



Sherburne
SWCD

Sherburne SWCD Personnel Policy Handbook

Revised 2/19/2026



Sherburne Soil and Water Conservation District

763-220-3434 | 425 Jackson Ave NE
www.sherburneswcd.org | Elk River, MN 55330

SHERBURNE SOIL AND WATER CONSERVATION DISTRICT

TABLE OF CONTENTS

ARTICLE I: ADOPTION 6

ARTICLE II: ACKNOWLEDGMENT 7

SECTION I: WELCOME 8

SECTION II: GENERAL PROVISIONS 9

 A. PURPOSE 9

 B. MANAGEMENT RIGHTS 9

 C. ADMINISTRATION 10

 D. SCOPE AND SAVINGS CLAUSE 10

 E. CONFLICT WITH STATUTORY PROVISIONS 10

 F. EMPLOYEE RESPONSIBILITIES 10

 G. TEMPORARY, INTERMITTENT, AND SEASONAL EMPLOYEES 10

 H. TENNESSEN WARNING FOR EMPLOYEES 11

 I. NO EXPECTATION OF PRIVACY 12

SECTION III: DEFINITIONS 13

SECTION IV: EQUAL OPPORTUNITY AND NON-DISCRIMINATION 15

 A. EQUAL OPPORTUNITY POLICY 15

 B. NON-DISCRIMINATION POLICY 15

SECTION V: AMERICANS WITH DISABILITIES ACT (ADA) 16

 A. AMERICANS WITH DISABILITIES ACT 16

SECTION VI: EMPLOYMENT PROCESS 17

 A. RECRUITMENT 17

 B. SELECTION, CRITERIA, AND RANKING 18

 C. REQUIREMENTS OF PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS 19

 D. PROBATIONARY PERIOD 20

SECTION VII: HOURS OF WORK AND ATTENDANCE	21
A. WORK SCHEDULES	21
B. ATTENDANCE	22
C. REMOTE WORKING	22
D. PAYROLL	26
E. OVERTIME / COMPENSATORY TIME	27
SECTION VIII: JOB CLASSIFICATION & COMPENSATION PLAN	28
A. JOB CLASSIFICATION PLAN	28
B. COMPENSATION PLAN	28
SECTION IX: PROMOTION, DEMOTION, VACANCIES & TERMINATIONS	28
A. PROMOTION	28
B. DEMOTION	29
C. VACANCIES	29
D. TERMINATION	30
SECTION X: EMPLOYEE BENEFITS	32
A. LEAVE WITH PAY	32
B. LEAVE WITHOUT PAY	43
SECTION XI: INSURANCE PROGRAMS AND OTHER BENEFITS	46
A. INSURANCE	46
B. HSA / FSA.....	46
C. PERA.....	46
D. 457 PLAN/IRA	46
E. EMPLOYER CONTRIBUTION.....	47
F. TERMINATION BENEFITS.....	47
G. EMPLOYEE ASSOCIATION DUES	47
H. WORKER’S COMPENSATION	47
I. HEALTH CARE SAVINGS PLAN (HCSP).....	48

J.	DISTRICT APPAREL & GEAR ALLOWANCE.....	48
	SECTION XII: EMPLOYEE TRAINING AND DEVELOPMENT.....	48
A.	EMPLOYEE TRAINING AND DEVELOPMENT.....	48
	SECTION XIII: PERFORMANCE, BEHAVIOR, AND CONDUCT.....	50
A.	PERFORMANCE EVALUATION.....	50
B.	ANTI-HARASSMENT AND DISCRIMINATION POLICY.....	51
C.	DISPUTE RESOLUTION.....	59
D.	EMPLOYEE DISCIPLINE AND DISCHARGE.....	61
	SECTION XIV: REIMBURSED EXPENSES AND CREDIT CARD POLICY.....	64
A.	REIMBURSED EXPENSES.....	64
E.	EMPLOYEE-OWNED MOBILE COMMUNICATION DEVICE REIMBURSEMENT.....	65
F.	CREDIT CARD POLICY.....	66
G.	WITNESS REIMBURSEMENT POLICY.....	69
	SECTION XV: ELECTRONIC COMMUNICATION, VEHICLES AND EQUIPMENT USAGE.....	70
A.	E-MAIL, INTERNET AND COMPUTER USE POLICY.....	70
B.	VEHICLES AND EQUIPMENT.....	78
	SECTION XVI: SAFETY AND HEALTH.....	78
A.	SAFETY AND HEALTH POLICY.....	78
B.	LIFE THREATENING ILLNESSES.....	79
C.	DRUG AND ALCOHOL-FREE WORKPLACE.....	79
D.	SMOKING/TOBACCO FREE WORKPLACE.....	80
E.	SEAT BELT SAFETY.....	80
F.	VIOLENCE IN THE WORKPLACE.....	81
G.	POLICY PROHIBITING FIREARMS AT WORK.....	81
	SECTION XVII: RECORDS AND DATA PRIVACY.....	81
A.	DATA PRACTICES ACT.....	81
	SECTION XVIII: GENERAL REQUIREMENTS.....	82

A. NOTICE OF INJURY TO PUBLIC.....	82
B. PERSONAL DRESS	82
C. KEY POLICY	83
D. DISTRICT MANAGER.....	83
E. CONFLICT OF INTEREST	84
F. STAFF ETHICS AND CONFLICT OF INTERESTS	85
G. POLITICAL ACTIVITY.....	87

RESOLUTION ADOPTING THE SHERBURNE SOIL & WATER CONSERVATION DISTRICT PERSONNEL HANDBOOK

WHEREAS, it is the intent of the Board of Supervisors of the Sherburne Soil and Water Conservation District to adopt employment rules and regulations that apply to all District employees in order to assure maximum service to the taxpayer, and at the same time provide uniform employment rules and regulations which are fair and equitable for all District employees,

BE IT RESOLVED, that the following employment terms, conditions and definitions constitute the employment rules and regulations of the Sherburne Soil and Water Conservation District, and apply to all District employees except those who are subject to state regulations, union contracts, or otherwise specifically excepted within the provisions of these rules and regulations, and

BE IT FURTHER RESOLVED, that the Sherburne Soil and Water Conservation District Board of Supervisors reserves the right to change its employment rules and regulations in the Sherburne Soil and Water Conservation District Personnel Handbook (hereinafter referred to as the Personnel Handbook) at any time and as the District Board deems necessary. The Personnel Handbook does not guarantee District employees continued employment with the District, nor does it constitute an employment contract. Employees of the District are at-will employees.

BE IT FURTHER RESOLVED, that whenever reasonably possible, each new employee on the first day of their employment, shall receive a copy of this handbook, and shall have each section explained to their satisfaction. An acknowledgment of the existence of these rules and regulations will be attested to by the employee’s signature on the Personnel Handbook Acknowledgment form which follows this resolution.

BE IT FURTHER RESOLVED, that the effective date of these employment policies is **09/18/2025**, which is the amended and adopted date of this document and that any existing employment rules and regulations of the Sherburne Soil and Water Conservation District are superseded by these employment rules and regulations, and

BE IT FURTHER RESOLVED, that this document be known and called the “Sherburne Soil and Water Conservation District Personnel Handbook”, and that the original document shall be on file in the office of the Sherburne Soil and Water Conservation District.

By: _____

Title: SWCD Board Chair

Date: _____

ARTICLE II: ACKNOWLEDGMENT

PERSONNEL HANDBOOK ACKNOWLEDGMENT

EMPLOYEE NAME: _____

POSITION/TITLE: _____

New Employee:

I, _____, do hereby acknowledge that my reading and understanding these personnel rules and regulations is a condition of my probation and that I will execute this form within two (2) days of my hire and I hereby agree to abide by these personnel rules and regulations set forth in this Personnel Handbook.

SIGNED:

Employee _____

Date _____

Current Employee:

If I am a present employee of the Sherburne Soil and Water Conservation District and not a new hire, I acknowledge that these personnel rules and regulations supersede any previous personnel rules and regulations that I may have been subject to. I agree to abide by these personnel rules and regulations set forth in this Personnel Handbook.

SIGNED:

Employee _____

Date _____

SECTION I: WELCOME

Dear Employee,

Welcome to the Sherburne Soil and Water Conservation District!

This Personnel Handbook is designed to provide you with pertinent information pertaining to the general administrative employment policies of the Sherburne Soil and Water Conservation District. The policies stated herein apply to all District Employees except those who are subject to State Regulations or specifically accepted within the provisions of these policies.

This Handbook should not be construed as a binding employment contract or an offer of employment conditions other than those of an at-will employee. The policies stated in this Handbook are general in nature and the District may alter or apply the policies to a specific situation in any manner it deems appropriate. The District reserves the right to change these policies or otherwise alter conditions expressed in this document without notice, as the District Board deems appropriate.

If you have any questions or suggestions pertaining to these policies, feel free to discuss them with the District Manager and/or the Sherburne Soil and Water Conservation District's Board of Supervisors.

We wish you a successful career with the Sherburne Soil and Water Conservation District.

Sincerely,

Sherburne SWCD Board of Supervisors

SECTION II: GENERAL PROVISIONS

A. PURPOSE

The purpose of this Personnel Handbook is to provide a uniform, comprehensive and efficient system of personnel administration for the Sherburne Soil and Water Conservation District (hereinafter referred to as the "District"). The rules and regulations and resulting procedures are designed to be a working guide to the administration of the District's terms and conditions of employment. It shall be the further purpose of these Rules and Regulations to ensure that:

1. Recruiting, selecting, and advancement of employees shall be based on job related factors such as relative ability, knowledge, and skills.
2. Positions with comparable duties and responsibilities shall be compensated on the basis of comparable compensation for comparable work, consistent with attraction and retention considerations.
3. Fair treatment be afforded to applicants and employees in all aspects of personnel administration without regard to race, color, creed, religion, gender identity, sex, national origin, age, disability, marital status, sexual orientation, status with regard to public assistance, familial status, or other legally protected status.
4. Retention and separation of employees is on the basis of necessity, legal authorization of the position or availability of funds.
5. Employees are protected from coercive partisan political practices and that employees are likewise prohibited from using their official authority to interfere with or affect the result of an election or nomination for office.
6. Continuity and consistency in type and style of management is promoted, thereby stimulating action and a higher level of productivity, assuring the citizens of Sherburne County that they are being served by the employment of the highest possible caliber of personnel.

B. MANAGEMENT RIGHTS

The District Board has the sole authority to approve, modify, reject or approve as modified these rules and regulations by resolution.

The rules and regulations are not intended as a binding employment contract or an offer of employment conditions other than those of an at-will employee. These rules and regulations, in whole or in part, are subject to change, revocation, modification, or amendment at any time at the District's sole discretion with or without advance notice. The District will try to keep the Personnel Handbook current, but there may be times when rules and regulations will change before these materials can be updated.

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

C. ADMINISTRATION

These rules and regulations shall be administered by the District Manager, who is directly accountable to the District Board. The District Manager shall develop and provide necessary forms, procedures and instruction for the implementation of these rules and regulations.

Copies of these rules and regulations shall be made available to all employees and made available to interested representatives. A copy of these rules and regulations is distributed to each new employee as a part of the new employee orientation process. Printed copies of these rules and regulations will be available for public review upon request to the District Manager.

D. SCOPE AND SAVINGS CLAUSE

These policies shall apply to all District employees. Exceptions will apply where Minnesota Statutes or Federal law, including the ADA, take precedence.

E. CONFLICT WITH STATUTORY PROVISIONS

The provisions of the Personnel Handbook are subject to the laws of the United States and the State of Minnesota. In the event any provision of this Handbook shall be contrary to law, such provision shall be voided. All other provisions of the Handbook shall continue in full force and effect.

F. EMPLOYEE RESPONSIBILITIES

Employees subject to these rules and regulations must comply with, and carry out the provisions of these rules and regulations. Any employee who fails to comply with any of the provisions of these rules and regulations shall be subject to disciplinary action, up to and including termination of employment.

G. TEMPORARY, INTERMITTENT, AND SEASONAL EMPLOYEES

The District Manager retains the authority to hire temporary, intermittent, and seasonal employees throughout the year, as he/she deems necessary to alleviate employee shortages and to ensure the continued workflow of their operations, consistent with district budget guidelines. Authority for District Manager to hire is granted provided that he/she shall adhere to District budget guidelines and the status of temporary, intermittent, and seasonal employees are maintained.

H. TENNESSEN WARNING FOR EMPLOYEES

In accordance with the Minnesota Government Data Practices Act, the District is required to inform employees of their rights as they pertain to the private information we collect from them. The information we collect from employees is classified by law as either public (anyone can see it), private (the public is not given access, but you are), or confidential (even you cannot see the information). As an employee of the District, much of the data that we have about you is classified as public according to Minnesota Statutes, section 13.43, subdivisions 2 and 3.

The information we request from you from time to time during your employment may be used for one of more of the following purposes:

- To distinguish you from all other applicants or employees and identify you in our personnel files;
- To determine your eligibility for employment or promotion and make employment decisions about you and evaluate your performance;
- To contact you or other significant persons in an emergency;
- To enroll you and your family members for health insurance and other benefits programs;
- To enroll you for pension plans;
- To account for wages paid;
- To justify travel expense reimbursement;
- To account for other employer paid fringe benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To make decisions regarding your eligibility for sick leave, family and medical leave, parenting leave and other leaves;
- To make decisions regarding your eligibility for workplace accommodations, including accommodations for disabilities;
- To comply with workers compensation requirements in the event of an injury; and
- Provide information during workplace investigations;

In most instances, the information which you are asked to provide is not of required to be provided by law, but it may be the case in a particular circumstance. It is generally to your benefit to provide it. Without the requested information, this may not be able to determine your eligibility for employment opportunities, compute your wages, or grant you other benefits.

Federal law permits government agencies to require an individual to provide his/her social security number for the administration of any tax. Please be aware when you are asked to give your social security number on Revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services and security tax programs. In most other cases the disclosure of your social security number is voluntary.

The information you provide may be shared with individuals within the District whose job duties

reasonably require access and individuals outside of the District whose duties require access, such as insurance vendors, consultants, attorneys and retirement plan employees.

Information may also be shared with other agencies authorized by law to receive specific data, including but not limited to:

1. Absent/non-supportive parents;
2. Civil/human rights complaints;
3. Worker's Compensation;
4. Unemployment Compensation;
5. Labor Contracts;
6. Child/vulnerable adult abuse.

If you have any questions about this notice, please contact the District Manager. The information in this notice applies to future information requested and provided to the District during the course of your employment, whether the contact is in person, by mail, or by phone.

I. NO EXPECTATION OF PRIVACY

Employees shall have no expectation of privacy in any District property, including desks, vehicles, filing cabinets, work product, computer storage, e-mail, voicemail, phone systems, or other District property or devices or electronic storage media of any kind.

