the report must immediately forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to legal counsel for the County.
3. The Designated Official will assess the complaint and make every effort to address it in an expeditious and thorough manner.
 - a. When there is a concern for life, health, safety, County property, or other appropriate circumstances the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
4. The Designated Official will provide a written notification to the complainant acknowledging that the complaint was received. The communication may contain a request for more information or a request to participate in a fact-finding interview.
 - a. If additional information is requested and not received within 10 business days, a decision for how to respond to the complaint may be made based on available information.
 - b. If the complaint is outside the jurisdiction of Bannock County, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

5. The Designated Official, in coordination with legal counsel, and the Elected Official should engage an appropriate person to investigate the complaint or allegation. The investigator should be a neutral party.
 - a. Internal investigations involving allegations against employees at the Sheriff's Office shall follow procedures described in Sheriff's Office policy manual.
6. The investigator should obtain information through available written communication, in-person interviews, official reports and documents, pictures, video, or other reliable sources. At a minimum the investigator should seek information from:
 - a. The individual making the allegation
 - b. Relevant witnesses
 - c. The individual who is the subject of the allegation
7. The investigator will share information with the Designate Official throughout the investigation. Evidence collected will be saved, and used to write an investigation summary.
8. At the conclusion of the investigation the investigator and the Designated Official will share the investigation summary with legal counsel, the supervisor and Elected Official of the individual who is the subject of the allegation. This group will discuss facts, findings, and options for how to appropriately respond. The Elected Official has the authority to make the final decision. The preponderance of evidence standard will be applied.
9. The Designated Official and/or the appropriate supervisors and legal counsel for the County will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
10. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Officials and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
11. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the County, a decision will be made as to what action, if any, should be taken by the Elected Official or department head.
12. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

H. Disciplinary Action

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the County. The action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. The conduct of the respective employees;

- c. Prior complaints made against the person alleged to have committed the offenses; and
 - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I. Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County's insurer may also be engaged to assist in all phases of any proceeding or investigation.

J. Persons with Disabilities and Limited English Proficiency

Bannock County provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.

Bannock County also provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

VI. GENERAL POLICIES

A. Attendance and Punctuality

It is important for you to report to work on time and to avoid unnecessary absences. The County recognizes that illness or other circumstances beyond your control may cause you to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on your co-workers and can have a negative impact on the success of the County.

You are expected to report to work when scheduled. Whenever you know in advance that you are going to be absent, you should notify your immediate supervisor or the designated manager. If your absence is unexpected, you should attempt to reach your immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event your immediate supervisor is unavailable, you must speak with your Elected Official or his/her designated representative. If you must leave a voicemail, you must provide a number where your supervisor may reach you if need be.

B. Substance Abuse

The County recognizes alcohol and drug abuse as potential health, safety and security problems. The County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on County premises or at any time and any place during working hours. While we cannot control your behavior off the premises on your own time, we certainly encourage you to behave responsibly and appropriately at all times. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. You may inform your immediate supervisor, Elected Official, or the Human Resources Office for assistance in seeking help, including possible coverage under the County's medical insurance plan, to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the County.

C. Relationship Policy

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees

involved in such relationship bear a responsibility to the County to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

D. No Smoking Policy

1. Bannock County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As such, the following policy has been adopted and applies to all employees, contractors and visitors of Bannock County.
2. It is the policy of Bannock County to prohibit smoking and vaping on all County premises to provide a safe and healthy work environment for all employees. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.
3. This policy applies to:
 - All areas of buildings occupied by County employees.
 - All vehicles owned or leased by the County.
 - All County employees.
 - All visitors (public and vendors) to County premises.
 - All contractors and consultants and/or their employees working on County premises.
4. Smoking and vaping is permitted *only* in designated outdoor areas.
5. Employees who violate this policy will be subject to disciplinary action up to and including immediate discharge.
6. A process is in place for resolving complaints about the smoke- and vape-free policy:
 - Complaints about the application of this policy should be brought to the attention of the employee's supervisor or the Human Resources Director for resolution.
 - The complaint should be submitted in writing and should identify specific objections.
 - The County will investigate the complaint and resolve it in accordance with the policy.
 - No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

VII. EMPLOYEE CORRECTIVE ACTION

A. Performance/ Corrective Action Framework

The following framework provides corrective options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The County may take any of the following corrective actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain action.

B. Available Corrective Action and Dismissal

1. The following actions that may be taken in response to personnel policy violations or performance deficiencies:
 - a. Verbal warning
 - b. Written warning or reprimand
 - c. Suspension without pay
 - d. Demotion
 - e. Dismissal
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

C. Opportunity to Be Heard—Name-Clearing Hearing

1. All employees are at-will. However, an at-will public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
4. The procedure for the hearing is as follows:
 - a. Within 14 days of his/her termination or demotion, the employee may submit to the Board of County Commissioners a written request for a name-clearing hearing and state the basis for it.

- b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
 - c. An employee granted a hearing will meet with the Board of County Commissioners. The hearing will not exceed 1 hour in duration.
 - d. An audio recording of the hearing will be made and maintained as part of the personnel record.
 - e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The Board of County Commissioners may require the supervisor to participate in the hearing.
 - f. The employee will be provided an opportunity to present evidence upon which the claims are based.
 - g. The Board of County Commissioners may ask questions during this process.
 - h. The Idaho Rules of Evidence do not apply to this hearing.
5. After the hearing, the Board of County Commissioners will consider the information submitted, and other information as might be in the County's records, to arrive at a decision and will issue a written statement setting forth the reasons for the decision.

VIII. RECRUITMENT AND APPOINTMENT

A. Equal Employment Opportunity

1. All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
2. Anyone with an objection to hiring or other employment practices may bring this information to the attention of the department administration following the chain-of-command. Objections may also be brought directly to Human Resources or legal counsel for the County.
3. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
4. The County will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the supervisor or Elected Official if he or she requires an accommodation to enable the employee to perform the essential tasks of the job.
5. The County will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the supervisor or Elected Official if he or she requires accommodation for religious reasons.

B. Standard Procedure for Employee Recruitment

1. Bannock County shall have a standard procedure for employee recruitment. The Human Resources department will develop systems, procedures, and offer training to promote an effective process and ensure compliance with federal and state law.
2. The County will provide application instructions on the Bannock County website and at the Human Resources office. An individual must submit a complete application and any required supporting documentation to be considered for a position.
3. Required components of the competitive recruitment procedure:
 - a. Confirm that the position description and classification are updated and accurate through Human Resources
 - b. Confirm that funding is available through Auditing
 - c. Identify if the recruitment is external or internal

- d. Identify individuals to serve as a hiring manager and search panel members
- e. Publicly post a vacancy announcement through Human Resources
- f. Conduct and document applicant screening, interviews, and reference checks
- g. Confirm the recruitment process was appropriately followed and documented through Human Resources
- h. Provide a conditional offer
- i. Obtain formal approval of the appointment by the appropriate elected official or designee, and by the Board of County Commissioners

C. Preference for Hiring from Within

Qualified County employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

E. Veteran's Preference and Rights

- 1. The County will grant a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
- 2. Employees who are qualified veterans returning to employment with the County following qualified military leave shall have the rights and responsibilities provided by Idaho Code §65-508 and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §4301, et seq. The returning veteran will be restored to his/her position with the same seniority, status and pay that he/she would have had if there had been no military leave. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from his/her position without cause for a period of 1 year after the restoration of his/her employment with the county.

