



# **Boise County**

## **Personnel Policy**

Approved by the Board of County Commissioners

Date: December 26, 2023

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## **WELCOME**

It is our privilege to welcome you to Boise County. We wish you every success in your new job, and we hope that you quickly feel at home. 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.

Again, welcome!

Boise County Board of County Commissioners

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# BOISE COUNTY

## RESOLUTION #2024-08

### A BOISE COUNTY RESOLUTION AMENDING THE BOISE COUNTY PERSONNEL POLICY

**WHEREAS**, the Boise County Board of Commissioners has approved the amended Boise County Personnel Policy, known as Resolution 2024-08; and

**WHEREAS**, a diligent review and discussion of the amended policy has been held by the Boise County Board of Commissioners; and

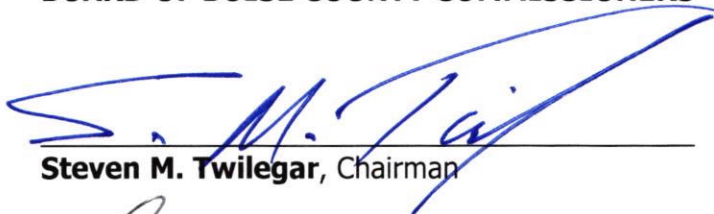
**WHEREAS**, agreement has been reached, by the Board, on the changes included in the amended Boise County Personnel Policy, Resolution 2024-08.

**NOW THEREFORE BE IT RESOLVED**, that the Boise County Board of Commissioners does hereby adopt the Boise County Personnel Policy, known as Resolution 2024-08, and which rescinds the previous Boise County Personnel Policy under Resolution 2014-75.

**IT IS FURTHER RESOLVED** that Resolution 2024-08, known as the Boise County Personnel Policy, be effective as of December 26<sup>th</sup>, 2023.

**APPROVED and ADOPTED** on this 26<sup>th</sup> day of December, 2023, in Open Session of the Boise County Board of Commissioners.

#### BOARD OF BOISE COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Steven M. Twilegar, Chairman

  
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Clay S. Tucker, Commissioner

  
\_\_\_\_\_  
Lindy E. Lindstrom, Commissioner



**Attest:**

  
\_\_\_\_\_  
Mary T. Prisco, Clerk to the Board

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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 employee may serve as an employee in the office of an Elected Official, employee 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 terms or conditions that would establish a current or future financial obligation for the County. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures 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.
11. Establish a password on all County systems, including any personal use devices to ensure system security.

## **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 or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media. All users are responsible for protecting County information from unauthorized disclosure, modification, deletion and usage. Users shall comply with all applicable laws, regulations, policies, standards, and procedural controls in order to protect County information systems and shall report sensitive security issues, misuse, and violations of security policy.
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.

## 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 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:

- Elected Official
- Supervisor
- Office/Department Head
- Human Resource Administrator
- 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 Officer 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 Elected Official.

3. The County designates Supervisor's / Superintendent's, or his/her designee, as the Elected Official who will be responsible for directing the procedures of this policy. Employees may refer to **Appendix A** if they are unsure who his or her supervisor is.

## G. PROCEDURE FOR REPORTING AND INVESTIGATING

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes employee 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 it to the Elected Official, his/her supervisor, office/department head, Elected Official, Human Resource Administrator or legal counsel for the County. The individual receiving the report must then forward it to the Elected Official. If the Elected Official is the subject of the complaint, the report must then be forwarded to legal counsel for the County.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. The Elected Official should promptly review the complaint and consult with legal counsel for the County and the Human Resource Administrator.
4. In 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.
5. The Elected Official, in consultation with legal counsel for the County, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Elected Official, who will then route it as appropriate.
8. The Elected 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.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Elected 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.
10. After the Elected 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.
11. 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.