SECTION III: DEFINITIONS

Unless otherwise indicated, the following terms used in these Personnel regulations shall have the following meaning:

Appointment	An assignment to a paid position within the District service.
Benefits	The non-monetary compensation provided to employees.
County	Sherburne County.
Days	Calendar days unless otherwise noted.
Demotion	A change of an employee's position from one position into another with lesser duties and/or compensation.
Discharge	A termination from District employment.
Dispute	A disagreement as to the interpretation or implementation of these regulations.
District	The Sherburne Soil and Water Conservation District
District Board	The Sherburne Soil and Water Conservation District Board of elected supervisors.
District Manager	A person holding a paid position within the District service whose regular job responsibilities include managing the day-to-day operations of all the employees.
Elected Official	Sherburne Soil and Water Conservation District officials selected by means of the vote of a constituency to the Sherburne Soil and Water Conservation District Board of Supervisors.
Employee	A person holding a paid position within the District service, as defined by Minnesota Statute 179.A.
Employment Date	The date a person begins employment with the District.
Earned Sick and Safe Time	(ESST) Earned Sick and Safe Time is a law requiring employers to provide employees with paid time off for various reasons, including illness, injury, preventative care, and to address situations related to domestic abuse, sexual assault, or stalking.
Exempt Employee	All professional, administrative, and executive employees excluded from the overtime pay provisions of the Federal Fair Labor Standards Act.
Intern	An individual who is working temporary status as part of an educational program or experience. Position may be paid or unpaid.
Job Description	The written document that identifies the purpose, duties, responsibilities, requirements, accountability of a job and the knowledge, skills and abilities necessary to perform the job.
Job Elimination	The removal of a position from the organizational structure.
Job Evaluation	Process of comparing and grading the relative value of jobs in the District for the purpose of determining salary levels and ranges, and compliance with pay equity statutes and rules.
Layoff	A separation from employment due to lack of work, lack of funds, or other reason not attributable to the employee.
Leave of Absence	An approved, temporary separation from active employment status, which may be with or without compensation.

Non-exempt Employee	All employees not excluded from the overtime pay provisions of the Federal Fair Labor Standards Act.
Overtime/Compensatory Time	All hours worked for non-exempt employees in excess of hours required to be paid as such under the Federal Fair Labor Standards Act.
Personnel Committee	The committee is comprised of two Supervisors to address personnel issues.
Position	A group of duties and responsibilities requiring the full-time or part-time employment of at least one person.
Probationary Period	The first six (6) months (minimum of 1040 actual hours worked) of active service in a new position, designed to be an extended selection period to determine if regular status should be granted. Under certain circumstances, the probationary period may be extended beyond six months.
Promotion	A change in an employee's status with more responsible duties and/or a higher salary range.
Paid Time Off	(PTO) all eligible employees accrue PTO based on tenure.
Reclassification	a reassignment or change in classification of an individual position resulting from significant changes in the duties and responsibilities of the position.
Re-employment	Appointment of a former employee to a position with the District.
Reinstatement	Appointment of a former District employee to a position which the employee was assigned prior to their termination or separation.
Resignation	Voluntary termination of employment from District service.
Retirement	Voluntary separation from employment of a regular employee who, at the time of separation, meets the qualification requirements under a District approved retirement program.
Severance Pay	Payout of benefits and compensation to regular employees leaving District employment in good standing.
Seniority	The duration of continuous employment from the employee's most recent date of hire.
Status (Employment)	
Regular Full-time	An employee in a position that is regularly budgeted as a forty (40) hour work week position and has successfully completed a probationary period.
Regular Part-Time	An employee in a position regularly budgeted to work less than the forty (40) hour work week that has successfully completed a probationary period. To be eligible for District fringe benefits, a regular part-time employee must be regularly scheduled to work at least thirty (30) hours per week.
Seasonal	An individual hired by the District, generally during the period of April through September, performing duties that are temporary during that period of time. Seasonal employees are not eligible for District fringe benefits except as mandated by State and Federal Law.
Temporary	An employee, working full or part-time, in a position that is seasonal or whose employment is limited by the duration of a specific project. Temporary employees serve at the discretion of the District Manager. Upon recommendation of the District Manager, the District Board will

	make a determination of a reasonable wage. Temporary employees are not eligible for District fringe benefits except as mandated by State and Federal Law.
Intern/Apprentice	An individual in a training program, paid or unpaid, who has limited status as an employee.
Volunteer	An unpaid individual who serves the District at his or her own free will.
Supervisor(s)	The District Board of elected Supervisors.
Suspension	A temporary separation from active employment, with or without compensation.
SWCD	Sherburne Soil & Water Conservation District
Termination	A permanent separation from District employment.
Unauthorized Leave	An absence from normal duties, not authorized by a specific grant of a leave of absence under the provisions of these Rules and Regulations shall be deemed to be an absence without leave.
Veteran	Any person defined as a veteran by Minnesota Statute 197.447.
Veteran's Preference	Applicants and employees who are entitled to preference in hiring and discharge by Minnesota Statute 197.447.
Voluntary Termination	All terminations initiated by the employee.
Workweek	A period of seven (7) consecutive days (168 hours) generally beginning at 12:01 a.m. each Sunday.

SECTION IV: EQUAL OPPORTUNITY AND NON-DISCRIMINATION

A. EQUAL OPPORTUNITY POLICY

The District embraces the concept of equal employment opportunity, and is committed to compliance with all applicable Federal and Minnesota laws, executive orders and administrative regulations regarding same. The rules and regulations have been drafted and will be enforced without regard to race, color, creed, religion, sex, national origin, age, disability, marital status, familial status, gender identity, sexual orientation, status with regard to public assistance, or other legally protected status. In all instances, proper regard shall be provided for applicants' and employee's privacy and constitutional rights as citizens under Federal and Minnesota law. It is the responsibility of every employee of the District to ensure the implementation of this equal opportunity policy, and failure of any employee to perform in a manner consistent with this policy will constitute grounds for reprimand, suspension, demotion or dismissal from the District's employment.

B. NON-DISCRIMINATION POLICY

In the event that any applicant or employee feels that he or she has been discriminated against on the basis of the individual's status as a protected class member under Minnesota State or Federal law (race, color, gender identity, sex, familial status, disability, religion, creed, marital status, status with respect to public assistance, sexual orientation, national origin or age), the individual shall notify the District Manager, specifying the basis of his or her belief and all facts surrounding the alleged discriminatory action. In the event that the District Manager is unavailable or involved in the alleged

discrimination, the complaint shall be made with the Personnel Committee. The District Manager or Personnel Committee shall initiate an investigation into the allegation of discrimination, in the same manner as set forth in the District's, Harassment and Offensive Conduct Policy. Appropriate action shall be taken to correct any unlawful discrimination, which may have occurred.

SECTION V: AMERICANS WITH DISABILITIES ACT (ADA)

A. AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act and the Minnesota Human Rights Act prohibit discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose an undue hardship on the employer. The District abides by the requirements of the Americans with Disabilities Act and state laws governing employment of individuals with disabilities.

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the District Manager or Personnel Committee. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

Applicants

In the event that an applicant with a disability needs an accommodation during the hiring process, the applicant should contact the District Manager or hiring contact to request the accommodation. This may include a request for an accessible location for the interview or other requests during the application and interview process.

Employee Accommodation Requests

Employees should contact the District Manager with requests for accommodation. The employee is encouraged to complete an accommodation request form. Depending upon the nature of the request, including cost, the District Manager may discuss the request with the Personnel Committee.

On receipt of an accommodation request, the District Manager will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the District might make to help overcome those limitations. The District may request medical documentation.

The District will determine the feasibility of the requested accommodation, considering various factors including, but not limited to, the nature and cost of the accommodation and the accommodation's impact on the operation of the District, including its impact on the ability of other employees to perform their duties and on the District's ability to conduct business. A reasonable accommodation will not be made if to do so would be a violation of a bona fide occupational

qualification, constitute an undue hardship on the operation of the District’s business, pose a direct threat to the health or safety of the individual or other people, or require the District to reallocate essential functions of the employee’s job.

The District will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employee will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the District Manager. If the request on appeal is denied, that decision is final.

The ADA does not require the District to make the best possible accommodation, to reallocate essential job functions, to provide an employee with a new supervisor, to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.), or to otherwise provide an accommodation that is not “reasonable” as provided by the ADA and judicial decisions interpreting the ADA.

SECTION VI: EMPLOYMENT PROCESS

A. RECRUITMENT

Consistent with the concepts of Equal Employment and Affirmative Action, the District will recruit and select qualified individuals available for all positions. All recruiting shall be conducted and coordinated by the District Manager, under the direction of the Personnel Committee. Any offers of employment or other related matters must be authorized by the District Board.

1. Public Announcement of Vacancies

When a vacancy exists, the District Manager shall prepare and publish a notice of the position opening. The notice shall specify the position’s title, starting salary range, a description of the duties and responsibilities, working hours, minimum qualifications, the application procedure, and other pertinent information. Such announcements shall allow a reasonable period of time for interested parties to apply; the minimum notice period shall be five (5) working days.

Prior to advertising and posting for a vacancy, the current job description for the position being advertised will be reviewed and updated if necessary, by the District Manager and the District Board.

2. Application

An applicant for a vacancy shall complete an employment application form, and submit a resume if applicable, to supply pertinent information relative to the applicant’s skills, education, experience, licenses, etc. needed to assess the applicant’s qualifications. Applications will be received and screened by the District Manager and/or the Personnel Committee for the selection process. Resumes shall not be accepted in lieu of applications. Applications that are incomplete or submitted after the deadline may not be considered.

Applications containing false information will be rejected prior to hiring, or if discovered after hiring, will be grounds for immediate dismissal of the employee.

- Applications, interview notes, score sheets, selection criteria, rankings, and test results will be kept on file according to the District's adopted General Record Retention Schedule. If the position is re-opened during the probationary period the appointing authority may elect to reconsider the same list of candidates without re-advertising the position.

B. SELECTION, CRITERIA, AND RANKING

The selection process may consist of competitive examinations, ratings of experience and training, physical abilities and examination, oral interviews and/or other valid selection techniques. The specific procedure(s) utilized shall depend on the position. However, all positions subject to the Veterans Preference Act shall be based on a 100-point selection criteria. Veterans' preference points shall be awarded, consistent with applicable law, after the applicant has met the minimum qualifications for the position but prior to selection of finalists. Any method(s) chosen shall evaluate only those criteria necessary to perform adequately in the position. The minimum passing score shall be based upon the minimum qualifications for the position.

The District Manager shall create and maintain a list of eligible candidates for each position based upon the competitive examinations and selection criteria for that position. Applicants will be ranked for further consideration based on test results and ratings of experience and education. The District Manager shall determine how many applicants, considered in rank order, shall be interviewed. The determination shall be made as to provide equal opportunity to applicants with similar qualifications and lead to the selection of the most qualified person.

1. Interviewing

Interviews shall be conducted by a team consisting of at least two persons ("Interview Committee"). Only job-related interview questions may be asked. A list of interview questions shall be prepared and/or reviewed by the District Manager and used consistently for each candidate. The District Manager shall keep a copy of these questions and notes on the applicant's responses according to the District's adopted General Record Retention Schedule. A major objective of the interview process shall be to obtain additional information on each applicant's skills, abilities, training, education, experience, attitudes and overall suitability. Should it be determined that a statement made during the interview process is false, misleading, or omitted requested information, the applicant will be rejected prior to hiring, or, if employed, will be subject to immediate dismissal.

Accommodations will be made for disabled individuals in the interview process, upon request made to the District Manager.

Only finalists for a position need be interviewed, unless, at the discretion of the District Manager, the number of applicants is sufficiently small. It would then be acceptable to allow all applicants to be considered “finalists” and interviewed for the position.

From the available candidates, the best candidate shall be selected by the District Manager as a potential hire. All appointments and promotions, whether regular or temporary, must be approved and/or ratified by the District’s Board of Supervisors.

The District Manager will conduct a background check on the candidate to verify prior employment, references, education and other credentials, and will document the results. In the event that any information is not verifiable or raises any concerns, the Interview Committee will be notified and reconvene to discuss the issue. In the event that information is acceptable to the District Manager, the Interview Committee will be notified.

2. Notification

Upon a successful background check, the District Manager shall formally notify the selected candidate of their conditional offer of employment, the starting date, salary, benefits, status, and other conditions of employment, with a request that the applicant indicate whether they will be accepting the position, subject to Board approval, within five (5) business days. The District Manager shall also notify all the applicants, in writing, who were not selected for the position. Upon hire, an orientation to District employment shall be conducted, including a summary of these rules and regulations, and the signature of the Personnel Handbook acknowledgment form within two (2) days of hire will be required.

3. Re-employment

Re-employed persons shall be considered new employees, without consideration of previous employment for purposes of pay, benefits and/or seniority, and shall serve a new probationary period.

4. Re-instatement

Former employees may receive consideration for re-instatement to their former position, upon the recommendation of the District Manager to the District Board. Re-instated employees may receive consideration of previous employment for the purposes of pay, benefits, and/or probationary period for up to one (1) year after termination or resignation.

C. REQUIREMENTS OF PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

An applicant or employee appointed to a position must be able to perform the essential duties and responsibilities of the position.

After a conditional offer of employment has been made, the selected applicant may be required to undergo and pass an appropriate pre-placement health screening and may be required to undergo a physical examination prior to appointment to a position. The District will pay for the total cost of such pre-employment examinations.

A medical evaluation report shall be prepared for each applicant and kept on file separately from their applications. In the event that the applicant is appointed and upon obtaining the appropriate medical release, the report shall be maintained in a separate file, apart from the employee's personnel file.

The District may declare the applicant/employee ineligible for consideration for appointment to the position if the medical evaluation report indicates that the applicant cannot perform the essential duties of the position and maintain a safe work environment.

If an employee is considered by the District Manager to be unable to perform the essential duties and responsibilities of the position involved, or causes the employee to use PTO in an excessive manner, the District Manager may require such employee to discontinue work immediately and be examined at the District's expense by a qualified physician or psychologist approved by the District. Upon proper medical release, the physician shall provide a medical evaluation report to the District in accordance with a certification form approved by the Department of Labor (DOL).

If the physician's certification indicates that the employee is unable to perform the essential duties of the current position, the employee may be eligible for a transfer to a vacant position for which the employee is proven to be qualified. Consistent with the ADA, the District will make reasonable accommodations to assist the employee in gainful employment with the District.

D. PROBATIONARY PERIOD

1. Purpose

A probationary period will be required for employees upon appointment, promotion or transfer to a position for the purpose of examining and evaluating the employee's total work performance and conduct and for rejecting any employee whose performance does not meet the desired work standards. The Personnel Committee shall determine whether regular employment status is to be granted or denied. Such a determination is not subject to appeal.

2. Duration

Every person appointed, promoted, or transferred to a regular position shall be required to successfully complete a probationary period. The probationary period shall commence upon appointment to the position and normally continue for six (6) months (minimum of 1040 actual hours worked) of active service.

A probationary period may be extended up to an additional six (6) months (an additional minimum of 1040 actual hours worked) by the District Manager filing for a request for an extension with the Personnel Committee prior to the expiration of the probation period. A request for extension must detail the cause and length of the extension.

If the employee is unable or unwilling to satisfactorily perform the duties and responsibilities of the position or exhibits work habits that do not warrant granting regular status, the District Manager may request to the Personnel Committee the termination of such employee any time during the probationary period.

3. Evaluation

Employees' performance will be periodically assessed and addressed as necessary. The District Manager shall prepare periodic formal performance appraisals during the probationary period, normally at the mid-term of the period, and one month prior to the end of the probationary period. Such reports shall indicate performance deficiencies, if any, and recommendations for improvement.

