

RESOLUTION NO. 2011-15

A RESOLUTION OF FREMONT COUNTY, IDAHO, ADOPTING A NEW EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS; DRUG & ALCOHOL FREE WORKPLACE POLICY; AND ADDING THE INFORMATION TECHNOLOGY STANDARD OPERATING PROCEDURES, TO THE FREMONT COUNTY PERSONNEL POLICY, WHICH SAID PERSONNEL POLICY OUTLINES RULES, REGULATIONS AND BENEFITS OF EMPLOYMENT WITH FREMONT COUNTY, WITH SAID NEW POLICY SUPERSEDING ALL PREVIOUS FREMONT COUNTY EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS PERSONNEL POLICIES, DRUG AND ALCOHOL FREE WORKPLACE POLICY, AND INFORMATION TECHNOLOGY DEPARTMENT STANDARD OPERATING PROCEDURES.

WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has determined that a new compilation of the Fremont County personnel policy entitled: Employee Classification, Compensation, and Benefits, Section IV. Employee Classification, Compensation, and Benefits, Section A. Classifying Employees for Policy Purposes, has become necessary to add paragraph d. titled, Volunteers, which states that County Employees are not allowed to be compensated for any volunteer work done for Fremont County. County employees who choose to do volunteer work for the County do so with the knowledge and understanding that they will not be compensate for said volunteer work; and

WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has determined that a new compilation of the Fremont County personnel policy entitled: Employee Classification, Compensation, and Benefits; Employee Benefits; Section C. Employee Benefits, c. Concurrent Use of Accrued Personal Leave and Worker's Compensation Required, has become necessary to add a paragraph stating: Employees will be allowed to utilize their P/L or Compensatory Time while on Short Term Disability; and

WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has determined that a new compilation of the Fremont County personnel policy entitled: Addendum 3, Fremont County's Drug & Alcohol Free Workplace Policy Purpose and Overview, has become necessary to add a paragraph entitled Prescription Medications, which states: The legal use of prescribed drugs is permitted on the job as long as it does not impair an employee's ability to perform the essential functions of the job safely and effectively without endangering themselves, the public or other individuals. Employees are required to report any condition which may affect their ability to perform the essential functions of their job safely and effectively to their immediate supervisor. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible side effects of the medication upon the employee's ability to do his or her job and the length of time that the employee will be required to take the

medication. The employee may be required to take personal leave while taking the medication. All medical information will be treated as confidential; and the paragraph entitled Over-The Counter Medications, which states: Employees who take over-the-counter medications are responsible for knowing any effect the medication may have on the performance of their duties. Employees must promptly report to their supervisor if the use of the medication(s) is likely to impair their ability to do their job safely. All medical information will be treated as confidential; and

WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has determined that a new compilation of the Fremont County personnel policy entitled: Employee Classification, Compensation, and Benefits; Employee Benefits; Section C. Employee Benefits, c. Concurrent Use of Accrued Personal Leave and Worker's Compensation Required, has become necessary to add a paragraph stating: Employees will be allowed to utilize their P/L or Compensatory Time while on Short Term Disability; and

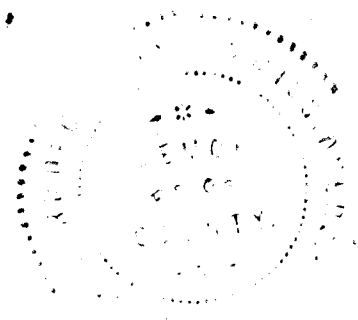
WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has determined that it has become necessary to add SOP-2011-13, Information Technology Department Standard Operating Procedures, to the Fremont County personnel policy; and

WHEREAS, the Board of County Commissioners of Fremont County, Idaho, has previously passed these amendments, changes or additions, and they needed to be amended, changed or added to make the Fremont County Personnel Policy current.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, THAT THE FREMONT COUNTY PERSONNEL AND PROCEDURE POLICY ENTITLED: EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS, AND THE DRUG & ALCOHOL FREE WORKPLACE POLICY, PREVIOUSLY APPROVED ON JANUARY 11, 2010, IS HEREBY NULL AND VOID. THE NEW FREMONT COUNTY PERSONNEL POLICY ENTITLED EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS; DRUG & ALCOHOL FREE WORKPLACE POLICY; AND THE INFORMATION TECHNOLOGY DEPARTMENT STANDARD OPERATING PROCEDURES, ARE HEREBY ADOPTED AS A PART OF THE OFFICIAL PERSONNEL POLICIES AND PROCEDURES FOR FREMONT COUNTY.

