

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 assigned employment status of a position communicates the nature of the assignment (regular or causal), the average hour requirements and the benefit eligibility for each status.

The scheduling of an employee's hours is at the sole discretion of the Elected Official, manager or scheduling supervisor and their determination of operational needs, available funding and approved budgets, and an assigned status is not a guarantee of current or future scheduled hours. Classification status is determined based on budgeted average hours at the time of hire / transfer, and annually thereafter according to average hours calculated in the previous full measurement period (August through July). Employees hired, rehired or transferred into part-time, on-call, temporary or seasonal employment statuses may not work more than 1,500 hours during an annual measurement period (August through July). Employees must have a one-month break before transferring from a part-time, on-call, temporary, or seasonal assignments to a full-time position.

The employment status classifications are:

1. Elected Officials (EO)
Elected officials include the Assessor, Clerk, Commissioners, Coroner, Prosecuting Attorney, Sheriff, and Treasurer positions. Elected officials are eligible for the benefits provided in this personnel policy unless the policy specifically mentions an exclusion. One exclusion is that elected officials do not accrue paid leave.

2. Full-Time Regular (FT)

Positions that have a continuous assignment and average at least 30 hours of work per week during a measurement period are considered full-time regular status and eligible for all benefits provided by the County. Elected officials, department managers or scheduling supervisors may require and schedule full-time regular employees to work more than 30 hours per week to meet operational or shift rotation needs (e.g. 36 hours, 40 hours, etc.).

3. Part-Time Regular (PT)

Positions that have a continuous assignment and work an average of 19 hours or less of work per week are considered part-time and eligible for limited benefits identified by the County. Employees hired into part-time employment status may not work more than 1,500 hours in an annual measurement period.

4. On-call Casual (OC)

Positions with an ongoing but irregular schedule that average less than 19 hours per week are considered on-call. On-call positions are eligible for limited benefits described in this policy and those required by federal and state law.

5. Temporary Casual (TEMP)

Positions with a temporary assignment(s) of less than five (5) continuous months and that work an average of 29 hours or less during an annual measurement period are considered temporary. Temporary positions are eligible to participate in limited benefits described in this policy and those required by federal and state law.

Employees working in temporary positions must have a one (1) month waiting period before promotion, demotion, transfer or working another temporary assignment. Employees hired into this employment status - may not work more than 1,500 hours in an annual measurement period.

6. Seasonal Casual (SEAS)

Positions that are assigned and only available during specific weather seasons that last no longer than six (6) months are considered seasonal. Seasonal positions are eligible to participate in limited benefits identified by the County and those required by federal and state law.

Employees working in seasonal positions must have a 13-week waiting period between seasonal assignments. Employees hired into the seasonal employment status may not work more than 1,500 hours in an annual measurement period.

Employee Benefits	EO	FT (> 30 Hrs. & > 5 mo.)	PT (< 19 Hrs. & > 5 mo.)	OC (< 19 Hrs. & > 5 mo.)	TEMP (<29 Hrs. & < 5 Mo.)	SEAS (< 1,500 Hrs. & < 6 Mo.)
Pension Retirement	Yes	Yes	No	No	No	No
401(k) / 457 (b) Optional Retirement	Yes	Yes	Yes	Yes	Yes	Yes
Health, Dental, Vision	Yes	Yes	No	No	No	No
Early Retiree Health, Dental, Vision (55 years or older with continuous years of service requirement)	Yes, with 5 Years	Yes, with 20 Years	No	No	No	No
Flex Spending Medical & Dependent Care Plan	Yes	Yes	No	No	No	No
Life, AD&D, Long-Term Disability	Yes	Yes	No	No	No	No
Supplemental Accident, Cancer, Dental, Vision, ST Disability, Hospital, and Critical Care Plans	Yes	Yes	No	No	No	No
Educational Programs	Yes	Yes	Yes	Yes	Yes	Yes
Holiday Pay	No	Yes	Yes	No	No	No
Vacation or PTO	No	Yes	No	No	No	No
Paid Sick Leave	No	Yes	No	No	No	No
Jury and Military Leave Pay	No	Yes	No	No	No	No
Employee Assistance Program	Yes	Yes	No	No	No	No

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. Volunteers will not be younger than 14 years of age, and those volunteers under 18 should provide written parental consent and be accompanied by an adult during their volunteering activities. Volunteers that require workers' compensation should report weekly hours volunteered to payroll.

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. Unpaid and Paid 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 unpaid internship does not meet all of these requirements, then the position is to be a paid internship e classified into an employment status and shall receive applicable compensation and benefits. Intern requests should be submitted to Human Resources and the BOCC for approval. If worker's compensation is needed, it should be indicated and weekly intern hours will be submitted to payroll for worker's compensation reporting.

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, while non-exempt employees qualify to earn compensatory or overtime where allowed at a rate of time and one-half of regular rates of pay when working more than 40 hours during established work period . Actual hours worked are used for the calculation of overtime or compensatory hours for non-exempt employees in compliance with the FLSA.

Employees who serve as sworn law enforcement officers may be subject to special compensatory / overtime guidelines for working more than 86 hours in a 14-day work period as allowed by the FLSA (see 29 U.S.C. § 207(k)) and may also be assigned to a distinct pension class according to pension rules.