4. Completion

The District Manager shall have the option to certify that the employee's performance and conduct is satisfactory and request to the Personnel Committee that regular employment status be granted at the conclusion of the probationary period. If the employee is unable or unwilling to satisfactorily perform the duties and responsibilities of the position or exhibits work habits that do not warrant granting regular status, the District Manager may request to the Personnel Committee the termination of such employee. An employee so terminated shall be notified in writing of the decision of the Personnel Committee. Completion of the probationary period does not alter the at-will nature of employment.

5. Benefits During Probation

A probationary employee is eligible for the accumulation of PTO and for all District paid insurance benefits, after the employee has met the eligibility and/or waiting period requirements for these benefits. The District Manager may approve the request of a probationary employee to use PTO during the probationary period up to the number of hours the employee has earned. Holiday pay is available to an eligible employee provided the employee is in pay status the last regular shift to which the employee would have been assigned prior to the holiday and the first regular shift to which the employee would have been assigned following the holiday.

If the employee in good standing separates voluntarily before completing the probationary period, the employee will be eligible to receive payout of accumulated paid time off as terminal benefits. If an employee is dismissed from employment during the probationary period they shall not be eligible to receive payout of accumulated paid time off as terminal benefits.

SECTION VII: HOURS OF WORK AND ATTENDANCE

A. WORK SCHEDULES

Supervisory and professional employees are expected to work all hours necessary to accomplish assigned duties and responsibilities. For the purpose of maintaining regular office hours, and for the purpose of pay compensation and benefit calculation, the normal work week for employees shall consist of forty (40) hours and the normal workday consist of eight (8) hours.

Workweek Hours: The basic work requirement for a traditional work schedule is forty (40) hours per week, and an 80 hour biweekly work requirement. Regular work hours are 7:00 a.m. to 3:30 p.m. Monday through Friday. No work schedule shall begin prior to 6:00 a.m. nor extend beyond 6:00 p.m. Scheduled work hours before 7:00 a.m. and after 5:00 p.m. are allowed only under special circumstances and must be pre-approved by the District Manager. Scheduled work hours on Saturday or Sunday are not permitted unless pre-approved by the District Manager.

Work Break: Employees shall be granted a fifteen-minute rest break each four hour period. Work breaks shall not be added together or combined with lunch or used to leave early or arrive late. Breaks are not compensated if not taken.

Meal Period: an unpaid meal period of one-half hour shall be scheduled toward the middle of the daily 8-hour work shift.

B. ATTENDANCE

Regular and punctual attendance at work is required for all employees. The District Board shall establish uniform attendance requirements, time recording, and time reporting procedures. The District Manager shall be responsible for documentation and completion of such procedures.

An employee who fails to observe attendance or time recording requirements may be subject to disciplinary action, up to and including termination.

C. REMOTE WORKING

The District recognizes the importance of providing options to the traditional work environment that utilizes technology to increase employee productivity, improve employee satisfaction, reduce employee absenteeism, conserves energy and provides a public health benefit. Implementing a Remote Working Program is a means to achieving these goals and adopting this “Remote Working Policy” enables the District to offer the Program with consistency.

This policy provides guidance on the District’s expectations and limitations for intermittent or regular remote working. Remote working is the process of working on routine District business from a location other than the District’s regular place of business. This is typically done using a mobile workstation and/or virtual private network (VPN) access to the District server.

“Intermittent Remote Working” is defined for the purpose of this policy as remote working, on an as-needed basis, for shorter blocks of time, consisting of certain hours or days, as agreed upon by the District Manager.

“Regular Remote Working” is defined for the purposes of this policy as consistently using an alternative remote location for specified weeks or months, or longer, as agreed upon by the District Manager.

Remote working is not a formal employee benefit. Rather, it is an alternative method of meeting the needs of the District and may be authorized or rescinded by the District Manager or District Board. The Board will review this policy on an annual basis.

The terms employee and remote worker are synonymous in this policy.

SCOPE

This policy creates no employee rights in relation to remote working. Intermittent and regular remote working must be approved by the District Manager. A formal agreement is required for both remote working options.

In exceptional situations, including cases of public emergency and/or in compliance with public health guidance for contagious diseases, remote working may be mandated by the District Board.

AGREEMENT

Employees who are approved for regular or intermittent remote working shall sign and abide by a Remote Working Agreement. The Agreement may require modifications to fit individual remote working circumstances. A copy of the Agreement shall be retained in the employee's personnel file.

Termination of a Remote Working Agreement is at the sole discretion of the District Manager and an employee may not grieve this decision. Remote working may be terminated at any time. All agreements and this policy may be subject to review by the SWCD Board of Supervisors.

GENERAL PROVISIONS

To ensure an effective, productive remote work program, the District establishes the following general provisions.

- 1) Communication – While remote working, the employee shall be reachable by telephone, Microsoft Teams, or e-mail during agreed-upon work hours. The employee and District Manager shall agree on expected turnaround time and the medium for responses.
- 2) Conditions and Hours of Employment – The remote worker's conditions of employment shall remain the same or similar as for non-remote working employees. The remote worker will have regularly scheduled work hours agreed upon with the District Manager, including specific core hours and telephone accessibility. The agreed upon work schedule shall comply with Fair Labor Standards Act. Overtime work for a non-exempt employee must be pre-approved by the District Manager. The remote worker will attend job-related meetings, training sessions and conferences, as requested by the District Manager. In addition, the remote worker may be requested to attend "short-notice" meetings. "Short-notice meetings" is defined for the purpose of this policy as a remote worker's required attendance at an in-person meeting with less than 4 business hours' notice. The District Manager will use telephone conference calling whenever possible as an alternative to requesting attendance at "short-notice" meetings.

3) Competing/Conflicting Obligations-

a) Dependent Care – Remote work is not a substitute for childcare or other dependent care. Remote workers shall make or maintain childcare arrangements to permit concentration on work assignments. Remote workers will not be available during the District’s core hours to provide dependent care.

b) Employment - The remote worker will not have any other part time or full-time employment or contract for services outside of the District during core business hours.

4) Effectiveness – Remote working must not adversely affect customer service delivery, employee productivity, or progress of an individual or team assignment.

5) Equipment –Remote worksite furniture and equipment shall generally be provided by the remote worker and must be authorized by the District Manager. In the event that equipment and software is provided by the District at temporary/alternative remote work location, such equipment and software shall be used exclusively by the remote worker and for the purposes of conducting District business. Software shall not be duplicated. The remote workers shall consult with the District Manager regarding the availability of equipment to use at the remote work location for the purposes of conducting District business or activities. If the District provides equipment, including, but not limited to, desktop computers, laptops, tablets, monitors, printers, or scanners, the remote worker is responsible for safe transportation, maintenance, and set-up of such equipment. Any District equipment and/or materials taken to a temporary/alternative remote work location should be kept in the designated work area at the site and not be made accessible to others.

6) Equipment Liability – Surge protectors must be used with any District electronic equipment made available to the remote worker. The employee will be responsible for:

a) any intentional damage to the equipment;

b) damage resulting from gross negligence by the employee or any member or guest of the employee's household;

c) damage resulting from a power surge if no surge protector is used;

d) maintaining the current virus protection for software.

The District may pursue recovery from the remote worker for District property that is deliberately, or through negligence, damaged, destroyed, or lost while in the remote worker's care, custody or control. Damage or theft of District equipment that occurs outside the employee's control will be covered by the District. Remote workers should check their homeowner/renter’s insurance policy for incidental office coverage. The District does not assume liability for loss, damage, or wear of employee-owned equipment.

7) Expense Reimbursement – Employee shall obtain approval by the District Manager prior to incurring direct expenses for which the employee seeks reimbursement. Employee will be reimbursed for direct expenses resulting solely from the remote working arrangement. Employee must submit receipts for reimbursement of direct expense.

8) Home Work Site – The remote worker will not hold business visits or meetings with professional colleagues, customers, or the public at home worksite. Alternative meeting sites should be at the client’s home, or a designated alternative open to the public site. Inclement Weather/Interruption in Electrical or Internet Service – If there is an emergency at the remote worksite, such as a power outage, the remote worker will notify the District Manager as soon as possible. The remote worker may be reassigned to an alternate worksite.

9) Injuries – The employee will be covered by workers' compensation for job related injuries that occur in the temporary/alternative or remote work location, including the remote worker's home, during the defined work period. In the case of injury occurring during the defined work period, the employee shall immediately report the injury to the District Manager. Workers' compensation will not apply to non-job-related injuries that might occur in the home. The District does not assume responsibility for injury to any persons other than the remote worker at the temporary/alternative work location.

10) Inspections – The employee’s remote work location will be considered an extension of the District’s workspace and is subject to on-site visits by the District Manager to determine that the work area is suitable, safe, and free from hazards, and to maintain, repair, inspect, or retrieve District owned equipment, data, and/or supplies. In case of injury, theft, loss, or tort liability related to remote work, the remote worker must allow agents of the District to investigate and/or inspect a temporary/alternative work location.

11) Leave – The remote work employee must obtain District Manager’s approval before taking leave, including but not limited vacation, sick or comp time, in accordance with District policy.

12) Liability – The employee’s remote work location will be considered an extension of the District’s workspace and the District will continue to be liable for job-related accidents that occur in the remote working workspace. The District assumes no liability for injuries occurring in the employee’s home workspace outside the agreed upon work hours. The District is not liable for loss, destruction, or injury that may occur in or to the employee’s temporary/alternative work location. This includes family members, visitors, or others that may become injured within or around the employee’s temporary/alternative work location.

13) Office Supplies – The District shall provide any necessary office supplies.

14) Performance & Evaluations – While remote working the District Manager and employees will have regular meetings, as needed, to monitor and evaluate performance by relying more heavily on work results rather than direct observation. The employee remains obligated to comply with all District rules, practices and instructions as detailed in the District’s handbook.

15) Policies – District policies, rules and practices shall apply at the temporary/alternative work location, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety. Failure to follow policy, rules and procedures may result in termination of the remote work arrangement and/or disciplinary action.

16) Quality of Work – All work shall be performed according to the same high standards as would normally be expected at the primary worksite.

17) Record Retention – Products, documents and records that are used, developed, or revised while remote working shall be copied or restored to the District server. Whenever possible, products from remote work shall be accessed and worked on using VPN on the District’s server or network attached storage (NAS).

18) Security – Security and confidentiality shall be maintained by the remote worker at the same level as expected at all worksites. Restricted access or confidential material shall not be taken out of the primary worksite or accessed through a computer unless approved in advance by the District Manager. The remote worker is responsible to ensure that non-employees do not access District data, either in print or electronic form.

19) Taxes – The temporary/alternative work location may or may not constitute a home office for the purposes of a ‘home office deduction’ under IRS rules. Remote workers should consult with a tax expert to examine the tax implications of a home office.

20) Telephone/Internet Expenses – The remote worker and supervisor will use the most efficient and effective way of handling long distance calls, whether that is the use of a prepaid cellular phone or reimbursement of long-distance business calls.

21) Travel – The remote worker will not be paid for time or mileage involved in travel between the temporary/alternative work location and the primary worksite.

D. PAYROLL

Compensation payments are to be made on a bi-weekly basis, unless special circumstances require another compensation basis. There are 26 payroll periods per year. Time will be calculated to nearest 30 minutes.

To facilitate the recording of PTO, overtime, other leaves, and hours worked, each employee of the District shall complete and submit a time sheet to the District Manager by 8:30 a.m. on the first working day after each pay period end date.

Every time sheet shall be approved and signed by the District Manager prior to the payment of any salaries for the pay period.

Paychecks will be issued the Friday following the end of the pay period. When a scheduled payday falls on a holiday, paychecks will be issued on the preceding Thursday.

E. OVERTIME / COMPENSATORY TIME

Overtime shall be computed based upon hours worked in excess of forty (40) hours during a non-exempt employee's established work week.

Overtime will only be assigned or authorized in those situations where the District Manager is convinced that the work is essential or in order to meet established schedules or deadlines.

Only hours actually worked shall be considered for the purpose of overtime calculation. Non-compensated leave of absence hours shall not be included in the worked hours per week required to qualify for overtime premium.

The decision as to whether to pay an employee premium wages for overtime or to grant compensatory time off shall be at the discretion of the District Manager.

Premium wages will be paid or compensatory time accrued at a rate of time and one-half only for hours actually worked in excess of forty hours a workweek. Meal periods and any compensated leave of absence shall not be counted as hours of work for purposes of determining overtime.

1. Non-Exempt Employees

Hours worked by employees covered by the provisions of the Fair Labor Standards Act will be compensated at the employee's base wage rate for all hours worked which are less than or equal to forty (40) hours per week. Work time in excess of forty (40) hours per week by non-exempt employees shall be approved in advance by the District Manager.

2. Exempt Employees

Employees exempted by the Fair Labor Standards Act shall not be eligible for additional monetary compensation for hours worked in excess of forty (40) hours per week.

The use of compensatory time requires prior District Manager approval.

Compensatory time earned for all non-exempt employees will be subject to the following conditions:

- All compensatory time earned by non-exempt employees shall be reported on the time card and approved by the District Manager.
- Scheduling of compensatory time off shall be at the discretion of the District Manager.
- The District Manager may require non-exempt employees to take time off as scheduled by the District Manager to reduce accumulated hours of compensatory time. Accumulated compensatory time must be used prior to using PTO.
- Compensatory time may be taken only to the extent that it is earned.

Compensatory time may not be accrued for the following work:

- Professional association meetings, conventions, etc.

SECTION VIII: JOB CLASSIFICATION & COMPENSATION PLAN

A. JOB CLASSIFICATION PLAN

1. Policy Statement

The District Board shall establish and maintain a Job Classification Plan and shall classify there under all non-elected SWCD positions consistent with the Local Government Pay Equity Act. The SWCD shall, as it becomes necessary, establish additional classifications and may modify, amend or revoke the Plan, in whole or in part, at any time.

2. Reclassification of Positions

A request for a reclassification review may be presented to the District Board by the District Manager for consideration. The effective date of any salary adjustment associated with the reclassification shall be determined by the District Board.

An employee whose position has been reclassified to a higher pay grade shall be placed on Step 1 of the new pay grade (if the employee's previous salary is less than Step 1) or the closest Step of the new pay grade that is a higher dollar amount than the employee's previous salary.

B. COMPENSATION PLAN

1. Policy Statement

It is the policy of the District that competitive and equitable compensation is provided to all District employees. All wages are based on open negotiations between the District and the employee. Paychecks will be issued the Friday following the end of the pay period. When a scheduled payday falls on a holiday, paychecks will be issued on the preceding Thursday.

2. Wage Deductions

The District will make mandatory deductions from an employee's wages as required by court order, IRS directive or statute, and will make voluntary deductions from an employee's wages as authorized by the employee.

SECTION IX: PROMOTION, DEMOTION, VACANCIES & TERMINATIONS

A. PROMOTION

A promotion is considered an employee's advancement from their current position to another position at a higher-grade level requiring greater knowledge, skills and abilities than those required in their present position. The adjusted salary must be on a Step of the new range.

Vacancies in higher positions shall be filled, when it is in the best interest of the District, by promotion of present employees who meet the requirements of the position.