F. Nepotism/Hiring of Relative

- 1. No person will be employed by the County when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, I.C. §18-1359 and their successors. Any employment made in violation of these sections may be void. The appointment or employment of the following persons is expressly prohibited:
 - a. No person related to a County Commissioner by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
 - b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second

degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.

2. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

G. Appointments

1. A competitive recruitment shall precede an offer of employment for full-time, part-time, temporary, and seasonal positions. Some exceptional situations allow for direct appointment.
2. Direct appointments bypass the competitive recruitment process and are only allowed under the following situations:
 - a. **Direct Appointment for Chief Deputies and Attorneys**
Chief Deputies, Public Defenders, Prosecuting Attorneys, and other Attorneys may be directly appointed by the Elected Official to whom they serve.
 - b. **Direct appointment for grants and restricted funds supported positions**
Some grant and restricted fund projects exist only because of the efforts of a specific grant author, principle investigator, or a particular individual with exceptional qualifications. These individuals may be directly appointed.
 - c. **Direct appointment for a temporary acting assignment**
When there is an immediate need to fill a vacant position to protect life, health, safety, or property a current Bannock County employee may be temporarily reassigned to fulfill the duties of that position.

Temporary acting positions should have an established begin and end date. The initial appointment shall be no longer than 90 days, and then 30 day extensions may be provided as needed.

If the acting position is classified at a higher grade the hiring authority may request a temporary compensation increase for the appointed employee. The increase shall be no greater than the amount the employee would receive if selected for the position through a competitive recruitment. This decision to provide a temporary compensation increase shall be based on the duration of the acting appointment, internal equity within the department, the employees current pay rate, funding, and the requirements of the position.

Employees who are appointed to a temporary acting assignment shall return to their former position and pay (with regular pay increases they would have received in their former position such as COLA or step increases) when the temporary acting position assignment ends.

d. **Direct appointment for emergency hires**

An employee may be directly appointed into a temporary position when there is an immediate need to fill a vacant position to protect life, health, safety, or property. An emergency hire is to meet an immediate need to fill a vacant staff position while the competitive recruitment is in progress. The temporary assignment shall end when the vacant position is filled. Supervisors shall provide written justification that is reviewed by HR and approved by the BOC prior to making an emergency hire.

e. **Direct appointment to rehire temporary or seasonal employees**

An employee may be directly appointed into a temporary or seasonal position within 1 year of termination of their previous Bannock County assignment. The employee may be restored to their previous grade and step if they are restored to a position with similar duties as their prior position.

H. Introductory Period

1. New employees and current employees promoted or transferred to new job responsibilities are subject to a six (6) month introductory period.

During the introductory period employees must demonstrate their abilities to handle the responsibilities of their position. Bannock County uses this period to determine if the employee meets the expectations for the position.

The introductory period does not change the at-will nature of employment or limit the reasons for which an employee may be subject to corrective action or dismissal without notice.

IX. EMPLOYEE PERSONNEL FILES

A. Personnel Records

1. The official employee records for the County will be kept in the Human Resource Office or with payroll under the County Clerk.
2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the County.
3. The employee's supervisor, Elected Official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

B. Access to Personnel Files

1. Only the employee's supervisors, the Board of County Commissioners when acting as a board in the course of its official business, attorneys for the County, the employee's Elected Official, , and the employee him/herself are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the County.
2. Information regarding personnel matters will be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the County, or pursuant to a Court order or a proper subpoena.
3. The County reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

C. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the Elected Official, after consultation with legal counsel for the County, any offending material may be removed upon a finding by the County that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

X. EMPLOYEE CLASSIFICATION

A. At-Will Employment

1. All employees of the County, including part-time and temporary employees, are **at-will employees**, except as otherwise required by law or pursuant to a written contract approved by the Board of County Commissioners. Bannock County at all times retains the right to dismiss at-will employees at any time for any lawful reason, or for no reason at all.
2. Deputy Prosecuting Attorneys and Other Legal Counsel.
Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, Deputy Prosecutors (including Senior Deputy Prosecutors) and other legal counsel for the County appointed pursuant to I.C. § 31-2601 *et seq.* are considered to be at-will employees, and they serve at the pleasure of the Prosecuting Attorney. They can be appointed or removed at the pleasure of the Elected Official for whom they serve.
3. Chief Deputies.
Chief Deputies appointed pursuant to Idaho Code § 31-2006 serve in that role at the pleasure of the Elected Official for whom they serve, and are at-will employees.

B. Employment Status Classification

For various reasons, employee status must be organized by employment status in order to administer employee policies, benefits or otherwise address employment issues

The employment status of the position an employee holds with the County may affect the status of obligations or benefits associated with his/her employment. The employment status classifications are:

1. Elected Officials
Elected officials include the Assessor, Clerk, Commissioners, Coroner, Prosecuting Attorney, Sheriff, and Treasurer positions. Elected officials are eligible for the benefits provided in this policy unless the policy specifically mentions an exclusion. One exclusion is that elected officials do not accrue paid leave.
3. Full-Time Regular
Positions that are scheduled for at least 30 hours of work per week, and have a continuous assignment. Full-time regular positions are eligible for the benefits provided by the County.
4. Part-Time
Positions that are scheduled for 19 hours or less of work per week, and have a continuous assignment. Part-time positions are **not** eligible for the benefits described in this policy except those required by federal and state law. Employees hired into part-time employment status after working in another position may not work more than 1,500 hours in a rolling calendar year.
5. Temporary
Positions with an irregular or temporary schedule for 30 hours of work or less per week (or less than 120 hours per calendar month), and have a specified assignment for less than five

(5) months. Temporary positions are not eligible for the benefits described in this policy except those required by federal and state law.

Employees working in temporary positions must have a one (1) month waiting period between assignments. Employees hired into this employment status after working in another position may not work more than 1,500 hours in a rolling calendar year.

6. Seasonal

Positions that are scheduled for at least 30 hours of work per week, and have an assignment that is only available during specific weather seasons that last no longer than six (6) months. Seasonal positions are not eligible for the benefits described in this policy except those required by federal and state law.

Employees working in seasonal positions must have a six (6) month waiting period between assignments. Employees hired into the seasonal employment status after working in another position may not work more than 1,500 hours in a rolling calendar year.

C. Non-Employment Status Categories

1. Independent Contractors

Independent contractors who provide services to the County on a contractual basis are not considered employees of the County. As such, this Policy does not apply to independent contractors.

2. Volunteers

Volunteers do not receive compensation for services and are not considered employees of the County. New volunteer positions and new volunteers shall be approved by Human Resources for eligibility and compliance with state and federal laws.

Employees of the County may be considered a volunteer in addition to their paid status provided they receive no compensation and such volunteer service is not the same type of service as the employee's regular paid duties. Employees of the County may not "volunteer" time for the purpose of avoiding compliance with this policy.

3. Internships

Unpaid interns must meet the below criteria as defined by the Fair Labor Standards Act (FLSA):

- a. The intern clearly understands that there is no expectation of compensation from the County.
- b. The internship shall provide training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
- c. The internship shall be tied to the intern's formal education program by integrated coursework or the receipt of academic credit.

- d. The internship accommodates the intern's academic commitments by corresponding to the academic calendar.
- e. The internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
- f. The intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
- g. The internship is conducted without entitlement to a paid job at the conclusion of the internship.

If the internship does not meet all of these requirements, then the position shall be classified into an employment status and shall receive applicable compensation and benefits.