This resolution shall be in full force and effect on the 23rd day of May, 2011.

PASSED THIS 23rd DAY OF May 2011, BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO.

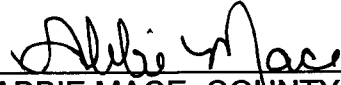


BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO



RONALD "SKIP" HURT, CHAIRMAN

ATTEST:



ABBIE MACE, COUNTY CLERK

Microfilm No. 533945
23 Day May 2011
At 1:26 O'Clock P M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 0 Clarity Deputy
Recorded at Request of Abbie Mace

IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by class or category in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The County will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his/her service is properly addressed.

With the exception of elected officials, any employee, regardless of designation, may utilize the Unlawful Discrimination and "Name-Clearing Hearing" procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination or an allegation entitling him/her to a name-clearing hearing.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

a. For-Cause Employment

1. Regular Employees. Except as otherwise provided in this Policy, regular employees of **Fremont County** will not be suspended without pay, demoted with an accompanying change in pay, or discharged from their positions for disciplinary purposes except for cause related to performance of their job duties or other violations of this policy. Cause shall be determined by the employee's supervisor/elected official and shall be communicated in writing to the employee when the employee's status is proposed to be changed.
2. Only suspension without pay, demotion with change of pay, or discharge for cause shall be subject to the disciplinary hearing procedure set forth in this personnel policy. The hearing procedure is to be administered in a directory manner, allowing flexibility in administration that does not adversely affect the employee's fundamental opportunity to be heard. It is the responsibility of an employee to show by clear and convincing evidence that the factual basis for the personnel action is incorrect or that the reasons for the personnel action are contrary to existing law. Should the employee establish such basis, the employee's back wages and benefits shall be restored as if the specified action had not been taken.

3. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings shall not be subject to the hearing procedure set forth herein. **Fremont County** retains full authority, without prior notice, to modify the general terms and conditions of employment. Additional information may be obtained in the personnel office or by communication with an employee's supervisor or administrator.

b. Exceptions to For-Cause Employment

1. Deputy Prosecuting Attorneys & Other Legal Counsel. Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, 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 or the Board of County Commissioners (if they serve at the Board's pleasure). They can be appointed or removed at the pleasure of the elected official for whom they serve, and the disciplinary hearing process as set out in this policy does not apply. However, any deputy prosecutor or other legal counsel for the County who believes that he/she has been removed from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.
2. Senior Deputies (sometimes referred to as "chief deputies") appointed pursuant to Idaho Code § 31-2006 serve in that role at the pleasure of the elected official for which they serve. The designation can be established or removed at the pleasure of that elected official, and the hearing process set out in this policy does not apply to the removal process. In all other respects of this policy, they are considered to be regular employees and shall receive all employee benefits provided by **Fremont County** as such benefits now exist or may be subsequently changed.

3. **Temporary or Seasonal Employees.** Employees who work on an irregular or temporary basis are considered to be temporary or seasonal employees. As such, these employees are not considered to be Regular Employees and the disciplinary hearing process as set out in this policy does not apply. However, any irregular or temporary employee who believes that he/she has been removed from his/her position or demoted with attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.
4. **Veteran's Rights Following Reinstatement.** Any veteran, who has been restored to his/her position in accordance with Idaho Code § 65-512, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to a hearing prior to termination. Such returning veteran shall, also, be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

LEGAL COUNSEL for FREMONT COUNTY is not covered by the generally applicable disciplinary provisions of this policy. Pursuant to the Idaho Rules of Professional Conduct, and notwithstanding different employment status for other employees of Fremont County, employed legal counsel serves at the pleasure of the client. Nonetheless, no legal counsel employed by Fremont County shall be dismissed from employment or demoted with an attendant reduction in pay for unlawful discriminatory reasons as noted in Section VI of this policy. Legal counsel believing that he/she faces dismissal from employment or demotion with an attendant reduction in pay for unlawful discriminatory reasons or because of allegations requiring the opportunity for a "name-clearing hearing" shall be given an opportunity to be heard regarding these allegations as provided for in Section V entitled, "Opportunity to be Heard—Assertions of Unlawful Discrimination and "Name-Clearing Hearing".