- All employees promoted to a new position shall serve at least six (6) months probationary period during which time they may utilize fringe benefits accrued from their prior position. Should an employee prove to be incompetent, ineffective or unsuitable for the position, and no other suitable position openings exist in the organization to which the employee may be transferred or demoted, including the former position, the employee shall be terminated after thirty (30) days' notice.

B. DEMOTION

An employee may be demoted by the Personnel Committee, upon recommendation of the District Manager, to a lower position, for which the employee is qualified, for any of the following reasons:

- When an employee would otherwise be laid off because of position elimination, lack of work or funds, or the return to work from authorized leave by another employee to such a position in accordance with these Regulations.
- When an employee does not possess the necessary qualifications to provide satisfactory performance in the position, or when removed during probation.
- As a result of disciplinary action.

Any employee to be demoted shall receive the reasons for such demotion, in writing, from the District Manager and/or the Personnel Committee.

When an employee is demoted, the employee shall serve at least a six (6) month probationary period in the new position during which time the employee may utilize fringe benefits accrued from their prior position. Should the employee prove to be incompetent, ineffective or unsuitable for the position during their probationary period, and no other suitable position openings exist in the organization to which the employee may be transferred or demoted, the employee shall be terminated after thirty (30) calendar days' notice.

C. VACANCIES

Vacancies in the District shall be filled by reinstatement, re-employment, promotion, demotion, or original selection. All position openings, regardless of employment status or if the position opening is only a replacement, shall be subject to review and approval by the District Manager except where such authorization is delegated to another authority by law. All position openings for a new position shall be subject to review and approval by the District Board.

1. Whenever the District Manager wishes to fill a vacancy, a request for an employee shall be submitted to the District Board. If the District Manager wishes to create a new position, a request shall be submitted to the District Board. The request shall specify the class, grade and title of the position to be filled; whether the position is regular, temporary, and full-time or part-time; the duties thereof; authority for the position; an indication of the available funding source; and such other information as may be deemed pertinent, including whether

the position is subject to the provisions of the Veterans Preference Act. As far as practical, each vacancy shall be anticipated sufficiently in advance to permit the recruitment and selection of qualified applicants.

2. It is recommended that when a vacancy develops, the position duties and responsibilities should be reviewed for consistency with the class and grade assigned the position and if adjustments are necessary, a reevaluation of the position should be made. In addition, the job description should be reviewed whenever a vacancy occurs and updated as appropriate.
3. The District Board shall review the request and authorize the District Manager to start recruitment to fill the vacancy/new position. The District Manager shall have the discretion to post a position internally, without advertising outside of the SWCD, for seven days prior to public announcement to allow current employees an opportunity to apply for the position through transfer or promotion. All current permanent full-time and part-time employees of the District are eligible to apply for an internal job posting. Positions filled by promotion or transfer shall not become open to the public or subject to open competitive examination.

D. TERMINATION

1. Overview

Employees may be separated from employment by means of retirement, voluntary termination, discharge, or layoff.

2. Retirement

No regular employee shall be required to retire from District employment solely for age, except in those positions where a bona fide occupation qualification (BFOQ) exists.

3. Voluntary Termination

An employee who wishes to resign in good standing shall provide written notice to the District Manager at least ten (10) working days, exclusive of time off, prior to the intended resignation date. An exempt employee must provide the District Board with at least ten (10) working days prior notice, exclusive of any time off.

The District Manager shall notify the Personnel Committee of the acceptance of the employee's resignation notice as submitted, as well as the employee's opportunity for re-employment or reinstatement. The resignation will be forwarded to the District Board, which may accept it with or without modification. The District Board may also reject the employee's resignation and discharge the employee. Refer to Section IX.D on Termination Benefits.

An employee who does not submit a resignation in compliance with the provisions of these regulations may be considered as having not resigned in good standing. An employee who does not resign in good standing may: 1) be deprived of the opportunity to be considered for

re-instatement or re-employment; 2) have the fact recorded into the employee's record; 3) forfeit accrued PTO (Note: As set forth in Section IX.D on Termination Benefits, accrued but unused PTO will not be paid to a probationary employee regardless of whether the employee separates in good standing).

4. Discharge

When corrective action and/or disciplinary action has failed to: 1) improve unacceptable performance; 2) obtain compliance with policies or practices; 3) correct conduct inappropriate for the specific circumstances, or when the behavior, conduct or actions of the employee are so egregious that taking corrective or disciplinary action is deemed inappropriate or ineffective, any employee may be discharged consistent with District policy. Under no circumstances shall an employee be discharged without reviewing the action with the Personnel Committee and Board approval. The employee shall be suspended with pay, pending a review of the circumstances, if removal from the work site is necessary.

An employee who is absent from work for a period of three (3) days or more without notifying the District Manager of the reasons for the absence and receiving permission to remain away from work, shall be considered as having resigned without notice and not in good standing, provided that the failure to contact the District Manager was not caused by circumstances which the Personnel Committee deems unavoidable. This rule shall also apply to an employee who fails to return within three (3) days of the expiration of an authorized leave.

Employees who are terminated for employment misconduct, or who resign while charges of misconduct are pending against them or while an investigation is being conducted, shall forfeit all accrued PTO and any other severance benefits. Employees involuntarily terminated are separated not in good standing and are ineligible for rehire.

5. Work Force Reduction

In order to maintain a balanced work force of experienced and qualified employees, the District may, at its discretion, determine that work force adjustments are needed. If it becomes necessary to reduce the number of employees for a period of more than one week, the District will observe the following procedures:

Reduction shall be implemented by consideration of past performance evaluations.

Employees will be laid off in the following order:

- First - all temporary and seasonal employees of the District.
- Second - all probationary employees of the District.
- Third - all regular (part or full-time) employees of the District.

Notice of reduction in work force will be issued ten (10) working days in advance of the effective date of layoff whenever work conditions permit. A severance payment may be given in lieu of 10 working days. Severance payment will be determined based on length of service.

Severance:

Less than 4 years - 2 week severance

4+ years - 4 week severance

The Personnel Committee will determine final severance payment.

SECTION X: EMPLOYEE BENEFITS

A. LEAVE WITH PAY

1. Holidays

The following days, and other such days as the Board may designate, are holidays, to be compensated at straight time for regular and probationary full-time employees, provided the employee is on compensated payroll status the last working day preceding the holiday and the first working day following the holiday:

New Year's Day	January 1
Martin Luther King, Jr. Birthday.....	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth.....	June 19 th
Independence Day.....	July 4 th
Labor Day.....	First Monday in September
Veteran's Day.....	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving.....	Fourth Friday in November
Christmas Day	December 25 th

Holidays that fall on Sunday will be observed the following Monday, those that fall on Saturday will be observed the preceding Friday, unless another day is designated by the Board. An employee scheduled to work other than the normal work week of Monday through Friday shall receive the same number of holidays.

Any employee who chooses to work during designated holidays shall be compensated for hours worked at straight time. The District does not require employees to work on designated holidays.

Designated holidays that occur within an employee's approved compensated leave of absence or vacations shall not be charged to the employee's PTO, but shall be recorded as a holiday.

Employees will not receive holiday pay for holidays occurring while on an unpaid leave of absence or suspension.

Regular part-time employees, working at least half time, shall be entitled to compensated time off for the holidays designated above, but on a prorated basis.

A full-time employee working a traditional 40-hour workweek is entitled to pay with respect to that day for 8 hours.

2. Paid Time Off (PTO)

The paid time off (PTO) policy plan combines annual leave, sick leave, and funeral leave into a single plan. All full-time employees shall be eligible for and accrue PTO at their current rate of pay. The District Manager may approve the request of a probationary employee to use PTO during the probationary period up to the number of hours the employee has earned. Accumulation shall be based on an employee's regular work week. All eligible employees accrue PTO based on tenure. This means that employees all receive the same amount of paid time off, regardless of their personal or family situation. Thereafter, PTO shall be earned in accordance with the following schedule, provided that the employee is on compensated payroll status, or approved military leave:

Years of Completed Service Hours Accrued

Less than 3 years of service - 208 hours of PTO (26 days a year)

3 years but less than 15 years of service - 264 hours of PTO (33 days a year)

15 years or more of service - 312 hours of PTO (39 days a year)

Regular part-time employees, working at least half time, shall earn PTO benefits in accordance with the above schedule on a pro-rated basis.

When continuous length of service reaches a point entitling the employee to the next higher rate of PTO accrual, the new rate will commence on the first day of the pay period following the date of eligibility.

PTO can be used for any purpose, subject only to non-intrusive requests and approval procedures consistent with policy so that customer service and work requirements are not adversely impacted.

The District firmly accepts and endorses the principles of equity, consistency, flexibility, personal responsibility and the recognition of tenure in the delivery of this benefit.

Maximum carry-over of PTO from one year to the next is four hundred (400) hours. Annual unused PTO hours in excess of max allowed carry over (400hrs) with a cap of 80 hours per year, shall be deposited annually into a HCSP the last pay period of each year.

An employee shall request PTO at least forty-eight (48) hours in advance of the absence requested, and fifteen (15) calendar days in advance of PTO periods of five (5) days or more duration. PTO will be approved or denied by the District Manager. The District Manager shall respond within twenty-four (24) hours to the forty-eight (48) hour request, and within five (5) days for the longer period request. PTO requests may be granted for unforeseen illnesses or emergencies at the judgment of the District Manager. At no time shall an employee be granted PTO leave when the District Manager determines that the employee's absence may impair the efficient operation of the department, except for unforeseen illnesses or emergencies. Once a request is approved, the District must show substantial cause to cancel or postpone a PTO request.

Pay in lieu of PTO shall not be allowed except in the event of termination in good standing. Payment of PTO upon termination of employment with the District in good standing and with a minimum of a two-week notice, employees are entitled to payment of 100% of unused accrued PTO at the employee's regular current rate of pay, up to a maximum of 350 hours. The payment will be made directly into a Health Care Savings Plan through the MN State Retirement System. Refer to Section IX.D on Termination Benefits. There may be a clearance period of two weeks from the effective date of termination until issuance of the accrued PTO payment.

In the event of death of an employee, all earned PTO of the deceased shall be paid to the employee's spouse, if living, otherwise to the estate of the deceased employee.

3. Earned Sick and Safe Time (ESST)

ESST is an income-protection benefit that all employees who work 80 or more hours per year accrue. ESST may be used for qualifying events and circumstances for self, immediate family and extended family as defined in Minn. Stat. §§ 181.9445 to 181.9448 and subsequent revisions thereto.

ESST may be used to supplement PTO, PFML, and short-term or long-term disability benefits to bring the employee's total gross salary to 100%.

ESST may be taken only to the extent that it is earned.

A. Designation of PTO as Earned Sick and Safe Time

The first forty-eight (48) hours of Paid Time Off earned shall be designated as Earned Sick and Safe Time (ESST) pursuant to Minn. Stat. § 181.9445 and may be used for any of the purposes of that statute and for those family members set forth therein.

B. Carryover Year to Year

An employee may carryover up to a maximum of eighty (80) hours of their unused ESST from year to year. Year to year shall be calendar year. The first partial year of employment shall constitute a year for the purposes of this policy.

C. Earning ESST

ESST benefits shall only accrue when an employee is in compensated payroll status. ESST benefits shall not be earned by any employee while in a non-pay status.

For those employees not covered by a collective bargaining agreement or other personnel policy granting annual leave, ESST shall accrue at the rate of 1 hour for every 30 hours worked if the employee is anticipated by the District to perform work for the District at least 80 hours in the year.

For purposes of ESST eligibility, the term “employee” does not include an individual who is an elected official or a person who is appointed to fill a vacancy in an elected office.

D. ESST Use

The first forty-eight (48) hours of PTO earned, or up to eighty (80) hours PTO if eligible time has been carried over from the prior calendar year, may be used for:

1. An employee’s own or family member’s need for mental or physical illness, injury, or other health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; need for preventative medical or health care.
2. An employee’s own need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member.
3. Absence due to domestic abuse, sexual assault, or stalking of employee or their family member. The employee may take leave to assist family member to seek medical care for related physical or psychological injury or disability, obtain services from Victim Services organization, obtain psychological or other counseling, seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking, to seek legal advice or take legal action, including preparing for or participating in a civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
4. Closure of the employee’s workplace due to weather or a public emergency or an employee’s need to care for a family member whose school or place of care has been closed due to weather or other public emergency, subject to the following exceptions:
 - An employee may not use ESST for this purpose if:

- The employee's preassigned or foreseeable work duties during a public emergency or weather event would require the employee to respond to the public emergency or weather event;
 - The employee is a peace officer subject to licensure under Minnesota Statutes sections 626.84 to 626.863; a 911 telecommunicator as defined in Minnesota Statutes section 403.02, subdivision 17c; a guard at a correctional facility; or holds a commercial driver's license, and
 - One of the following two conditions are met:
 1. The employee is represented by a union and the collective bargaining agreement or memorandum of understanding governing the employee's position explicitly references closure of the employee's workplace due to weather or a public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency (Section 181.9774, subd. 1, clause (4)) and clearly and unambiguously waives application of that use of ESST time for the employee's position; or
 2. The employee is not represented by a union and the employee is needed for the District to maintain minimum staffing requirements.
5. Employee's inability to work or telework because:
1. The employer prohibits them from working due to potential transmission of illness related to a public emergency.
 2. Seeking or awaiting the results of test or diagnosis of communicable disease related to a public emergency due to exposure or at the employer's request.
6. When a health care professional determines employee should quarantine because of exposure to a communicable disease regardless of if they contracted the disease.

PTO/ESST leave shall be taken in 30-minute increments.

- E. Definition of Family Member:** For the purpose of using ESST time, an employee's family member shall include those individuals identified by Minn. Stat. 181.9445 Subd. 7, as amended.

The employee's, their spouses, or their registered domestic partner's:

- Child, Foster Child, Adult Child, Legal Ward, Child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis;
- Spouse or registered Domestic Partner;
- Sibling, Stepsibling, Foster Sibling;

- Biological, Adoptive, or Foster Parent, Stepparent, or a person who stood in loco parentis when the employee was a minor child;
- Grandparent, Step grandparent;
- Grandchild, Step grandchild, Foster Grandchild;
- Sibling of parents, Siblings Child;
- A Child-in-law or Sibling-in-law;
- Child for whom employee stands in place of parents;
- Person who stood in place of a parent when the employee was a minor;
- Any of the family members listed above of a spouse or registered domestic partner;
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
- Up to one individual who the employee identifies at the time of hire and thereafter at the time of health insurance open enrollment each year.

F. Request for Leave

Employees shall request PTO/ESST from the District Manager prior to the start of the work day when leave is not foreseeable, or as soon thereafter as possible in an emergency situation. Requests shall be made by direct contact with the supervisor. When ESST leave is foreseeable the employee shall request leave as far in advance as possible, preferably seven (7) calendar days, and shall schedule appointments so as to have the least impact on the business of the employer.

G. Verification

When an employee uses ESST for more than 3 consecutive scheduled work days, the District may require reasonable documentation that the use of ESST is consistent with an eligible use set forth in this policy, consistent with the requirements of M. S. §181.9447, Subdivision 3, as amended.

The employer may designate ESST time used for an FMLA qualifying event as FMLA leave and may request a certification of a health care provider.

For the use of ESST for domestic abuse, sexual assault, stalking, or other qualifying reasons, the employer may request verification consistent with the requirements of Minn. Stat. § 181.447 Subd. 3, as amended.