## **VI. GENERAL POLICIES**

### **A. CASH HANDLING**

It is important for you to report any form of currency received on behalf of the County. All money must be documented on a daily transmittal and deposits are taken to the Clerk's Office. At no time shall the money be left unattended, money should be placed in the department safe or cash register. Each department has their cash handling procedures to ensure the best practice for that department. Upon hire, employee will receive the policy.

### **B. 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.

## **C. 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.

## **D. 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.

## **E. NO SMOKING POLICY**

The County buildings and facilities are non-smoking in accordance with state and federal requirements. Use of tobacco products of any kind or e-cigarettes is not allowed within all indoor spaces of the County's buildings and facilities or in County vehicles. Smoking is only permitted outside of County buildings and facilities at least 50 feet away from entrances.

# **VII. EMPLOYEE DISCIPLINE**

## **A. PERFORMANCE/DISCIPLINE FRAMEWORK**

The following framework provides discipline 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 disciplinary 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 discipline.

## B. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
  - a. Oral warning
  - b. Written warning or reprimand
  - c. Suspension with 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. HIRING POLICIES**

### **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. All objections to hiring or other employment practices will be brought to the attention of the Elected Official, office/department head or supervisor, or in the case of objection to actions undertaken by that person, to 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. 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.

### **C. 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 employee 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.

#### **D. 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).

### **IX. EMPLOYEE PERSONNEL FILES**

#### **A. Personnel Records**

1. The official employee records for the County will be kept in the Human Resource Office/department or by 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 only 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

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

### A. Employee Classification for Employment Status

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.
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. Senior Deputies.

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 whom they serve, and are at-will employees.

### B. Employee Classification for Benefit Purposes

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

1. 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.

2. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the County.

### 3. Part-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the Board of County Commissioners and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked 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.

### 4. Temporary Employees

Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the Board of County Commissioners.

## XI. COMPENSATION POLICIES

### 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.

### 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. 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. The Board of County Commissioners has set a maximum accumulation of 100 hours of compensatory time. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Board of County Commissioners.
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. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

## **E. Reporting and Verifying Time Records**

1. Each hourly employee is responsible to timely and accurately record time that employee 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. Exempt employees may be required to document time worked or benefits used for accountability purposes.
2. 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.
3. 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.

## **F. 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 Sunday of each week 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.

## **G. Payroll Procedures and Paydays**

1. Employees are paid biweekly throughout the year. Paychecks or direct deposit receipts are issued on every other Friday. 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.

## **H. Compensation While Serving on Jury Duty, as a Witness in a Court Proceeding, or Called to Serve the Community as a Volunteer in an Emergency.**

1. The County encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted to employees called to serve as a court witness in matters specifically related to County operations, or called to serve on jury duty. Full pay will be provided equaling up to employees typical scheduled work day hours while serving.
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.
3. An employee who is called to serve their community as a volunteer firefighter or emergency responder, in an emergency situation, within the boundaries of Boise County, shall be granted leave and full pay will be provided up to 40 hours per week. This may be extended upon request of the employee's supervisor, to the Boise County Board of County Commissioners.

## **I. Military Leave**

An 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).

## **J. 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).

## **K. Travel Expense Reimbursement**

An employee on approved County business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the Board of County Commissioners. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested (Idaho Code § 31-1501).

## L. On-the-Job Injuries

1. Employees are covered by worker's compensation insurance for on-the-job injuries. 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. 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.
2. 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 and part-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 and part-time regular employees who have completed the equivalent of 6 months of full-time employment. Employees receiving vacation benefits may carry over from year to year, on a calendar basis, a maximum of 160 hours of accrued vacation leave. On January 1st of each calendar year, all hours accrued over 160 will be forfeited. An exception will be made to account for any time worked in December that may fall into the first January payroll. Vacation accrues from the start of employment, as established in Appendix "B", attached.
2. 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. 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 or daily rate.