2. Employee Classification for Benefit Purposes

The classification of the position you hold with Fremont County may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

a. Elected Officials

Elected officials are not considered regular employees. Elected officials receive employment benefits as identified in a resolution adopted by the Board of County Commissioners.

b. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 40 hours. Full-time regular employees shall receive all employee benefits provided by **Fremont County** as such benefits now exist or may be subsequently changed by action of the Board of County Commissioners.

c. Part-Time Regular Employees

Employees whose employment is sustained and continuing, but whose typical work week consists of less than 40 but at least 30 hours on a regular basis are considered Part-time Regular Employees. Part-time regular employees shall receive reduced employee benefits in accordance with specific policies adopted by the Board of County Commissioners. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached. Part-time employees are not eligible for holiday pay, unless the holiday falls on the employees regular work day scheduled.

d. Volunteers

County employees are not allowed to be compensated for any volunteer work done for Fremont County. County employees who choose to do volunteer work for the County do so with the knowledge and understanding that they will not be compensated for said volunteer work.

e. Temporary or Seasonal Employees

Employees who work on an irregular or temporary basis, even though they work more than 19 hours per week are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular

employees, except those required by law or those approved by official action of the Board of County Commissioners. The disciplinary hearing process set out in this policy does not apply to temporary or seasonal employees, and they are considered to be at-will employees. Temporary or seasonal employees are not eligible for holiday pay.

Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.

f. 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.

g. Holiday Pay

The Fair Labor Standards Act (FLSA) does not require payment for time not worked, such as vacations or holidays (Federal or otherwise). These benefits are generally a matter of agreement between an employer and an employee (or the employee's representative).

C. EMPLOYEE BENEFITS

Fremont County offers a number of employee benefits for regular full-time and part-time 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.

1. Personal Leave

Personal leave is available to full-time and part-time regular employees who have completed the equivalent of 3 months of full-time employment. Personal Leave accrues from the start of employment in the following manner:

| Length of Service | Personal Leave Accrual per Year |
|-------------------|---------------------------------|
| 0 – 1 year | 96 hours |
| 1 – 2 years | 176 hours |
| 3 – 4 years | 184 hours |
| 5 – 6 years | 192 hours |
| 7 – 8 years | 200 hours |
| 9 – 10 years | 208 hours |
| 11 – 12 years | 216 hours |
| 13 – 14 years | 224 hours |
| 15 – 16 years | 232 hours |
| 17 – 18 years | 240 hours |
| 19 – 20 years | 248 hours |
| 21 years or more | 256 hours |

Personal Leave can only accrue to an absolute 256 hour maximum. Any excess, over the maximum accrual, not used during the year in which it accrues will be forfeited, without right of compensation, at the conclusion of the fiscal year in which it became excess. This rule may be subject to an exception for one year's additional accrual upon written permission of the responsible elected official, with the concurrence of the governing Board of County Commissioners. Personal Leave is to be scheduled with consent of the responsible elected official or department supervisor. Efforts will be made to accommodate the preference of the employee in Personal Leave scheduling, but first priority will be the orderly functioning of affected departments. Upon separation from employment unused personal leave up to the maximum allowable accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

Sick leave accumulated by an employee prior to January 1, 2001 shall be banked for that employee, to be used for personal illness or for the illness of an immediate family member. When an employee is separated from employment with the County and has such banked sick leave, the

employee shall be paid for such accumulated sick leave of not more than 120 hours, computed according to the employee's hourly wage at the time of separation. Sick leave accumulated prior to January 1, 2001, may not be transferred from one employee to another; it may only be used by the employee who accumulates it. Any questions regarding the accumulation of such leave shall be determined according to the personnel manual in existence at the time such sick leave was accumulated.

Vacation leave accumulated by an employee prior to January 1, 2001 shall be credited to that employee. When an employee is separated from employment with the County and has such credited vacation leave, he shall be paid for such accumulated vacation leave of not more than 240 hours, computed according to the employee's hourly wage at the time of separation. Vacation accumulated prior to January 1, 2001 may not be transferred from one employee to another; it may only be used by the employee who accumulates it. Any questions regarding the accumulation of such leave shall be determined according to the personnel manual in existence at the time such vacation leave was accumulated.