4. PTO Catastrophic Leave Donation Policy

The District recognizes that an employee may have exhausted all of his or her accrued PTO and may need additional time off due to the employee’s catastrophic medical emergency, the employee’s immediate family member’s catastrophic medical emergency, or a personal crises. To address this need all eligible employees may be allowed to donate PTO time from their unused balance to their co-workers in need, subject to the terms of this policy. Eligible employees are defined as non-probationary employees that have accumulated PTO. Donation and receipt of PTO is strictly voluntary and confidential. Donated hours will be irrevocably deducted from the donating employee’s PTO leave balance and placed in a

Catastrophic Medical Leave Sharing Bank. The District retains the right to deny program participation for any reason.

For purposes of this policy, the term “catastrophic medical emergency” is defined as a major life-threatening disease or illness or non-work-related major injury involving a prolonged absence from work. The term “catastrophic medical emergency” is specifically not defined as all “serious health conditions” as defined under the FMLA. Examples of a “catastrophic medical emergency” include the following: heart attack, stroke, organ transplant, cancer, or major non-work-related injury.

The term “catastrophic medical emergency” must result in the incapacitation of the employee or immediate family member for a minimum of 80 consecutive work hours (subsequent intermittent absences involving the same illness or condition shall also qualify) which requires the employee to take time off from work and creates a financial hardship because all of the employee’s paid leave has been exhausted.

The term “immediate family member” is defined for purposes of this policy as spouse, domestic partner, child, parent or other relationship in which the employee is the legal guardian or sole caretaker. The term “personal crisis” is defined as a personal crisis of a severe nature that directly impacts the employee. This may include a natural disaster impacting the employee’s primary residence such as a fire or severe storm.

Employees may donate a minimum of 4 hours up to a maximum of 80 hours, but in no event may an employee donate more than 50% of their current balance.

Employees who receive donated PTO time may receive no more than 480 hours (12 weeks) within a rolling 12-month period, and shall be granted a maximum of 40 hours at a time. Solicitation of PTO donations will not be allowed.

If a recipient employee has available PTO time in their balance, this time will be used prior to any donated PTO time. Donated PTO time may only be used for time off related to the approved request.

Participating employees must complete the Donation form and Application and Waiver form.

Consistent with all applicable laws, rules and regulations, the District Manager or Personnel Committee may require a signed statement from the employee's physician or other evidence of the extent of injury or condition of the employee or family member during illness or injury. They may also require the employee to produce medical certification from a registered practicing physician attesting to the need for leave and/or attesting that the employee is fit to return to work.

5. Military Leave with pay

In accordance with State and Federal laws, employees who are members of any reserve or guard component of military forces are entitled to up to fifteen (15) days of paid leave to serve on active duty for such training periods as are necessary to their participation in a training program. Advance notice should be given if possible. Copies of military orders requiring military leave may be submitted to the District Board prior to the grant of approval.

All existing State and Federal laws applicable to the right of any employee who is on a leave of absence from the District for military service shall be applicable under this policy. Nothing about this policy is intended to, nor does it, limit the amount of unpaid leave the reserve or guard member may take as provided under State and Federal law.

6. Court Appearances

Employees called for jury duty shall receive their normal compensation for days they are scheduled to work up to a maximum of six (6) weeks. Any payments, per diem, or fees received for jury duty service, except for reimbursements, shall be remitted to the District. If an employee is excused from jury duty prior to the end of the work shift, the employee shall return to work as directed by the District or make arrangements for a leave, with or without pay.

Employees subpoenaed as a witness in an official capacity or for District related business will receive their normal compensation, unless the action is instituted by the employee.

Any voluntary absence to testify in litigation, not in the status of an employee, shall not qualify for any compensation and the employee shall arrange for a leave, with or without pay.

Any party to a lawsuit, not connected to the District duties shall not qualify for compensation and the employee shall arrange for a leave, with or without pay.

7. Workers Compensation Leave

An employee temporarily disabled from work due to an injury or illness sustained directly in the performance of the employee's work with the District shall be eligible for Worker's Compensation subject to the following and to the policies of the SWCD's Worker's Compensation carrier:

- All injuries or illness must be reported to the District Manager on the date of the injury or as soon as possible thereafter.
- The employee must complete a "First Report of Injury" form and return it to the District Manager. It is the responsibility of the employee to report his/her injury and to complete the required form. The District Manager may complete the form if the employee is incapacitated and unable to do so.

- If the employee is incapacitated from regular employment, other duties may be assigned as alternate responsibilities consistent with medical limitations and restrictions. Refusal to accept re-assignment as directed may result in loss of workers compensation benefits.
- A doctor's certificate shall be required to show that the employee is able to return to their position following a workers compensation injury.
- The District reserves the right to select a physician for determination and certification of temporary or permanent disabilities, validity of the injury to employment, and physical ability to return to normal, restricted or limited duty.
- An employee eligible for Worker's Compensation disability may elect to use PTO, or compensatory time in addition to disability payments, provided that the combined compensation shall not exceed the employee's normal compensation. However, an employee may only use accrued benefits that have accumulated at the time of the work-related injury. PTO accrued after the date of the injury and while on Worker's Compensation may not be used for wage replacement. For wage replacement purposes, the District will use the employee's wage at the time of the injury.

Employees shall not accumulate additional PTO while on workers compensation except for those hours the employee is using PTO.

This personnel policy is intended to be a general summary of Worker's Compensation. Each situation will be evaluated on a case-by-case basis in accordance with applicable law and regulations.

8. Absence Due to Inclement Weather or Emergency Conditions

The District shall be open for business on all business days except legal holidays and emergency situations. For the purposes of this policy, an emergency situation shall be defined as a severe weather condition that threatens the health and/or safety of the employees and citizens served at the District location. Except in the most severe of weather emergencies, the District office will remain open and operating with full service if at all possible.

Should the weather be sufficiently severe that the interest of the public and/or employees are best served by closing the District office, the District Board of Supervisors authorizes the District Manager, or designee, to make such a decision to close the District Office.

If the District office closes due to an emergency or severe weather, subject to the requirements of State and Federal law, the following shall apply:

- If the District Office closes before the start of a work shift, non-exempt employees will not be paid for that shift, except by utilizing PTO leave benefits, compensatory

time, or by making up the time by balancing hours as authorized by the District Manager.

- Employees required to work during an emergency or severe weather due to the nature of their position will not receive any premium pay for such work, excepting any premium pay required by any applicable law. In the event of severe weather or emergency situations, the District Manager shall determine which employees, if any, are essential to continued operations.
- If the release of employees occurs during a work shift, non-exempt employees on duty will be paid for the hours actually worked, and may utilize ESST time as set forth in the District's ESST policy, accumulated PTO, compensatory time, or leave without pay, or may make up the time by balancing hours when so authorized by the District Manager.

Employees and citizens may be advised for their own safety not to leave the premises because of severe weather or other emergency conditions, such as tornadoes, continuing after regular hours. Remaining on the premises after hours does not entitle employees to overtime compensation unless they are non-exempt and required by the District Manager to assist with services during the emergency situation.

In situations where employees in general are not released but an individual employee faces hardships due to inclement weather, the District Manager may authorize employees not to report for duty, to leave early due to weather conditions, or to report at a later starting time than regularly scheduled.

In the event that an employee is unable to report to work when the District Office is open, the employee shall notify the District Manager as soon as possible. A non-exempt employee who may need to leave early due to weather conditions, shall notify the District Manager as soon as possible of his or her intent to leave early, and will only be paid for actual hours worked. A non-exempt employee who is unable to report to work when the office is open, or who needs to leave early due to weather conditions, may apply accrued paid PTO leave or compensatory time to cover for the lost time, or may make up the time lost by balancing hours as authorized by the District Manager, or take the time as unpaid leave. Make-up time must be coordinated with the District Manager.

9. Minnesota Paid Family and Medical Leave (PFML)

Minnesota Paid Leave is an income protection and job protection benefit.

PAID LEAVE ADMINISTRATOR: For the purpose of PFML, Sherburne SWCD's District Manager will serve as the Paid Leave Administrator.

ELIGIBILITY: All employees who earn at least 5.3% of the MN average annual income from all work in Minnesota, and experience a qualifying event, are eligible for PFML income protection. Job protection is limited to employees who have also worked for their employer for at least 90 days.

COVERED LEAVE TYPES:

Medical Leave: To care for your own serious health condition, including care related to pregnancy, childbirth, and recovery.

Family Leave:

- Bonding Leave – to care for and bond with a new child welcomed through birth, adoption, or foster placement
- Caring Leave – to care for a family member with a serious health condition
- Military Family Leave – to support a family member called to active duty
- Safety Leave – to respond to issues related to domestic violence, sexual assault, or stalking for yourself or a family member

Generally, conditions must last more than seven days and be certified by a healthcare provider or other professional.

PFML BENEFIT:

Income protection: PFML provides partial wage protection for up to 12 weeks of family or medical leave per benefit year. If both family and medical leave are used in the same benefit year, up to 20 weeks in total may be used.

Sherburne SWCD meets State PFML benefit requirements through a private sector insurance policy. Under this policy, employees are eligible for up to 90% of their wages, based on income level, with a maximum weekly amount set at the state's average weekly wage. The premiums for the insurance policy will be split between the District and employees. As a small employer, the District can collect up to .33% of wages from the employee to cover their portion of the premium. The contribution rates will be reviewed annually by the Board of Supervisors.

Job protection: Generally, employees must be restored to their job, or an equivalent position. Job protections take effect 90 days after the date of hire.

Health Benefit Continuation: Sherburne SWCD will continue to fund taxable fringe benefits or their portion of healthcare insurance premiums, whichever applied, while employees are on leave.

Non-Retaliation: Sherburne SWCD may not interfere with or retaliate against employees who apply for or use PFML.

Employees may contact the Labor Standards Division at the Minnesota Department of Labor and Industry if they believe their employment protections are being violated.

Employees are encouraged to accumulate sufficient PTO to provide income protection for the 90-day period until long-term disability benefits are activated.

B. LEAVE WITHOUT PAY

1. Family and Medical Leave of Absence (FMLA)

Employees of the District are not eligible employees under the Family and Medical Leave Act, because the District does not employ fifty (50) or more employees.

Government entities must meet FMLA eligibility requirements in order for their employees to be eligible. Employers must employ at least 50 employees within 75 miles of the employee's worksite. The District currently does not satisfy this requirement and thus no District employees are eligible for FMLA.

After an employee has exhausted all accumulated sick leave, vacation and compensatory time, the employee may be granted a Medical Leave of Absence for a limited period, consistent with the needs of the District pursuant to the provisions of the ADA section above. Employees must provide documentation from a licensed health care provider regarding the nature and expected duration of the medical condition. Employees shall be required to pay for their health insurance during the unpaid portion of the leave of absence.

Despite the fact that no District employees are eligible, the Family and Medical Leave Act requires that the following information be set forth in District policies even though the District has no eligible employees:

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks

of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS: While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. **ELIGIBILITY REQUIREMENTS. An employee must meet all three criteria in order to be eligible for FMLA leave. The employee must:**

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- **Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.**

REQUESTING LEAVE: Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES: Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT: Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

2. Personal Leaves Without Pay

A leave of absence for reasons other than disability may be granted to an employee requesting such a leave in writing. The District Manager may approve a personal leave of absence for a maximum of ten (10) working days. A leave of absence in excess of ten (10) days shall require the approval of the Personnel Committee. Such leaves shall not exceed one (1) year, unless extended by mutual agreement of the District Board and the employee. Upon return from an unpaid leave of absence, the employee will be offered the first available like or similar position.

PTO and compensatory time must be exhausted prior to approval of any unpaid personal leave, excepting a leave of absence for a campaign for political office.

Limitations while on Personal Leave without Pay: PTO and seniority shall not accumulate during any unpaid leave of absence exceeding ten (10) days. Any accrued amounts of PTO shall remain on the record at the inception of the leave and shall continue upon the return of the employee. Health insurance benefits shall cease at the end of the month in which the leave begins and will resume on the first of the month following the return date. Subject to applicable law and insurance policy provisions, the employee has the right to maintain coverage, at the employee's total expense, during the period of absence. Any request to extend the duration of an unpaid leave of action under this section shall be made in writing to the District Manager and Personnel Committee at least five (5) days prior to the expiration of the leave of absence. Requests for the extension of an unpaid leave of absence under this section must be approved prior to an employee taking an extended leave of absence. Failure to return to work after the expiration of an approved leave of absence, including any approved extensions thereof, shall constitute grounds for termination.

3. Military Leave – Active Duty

Regular full-time employees who are members of any reserve or guard component of military forces are entitled to up to fifteen (15) days of paid leave to serve on active duty for such training periods as are necessary to their participation in a training program. Advance notice should be given if possible. Copies of military orders requiring military leave may be submitted to the District Board prior to the grant of approval. All existing Federal and State statutes applicable to the right of any employee who is on a leave of absence from the District for military service shall be applicable under this policy. Also, nothing about this policy is intended to, nor does it, limit the amount of unpaid leave the reserve or guard member may take as provided under Federal and State law.

SECTION XI: INSURANCE PROGRAMS AND OTHER BENEFITS

A. INSURANCE

Employees have the option of enrolling in the District's medical, dental, vision and/or life insurance programs.

1. Group Health, Dental, Vision & Life Insurance

Health, dental, vision and life insurance coverage will be provided for regular full-time employees and regular part-time employees who are regularly scheduled to work at least thirty (30) hours per week, upon completing the eligibility and/or waiting period requirements. The Board will annually set the amount of contributions for its employees and their dependents.

Employees enrolled in the plan may purchase, through payroll deduction, additional term life insurance to supplement the insurance coverage provided by the District. Depending on the circumstances, employees, and their eligible dependents are entitled to continued access to the group's health insurance following separation from employment, unpaid leave or reduction of hours under COBRA rules.

Regular part-time employees, working at least thirty (30) hours per week, shall earn health, dental and life insurance benefits on a pro-rated basis.

2. Retiree's Insurance

Employees may be eligible to remain on the District's plan of insurance following retirement in accordance with state statute.

3. STD/LTD

The District will provide to all employees, short and long term disability insurance.

B. HSA / FSA

Flexible Spending Accounts (FSA) and Health Savings Accounts (HSA) are tax-advantaged accounts that can help pay for qualified expenses. FSA Plans are available to all employees. HSA Plans are only available to those enrolled in High Deductible Health Plan.

C. PERA

PERA is the plan designated to supplement income for retired public employees. PERA laws were created and are changed through the state. Sherburne County is affiliated with PERA. For specific information, contact the District Manager or call the toll free PERA Hotline at 1-800-652-9026 or visit their website at www.pera.org.

D. 457 PLAN/IRA

The 457 Plan is available to all District employees. It is a non-qualified tax advantaged deferred-compensation retirement plan that is available for governmental and certain non-governmental employers in the United States. The employer provides the plan and the employee defers compensation into it on a pre-tax basis.

E. EMPLOYER CONTRIBUTION

Employer matching contributions are additional funds an employer contributes to an employee's retirement plan based on the employee's own contributions. Employer contribution rates shall be determined annually by the Board of Supervisors.