### B. Sick Leave

1. Sick leave benefits are provided to regular full-time employees at the rate of 8 hours per month. Permanent Part-time employees working between 20 to less than 30 hours accrue 4 hours per month. Permanent Part-time employees working 16 to less than 20 hours accrue 2 hours per month. Sick leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when an immediate family member's (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws) illness presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. Elected Officials or office/department supervisors may require the employee to provide a doctor's note, or require, at the County's expense, an independent review of reported illness by a competent medical authority.
2. Sick leave can only be accrued up to the 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.

3. Sick leave benefit recipients will receive their normal compensation when using sick leave. All unused sick leave will be forfeited without compensation upon separation from employment.

### C. Donated Leave Time

In the event that an employee becomes unable to work for a longer duration of time due to illness or accident than that for which they have sick/vacation/comp time accrued, the employee or his/her manager may solicit donations of vacation leave from other Boise County employees. All donated vacation leave shall be accumulated by the department manager/elected official and presented to the Payroll Clerk. All such requests must be submitted in writing.

In the event that an employee becomes unable to work for a longer duration of time due to an immediate family member's (spouse, child, parents, sister, brother, grandparents, grandchildren) illness or accident than that for which they have sick/vacation/comp time accrued, the employee or his/her manager may submit a written request to the Boise County Board of Commissioners for approval to solicit donated vacation leave from other Boise County employees. Only the Board of Commissioners can approve this request. If approved, the elected official/department manager shall solicit vacation leave from other Boise County employees and submit the donated hours in writing to the Payroll Clerk. Accumulated sick leave shall not be used for donated leave.

### C. Holidays

Twelve official holidays are provided for full-time regular employees. Full-time regular 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.

Full-time nonexempt Regular employees and all Permanent Part-Time nonexempt employees, who are required to work on an official (observed) county holiday, shall be compensated at a rate of 1½ times the employee's regular rate of pay for the hours worked. These required holiday hours worked, will not be credited against the employees accrual of overtime hours during the respective FLSA work period.

All employees who work in the Sheriff, Road & Bridge, EBCAD, and Solid Waste departments will have a holiday exception. The employee will be paid for the ACTUAL holiday, not the County recognized holiday. If the employee works on the holiday, the employee will be compensated at a rate of 1½ times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day

Martin Luther King, Jr. / Human Rights Day

Presidents' Day

Veteran's Day

Memorial Day

Junteenth Day

Independence Day

Labor Day

Thanksgiving Day

Thanksgiving Friday after

Christmas Eve

Christmas Day

#### **D. Bereavement Leave-Per Incident**

Up to 40 hours, per incident, of paid leave of absence will be provided for regular full time employees, a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Permanent part time employees will receive up to 16 hours, per incident, of paid leave of absence but only if the incident falls within the employee's regular work schedule.

Employees have the right to use accrued vacation leave beyond the leave of absence allowed by this section. Additional leave may be granted from accrued vacation leave/comp time or the employee may request an unpaid leave of absence.

#### **E. Leaves of Absence**

Up to 30 calendar days of unpaid leave of absence can be granted by the Elected Official for any justifiable purpose. The Supervisor of the department can approve up to 10 calendar days. Paid leave in any amount or unpaid leave in excess of 30 calendar 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. Insurance Coverage Available to Employees**

Various 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 sign-up 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 larger 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 employment status.

## **XIII. Family Medical Leave Act (FMLA)**

This section contains a summary of FMLA rights and responsibilities and is not intended to be a complete statement of all FMLA issues that may arise. Please check with the Human Resource Office in identifying FMLA leave issues. The US Department of Labor has published an FMLA resource for employees: [www.dol.gov/whd/fmla/employeeguide.pdf](http://www.dol.gov/whd/fmla/employeeguide.pdf). It has also published a guide for employers that is also beneficial to employees: [www.dol.gov/whd/fmla/employerguide.pdf](http://www.dol.gov/whd/fmla/employerguide.pdf).