TERMINATION:

Employees will be paid for all accrued but unused Personal Leave only, when they leave the entity.

NOTICE AND SCHEDULING:

Employees are required to provide their supervisor with at least two (2) days' advance notice and obtain approval prior to using Personal Leave. There may be occasions, such as sudden illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible.

RECORDING PAID TIME OFF:

Employees must complete an absence report for all Personal Leave time used. Employers are required to track absences for illness, work related illness/injury, or the attendance of school-related activities for legal compliance reasons.

The amount of Personal Leave accrued, used and available will appear on your paycheck stub.

2. Holidays

Ten official holidays are provided for full-time regular employees. Employees who have regular full-time active status on the date of any

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

Full-time Regular Employees who work on holidays shall be scheduled to receive a substitute holiday with pay within sixty days of the date of the holiday they worked. Unscheduled emergency work on holidays shall be compensated at a rate of one and a half (1½) times the employee's regular rate of pay.

(Refer to definition of P/T Regular employee, pg 21, c).

Recognized Holidays:

| | |
|--------------------|------------------|
| New Year's Day | Labor Day |
| Martin Luther King | Columbus Day |
| Presidents' Day | Veteran's Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Christmas Day |

4. Bereavement Leave

Up to five days of paid leave of absence shall be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). Additional leave may be granted from accrued personal leave or unpaid leave of absence

5. Leaves of Absence

Up to thirty (30) days unpaid leave can be granted by the elected official for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of thirty days shall require written approval of the Board of County Commissioners.

An employee, who is taking time off without pay, will not be eligible for P/L accrual time. The absolute time being substantial, meaning 1 week minimum, 40 hours.

6. 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 employer for at least 12 months;

2. must have worked at least 1,250 hours for the employer during the previous 12 months; and
3. your employer must employ at least 50 employees.

If your employment situation does not meet all of the qualifications set forth above, the subsequent FMLA policy, which is required by law to be included in our policy, DOES NOT apply to you.

b. Entitlements

The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave (Exigency Leave) during any 12-month calendar period to eligible, covered employees for the following reasons:

1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition. It also requires that the employee's group health benefits be maintained during the leave. The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave in a calendar year.

If all eligibility requirements are met, the employee is covered under the FMLA. He/she may request up to 12 weeks of leave where **Fremont County** will continue the employee's benefits (employer portion only) during the leave period. If the employee does not return to work for reasons other than their own continued serious health condition or that of an eligible family member, **Fremont County** may recover from the employee the premium(s) that were paid for the employee's medical coverage.

Total FMLA leave for employee spouses who both work for **Fremont County** is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

Examples where employees of **Fremont County** are entitled to leave under FMLA include:

1. To care for a child following a birth or placement of a child with the employee for adoption or foster care.
2. To care for a sick child, spouse or parent who has a "serious health condition."

3. If the employee him/herself is unable to perform his or her own work responsibilities because of his/her own serious health condition.
- c. Concurrent Use of Accrued Personal Leave and Worker's Compensation Required

Employees are required to use any accrued paid Personal Leave or Compensation Time (if applicable) concurrently with any FMLA leave. If paid leave accruals are less than 12 weeks, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue leave while utilizing their paid Personal Leave. They will cease to accrue Personal Leave during the unpaid portion of their leave. If the employee is on Worker's Compensation leave and Short Term Disability leave will also run concurrently with any FMLA leave. However, employees cannot utilize their P/L or Compensatory Time while out on Worker's Compensation.

Employees will be allowed to utilize their P/L or Compensatory Time while on Short Term Disability.

- d. Employee Obligations

Employees are required to give 30 days' advance notice or as much time as practical when the need for FMLA leave is foreseeable. **Fremont County** reserves the right to request medical certification supporting any leave, and may require second or third opinions (at **Fremont County's** expense). **Fremont County** may also require a doctor's fitness for duty report prior to your returning to work. Leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely **Fremont County** in compliance with the provisions of the Family and Medical Leave Act. Should a doctor not find the employee fit to return to duty, the employee will not be allowed to return to work.