D. Classification of Position Levels

1. Standardized Procedure for Classification

Bannock County shall have a standardized procedure for classification of position levels. Human Resources will develop a method for classifying each county position. The position classification shall include an appropriate title, FLSA designation, and placement into position level tied to a pay grade on the salary schedule.

The classification procedure shall be transparent and include participation by human resources professionals and subject matter experts from county departments.

Individual positions are allocated to the appropriate level based on criteria including, but not limited to complexity, fiscal responsibility, leadership, professional judgment, risk, scope, external labor market, and internal equity.

2. Position Descriptions

A position description is the primary document used to determine the level of each county position. The supervisor will use a Position Description template provided by Human Resources to describe the essential duties and responsibilities of the position. A department head or elected official shall verify content, accuracy and completeness of the information. If the job being described has an incumbent, he or she also may review the completed form.

3. Fair Labor Standards Act Designation

In addition to the employee classifications set forth elsewhere in this policy, all positions are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law which governs the obligation of employers to pay overtime compensation. Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees who serve as sworn law enforcement officers may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Actual hours worked is used for the calculation of overtime in compliance with FLSA.

XI. COMPENSATION

A. Establishment of Employee Compensation

Employees are compensated in accordance with, and subject to, decisions of the Board of County Commissioners as annual budgets are set and are subject to increase, reduction, or *status quo* maintenance for any time period. The Elected Official or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board of County Commissioners.

Compensation is the sum of salary plus all programs and benefits with monetary value, including health and other insurance, contributions to retirement programs, holiday and leave provisions, training and educational opportunities, and other employer costs that benefit employees.

B. Compliance with State and Federal Pay Acts

The County will comply with all state and federal pay acts governing compensation of its employees.

C. Right to Change Compensation and Benefits

The County may change general compensation for any reason deemed appropriate by the Board of County Commissioners. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent county budget. Hours worked may be reduced or employees may be laid off by the Board of County Commissioners or by Elected Officials within their office/departments as necessary to meet budgetary constraints or as work needs change.

D. Salary

1. Salary schedule

Bannock County shall establish a salary schedule consisting with pay grades and steps. County positions shall be assigned to a pay grade and step on the salary schedule Exceptions include Elected Officials, Chief Deputies, the Public Defender.

As part of the budgeting process the Board of County Commissioners may identify a need for a cost of living adjustment (COLA) based on external economic influences. A COLA modifies the salary schedule by an identified percentage typically on first day of the new fiscal year.

2. Step Placement

a. New hire placement

New hires will be placed at the minimum step of the assigned grade on the salary table.

b. Transfer - Lateral

A lateral transfer occurs when an employee moves from one County position to another County position classified at the same grade through a competitive recruitment process or direct appointment. Employees who move positions through lateral transfer will maintain their current pay rate.

c. Transfer - Promotion

A promotional transfer occurs when an employee moves from one County position to another County position classified at a higher grade through the competitive recruitment process or direct appointment. Employees who move to a new position through promotion will begin at the closest step that provides a 3.5% pay increase if the new position is classified in Grades 1-14, or the closest step that provides a 4.5% pay increase if the new position is classified in Grades 15-20.

d. Transfer – Demotion

Voluntary Demotion

A voluntary demotion occurs when an employee moves from one County position to another County position classified at a lower grade through the competitive recruitment process. Employees who move into a new County position through voluntary demotion will begin at the minimum step of the grade of the new position.

Involuntary Demotion

An involuntary demotion occurs when an employee moves from one County position to another County position classified at a lower grade due to department reorganization or other actions initiated by the County. Salary placement is recommended by the department, funding verified by Auditing, reviewed by Human Resources, and approved by the Board of County Commissioners.

4. Step movement

a. Fiscal year step increase

As part of the budgeting process the Board of County Commissioners may approve a fiscal year step increase to be applied to all eligible employees on a determined date. Fiscal year step increases encourage employee retention by rewarding longevity.

The Commissioners may approve stipend(s) in lieu of a step increase for employees who have reached the top step of their pay grade.

b. In-grade step increase

An in-grade step increase is an exceptional action that requires a written request from a department head or elected official that states the reasons why it is justified. The request must be reviewed by Auditing to verify funding, reviewed by Human Resources for policy compliance and internal equity/alignment, and approved by the Board of County Commissioners.

An in-grade step increase may be granted to address factors which may include obtaining a professional license or degree, completion of a training program such as POST, completing requirements in an approved Career Development Plan, internal alignment after a department

restructure, or another substantial professional accomplishment that is associated with the position.

An in-grade step increase may be provided as a retention offer to an employee who has received a written offer of employment from another organization. Retention offers shall be an exceptional occurrence, and only used to protect the county from situations where the departure of an employee would create significant financial, legal, safety, or other significant harm to the County. The County should develop succession plans for critical positions and cross-train employees to avoid such situations.

5. Exceptional Salary Placement

Exceptional placement and movement occur when there is any placement or movement outside of the parameters provided in this procedure and shall be a rare occurrence.

Exceptional salary placement or movement requires a written request from a Department Head or Elected Official that states the reasons why the exceptional placement is justified. The request must be reviewed by Auditing to verify funding, reviewed by Human Resources for policy compliance and internal equity/alignment, and approved by the Board of County Commissioners.

Exceptional placement may be justified based on exceptional qualifications of the candidate, lack of other qualified candidates, or internal equity/alignment among employees within the department.

Exceptional placement for voluntary demotions may not exceed current rate of pay.

E. Overtime/Compensatory Time Policy

1. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact their office/department supervisor, Elected Official or the Human Resources Office for further clarification of the employee's FLSA status.
2. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Employees may not work any hours outside of their scheduled work day unless the supervisor has given advanced authorization for the unscheduled work. Employees may not start work early, finish work late, work during meal breaks or perform any other extra or overtime work unless they are authorized to do so, and it is reported on the employee's timesheet. Any employee who fails to report, or inaccurately reports, any hours worked will be subject to disciplinary action, up to and including termination.
3. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay, as established by policy adopted by the Board of County Commissioners. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers, will be

computed at 1½ hours for each additional hour worked. Accumulation of greater than 50 hours of compensatory time requires Board of County Commissioner approval. Bannock County will start to payout compensatory time if the accrual reaches near the FLSA limit of 240 hours.

4. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate a requested absence.

Employees in law enforcement positions that are subject to U.S.C. 207(k) shall receive compensatory time for hours worked in excess of 86 hours in a two-week period at a rate of one and one-half compensatory hours for every hour worked in excess of 86 hours in a two-week period.

F. Reporting and Verifying Time Records

1. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Board of County Commissioners and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a supervisor or the payroll office to correct mistakes must be acknowledged by the employee.
2. Exempt shall record all paid leave used on their time sheet. Paid leave can be taken in ½ day or full day increments. Exempt employees may be required to document time worked or benefits used for accountability purposes.
3. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, *etc.*, must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.
4. Employees may not falsify their own timesheet or alter another employee's timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, Elected Official or other person. If instructed to do so, the employee must immediately report it to the Prosecuting Attorney.

G. Work Periods

1. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Saturday of each week and concludes at 11:59 p.m. of the succeeding Friday. Employees in the Solid Waste Department are an exception, with a workweek that begins at 12:00 a.m. (midnight) on Sunday and concludes at 11:59 p.m. of the succeeding Saturday.
2. The work period for sworn law enforcement officers may be up to the 28-day work period allowed by the FLSA, 29 U.S.C. § 207(k), as adopted by the Board of County Commissioners.