F. TERMINATION BENEFITS

Upon termination of employment with the District in good standing and with a minimum of a two-week notice, non-probationary employees are entitled to payment of 100% of unused accrued PTO at the employee's regular current rate of pay, up to a maximum of 350 hours. The payment will be made directly into a Health Care Savings Plan through the Minnesota State Retirement System.

Accrued but unused PTO will not be paid to a probationary employee upon separation of employment regardless of the reason for separation.

The two-week notice requirement may be waived only by the District Manager or the District Board. PTO cannot be used to extend the employee's date of termination beyond the last scheduled working day.

Employees who do not return District property or equipment before leaving employment will be considered as having not resigned in good standing.

Upon the death of an employee, any payments owed but not yet paid into the Health Care Saving Plan, will be paid out as regular income to the employee's beneficiaries or their estate.

G. EMPLOYEE ASSOCIATION DUES

The District will provide to all full time employees a membership in the Minnesota Association of Conservation District Employees.

H. WORKER'S COMPENSATION

All employees are covered by Worker's Compensation insurance for injuries and loss of time as a result of on the job accidents and illnesses. All employees who are injured on the job, regardless of the severity of the injury, must report that injury to the District Manager within twenty-four (24) hours of the injury.

The employee, District Manager, and any witnesses to the accident shall complete the appropriate Accident Investigation reports and forward signed copies to the District Manager, who is responsible

for the administration of Worker's Compensation. All medical bills pertaining to an injury shall be forwarded to the District Manager.

Failure of either the employee or the District Manager to accurately complete the injury notification reports may result in the delay or non-payment of bills.

I. HEALTH CARE SAVINGS PLAN (HCSP)

All District employees are enrolled in a Health Care Savings Plan.

Annual unused PTO hours in excess of max allowed carry over (400hrs) with a cap of 80 hours per year, shall be deposited annually into a HCSP the last pay period of each year.

Upon termination of employment with the District in good standing and with a minimum of a two-week notice, employees are entitled to payment of 100% of unused accrued PTO at the employee's regular current rate of pay, up to a maximum of 350 hours. The payment will be made directly into a Health Care Savings Plan through the MN State Retirement System.

J. DISTRICT APPAREL & GEAR ALLOWANCE

Each regular employee is allocated \$150/year toward SWCD logo'd apparel and/or pre-approved personal gear to be used for work. Newly hired employees will receive an allocation of \$250 the first year of employment after successful completion of the probationary period. The allocation shall be made upon completion of the probationary period and on January 1 of subsequent years. The employee will own the gear/apparel and take it upon separation. Funds not used can be rolled over to the next year and accumulate up to \$350. If there is a balance upon employee separation, it reverts to SWCD's undesignated fund. Reimbursed items must be used on the job, but do not need to be used exclusively on the job (e.g. boots, rain gear). Reimbursed items must be appropriate to the employee's position with the SWCD and not for items that the District otherwise provides as sharable (e.g. plant ID books, software, soil probes, tools). District Staff are eligible to receive a 20% on purchases at Chet's Shoes.

SECTION XII: EMPLOYEE TRAINING AND DEVELOPMENT

A. EMPLOYEE TRAINING AND DEVELOPMENT

The District shall establish, whenever possible, programs for the training and development needs of District employees and encourage formal educational pursuits which will enhance a regular employee's present job performance or potential for increased responsibility. Participation does not guarantee improved earnings.

1. In-Service Training

Training conferences and workshops provided by the Board of Water and Soil Resources, the Natural Resources Conservation Service, Sherburne County, and other related resource

agencies that provide training at minimal cost, may be required, when job related. When this training is offered, the District Manager is responsible for scheduling employees to attend.

2. Reimbursement for Education

The following criteria will be used for determination of reimbursable education course work:

- The class is relevant to the employee's job.
- Attendance is warranted to keep an employee abreast of continuing developments in their professional field or specific area of general management and is important to the operation and function of the department.

Upon successful completion of a course with a grade or evaluation equivalent to a "C" or better, reimbursement will be made as follows:

- The employee has received approval from the District Board prior to enrollment in the course.
- In the instance where the District requires or requests the course, 100% of the required cost of tuition, registration, and laboratory fees will be paid for by the District. Assigned textbooks reimbursed by the District will become District property at the conclusion of the course.
- In elective courses of study, regular full-time employees may be reimbursed 50% of tuition, registration and laboratory fees if so approved by the District Board. For elective course employees may be required to utilize accumulated PTO, compensatory time, leave without pay or by making up the time by balancing hours as authorized by the District Manager.
- Transcripts and itemized receipts are submitted as evidence of grades and expenses.
- The employee agrees to return to employment with the District for a period at least equal to the training program.
- Expenses requested are available in the budget.
- No other fees or expenses will be reimbursed. If any of these criteria have not been met after District monies have been extended for such purposes, the employee shall be responsible for full restitution of District funds expended. The employee is responsible for the scheduling and payment of any training or coursework that is solely taken to maintain continuing education or certification for continued employment.

3. Conferences, Workshops, and Seminars

Attendance at all conferences, workshops and seminars must be pre-approved by the District Manager. The criteria to be used in selecting outside training to attend are the same as for Reimbursement for Education.

- Topic is relevant to the employee's job.

- Attendance is warranted to keep employee abreast of continuing developments in their professional field or specific area of general management and is important to the operation and function of the department.
- Costs incurred for outside training requested by the District may be reimbursed in total.

SECTION XIII: PERFORMANCE, BEHAVIOR, AND CONDUCT

A. PERFORMANCE EVALUATION

The performance evaluation system shall be based on position descriptions and behavior- and results-oriented performance standards. The performance evaluation system shall be designed to assist and encourage the employee to reach maximum potential and enhance services provided by the District. Employees shall be evaluated and counseled on work performance at least once a year and an informal discussion shall occur approximately at a six (6) month interval between annual reviews. Standards against which performance is to be measured shall be specific, measurable, related to quality, quantity, timeliness of work or other reasonable performance criteria determined by the District Manager. The District Manager is responsible for the overall implementation and monitoring of performance evaluations of employees within the District and shall be evaluated on such implementation and monitoring.

A system for evaluating performance of employees may be developed and placed into effect with the approval of the District Board to meet the following minimum standards:

- The performance evaluation system shall include, at a minimum, annual performance evaluations and six (6) month informal discussions between the District Manager and the employees.
- Annual performance evaluations shall be made in writing using the "Performance Evaluation" form and both the District Manager and employee shall each receive a copy.
- Official copies of the annual performance evaluations shall be kept in the employee's personnel file.
- Performance evaluations shall be based on job descriptions and behavior - and results - oriented performance standards.
- The District Manager and employee shall annually review the employee's job description and performance standards for purposes of updating and maintaining current descriptions.
- A self-assessment tool will be incorporated in the performance evaluation procedure. This tool is designed to facilitate a fair and comprehensive review of the employee's progress and accomplishments since their last evaluation. A copy of the self-assessment form will be kept in the employee's personnel file.

In addition to the annual performance evaluations, employees shall also be evaluated under the following conditions:

- At the completion of three (3) months of service with the District, the District Manager shall complete, at a minimum, a discussion session with each employee. A summary of this session

shall be forwarded to the Personnel Committee by the District Manager and shall be kept in the employee's personnel file.

- Prior to the completion of the six (6) month probationary period for new employees and for employees promoted, transferred, demoted, or reinstated into a new classification. The completed evaluation form shall be kept in the employee's personnel file.
- Anytime an employee's performance has changed significantly, positively or negatively.
- Anytime the District Manager feels it is in the best interest of the employee or the District.

1. Performance Evaluation Procedure

The District Manager shall conduct performance evaluations, since he/she is the individual who is familiar both with the duties of the position and the body of work performed by the individual. The evaluation shall be used for counseling and identifying the need for further training and development.

The employee shall be notified at least one week before the evaluation interview to allow the employee to assess their individual performance using the self-assessment tool and prepare any questions or suggestions regarding more effective ways of performing the duties of the position.

The Personnel Committee is primarily a rating reviewer. The Personnel Committee's primary function in the rating process is to review the rating made by the District Manager for consistency with District policy and to officially approve the rating.

2. Review of Performance Report

The District Manager shall discuss the performance report with the employee before the report is made part of the employee's permanent record. The employee's signature on a performance report indicates receipt of the evaluation, not necessarily agreement with its content. Employees may respond in writing to the evaluation.

B. ANTI-HARASSMENT AND DISCRIMINATION POLICY

1. General Statement of District's Policy Against Offensive Conduct, Harassment and Violence

It is the policy of the District to maintain an environment that is free from offensive conduct, harassment and violence based on race, color, creed, national origin, gender, religion, disability, age, marital status, status with regard to public assistance, familial status, gender identify or sexual orientation (protected classes).

It shall be a violation of this policy for any employee, agent, officer, commissioner or other elected official of the District to engage in offensive or harassing verbal or physical conduct of a sexual nature or regarding race, color, creed, national origin, gender, religion, disability, age, status with regard to public assistance, marital status, gender identify or sexual orientation towards any District employee, officer, agent, or member of the public seeking public services or public accommodations.

The District will act to investigate all complaints, either formal or informal, verbal or written, of offensive, harassing or violent conduct based upon protected class status, and to discipline or take appropriate action against any employee, agent, officer, or other elected official who is found to have violated this policy.

2. Offensive Conduct, Harassment, and Violence Defined

a. Sexual/Gender Based Offensive Conduct or Harassment Definition:

Sexual/Gender based offensive conduct/harassment includes unwelcome physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender biased nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, public services or public accommodations;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or public accommodations; or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or use of public services or public accommodations or creating an intimidating, hostile or offensive employment, public service or public accommodation environment.

Examples of sexual/gender harassment may include but are not limited to:

- Unwelcome verbal remarks, jokes or innuendoes of a sexual nature or based upon gender;
- Unwelcome pressure for sexual activity;
- Unwelcome, sexually motivated or inappropriate patting, pinching, or other physical contact;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or access to public services or public accommodations;
- Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or access to public services or public accommodations;
- Any sexually motivated unwelcome touching;
- Distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature; or
- Other unwelcome behavior or words directed at an individual because of gender.

- b. "Disability" means any condition or characteristic that renders a person a disabled person under the Minnesota Human Rights Act or the ADA. A disabled person is any person who (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.
- c. "Marital status" means whether a person is single, married, remarried, divorced, separated or a surviving spouse and in employment cases includes protection against discrimination on the basis of identity, situation, actions, or beliefs of a spouse or former spouse.
- d. "Status with regard to public assistance" means the condition of being a recipient of federal, state or local assistance, including medical assistance, housing subsidies, Aid to Families with Dependent Children (AFDC), or general assistance
- e. Sexual Orientation Based Offensive Conduct/Harassment and Bias
 - "Sexual Orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identity.
 - "Gender identity" means a person's inherent sense of being a man, woman, both, or neither. A person's gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics. A person's gender identity is not necessarily visible to others.
- f. "Familial status" means the condition of one or more minors living with (1) their parent or parents or the minor's legal guardian or (2) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. These protections also apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. Protected Class Status

Based Offensive Conduct/Harassment and Bias Offensive Conduct or harassment in violation of this policy may occur when it is based upon an individual's race, national origin, familial status, gender, religion, disability, age, marital status, familial status, gender identity, sexual orientation or status with regard to public assistance.

- submission to conduct or communications of a derogatory, harassing or biased nature based on the protected status is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or retaining access to public services or public accommodations;

- submission to or rejection of conduct or communication of a derogatory, harassing or biased nature, based on the protected status by an individual is used as a factor in decisions affecting that individual's employment or access to public services or public accommodations; or
- the conduct or communication of a derogatory, harassing or biased nature based on the protected status has the purpose or effect of substantially interfering with an individual's employment or use of public services/accommodations or creating an intimidating, hostile or offensive employment or public service/accommodation environment.

4. Applicability: Offensive Conduct, Harassment or Bias May Occur:

- Between a supervisor and an employee;
- Between co-employees;
- Between an employee or supervisor and a member of the public seeking to obtain or use public services/accommodations;
- Between an official and employee or member of the public receiving or seeking public services/accommodations.
- Against an employee or supervisor by a vendor;
- Between an agent of the District and an employee, supervisor, official or member of the public.

5. District Reporting Procedures

Any person who believes he or she has been the victim of offensive conduct of a sexual nature, sexual harassment or harassment or bias based on race, color, creed, national origin, gender, religion, disability, age, marital status, familial status, status with regard to public assistance, or sexual orientation by an employee, agent, official, supervisor, or other elected official or any person with knowledge or belief of conduct which may constitute such harassment or bias toward an employee, official or member of the public seeking or receiving public services or accommodations, shall report the alleged conduct immediately to the District Manager or member of the Personnel Committee an appropriate official designated by this policy and as explained below.

The District encourages the reporting party or complainant to use the report form available, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the District Manager.

6. In General

The District Board hereby designates the District Manager, as the representative to receive reports under this policy. If the complaint involves the District Manager, the complaint shall be filed directly with one of the Personnel Committee Members.

The District Board shall make available the contact information for the District Manager and Personnel Committee Members, including mailing address and telephone numbers.

Submission of a good faith complaint shall not affect the reporter's future employment or access to public services or public accommodations.

Use of formal reporting forms is not mandatory.

The District will process complaints made under this policy as discreetly as possible, consistent with the District's legal obligations and the necessity to investigate allegations of discriminatory harassment and violence and take disciplinary action when the conduct has occurred.

7. Investigation

By authority of the District Board, Personnel Committee, the District Manager, upon receipt of a report or complaint under this policy, shall undertake or authorize an investigation.

The investigation may be conducted by the Personnel Committee, District Manager, or by a third-party designated by the District Board. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the Personnel Committee should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and the surrounding circumstances.

In addition, District officials may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The Personnel Committee or District Manager shall make a written report to the District Board. If the complaint involves the District Manager, the report may be filed directly with the District Board, by one of the Personnel Committee members. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

8. Action

The Personnel Committee will take such action as appropriate based on the results of the investigation. In the event that the investigation establishes that a violation of this policy has occurred, disciplinary action may be taken.

9. Reprisal

The Personnel Committee will discipline (up to and including termination) or take appropriate action against any person who retaliates against anyone who makes a report under this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment, bias or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

1. Definition

For purposes of this policy, harassment is defined as 1) any verbal, written, visual, physical conduct in any nature, including but not limited to sexual, of nature which is sufficiently severe to alter the conditions of the victim's employment and create a hostile, intimidating or offensive work environment; OR 2) any conduct of a biased nature which is offensive, intimidating, unwelcome, or that could reasonably be taken as objectionable.

2. Policy

It is the policy of the District that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, types of offensive or hostile conducts and behaviors, including implied or expressed forms of verbal, written, visual, physical conduct in any nature, including but not limited to sexual, of nature. Harassment infringes on an employee's right to a comfortable, respectful work environment and is self-defeating as a workplace practice. It is a form of misconduct that is illegal, against District policy and will not be tolerated. No employee - male or female - should be subject to forms of unlawful harassment, types of offensive or hostile conducts and behaviors. All employees are expected to treat their coworkers, subordinates, supervisors, and public contacts with respect at all times. The District will not tolerate any form of unlawful harassment, types of offensive or hostile conducts and behaviors in the workplace, including acts of non-employees.