### **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;
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 [PTO] leave and compensatory time off ("comp time") concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick [PTO] 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 for at least four (4) weeks are 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 make arrangements 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.
5. Employees eligible for FMLA protected leave may decline the use of such leave, but will then be subject to the attendance and leave policies of the County.

## **E. Intermittent Leave Requests**

FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." Intermittent leave may not be used for the birth or placement of a child for adoption or foster care without the written approval of the Elected Official.

## **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. The FMLA also 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 also now 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 his/her 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 himself/herself 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 his/her 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.

## **XII. IDAHO WHISTLEBLOWER PROTECTION**

### **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 employee has experienced an adverse employment action protected by the Whistleblower Act, employee may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

## **XIII. 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 employee 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 employee 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.

## **XIV. 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 the designated representative of the County. 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.

This policy has been approved and adopted this \_\_\_\_\_ day of XXXXX, 2023.

**BOISE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**STEVEN M. TWILEGAR**, Chair

\_\_\_\_\_  
**CLAY S. TUCKER**, Commissioner

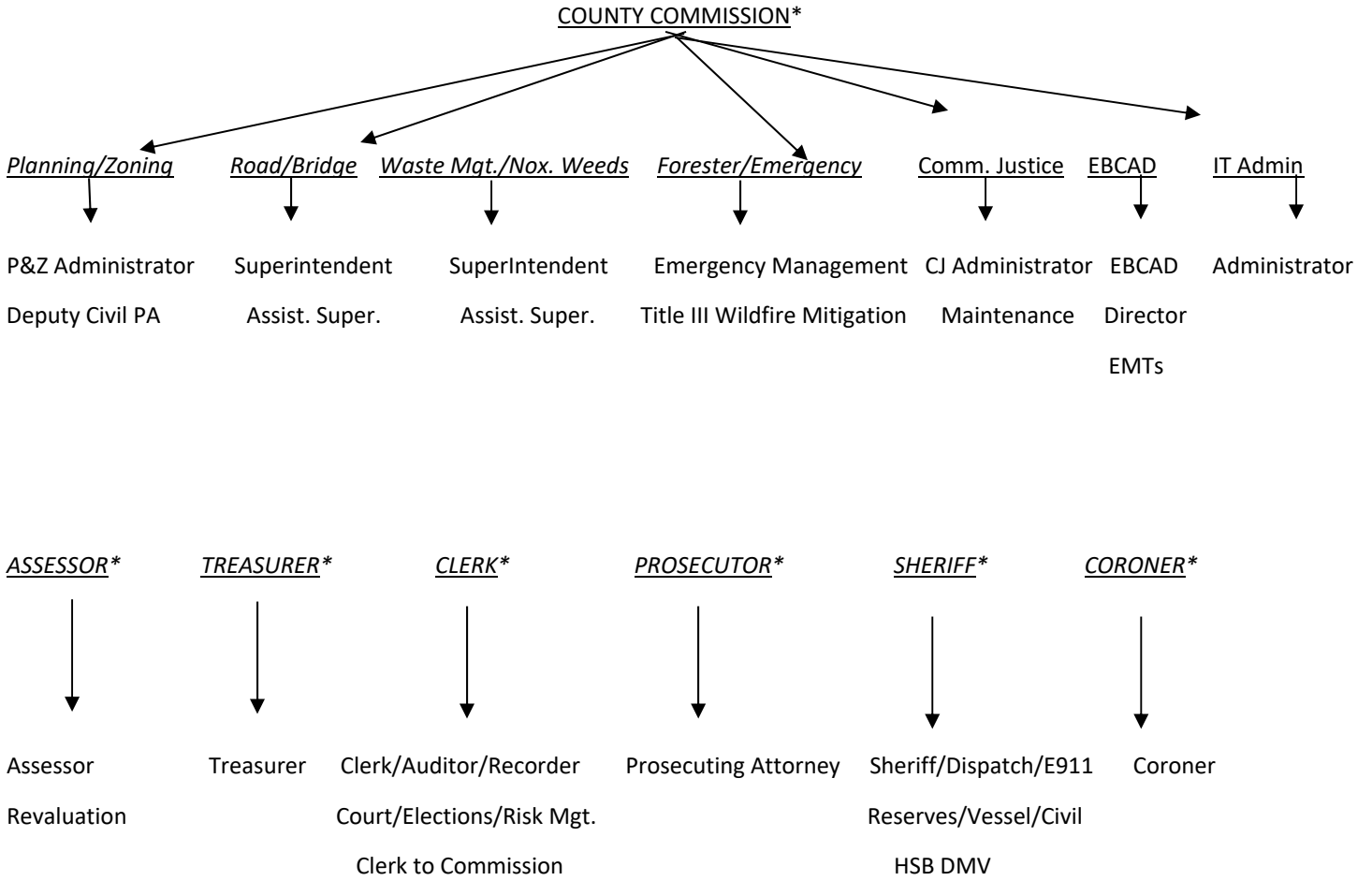
\_\_\_\_\_  
**LINDY E. LINDSTROM**, Commissioner