H. Payroll Procedures and Paydays

1. Employees are paid biweekly throughout the year. Paychecks or direct deposit receipts are issued on every other Thursday, unless Thursday is a holiday then paychecks are issued on Wednesday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
2. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the County. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the Board of County Commissioners, the policy will prevail. Employees are obligated to call to the County's attention any such errors, whether to the advantage or disadvantage of the employee. When mistakes are made and are called to the County's attention, the County will correct the mistake as soon as possible.

I. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

1. The County encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided to employees called to serve as a court witness in matters specifically related to County operations, or called to serve on jury duty.
2. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

J. Military Leave

Use of accrued vacation leave, earned compensatory time or unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

1. An employee who is a member of the Uniformed Services will be granted up to fifteen (15) working days of paid leave per calendar year for days during which the employee is engaged in authorized training or duty ordered or authorized by the proper authority.
2. If leave(s) of absence for military service exceed the fifteen (15) working days of paid military leave, and employee shall be permitted upon request to use any accrued vacation and/or compensatory time during military leave past the fifteen (15) working days of military leave.
3. The employee who is a member of the Uniformed Services and called to active duty can continue regular employee insurance benefits for thirty (30) calendar days. The employee will pay the employee's portion of the insurance premium during those thirty (30) calendar days.

4. Should the employee's active duty continue longer than thirty (30) days the employee will pay the full premium if they decide to remain on the County insurance. If the employee's County paycheck is not substantial enough to cover the cost of the insurance premiums the employee may make arrangements to pay to the County those premiums by personal check through the Auditing office.

K. Payroll Deductions

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee, or as required by law (Idaho Code § 45-609).

L. On-the-Job Injuries

1. Employees are covered by worker's compensation insurance for on-the-job injuries.
2. Human Resources shall develop standard procedures to facilitate reporting of on-the-job injuries, the processing of workers compensation claims, and authorization for employees to return to work.
3. All on-the-job injuries must be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed.
4. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund, and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.
5. The County will handle worker's compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

XII. EMPLOYEE BENEFITS

The County offers a number of employee benefits for full-time regular employees. These benefit offerings are subject to change or termination in the sole discretion of the Board of County Commissioners. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the Board of County Commissioners.

A. Vacation Leave

1. Vacation leave is available to full-time regular employees. Vacation leave accrual is based on straight time hours worked or paid time off. Vacation leave does not accrue for any employee on leave without pay or when working overtime. Vacation leave accrues based on length of service at the following rates:

Length of service	Vacation leave accrual per pay period. (Must be in a paid status for at least 56 hours)
Less than 5 years	4 hours
5 years to less than 10 years	5 hours
10 years to less than 15 years	7 hours
15 years to less than 20 years	8 hours
20 years or more	9 hours

2. Vacation leave maximum accrual is 240 hours. Any vacation leave accrued that is above this maximum will be forfeit without right of compensation on December 31 of each year.
3. Vacation leave is to be scheduled with consent of the responsible Elected Official or office/department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of affected office/departments.
4. Upon separation from employment, unused vacation leave up to the maximum allowed accrual will be compensated by lump-sum payment at the then-current hourly rate.

B. Sick Leave

1. Sick Leave Usage
 - a. Bannock County offers sick leave benefits to full-time employees. Temporary and part-time employees are not eligible for this benefit.
 - b. Sick leave benefits provide relief to the employee when an illness or injury prevents them from working productively or safely, or when an immediate family member's illness presents no practical alternative for necessary care. Sick leave may be used for preventative health care.
 - c. An immediate family member for Bannock County sick leave use includes an employee's spouse, parent, child, sibling, stepparent, grandparent, parent of a spouse, grandparent of a spouse and child. A child refers to a biological, adopted, or foster child. A child also includes a stepchild, a legal ward, or a child or a person standing in the place of a parent. If the need for leave qualifies under the Family Medical

Leave Act (FMLA), the county shall recognize any family members as defined under the FMLA.

- d. Sick leave may be used to attend a funeral and for bereavement.
- e. Up to one 1 day of sick leave may be used during the month of the employee's birthday if the employee has at least 80 hours of accumulated sick leave
- f. Sick leave may not be used in lieu of vacation leave if an employee exhausts all vacation leave. In the event an employee exhausts all sick leave accruals, other accruals such as vacation leave and comp time will be used before the employee goes without pay.
- g. In the event a major illness or accident occurs while an employee is taking scheduled vacation leave, the employee may request the vacation time be changed to sick leave. Upon return to work, the employee must make a request in writing, accompanied by a doctor's statement outlining the days the employee was ill and the nature and extent of the illness. This request should be directed to the employee's elected official/ department head/supervisor with a copy to payroll in the clerk's auditor's office and to human resources.
- h. Sick leave may not be used for the purpose of advancing the date of resignation, retirement or other predetermined separation or termination of employment from County service.
- i. Use of sick leave under false pretenses is considered violation of policy and is subject to discipline.

2. Sick Leave Accrual

- a. Sick leave accrual is based on straight time hours worked or paid time off. Sick leave does not accrue for any employee on leave without pay or when working overtime.
- b. Sick leave accrues at the rate of 4 hours per pay period that the employee reports at least 56 hours of work and paid time off.
- c. Sick leave may accrue to a maximum of 480 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee's accrued hours are reduced below the maximum.

Employees with over 480 hours of sick leave at the time this policy is adopted will retain their accrued hours. Additional sick leave hours will not accrue until the employee's total sick hours drop below the maximum amount of 480 hours.

3. Sick Leave Requests

- a. Employees shall communicate with their supervisor about the need to use sick leave as soon as reasonably possible to provide minimal disruption to department operations.

- b. Supervisors shall promptly respond to sick leave requests from employees, and make reasonable efforts to accommodate for employee needs.

4. Sick Leave at Separation of Employment

- a. Employees hired on or after July 1, 2023, upon separation of employment, will have no sick leave payout.
- b. Employees hired before July 1, 2023, upon separation of employment, will be paid for their accrued sick leave hours at their existing rate of pay under the following conditions:

Accrued sick leave hours paid out	Conditions
No pay	<ul style="list-style-type: none"> • Dismissal • Job abandonment
20%	<ul style="list-style-type: none"> • Resignation with 14 days prior written notice
100% for up to 720 hours	<ul style="list-style-type: none"> • Retire with PERSI retirement eligibility • Upon layoff or reduction in force • Upon death, paid to designated beneficiary for life insurance

- c. Upon separation, all or part of a leave payout may be deposited into an approved retirement account.

C. Holidays

1. Ten paid holidays are provided for full-time and part-time employees. This benefit is not available to temporary and seasonal employees.

Eligible employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the preceding Friday. Those which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the Board of County Commissioners.

New Year's Day	January 1
Martin Luther King, Jr./Human Rights Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

2. Part-time employees who work a regular schedule receive 4 hours of holiday pay on the holiday. Part-time employees who work a variable or on-call schedule receive 4 hours of holiday pay if they work for at least one shift during the week of the holiday.
3. When there is a bona fide business need to have an eligible employee work on the holiday a department head may approve observation of the holiday on another day during that week.

D. Paid Time Off

An individual hired for the first time into a full-time regular position will receive 20 hours of paid time off (PTO) upon hire or placement.

PTO is to be scheduled with consent of the responsible Elected Official or office/department supervisor, and should be used before accrued leave. Efforts will be made to accommodate the preference of the employee in PTO scheduling, but first priority will be the orderly functioning of affected office/departments.

Upon separation from employment remaining PTO does not payout.