Contact **Human Resources** to discuss your rights and obligations, pick up forms, and for continuation of any current benefits you are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

To request FMLA leave please write a brief letter or memo to your Human Resource Officer indicating the reason for requesting FMLA leave and the expected duration of leave. Note: Your supervisor may request that you provide certification by your physician or medical

practitioner indicating the diagnosis and probable duration of your medical condition or the medical condition of your family member.

e. Intermittent Leave Requests

FMLA leave may be taken intermittently or on a reduced leave schedule to allow the employee to care for a sick family member, or for an employee's own serious health condition with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the elected official.

f. Employer's Rights and Obligations

Fremont County has the right to determine whether the employee is or is not an "eligible employee" under the Act. Fremont County has the right to place an employee on FMLA leave without the employee's consent should the County determine that the employee meets the eligibility requirements under the Act.

Fremont County will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the Family and Medical Leave Act. 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".

Fremont County reserves the right to require periodic notices (determined by **Fremont County**) of your or your family member's FMLA status and your intent to return to work.

Employee must provide supervisor with a working phone number while on FMLA leave.

g. The National Defense Authorization Act

On January 28, 2008, the FMLA was amended by the National Defense Authorization Act. This amendment provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period (Caregiver leave) to an eligible employee who must care for a covered service member who 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 which renders that person unfit to perform his or her duties in the Armed Forces. **Fremont County** may require the request for this type of leave be supported by

certification that the service member being cared for by the employee has a serious health condition.

The National Defense Authorization Act also 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. **Fremont County** may require the request for this type of leave be supported by certification that the service member has actually been called to active duty. **Fremont County** employees shall provide prior notice when the need for this type of leave is foreseeable.

If you have any questions about your rights under FMLA please contact the Human Resources Director.

7. Change in Benefits

Fremont County, through its Board of County Commissioners, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

8. Benefits for Part-Time or Temporary Employees

All employees shall receive benefits as required by law to include Workers Compensation insurance. All other benefits are to be determined by the governing board.

9. Insurance Coverage Available to Employees

Health insurance is available to employees and family members in accordance with the terms and conditions of the County's contract for such services. The Human Resources Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings including life insurance, disability insurance, vision insurance and supplemental income protection may be available at employee or County expense. The Human Resources Office should be contacted for additional information. Any such offerings are subject to change at any time.

10. Retirement

The retirement plan of **Fremont County** combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and **Fremont County** matches this with an additional larger contribution. Contact the Human Resource Office for further information.

11. Miscellaneous Benefits

In addition to the benefits listed on the previous pages, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement:

- a. Deferred compensation plans handled by payroll deduction.
- b. Employee-requested deduction programs subject to County policy.
- c. Provision of uniforms, tools, equipment allowance, etc.
- d. Parking privileges, use of the lunchroom and kitchen facilities, and use of a locker.
- e. Further training and higher education reimbursement or tuition refund.
- f. Any such offerings are subject to change at the Board of County Commissioners sole discretion at any time.

12. Transfer of Benefits with Employee Transfer

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within **Fremont County**. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

**FREMONT COUNTY'S
DRUG & ALCOHOL FREE WORKPLACE POLICY**

PURPOSE AND OVERVIEW

FREMONT COUNTY has an interest in establishing a work environment free of the influence of drugs and alcohol for the benefit of its employees, customers and the public at large. Fremont County has a responsibility to its drivers and the public at large to see that its commercial vehicle operators and other employees in safety sensitive positions are free from unlawful drugs and alcohol while on duty.

Therefore, Fremont County has implemented a Drug and Alcohol Free Workplace Policy to insure that all of its employees are free from the effects of unlawful drugs and alcohol while at work or on company business. Fremont County's Policy includes within its provisions the federal Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing regulations set forth in 49 CFR Part 40 and 382.

IMPLEMENTATION

The authority to make decisions about the testing process and answer questions will be under the direction of the Human Resources Director/Risk Manager. The general drug free workplace policy will apply to all applicants and employees of Fremont County. Employees are subject to specific types of drug testing as detailed below. The general provisions, plus the specific DOT regulations governing employee post-hire testing will apply to all prospective and current drivers of Fremont County who are required to obtain a commercial drivers license (CDL) in order to operate a commercial vehicle for the County (hereinafter referred to as "drivers") and other employees in safety sensitive positions.