Complaints of violations of the District's Harassment Policy will be quickly and thoroughly investigated. Violations of this policy by an employee, whether or not the violation rises to the level of illegal harassment, may result in prompt disciplinary action up to and including termination.

Examples of harassing conduct under this policy may include but are not limited to the following:

- Use of any offensive or demeaning terms which have a negative connotation or a negative gender connotation;
- Objectionable physical proximity or physical contact;
- Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
- Any indication, expressed and/or implied, that an employee's job security, job assignment, opportunities for advancement or other terms or conditions of

employment depend or may depend on the granting of favors to any other employee, supervisor, or manager;

- Any action relating to an employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors;
- The deliberate or careless creation of an atmosphere of harassment or intimidation;
- The deliberate or careless expression of jokes, remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
- The deliberate or careless dissemination of materials such as cartoons, articles, pictures, etc. which have an offensive content, and which are not necessary for work;
- The use of suggestive facial expressions or gestures of a harassing or intimidating nature.

All employees should keep in mind that the absence of intent to harass an individual is not a defense to a complaint of harassment. It is the impact and nature of the conduct, not the intent that determine whether the conduct is harassing.

3. Supervisory & Management Responsibilities

The District Manager is responsible for maintaining a work environment that is respectful and free from discrimination in any form. A part of that responsibility is proactively maintaining the compliance of all employees with this policy. A District Manager's success in his/her job depends, in part, on carrying out these responsibilities to prevent harassment in the workplace and to maintain a respectful work environment.

In the absence of a complaint, the District Manager and/or a Supervisor observing conduct of the aforementioned nature in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the Personnel Committee.

Supervisors or the District Manager receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the District Manager, Personnel Committee, and the Sherburne County Human Resource Director prior to taking any action (screening, investigating, etc.) the complaint. District employees may not enlist the assistance of the County Human Resource Director without the expressed consent of the County Administrator. In conference with the County Human Resource Director, a determination shall be made as to whether an investigation is merited, who will investigate and what methods will be used in the investigation.

Failure of the District Manager, Personnel Committee, or District Supervisors to immediately forward reports of observances or complaints to the County Human Resource Director shall be grounds for disciplinary action, up to and including termination of employment.

4. Employee Responsibilities

Non-supervisory employees observing conduct of the aforementioned nature are encouraged to call such behavior and this policy to the attention of the participants at the time of the

observance or promptly report such behavior to the District Manager or the Personnel Committee.

Any employee who feels he or she is being subjected to harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to the District Manager, the District Personnel Committee. District employees may not enlist the assistance of the County Human Resource Director without the expressed consent of the County Administrator.

While the District encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report will need the following information:

- Date, time and location of incident
- Identification of the offender(s)
- A detailed description of the incident
- Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
- Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subject to the inappropriate behavior and feel comfortable in so doing, you may courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended, or uncomfortable. Include a summary of this discussion in your report to the District Manager or Personnel Committee.

5. Complaint Investigation

The investigation methodology will include, at a minimum, personal interviews with the reporting employee, the complaining employee (if different than the reporting employee) and the alleged offender(s). The investigation methodology may additionally include interviews, document review and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy; however, this requires the cooperation of all parties involved in the investigation, including the complainant(s), the alleged harasser(s) and witnesses. Additionally, the District has an affirmative obligation to investigate, to take necessary action to resolve a complaint, and to comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, to those with a need or right to know.

A determination as to whether a particular incident constitutes a violation of this policy will be based on the totality of facts surrounding circumstances available to the investigator. These facts and circumstances include the nature of the behavior, the nature of the relationship between the parties involved, the situation and setting in which the incident

occurred, and previous incidents and/or past or continuing patterns of behavior related to the parties involved.

The investigator will forward a summary of their investigation, the investigator's determination as to whether the incident constitutes a violation of this policy and, as applicable, recommendations on counseling, mediation, disciplinary or other personnel actions to the District Manager or the Personnel Committee. The District Manager or the Personnel Committee shall consult with the Human Resources Director prior to taking any disciplinary action and then shall take such disciplinary action as deemed necessary to ensure the behavior is corrected. Failure of the District Manager or Personnel Committee to promptly take the agreed upon action shall be grounds for disciplinary action, up to and including termination.

6. Reprisal

The District will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists or participates in an investigation or assists or participates in a proceeding related to such investigation. The District will discipline or take other appropriate action against any employee or elected official who engages in acts of retaliation towards these individuals. For purposes of this policy, retaliation includes but is not limited to: refusal to meet, or excessive delays in meeting with, or otherwise working with the individual; refusal to share, or excessive delays in sharing appropriate work-related information such as meetings, schedules and agendas, changes in policies or laws; other forms of interference of the individual in the performance of their job; verbal or physical threats; ridicule; rumor spreading; making a false complaint against the individual; destruction of property.

C. DISPUTE RESOLUTION

1. Overview

The District recognizes that open and effective communication is an essential ingredient for employee satisfaction and productivity. It shall be the policy of the District to encourage communications by employees and the District Manager. As part of this policy, the District has established an employee problem resolution procedure which employees will be encouraged to use for resolution of a personnel action which the employee believes will adversely impact the terms, conditions, or status of their employment, without fear of criticism or reprisal.

2. Objectives

To ensure that employees receive equitable treatment.

To provide employees with an easily accessible procedure for expressing dissatisfaction in regard to work related matters.

To foster sound employee relations through communication and resolution of work-related problems.

3. Guidelines

It is the interest of the District that employees receive prompt resolution of disputes regarding a violation of District policy that arise during their term of employment.

Dispute resolution meetings shall be scheduled at mutually satisfactory times.

Information will be treated with discretion by all persons involved.

It is not the intention of the District Board, by establishment of this procedure, to thereby grant an employee a second opportunity to litigate an issue which has already been litigated in any other administrative or judicial proceeding.

4. Procedure

Step 1 - An employee with a dispute shall initially discuss the problem, within ten (10) working days, with the District Manager. The District Manager shall investigate the complaint, discuss the dispute with the employee, and provide an oral response to the employee within ten (10) working days from the date the complaint was initially presented.

Step 2 - If the employee is not satisfied with the District Manager's response, the employee may present the dispute, in writing, to the Personnel Committee within ten (10) days of the response received in Step 1. The nature of the dispute, the facts on which it is based, the provision(s) of these regulations or the District work rules violated and the remedy requested must be included in the written presentation. The Personnel Committee shall investigate the complaint, discuss the dispute with the employee, and provide a written response to the employee within five (5) working days.

Step 3 - If the employee is not satisfied with the Personnel Committee's response, the employee may present the dispute, in writing, to the District Board within ten (10) days of the response received in Step 2. The District Board shall make, or cause to make an investigation of the dispute and alleged violation of these regulations. The decision of the District Board shall be final and shall be placed in writing to the employee within fifteen (15) working days following receipt of the appealed dispute.

5. Dispute Resolution – District Manager

An employee with a dispute against the District Manager shall initially discuss the problem, within ten (10) working days, with the Personnel Committee. The Personnel Committee shall investigate the complaint, discuss the dispute with the employee and District Manager, and provide an oral response to the employee within five (5) working days from the date the complaint was initially presented.

If the employee is not satisfied with the Personnel Committee's response, the employee may present the dispute, in writing, to the District Board within ten (10) days of the response received in Step 2. The District Board shall make, or cause to make an investigation of the dispute and alleged violation of these regulations. The decision of the District Board shall be final and shall be placed in writing to the employee within fifteen (15) working days following receipt of the appealed dispute.

6. Time Limits

If the dispute is not presented within the time periods set forth above, it shall be considered waived. If a grievance is not appealed to the next step within the specified time limit, it shall be considered settled on the basis of the last answer.

If the proper authority does not answer a complaint or appeal thereof within the specified time limits, the employee shall treat the dispute as denied and may immediately appeal to the next step. The time limit in each step may be extended by mutual agreement of the employee and the authority involved in the step.

7. Reprisals Prohibited

No employee shall be disciplined for seeking redress through this procedure or as a result of testimony in accordance with the provisions of these regulations.

D. EMPLOYEE DISCIPLINE AND DISCHARGE

1. Overview

The District affirms its rights and responsibilities to develop and administer the regulations, disciplinary measures, and general work rules necessary to ensure efficient operation of services, fair treatment, and safe working conditions. The District retains all rights and privileges not specifically addressed in these Regulations.

2. Misconduct Examples

The following actions are considered violations of District rules of conduct or otherwise grounds for disciplinary action. The following list is **not** intended to be exhaustive but rather is only illustrative of examples of misconduct subject to disciplinary action up to and including discharge:

- 1) Incompetency, inefficiency or ineffectiveness in the performance of duties as reflected in the lack of achievement of assigned reasonable workloads.
- 2) The inability, whether due to physical or mental conditions or otherwise, of the employee to perform the essential functions of his/her duties employment position.
- 3) Unauthorized use of drugs or alcohol while on duty and/or excess use of drugs or alcohol while off duty which is detrimental to the performance of duties,
- 4) Hostile, insulting and/or abusive conduct or language used toward District employees and/or members of the public.

- 5) Carelessness and/or negligence in the handling or control of District property.
- 6) Abuse of an official District position to achieve personal, political or financial gain.
- 7) Absence from duty without approval.
- 8) Willful misconduct or insubordination.
- 9) Misuse, theft, destruction, neglect, or non-authorized use or appropriation of District equipment and supplies, including phone and computer use.
- 10) Dishonesty in performance of duties;
- 11) Criminal conduct;
- 12) Failure to follow District and/or department safety rules;
- 13) Falsifying or destroying government, client or employment records, including timesheet;
- 14) Falsely stating or falsely making claims of injury or illness;
- 15) False or inaccurate claims for reimbursement of expenses;
- 16) Sale, distribution, possession, or use of drugs, alcohol, or controlled substances on District property during working hours and/or while representing the District;
- 17) Being under the influence of drugs, alcohol, or controlled substances while performing duties for the District or while on District premises, or acting as a District representative off premises;
- 18) Neglect or refusal to follow established health, safety, or security rules or regulations;
- 19) Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting;
- 20) Gambling on District property or District equipment or resources;
- 21) Possession of weapons on District property;
- 22) Sleeping or loafing during working hours;
- 23) Improper reproductions or misuse of copyrighted computer software or other copyrighted materials.
- 24) Theft of others' personal belongings;
- 25) Abuse of official position with the District to achieve personal, political or financial gain;
- 26) Allowing unauthorized visitors into unauthorized District offices and locations;
- 27) Violation of attendance and punctuality guidelines;
- 28) Unauthorized/excessive service to outside organizations on District time;
- 29) Unauthorized disclosure of private or confidential information

- 30) Violation of provisions of agreements;
- 31) Violation of any personnel policy set forth in this policy manual or as adopted by the Board.
- 32) Failure or refusal to follow a lawful directive of a supervisor.
- 33) Failure or refusal to comply with department or program regulations, policies, procedures
- 34) The use or threatened use of political influence to exert pressure on any District employees for favors or to conduct actions contrary to these Regulations.
- 35) Reporting for a scheduled work assignment in clothing or appearance which an authorized supervisory employee or District Manager has directed as not acceptable for the work assignment or disruptive to employees or the public.
- 36) Unapproved acceptance of employment or volunteer activity determined to be a conflict of interest with District employment.
- 37) The solicitation or acceptance of money, gifts, or valued items which may be construed as evidence of favoritism, coercion, unfair advantage, collusion or otherwise impacting the decisions of an employee in public matters.
- 38) Willful deception or misrepresentation on an employment application.
- 39) Any other conduct which, in the discretion of the District, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

Employment at the District may be terminated at the will of either the employee or the District, at any time, and for any reason or no reason.

3. Disciplinary Action

The District embraces the philosophy of progressive discipline where appropriate, but maintains that in the event disciplinary action should be taken, the following types of action may be taken, but need not be taken, nor must they be taken in any particular order. The District further maintains that any incident of employee misconduct or violation of policy may result in discharge, depending on the circumstances.

Employees shall be permitted to respond to formal disciplinary action by written response to the disciplining authority. The written response will be maintained permanently in the employee's personnel file.

Verbal Warning - A verbal warning notice may be issued by the District Manager or Personnel Committee to advise the employee of conduct or performance that is not meeting District standards. Verbal warnings may be reduced to writing and placed in the employee's personnel file.

Written Warning - If an employee's conduct or performance warrants it, or continues to be unsatisfactory following a verbal warning or warnings, the employee may receive a written warning from the District Manager. The written warning will be maintained permanently in the employee's personnel file.

Suspension - An employee may be suspended without pay with a written notice of the specific reasons for dissatisfaction with his or her conduct or performance from the Board Chair, following formal Board action. The notice of suspension will be maintained permanently in the employee's personnel file.

4. Discharge

Discharge or termination of employment may be imposed following formal Board action. Any decision to terminate will be communicated and handled in accordance with state and federal laws pertaining to the employment of public employees and honorably discharged veterans.

All discipline, including verbal warnings, will be documented and retained in the employee's file.

SECTION XIV: REIMBURSED EXPENSES AND CREDIT CARD POLICY

A. REIMBURSED EXPENSES

District personnel traveling within or outside the County may be reimbursed for reasonable travel, meals, and lodging expenses, provided that such expenses are not incurred in the routine performance of their duties. It shall be the policy of the District to use the following guidelines when paying for reimbursable expenses:

1. **Out-of-state travel** will be considered on an individual basis by the District Board. Prior District Board approval is required for attendance at out-of-state functions. If out-of-state travel is approved, reimbursement will include round trip tourist air fare (unless other means are more economical), and actual expenses, including registration.
2. **Overnight in-state travel** will be considered on an individual basis by the District Manager. Prior District Manager approval is required for overnight in-state travel. Reimbursement will include mileage, meals, 15% gratuities, lodging, registration, and other actual expenses.
3. **In-state travel without overnight accommodations** including training sessions, informational meetings, presentations by staff and other necessary functions. These shall be approved by the District Manager. Reimbursement will include mileage, meals, 15% gratuities, registration, and other actual expenses. Employees are encouraged to use District owned vehicles for all in-state travel, as approved by the District Manager.
4. **Mileage** - When an employee is required to use his or her personal vehicle to perform official duties, the District will reimburse the employee for mileage at the current rate established by the District Board of Supervisors. Employees receiving mileage reimbursement are required

to maintain their driver's license number and personal auto liability insurance company name and policy number on file with the District.

5. **Meals** – When applicable, meal expenses should be paid using a District credit card. Meals will be reimbursed by the District up to \$30 per day when they are associated with an organized training session or official scheduled meeting. The employee must provide paid receipts for reimbursement. The District will not reimburse the employee for purchases of alcoholic beverages.
6. **Lodging** – When applicable, lodging expenses should be paid for using a District credit card. The policy of the District will be to reimburse employees for the actual expense of lodging when required as part of a pre-approved training session or professional meeting. The employee must provide receipts for reimbursement.
7. **Parking** – When applicable, parking expenses should be paid using a District credit card. Employees using private automobiles and District vehicles shall be reimbursed on an actual expense basis for parking.
8. **Travel Expenses for Spouse or Other Family Members or Non-District Employees** - If an employee's spouse, family member, or any non-District employee accompanies the employee on a District business trip, any portion of the expenses attributable to the spouse, family member or non-District employee's travel, meals, gratuities, lodging, etc., are in no circumstances reimbursable.
9. **Miscellaneous**- The District recognizes that on occasion minor supplies and hardware are required by employees when performing official functions of the District. It is the policy of the District to reimburse the employee for these types of expenses. The employee must provide paid receipts for reimbursement and be able to justify the expense if requested by the District Manager.