E. Leaves of Absence

Up to 30 days of unpaid leave of absence can be granted by the Elected Official for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of 30 days will require written approval of the Board of County Commissioners.

F. Benefits for Temporary Employees

All temporary employees will receive benefits as required by law, including worker's compensation insurance. All other benefits are to be determined in the discretion of the Board of County Commissioners.

G. Health Insurance and Other Insurance Coverage Available to Employees

Health Insurance and other insurance benefits are available to employees and family members in accordance with the terms and conditions of the County's contract for such services. The Human Resource Office should be contacted to learn of enrollment and claims procedures. Other insurance offerings may be available at employee or shared expense.

H. Retirement Program Offering

The County participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the County to withhold a percentage of an employee's gross salary for pension purposes, and to contribute an additional amount on behalf of the employee. Contact the Human Resource Office for further information.

I. Transfer of Benefits with Employee Transfer

Accrued benefits continue when the employee transfers from one office/department to another within the County. However, upon such transfer, the employee is only eligible for those benefits authorized for the particular position and position status. Accrued compensatory time will be paid out at the time of the transfer.

J. Miscellaneous Benefits

In addition to the benefits listed on the previous pages, the following are examples of miscellaneous benefits, subject to change in the sole discretion of the Board of County Commissioners, that may be available to employees for participation in accordance with the terms of their respective policy or agreement:

1. Deferred compensation plans handled by payroll deduction.
2. Credit union participation.
3. Employee-requested deduction programs.
4. Allowance for uniforms, tools, equipment, etc.
5. Parking privileges.
6. Job related training.

XIII. FAMILY MEDICAL LEAVE ACT (FMLA)

A. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. must have worked for the County for at least 12 months, which in some circumstances may include separate periods of employment with the County; and
2. must have actually worked at least 1,250 hours for the County during the previous 12 months.

B. FMLA Rights

1. An eligible employee is entitled to job-protected, unpaid leave for the following reasons: a. birth and care of the eligible employee's child; b. placement for adoption or foster care of a child with the employee; c. care of an immediate family member (spouse, child, parent) who has a serious health condition; or d. care of the employee's own serious health condition.
2. A "serious health condition" is a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any subsequent period of incapacity or treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider.
3. The employee may request up to 12 weeks of leave during a 12-month period in which the County will continue the employee's benefits (employer portion only). The 12-month period is determined using a "rolling" 12-month period measured backward from the first day of the employee's FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the County may recover from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period.
4. Total FMLA leave for employee spouses/parents who both work for the County is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

C. Concurrent Use of Accrued Leave and Worker's Compensation Required

1. Employees are required to use any accrued paid vacation and sick leave and compensatory time off ("comp time") concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick leave and comp time to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave.
2. If the employee is on worker's compensation leave, such leave will also run concurrently with any FMLA leave.

D. Employee Obligations

1. Employees are required to give 30 days' advance notice, or as much time as practical, when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the FMLA qualifying medical condition. The County may also require second or third opinions at the County's expense.

2. Employees who are on FMLA leave for their own serious illness may be required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the County's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
3. Employees should contact the Human Resources Office to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must arrange for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
4. To request FMLA leave, the employee must contact the Human Resources Office indicating the reason for requesting FMLA leave and the expected duration of leave.

E. Intermittent Leave Requests

Employee requests for intermittent FMLA leave shall be approved by the employee's supervisor or Elected Official. The employee shall obtain approval in advance for any adjustments to this schedule.

F. Employer's Rights and Obligations

1. The County has the duty to notify employees of the availability of the right to FMLA leave and to determine whether the employee is or is not an "eligible employee" under the Act.
2. The County may require periodic notices of the employee's FMLA status and his/her intent to return to work.
3. The County will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

G. The National Defense Authorization Act

1. FMLA provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member. A "covered service person" is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the County may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
2. FMLA provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the County may require certification that the service member has actually been called to active duty.

3. The allowed length of FMLA military leave is measured from the first day of leave taken and ends 12 months later. FMLA time already taken may be deducted from the 26 weeks of leave in some circumstances. See the Human Resource Office to determine available leave.
4. Employees are required to provide prior notice when the need for this type of FMLA military leave is foreseeable.

XIV. AMERICANS WITH DISABILITIES ACT

A. Eligibility

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

B. Reasonable Accommodation

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:

1. doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or
2. the accommodation creates an undue hardship to the County.
3. Employees should contact their supervisor or the Human Resources Office with any questions or requests for accommodation.

XV. FITNESS FOR DUTY EXAMS

A. Safe Work Environment

The County is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform their job in a safe, appropriate and effective manner.

B. Conditions for Exam

The County may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee's physical, mental and emotional readiness to perform the essential functions of his/her job with efficiency and safety for themselves and others. Fitness for duty evaluations may be done in the following circumstances:

1. following a conditional offer of employment;
2. prior to return to work following a leave related to injury or illness;
3. when an employee expresses concern about their ability to perform the functions of his/her job;
or
4. when there is reasonable belief that the employee cannot safely perform the functions of his/her job.

XVI. IDAHO WHISTLEBLOWER PROTECTION

A Bannock County whistleblower statement was previously adopted independently by the Bannock County Commissioners in R.S. No. 2018-6 on January 17, 2018.

A. Scope

Idaho Code, Title 6, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the County, state of Idaho or the United States of America.

B. Reporting

Any such report must be made at a time, and in a manner, which gives the County a reasonable opportunity to correct the waste or violation.

C. Protection

The County may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

D. Enforcement of Rights

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

XVII. CANDIDACY FOR ELECTIVE OFFICE

A. First Amendment

While the County recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the County's interest in promoting the efficiency of the public services it performs through its employees.

B. Reasonable Prediction of Disruption

1. If an employee initiates candidacy against an Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that official's office, the employee must resign or face possible employment action, including being placed on an unpaid leave of absence or termination.
2. A reasonable prediction of disruption is based upon any of the following factors:
 - a. The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption;
 - b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
 - c. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or
 - d. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the likelihood of disruption.
 - e. Not all of the above factors must be met to find a reasonable prediction of disruption.

C. Evaluation and Action

1. The Elected Official should consult with legal counsel for the County in determining whether there exists a reasonable prediction of disruption and the appropriate employment action to take.
2. The Elected Official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors and his reasoning for taking the specific action. The written findings should be provided to the employee and placed in the employee's personnel file.
3. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

XVIII. SEPARATION FROM EMPLOYMENT

A. Reductions in Force (RIF)

When financial circumstances or changes of workload require, the County may reduce forces in such manner as it deems necessary to maintain the effective functioning of the County services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Board of County Commissioners and/or Elected Officials may make any changes in the work force or assignment of resources deemed to be in the County's best interests.

B. COBRA Benefits

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Officer.

C. Exit Interview

Each employee who terminates from employment is encouraged to participate in an exit interview with Human Resources. In such interview, the County should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

D. Resignation Policy

1. Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Elected Official or office/department head. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of 3 or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of 3 or more working days in a row, the County will consider the employee as having resigned and immediately notify him/her of such.

XIX. SOCIAL MEDIA

The Bannock County's Social Media Policy was previously adopted independently by the Bannock County Commissioners on September 6, 2022 amending previous version dated December 14, 2022 amending R.S. No. 2018-90 on August 21, 2018.