**ATTEST:**

\_\_\_\_\_  
**Mary T. Prisco**, Clerk to the Board

# APPENDIX "A"

## BOISE COUNTY GOVERNMENT



\*Elected Positions

## APPENDIX “B”

### VACATION LEAVE ACCRUAL SCHEDULE

#### REGULAR FULL TIME EMPLOYEE

LENGTH OF SERVICE	VACATION ACCRUAL BY YEAR	VACATION ACCRUAL BY MONTH
0-1 YEAR	5 DAYS	3.33 HOURS
1-5 YEAR	10 DAYS	6.67 HOURS
5-12 YEAR	15 DAYS	10 HOURS
12-24 YEAR	20 DAYS	13.33 HOURS
25+ YEAR	25 DAYS	16.67 HOURS

#### PERMANENT PART-TIME EMPLOYEE: 20 TO LESS THAN 30 HOURS

LENGTH OF SERVICE	VACATION ACCRUAL BY YEAR	VACATION ACCRUAL BY MONTH
0-1 YEAR	2.5 DAYS	1.67 HOURS
1-5 YEAR	5 DAYS	3.33 HOURS
5-12 YEAR	7.5 DAYS	5.00 HOURS
12-24 YEAR	10 DAYS	6.67 HOURS
25+ YEAR	12.5 DAYS	8.33 HOURS

### SICK LEAVE ACCRUAL SCHEDULE

#### REGULAR FULL TIME EMPLOYEE

LENGTH OF SERVICE	SICK ACCRUAL BY YEAR	SICK ACCRUAL BY MONTH
0-25+ YEAR	12 DAYS	8.00 HOURS

#### PERMANENT PART-TIME EMPLOYEE: 20 TO LESS THAN 30 HOURS

LENGTH OF SERVICE	½ SICK ACCRUAL BY YEAR	½ SICK ACCRUAL BY MONTH
0-25+ YEAR	6 DAYS	4.00 HOURS

#### PERMANENT PART-TIME EMPLOYEE: 16 TO LESS THAN 20 HOURS

LENGTH OF SERVICE	¼ SICK ACCRUAL BY YEAR	¼ SICK ACCRUAL BY MONTH
0-25+ YEAR	3 DAYS	2.00 HOURS



## APPENDIX "C"

### ACKNOWLEDGMENT OF RECEIPT OF THE BOISE COUNTY PERSONNEL POLICY

I, \_\_\_\_\_ acknowledge receipt of the \_\_\_\_\_ Personnel Policy, adopted on \_\_\_\_\_.

- I understand that it is my responsibility to read and review this Policy.
- I understand that I am an at-will employee of the County, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy I and any additional rules, regulations, policies or procedures imposed by the office/department in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Employee)

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the Boise County Personnel Policy, as adopted by the Board of County Commissioners on \_\_\_\_\_ to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Name - Title - Office/department)