PRESCRIPTION MEDICATIONS

The legal use of prescribed drugs is permitted on the job as long as it does not impair an employee's ability to perform the essential functions of the job safely and effectively without endangering themselves, the public or other individuals. Employees are required to report any condition which may affect their ability to perform the essential functions of their job safely and effectively to their immediate supervisor. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible side effects of the medication upon the employee's ability to do his or her job and the length of time that the

employee will be required to take the medication. The employee may be required to take personal leave while taking the medication. All medical information will be treated as confidential.

OVER-THE-COUNTER MEDICATIONS

Employees who take over-the-counter medications are responsible for knowing any effect the medication may have on the performance of their duties. Employees must promptly report to their supervisor if the use of the medication(s) is likely to impair their ability to do their job safely. All medical information will be treated as confidential.

POSSESSION, USE, OR DISTRIBUTION OF ILLEGAL DRUGS OR ALCOHOL

The possession, use, purchase, sale or distribution of illegal drugs, drug paraphernalia, or use of alcohol by an employee in a County vehicle, at a job site, on County property, during work hours, or while representing Fremont County is strictly prohibited. Any employee violating this prohibition will be terminated. This County has an absolute prohibition against employee use of illegal drugs both on and off the worksite. An employee's off the job illegal use, manufacture, purchase, possession, sale, or distribution of illegal drugs, drug paraphernalia or alcohol that results in criminal charges being brought against the employee, may result in the employee being suspended from work without pay and/or discharged. Any employee convicted of a criminal drug statute will be terminated from employment.

SELF-REFERRAL

All Fremont County employees who consider themselves drug or alcohol dependent and who voluntarily identify themselves as such will be encouraged to obtain an evaluation by a Substance Abuse Professional (SAP), as defined by DOT, and seek treatment, as recommended by the SAP. Fremont County will provide all available information regarding professional substance abuse counseling and treatment to any employee who requests it.

Employees who undergo drug or alcohol rehabilitation will be expected to do so at their own expense (with the exception of those expenses covered by an insurance program, if any), on their own time, or during a non-paid leave of absence approved by the Human Resources Director/Risk Manager and Commissioners, as appropriate. Employees may use accrued vacation or sick leave during any authorized leave resulting from self-referral.

Granting an employee the opportunity to undergo drug or alcohol rehabilitation does not mean that Fremont County guarantees the employee a position upon completion of their treatment. However, an employee may be allowed to return

to work if there is a position available and upon receipt of a written release and verification from the SAP that the employee has successfully completed a drug and alcohol treatment program and employee is drug free and ready to return to work. In addition, employee must provide to Fremont County a negative return-to-duty drug test result that was obtained within a forty-eight (48) hour period prior to submission from an organization certified to administer such tests prior to reinstatement.

Upon return to work any employee governed by DOT or holding a safety sensitive position will be subject to unannounced periodic follow-up drug testing for a period of up to two (2) years from the date the employee returns to work. Tests administered under Fremont County's standard drug testing policy will not serve as a substitution of follow-up testing requirements. Any additional positive test for drugs or alcohol will result in the employee's immediate termination.

A request for rehabilitation may not be made in order to avoid the consequence of a positive drug result or to avoid taking a drug test when requested to do so under the terms of this policy.

TYPES OF DRUG AND ALCOHOL TESTS

PRE-EMPLOYMENT TESTING

All prospective employees shall be required to read this policy and indicate their reading and understanding with their signature on the acknowledgement page provided. All prospective employees to whom Fremont County intends to hire will be required to take and pass a drug and alcohol test as part of the application process; all job offers will be contingent on the applicant passing the tests. Upon receipt of a positive test result which indicates a violation of this policy, any refusal by a prospective employee to take the required tests or any attempt to alter one of the tests will be used by Fremont County as the basis for refusal to hire.

All prospective CDL drivers and applicants for safety sensitive positions (new-hires or transfers) will be tested pursuant to DOT regulations for the presence of illegal drugs and alcohol prior to transferring to a position requiring a CDL license or driving a commercial vehicle for Fremont County. All prospective CDL drivers must disclose to Fremont County all previous employers for whom they have worked as a CDL driver or in a safety sensitive position within the past two years and provide a signed consent form authorizing Fremont County to obtain background information. Fremont County will then request from those employers information regarding any incidents where the prospective employee has tested positive for illegal drugs or alcohol, refused to test or attempted to alter a test within the last two years. In the event Fremont County receives confirmation of any of these three questions, that prospective CDL driver will not be hired or their conditional employment offer and/or job will be terminated.