A. Introduction

1. This policy provides guidelines for the use, management, administration and oversight of Bannock County-owned social media for official use. It also provides guidelines for employees' personal use of social media both at work and off-duty.
2. Social media refers to any method that facilitates electronic communications, including internet forums, blogs, online profiles, vlogs, podcasts, pictures, video, email, instant messaging, music sharing, voice over IP, as well as social websites or online communities for business and personal use, such as but not limited to: Facebook, Twitter, LinkedIn, Nextdoor, YouTube, TikTok, Reddit, Pinterest, Instagram, Parler, Flickr, and other message boards, chat rooms, etc.
3. Bannock County prohibits the use of County devices and equipment for personal employee related protected speech activities. Bannock County does not discriminate against employees who use media for personal use as long as it is made clear that Bannock County is not being represented. Bannock County respects the right of employees to use social networking sites and does not want to discourage employees from self-publishing and self-expression. This policy is not intended to limit or infringe upon employees' protected legal rights related to their personal and private expression.

B. Account Access

1. Creation social media forums on behalf of Bannock County are allowed only by the permission of the Public Information Officer and elected official when it is determined there is a clear public entity purpose.
2. All Bannock County-authorized social media must only be created with a Bannock County email account and shall be authorized by the Public Information Officer and Officer in collaboration with authorized department supervisors.
3. Specific employees shall be authorized in writing to use the particular social media account on behalf of Bannock County and the department, and are the only individuals permitted to access, manage, publish, comment, and/or post on behalf of Bannock County on the media. These employees must conduct themselves at all times in accordance with all applicable Bannock County policies.
4. All posts on Bannock County social media must be in accordance with this policy and must be monitored by the Public Information Officer and any authorized department supervisor. The Public Information Officer must be able to edit or remove content.
5. Authorized employees must not share sensitive personal information about themselves, other County employees, contractors with the county, or citizens on the social media.

6. Whenever possible, Bannock County social media should link back to the official Bannock County website for forms, documents, online services and other information for conducting business with the County.
7. Content on social media forums must abide by all applicable federal, state, and local laws, regulations, and policies, including copyright, trademark, and printed material laws.
8. Payment for additional reach on social media posts, or "boosting" posts, may be authorized when it is determined reasonable and efficacious by the Public Information Officer.
 - a. Funds for "boosting" posts will come out of the Public Information Office's Professional Services budget, unless otherwise authorized by the Elected Official whose office is making the request to "boost" a post.
 - b. The Public Information Officer will facilitate payment of the "boost."

C. Content Guidelines

1. Users of Bannock County social media forums must be notified on the forum site that:
 - a. The intended purpose of the forum is to serve as a medium for communication between Bannock County and members of the public;
 - b. Submission of comments by members of the public constitutes participation in a limited public forum;
 - c. A comment posted by a member of the public is the opinion of the poster only;
 - d. Publication of the comment does not imply endorsement of, or agreement by, Bannock County; and
 - e. Comments do not necessarily reflect the opinions or policies of Bannock County unless expressly stated by an authorized user.
2. Comments on Bannock County's social media forums shall only be allowed when comments are consistent with the provisions of this policy.
3. Comments on Bannock County's social media complying with policy must be allowed to remain, regardless of whether they are favorable or unfavorable to Bannock policy.
4. Posts informing social media followers about upcoming public hearings should have commenting capabilities turned off, in order to ensure public comments are taken at the hearing. The post should make clear why comments are not available for the particular post. (I.e. "Comments for this post have been disabled. Testimony can be shared at the public meeting or via email by sending comments to commission@bannockcounty.us").
5. Posts and comments containing any of the following inappropriate forms of content are not allowed and should be deleted:

- a. Comments not topically related to the particular post, thread, topic or article being commented upon;
- b. Profane, obscene, sexual or violent language or content, or links to such;
- c. Defamatory or personal attacks;
- d. Content that promotes, fosters or perpetuates harassment or discrimination on the basis of race, color, religion, sex, age, national origin, citizenship, physical or mental disability, genetic information, veteran status, sexual orientation, gender identity/expression or any other characteristic protected by law;
- e. Solicitation of commerce, including but not limited to advertising for any business or product for sale;
- f. Comments in support of or opposition to political campaigns, candidates or ballot measures of any kind;
- g. Content that violates a legal ownership interest of any person or entity, such as trademark, patent or copyright;
- h. Confidential or proprietary information;
- i. Doxing comments, or comments that publish private or identifying information about an individual, with malicious intent;
- j. Threats of harm to any person or organization;
- k. Encouragement of illegal activity;
- l. Conduct that violates any federal, state, or local law; or
- m. Information that may compromise the safety or security of the public or public systems.

If activity listed in i, j, k, l, or m occurs, employees must secure the information and notify the Bannock County Commissioners and/or Sheriff's office.

- 6. Bannock County may edit, restrict, or remove, in whole or in part, any content that violates this policy or applicable law. Content that is edited or removed must be retained in accordance with the relevant retention schedule. This content must be accompanied by a description of the reason it was edited or removed, the date and time of edit or removal, and the identity of the person posting the content, if available.
- 7. Bannock County may deny access to Bannock County social media at any time and without prior notice to any person who violates these content guidelines.
- 8. These content guidelines must be displayed on the social media site or made available by a link to Bannock County's official website.

D. Personal Use of Social Media by Employees

1. Employees may access social media while at work within the parameters of Bannock County's policies. They must limit use to personal time, such as breaks, lunch periods and when off-duty. It must not interfere with, or be disruptive to, County business or the employee's job duties.
2. If an employee speaks about job-related content on personal social media, or makes reference to Bannock County, people may perceive that the employee is acting on behalf of the County. When making such statements, the employee must clearly state that the statements are the employee's personal views and are not the views of the County. An example of such disclaimer is **"The views, opinions, ideas and information expressed are my own and do not reflect the views of my employer and are not in any way attributable Bannock County."**
3. Participation in social media, whether through Bannock County or non-County internet resources, and whether made while on or off duty, must not violate the privacy rights of other County employees, customers, citizens or business partners.
4. When participating in social media, employees must not violate any Bannock County policy, including personnel policies.
5. Employees may be disciplined, up to and including termination, for engaging in inappropriate social media activity while either at work or away from work or away from work that impacts the work of Bannock County, the employee or any other County employee. Examples of inappropriate social media activity includes, but is not limited to, any of the following:
 - a. Promoting or taking part in activities which violate federal, state or local law;
 - b. Making false or misleading statements about any County employee, Bannock County, County customer, business partner, vendor or supplier;
 - c. Making disparaging remarks toward or about any County employee, Bannock County, County customer, business partner, vendor or supplier that are based on race, color, religion, sex, age, national origin, citizenship, physical or mental disability, genetic information, veteran status, sexual orientation, gender identity/expression or any other characteristic protected by law;
 - d. Using social media to bully, threaten harm, harass, discriminate or retaliate against any Bannock County employee, County customer, business partner, vendor or supplier;
 - e. Posting content or making comments that purport to express the opinions of Bannock County.
 - f. No currently employed person of Bannock County shall post to any form of social media, internet site, or any other electronic place, pictures or videos of a sexual nature, either apparent or implied, when such picture or video contains county property or county places that is not accessible to the general public.

6. Nothing in this policy grants an individual right to, or may be construed to provide, an expectation of privacy, including while engaged in personal social media:
 - a. Persons who use social media should be mindful that once content is placed online, it is no longer under their control and content shared through private social media does not always stay private.
 - b. Employees have no expectation of privacy while using Bannock County digital equipment or facilities for any purpose, including the use of email or other electronic communications of any kind, to download, transmit, post, comment or store information.
 - c. Regardless of password use and privacy settings, and without notice to the employee, Bannock County may retrieve, review, monitor or log internet usage and content found on Bannock County systems and digital equipment.
7. Employees are free to express themselves as private citizens on social media sites about matters of public concern as long as their speech does not impair working relationships within Bannock County, impede the performance of duties, impair harmony among co-employees or negatively affect the public perception of the County.
8. Bannock County prohibits the use of County devices and equipment for personal employee related protected speech activities.
9. Occasional personal use of County computers, internet access, email, social media, and equipment are allowed on a limited basis within guidelines established by this policy provided that such use does not result in a cost to Bannock County or significantly interfere with county business operations, availability of resources for business use, or the employee's job performance.
10. Employees are cautioned that speech on- or off-duty, made pursuant to their official duties, is not protected speech under the First Amendment and may form the basis for discipline if deemed harmful to Bannock County.

XX. HEALTH AND SAFETY

The Bannock County's Health and Safety policy was previously adopted independently by the Bannock County Commissioners in R.S. No. 2013-110 on November 13, 2013 amending March 19, 2009; amending January 9, 2009.

IF THE JOB CANNOT BE DONE SAFELY, DON'T DO IT!

Bannock County maintains a longstanding commitment to the continuous prioritization of the health and safety of each of our employees. As such, this policy serves to outline this core organizational value and provide guidance regarding the standards to which Bannock County expects all employees to adhere.

A. General Safety Rules

Our employees perform a wide range of functions in various locations. Although some safety rules apply only to specific positions, all employees are expected to comply with the rules:

- Use common sense in performing your duties.
- Report any work injury 'illness to your supervisor.
- Report unsafe conditions to your supervisor or the Human Resource/Risk Management Director.
- Keep your work area neat and tidy.
- No open flames (candles, etc.).
- Use mechanical devices or request assistance in lifting heavy loads.
- Do not use tops of cabinets or bookcases for extra storage of storage containers over one unit high.
- Be sure that aisles or exits are kept clear; do not let cords interfere with walkways.
- Store all sharp objects properly when not in use.
- Open and close doors cautiously and use extra caution at blind hallway intersections.
- Open only one tile cabinet drawer at a time to avoid tip-over. Cabinets should also be loaded from bottom to top and emptied in the reverse order.
- Report or clean up all spills immediately.
- Use stepstools, platforms or ladders for climbing. Never use chairs.
- Report or replace frayed electrical cords.
- Do not plug power strips into other power strips.
- Do not plug space heaters into the same power strip as a computer and/or monitor.
- Extension cords are for temporary use only.
- Power strips are for daily use.
- Do not use any equipment, vehicles or materials when overly tired, nauseated, feverish or under the influence of any substance that may affect your judgment.
- Wear seat belts when operating any county or rented vehicle or driving your own personal vehicle while on county business.
- Check work area for anything needing to be secured and store it quickly.
- Secure locks on all secured containers and cabinets.
- Leave your work area and report to your designated assembly area.

XXI. INFORMATION SYSTEMS

The Bannock County's Information Systems policy was previously adopted independently by the Bannock County Commissioners in R.S. No. 2014-27 on March 12, 2014, amending policy adopted on January 9, 2009.

- A. Our e-mail, computers, Internet, cell phones, laptops, GPS units, computer tablets and voice mail systems are Bannock County's property. Anything you create or load on the systems becomes our property.
- B. These systems are in place to facilitate your ability to efficiently and productively do your job. To that end, these systems are solely for business purposes. Only "incidental personal use*," (see below) that does not interfere with work or consume Bannock County resources will be allowed.
- C. Bannock County reserves the right to intercept, monitor, copy, review and download any communications or files you create or maintain on these systems, at any time, without prior notice to you. (All County emails will be archived for a period of not less than 2 years.)
- D. Bannock County purchases and licenses the use of various computer software programs for business purposes, including Apps. Bannock County does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Bannock County does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Illegal duplication of software and its related documentation for personal use is also prohibited. (Business Apps for cell phones and tablets will be purchased after Elected/Department Head approval and only then reimbursed by the County.)
- E. E-mail and Internet access is provided by Bannock County to enhance communications and provide access to work related information and technology. Consequently, employees should always ensure that the business information contained in Internet E-mail messages and other transmissions is legal, accurate, appropriate and ethical. Bannock County encourages good judgment in your use of our systems. The Elected Official, Department Head, Supervisor, Prosecuting Attorney Department or Human Resources/Risk Management Department should be notified of any offensive materials received by any employee on any of these systems.

The following are examples of **prohibited uses** of E-mail and Internet systems.

- Sending or posting discriminatory, harassing, or threatening messages or images.
- Using Bannock County time and resources for personal gain. (Engaging in any personal commercial activities, including offering services or merchandise for sale or ordering services or merchandise from on-line vendors.)
- Stealing, using or disclosing someone else's code or password without authorization.
- Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material.
- Engaging in unauthorized transactions that may incur a cost to the County or initiate unwanted Internet or e-mail services and transmissions.
- Sending or posting messages or material that could damage Bannock County's image or reputation.

- Participating in the viewing or exchange of pornography or obscene materials which exceed generally accepted standards or good taste and ethics.
- Sending or posting messages that defame or slander other individuals.
- Attempting to break into the computer system of another organization or person.
- Refusing to cooperate with a security investigation.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.
- Using County resources for political causes or activities, religious activities, or any sort of gambling.
- Using County resources for fund raising activity, endorsing any product or service.
- Jeopardizing the security of the organization's electronic communications systems.
- Passing off personal views as representing those of Bannock County. Including Blogging, a frequent chronological publication of personal thoughts and Weblinks. (Blogs are alternatively called web logs or weblogs.)
- Sending anonymous e-mail messages.
- Unauthorized participation in or use of chat rooms.
- Logging on or using another employee's computer without authorization.
- Engaging in any other illegal activities in the use of such systems which would in any way bring discredit upon the public entity or violate any of the entities policies and procedures, rules, regulation, etc.
- Sending materials of a sensitive nature or which constitute our confidential information (just as you would if it was in written form).
- Accessing "confidential information" which you are not authorized to see.
- Viewing Streaming Media that is used to watch video news stories, etc.

F. Consult Bannock County's Chief Technical Officer/Information Technologies Department for approval before:

- Installing personally owned software (e.g. screensavers) or hardware on employer-owned computers or equipment.
- Downloading any information from the Internet, creating a Web page with links to other material, or using other materials. (Copyright law may protect information on the Internet.)
- Purchasing or procuring any computer, hardware, software and/or related products and cell phones and mobile devices.

G. Personal Use. As indicated in this policy, computers, Internet access and e-mail are provided primarily for work related activities. However, occasional personal use may be permitted on a limited basis within the guidelines established by this policy provided that such use does not result in a cost to Bannock County or significantly interfere with County business operations, availability of resources for business use or the employee's job performance.

Occasional personal use of County equipment is not considered to be a misapplication of County property, and is permissible so long as it does not unduly interfere with the individual's assigned responsibilities or the normal functioning of an office. However, use of such items is considered to be a misapplication of County equipment if it results in additional cost being incurred or damages to the equipment, hinders day-to-day operations, or is otherwise deemed to be excessive, inappropriate or disruptive.

H. Your consent to and compliance with these information system policies is a term and condition of your employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files is grounds for discipline, up

to and including termination. Regular monitoring of Internet activity will occur (blogging, Internet, e-mail traffic, etc.)

XXII. VEHICLE USE

The Bannock County vehicle use policy was previously adopted independently by the Bannock County Commissioners in R.S. No. 2018-106, amending R.S. No. 2013-110, R.S. No. 2011-16, and R.S. No. 2010-64.

- A. This policy applies to all people including but not limited to Employees, Elected Officials, Department Heads, Supervisors, Volunteers, Interns, etc. who drive Bannock County vehicles or equipment, who drive any vehicle for Bannock County business, who request mileage reimbursement from Bannock County, who are listed on the Bannock County fuel list and who drive when approved by the Bannock County Board of Commissioners to operate County vehicles and equipment.

Violations of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is illustrative and not all inclusive; and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of employment.

County drivers shall always drive safely, legally and courteously to reduce the risk of personal injury and/or property loss while representing the County. Drivers are directly responsible for maintaining both the County assets and the trust of the public. Remember that each employee of Bannock County is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon Bannock County. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of Bannock County as a public institution, each employee is expected to scrupulously avoid personal behaviors, which would bring unfavorable public impressions upon Bannock County and its officials.

1. **Personal use of County vehicles is prohibited** except for de minimis use which is so small that accounting for it is impractical or unreasonable. For example, during scheduled work hours and in the scope of your work, employees may stop for food, a rest break, etc. No personal use of take home vehicles outside of work schedule unless in the scope of your job responsibilities if you are called into work.
2. **Elected Officials/Department Heads/Supervisors are responsible** for the management and safety of our County drivers by:
 - a. Requiring a **valid driver's license**. Supervisor must be immediately notified if their driving license privileges are expired, revoked or suspended.
 - b. Reviewing current and potential drivers - Driver's License Record (DLR).
 - c. Verifying qualifications to drive specialized vehicles. Vehicles over 26,000 gross vehicle weight, buses, and vans with 16 passengers and cargo that require hazardous placards require an appropriately classed and endorsed commercial driver's license (CDL). These drivers are required to be added to the **CDL drug testing program**

which requires pre-employment drug testing for all Bannock County employees who are functioning with CDL.

- d. Providing vehicle safety and defensive drivers training.
- e. Encouraging **carpooling** if multiple employees are traveling to the same business event.
- f. Requiring that all County vehicles and equipment be identified with a **Bannock County permanent logo that is visible on each side of the vehicle**. All exceptions have to be approved by the Elected Official and the Bannock County Commissioners. (Law enforcement vehicles related to the Sheriff/Jail and Probation are exempted by the approval of this policy as deemed necessary).
- g. Verifying that the current Bannock County **insurance card** is in the County owned or leased vehicle at all times. (A vehicle rented by a Bannock County employee for County business is automatically covered for physical damage by Bannock County's ICRMP insurance policy. It is not necessary to purchase the optional coverage offered by the rental agency. However, if the rented vehicle is also used on separate days for personal business the employee would be liable for furnishing vehicle insurance). Vehicle Insurance Identification Cards are available in the Human Resources/Risk Management Department.
- h. Ensuring required maintenance, current registration, license plates, inspections and proof of insurance.

3. Every County driver is responsible for:

- a. Reporting to their Elected Official/Department Head/Supervisor any reason that may affect their ability to drive safely. For example, a **County driver must never operate** a County vehicle when their ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication or illness, fatigue or injury. For example if you are traveling on a business trip, you may need to take a rest break or have a passenger who is a licensed driver take over the driving responsibilities. **A passenger may only drive a County vehicle when the County driver is present in the vehicle**. Any other drivers must be pre-authorized by the appropriate Elected Official/Department Head/Supervisor.
- b. Use a County vehicle for County business if available to **avoid mileage reimbursement**. A personal vehicle may be used for County business only with prior authorization from the Commissioners. Use of a Personal Vehicle form shall be completed with an attached proof of personal insurance in order to be reimbursed at the County approved mileage reimbursement rate. Do not include commuting mileage which is not an allowable expenditure and will not be reimbursed.
- c. Checking on the safety and welfare of all persons involved in an **Accident** and seeking immediate medical attention if required for themselves or others. Then move the vehicle to a safe location out of the way of traffic if possible. Then have a Non-Bannock County police officer/deputy investigate any accident that involves a Bannock County vehicle. This will help ensure that Bannock County is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer/deputy, a representative from ICRMP or an authorized representative of Bannock County. Then

notify your supervisor as soon as possible of the accident and report the extent of the injuries and property damage involved. Department of Transportation and/or Reasonable Suspicion drug testing may be required. Then cooperate fully with the Bannock County Human Resources/Risk Management Department and ICRMP's Claims Department in the handling of the claim.

- d. Taking personal responsibility for all **Traffic Violations**, fines and other criminal penalties due to violations of the law for any driver of any Bannock County vehicles or equipment. These costs are not reimbursable by Bannock County and must be paid promptly by the driver. (However, non-moving violations may be reviewed on an individual basis by Bannock County for payment). Elected Official/Department Head/Supervisor's shall be notified of all violations.
 - e. Not using **PROHIBITED mobile communication devices which are** defined as "a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication" **for texting, cell phones for texting or computers of any type while the vehicle is in motion. Drivers MAY USE a hands-free mobile communication device or hands-free cell phone for voice communication when the vehicle is in motion. This Mobile Communication Device, Cell Phone and Computer Use policy does not apply to the use of Bannock County work-related two-way radios. Exception: Sworn law enforcement officers may use mobile communication devices in specific tactical situations.**
 - f. Wearing required **seatbelts** for not only the driver but also the passengers as mandated by law. **Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances wearing a seatbelt would hinder rather than increase safety.**
 - g. Not using **Smoking/Vaping/E-Cigarettes** which are **prohibited** in all Bannock County vehicles.
4. The **Public Works Shop Supervisor** is responsible for the maintenance of County vehicles. Each Elected Official/Department Head/Supervisor and driver are responsible to coordinate the service and maintenance of vehicles assigned to their department with the Public Works Shop Supervisor. Bannock County has the right to take any unsafe vehicle out-of-service. If one of your vehicles is involved in an accident, the vehicle should be delivered to the Public Works Shop Supervisor. Forward all related accident reports, pictures, Member Claim Submission form, etc. to the Public Works Shop Supervisor and to Human Resources/Risk Management.
- a. Public Works is responsible for the **Bannock County Fuel System**. Fuel Keys are assigned to each County vehicle until it is taken out of County Service. Public Works is responsible for the fuel system **PIN numbers** which are assigned to each employee who has been authorized by their Elected Official/Department Head/Supervisor to fuel county vehicles.
 - b. If a County vehicle is taken out of County Service the Elected Official/Department Head/Supervisor is responsible for having the Bannock County Board of Commissioners approve the sale, transfer, donation, or disposal of all County vehicles. The fuel key card

needs to be returned to Public Works and Auditing needs to record the sale, transfer, donation or disposal of the County asset.

5. At the direction of your Elected Officials/Department Head a County Vehicle Usage Report may be required to be maintained in designated County vehicles and to be completed when the vehicle is used. Then reviewed and approved by the Elected Official/Department Head/Supervisor before it is submitted to auditing on a monthly basis.


Adopted by the Board of Bannock County Commissioners on November 9, 2023

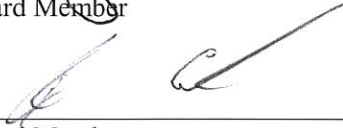
to be effective on


December 1, 2023.


Chair

11/9/2023
Date


Board Member


Board Member

Attest: 
Clerk