Any violations of this section shall subject the employee to disciplinary action, up to and including discharge, as set forth in this Personnel Handbook.

Employees must provide paid receipts for reimbursement of expenses, including transportation tickets, registrations, meals, lodging and parking, or submit an affidavit signed by the employee if a receipt cannot be acquired for the expense.

The District encourages the use of the SWCD assigned credit cards for expenses incurred in the routine performance of employee duties within the terms of the Credit Card Policy.

E. EMPLOYEE-OWNED MOBILE COMMUNICATION DEVICE REIMBURSEMENT

The District may approve, for certain employees, an annual allowance to defray the cost of using personal mobile devices and service in the conduct of District business. Initial purchase of the mobile device, accessory equipment, activation fees, loss, damage, or replacement fees will be the

responsibility of the employee. The employee will pay any costs exceeding the amount of the mobile device reimbursement. No reimbursement will be paid when an employee is in a leave status exceeding (30) days, unless approved by the District Manager.

Taxability: The Mobile Communication Device Reimbursement is not subject to tax and will be provided to the employee via an annual reimbursement check. For determination of individual taxability, employees should check with their tax advisor.

Employees must meet one or more of the business need criteria below to be eligible for the Mobile Communication Device Reimbursement.

- Does an employee work in situations where personal safety risks could occur?
- Do supervisors need to be able to reach an employee (or vice versa), and the employee often works where a desk phone is not available?
- Does an employee need access to District data networks in order to resolve client issues, provide customer service, or access files while working in locations outside of the District facility?
- Do an employee's job requirements include working non-traditional hours, being available 24-7 or in on-call status, or being available to respond to emergencies?
- Does an employee need to monitor or respond quickly to email or voice messages while away from an office computer?
- Has the District Manager determined that the employee's job duties require a mobile device for reasons not described above?
- The wireless communication device must have the RAVE public safety application and notification alerts/emails installed and operational.

1. Mobile Device Allowance

The District Board shall annually determine allowance rates.

The District is committed to providing a safe environment for its employees and the public at large. In a moving vehicle, the first priority for individuals is to be attentive drivers. Employees should not use mobile communication devices while operating a vehicle, machinery, or heavy equipment as it distracts from attentive use. The District expects employees to obey all applicable laws regarding safe use of mobile communication devices.

F. CREDIT CARD POLICY

The District credit card is a purchase card system benefiting the SWCD and the cardholder through prompt payment to suppliers and delegates responsibility for low value purchase authority to those making the commitment.

- District employees must receive approval by the District Board to have permission to use District's credit cards.

- The credit card may be used by District employees who have authority to buy goods and services on behalf of District.
- Each credit card bears the Cardholder's name but is actually issued to the District, which is responsible for making prompt payment to the bank. However, Cardholders are responsible for ensuring proper use of the card.
- The District Manager will ensure the proper use of credit cards by overseeing District implementation and use of the cards.

1. Policy

Credit cards are issued at the discretion of the District Board to current employees who are granted a formal delegation of District purchasing authority. Delegation of District purchasing authority governs the use of the credit card as a tool for purchasing materials and services for less than \$300.00 point of sale purchase. The cardholder agrees to comply with all applicable District policies and procedures, including the District's Cardholder Agreement.

2. Compliance with Policy, Violations and Consequences

Violations of this policy or of any policy regarding the purchase of goods or services will be investigated and may also result in either one or more of the following actions: written warning, revocation of credit card privileges, cancellation of delegation of purchasing authority, disciplinary action up to and including termination of employment, and/or reporting to law enforcement and to the State Auditor.

The District Board has the authority to investigate and to determine whether a violation of procurement policy has occurred, and to recommend actions that may be taken because of such determinations. The District Board will consider the facts and circumstances of each incident, and will take action as deemed appropriate, and as permitted by applicable law and/or District policy.

Credit Card violations include but are not limited to:

- Purchase of items for personal use.
- Purchase of items in violation of the District travel policy.
- Use of the credit card for cash advances.
- Use of the credit card for purchase of more than \$300.00 by splitting purchases onto more than one credit card without management approval.
- Failure to return the credit card when an employee is reassigned, terminated or upon request.
- Failure to turn in packing slips, receipts or other back up documentation to the District Manager within thirty (30) days of the purchase for the purpose of establishing accountable reconciliation procedures.

3. Ownership and Cancellation of the Credit Card

The credit card remains property of the bank. It may not be transferred to, assigned to, or used by anyone other than the designated cardholder. The cardholder is accountable for the activity on the card. The bank or the District may suspend or cancel cardholder privileges at any time for any reason. The cardholder will surrender the credit card upon request to the District or any authorized agent of the bank.

4. Spending Limits

Each SWCD staff credit card has a pre-set daily limit of \$300.00 that may not be exceeded under any circumstances. The District Manager's credit card has a pre-set daily limit of \$5,000.00 that may only be exceeded with prior Board approval.

5. Receipts

It is the cardholder's responsibility to obtain transaction receipts from the merchant each time the credit card is used. Individual transaction receipts are to be entered into the credit card expense report and submitted to the District Manager in a timely manner. The District office must keep statement data and proof of reconciliation, including receipts and packing slips, on file for a period consistent with the record retention requirements set forth in Minnesota law and the District's Records Retention Scheduled.

6. Disputed Items

It is the cardholder's responsibility to follow-up on any erroneous charges, returns or adjustments to ensure proper credit is given on subsequent statements.

7. Protecting the Credit Card

The credit card is valuable property which requires proper treatment by the cardholder to protect it from misuse by unauthorized parties.

8. Validation and Safekeeping

A cardholder must sign the credit card immediately upon receipt. The District credit card should always be treated with the same care as personal credit cards, bankcards, cash and checks.

The card(s) must be kept in an accessible, but secure location. When using the credit card for internet purchases, cardholders should ensure that the site utilizes industry recognized encryption transmission tools.

When the expiration date has passed and/or after the cardholder has received a new credit card, the cardholder must turn in the old credit card to the District Manager. Cardholders must also make sure the credit card is returned to them after each charge and must verify that the returned credit card has the cardholder's name on it.

9. Lost or Stolen Credit Cards

If the credit card is lost or stolen, a cardholder must inform the District Manager and contact the bank's 24-hour toll-free number immediately.

10. Cardholder Responsibilities

Cardholders must use the credit card responsibly and in accordance with this policy. Responsibilities include:

- Purchasing items for District use only.
- Never lending or sharing the credit card or account number.
- Purchasing only goods and services that are approved by the District Manager or are in accordance with the District policies.
- Keeping all individual purchases to less than \$300.00.
- Returning the credit card to the District Manager and privilege of its use upon leaving the District or the position which entitled use of the card or upon ending employment with the District, or upon request of the District Board.
- Forwarding purchasing documents, such as sales receipts, to the District Manager.

11. District Manager Responsibilities

The District Manager is responsible for ensuring that these procedures are in place for all cards before employees are given card privileges, timely reconciliation, and appropriate record keeping, in addition to the following administrative duties:

- Knowing the credit card limitations and restrictions.
- Developing and implementing internal procedures that govern the District use of the credit cards.
- Sharing new program information with cardholders.
- Answering cardholder questions about use of cards.
- Monitoring card usage to ensure that District policies, and internal policies and procedures are being followed.
- Assigning credit card privileges to staff.
 - Requesting new cards from the bank.
 - Terminating accounts and inactive cards and individual authority to use cards.

G. WITNESS REIMBURSEMENT POLICY

Pursuant to the Minnesota Rules of Civil Procedure, any person or party that requires the testimony of any employee of the District relating to that employee's profession, or relating to knowledge, information, or facts obtained as a result of activities in that profession, shall pay compensation to the District for all time and expense involved in preparing for and giving such testimony.

The party requiring said testimony shall make arrangements for such compensation with the District Manager prior to the time of the taking of such testimony.

The amount of the compensation will be determined by the employee's rate of pay and the District's cost of fringe benefits, in addition to any mileage costs incurred by reason of the testimony.

The party requiring testimony shall reimburse the District for reasonable costs associated with the location, production and copying of any documents required to be brought to the hearing, trial or deposition.

The requirements recited herein shall apply to any testimony required at any trial, court hearing or deposition in any civil action, including conciliation court matters, to which the District is not a party. The District Manager may waive the application of this policy when testimony is requested by other government agencies, which have a reciprocity agreement with the District.

In the event a subpoena is served upon a SWCD employee without the appropriate fees, the person receiving the subpoena shall promptly notify the District Manager, who shall take appropriate action to quash said subpoena.

A copy of this section of the Personnel Policies shall be provided to any person serving a subpoena upon a District employee, or shall be transmitted to the party requesting the subpoena at the earliest opportunity.

SECTION XV: ELECTRONIC COMMUNICATION, VEHICLES AND EQUIPMENT USAGE

A. E-MAIL, INTERNET AND COMPUTER USE POLICY

Proper use of the District's information technology (IT) is the sole responsibility of the individual user. Misuse of the District's IT systems may lead to revocation of the user's access to technology and possible discipline, including reprimand, suspension, termination, and/or criminal prosecution.

The District's IT systems includes all mechanical and electronic systems owned or leased by the District that create, store, modify, and transmit information. The District provides a variety of electronic communication tools for employee use. Items include but are not limited to various types of computers, tablets, voice mail, electronic mail (e-mail), phone systems, VOIP, survey equipment, GPS, or any other communications systems provided by or through the District. The District's IT systems also include all information, data, and files, created, stored, modified, or transmitted by District IT systems. The use of these tools is a privilege and should be treated as such.

Employees shall have no expectations of privacy related to the use of these electronic communication tools. There is no expectation of privacy of any information that is stored, processed, or transferred by any of the communication systems of the District. The District can and will inspect information and files stored, processed, or communicated by or through its information systems without further notice to its users.

Persons not employed by the District will not and may not access computers or any other electronic communication tool or system.

The purpose of this policy is to provide clear guidelines to all District employees regarding the sending and receiving of electronic mail (e-mail), the accessing and downloading of Internet files, use of the District's electronic communication tools, and District-owned computer use.

1. Acceptable uses of the Internet and District e-mail

District provided internet and e-mail access is intended to be used for District reasons only. The District encourages the use of internet and e-mail for District business because they make communication more efficient and effective. Occasional personal use of the e-mail and internet is permitted, provided that such occasional personal use is incidental and minimal, strictly limited to non-business hours, and follows the guidelines of this policy. However, internet service and e-mail are District property, and their purpose is to facilitate District business. Every staff member has a responsibility to maintain and enhance the Districts' public image and to use District e-mail and access to the internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using e-mail and the internet. Any improper use of the internet or e-mail is not acceptable and will not be permitted.

2. Unacceptable uses of the Internet and District e-mail

All District IT systems must be used primarily for District business. Users shall not use the District's IT systems, including, but not limited to computers, tablets, equipment, internal or external e-mail, or internet access for any of the following purposes:

- To access, upload, download, transmit, receive or distribute pornographic, obscene, abusive, or sexually explicit materials, or materials containing unclothed persons unless in an official capacity while investigating crimes.
- To transmit or receive obscene, abusive, or sexually explicit language or profanity unless in an official capacity while investigating crimes.
- To violate any local, state or federal law or engage in any type of illegal activity.
- To vandalize, damage or disable the property of another person or organization, including but not limited to property owned by the District.
- To access the materials, information or files of another person or organization without permission.
- To violate any applicable state, federal and international copyright, trademark or intellectual property laws and regulations or otherwise use another person or organization's property without prior approval or proper attribution consistent with copyright laws, including unauthorized downloading or exchanging of pirated or otherwise unlawful software or copying software to or from any District computer.
- To engage in any form of gambling.
- To engage in any type of harassment or discrimination, including but not limited to sexual harassment and harassment or discrimination based upon race, gender, sexual orientation, religion, national origin, marital status, status with respect to public

assistance, disability or any other type of harassment or discrimination prohibited by law and District policy.

- To engage in any type of commercial enterprise unrelated to the specific purposes and needs of the District.
- To engage in any form of solicitation without the express prior written consent of the District Manager or the District Board.
- To promote any political or private causes, or other activities that are not related to the business purpose of the District.
- To enter into financial or contractual obligations without the express prior written consent of the District Board. Any financial or contractual obligation entered into by a user without the express prior written consent of the District Board shall be the sole responsibility of the user.
- To advocate any type of unlawful violence, vandalism, or illegal activity.
- To engage in job search activities for positions outside of the District except for employees who have received notice of impending layoff.
- To defame another, or in any manner that harms the reputation of the District.
- To engage in personal activities during compensated work periods, except designated breaks.
- To download any computer programs or applications onto the District system without permission from the District Manager

3. Communications

Each employee is responsible for the content of all text, audio or images that they place or send over District e-mail/internet system or through other District communication tools. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on District e-mail/internet system must contain the employee's name.

All communications sent by employees via District e-mail/internet system or through another District communication tool must comply with this and other District policies and may not disclose any confidential or proprietary District information.

4. Software

To prevent computer viruses from being transmitted through District e-mail/internet system, there will be no downloading or installation of any unauthorized software. All software must be approved by the District Manager prior to downloading and/or installation.

5. Security/Privacy

Every user must maintain the security of the District's Information Systems. Users shall not divulge passwords or security protocols to anyone outside the District. Users shall not permit non-employees/unauthorized users to use their passwords or the District's Internet access.

The District reserves the right to monitor usage patterns for its e-mail/internet communications. All messages created, sent, or retrieved over the District's e-mail/internet system are the property of the District and should be considered public information. The

District reserves the right to access and monitor all messages and files on District e-mail/internet system.

Employees shall be aware that all email/internet communications are the property of the District and the employee has no right of privacy regarding their email/internet communications. Employees should not assume electronic communications are totally private and should transmit confidential data in other ways.

Employees must keep a record of passwords for District business related applications in a secure location known to the District Manager. Upon termination of employment, employees will transfer to a shared drive any work-related information including documents and photos from their personal electronic devices.

6. Employee Owned Mobile Device

The District recognizes that employees may choose to use their personal smartphones, tablets or other mobile devices to perform work-related tasks. This includes, but is not limited to, accessing District email, applications, files, and internal systems.

This policy outlines the acceptable use of employee-owned mobile devices for work purposes and ensures compliance with applicable data privacy and security regulations.

Authorization: Employees must receive prior approval from the District Manager before connecting personal devices to the District's IT.

Security Requirements:

- Devices must be secured with a passcode or biometric authentication.
- The District may require the installation of security software or Mobile Device Management (MDM) tools to protect sensitive data.
- Devices must not be shared with unauthorized users.
- In the event of loss or theft, the District reserves the right to remotely wipe work related data from the device.

Acceptable Use:

- Personal devices may only be used for work related activities during work hours unless otherwise authorized.
- Company email may be accessed only through approved secure applications.
- Employees must not use personal devices to store or transmit confidential or sensitive information unless proper encryption and safeguards are in place.

Privacy:

- The District will take reasonable steps to respect employee privacy; however, work related data and communications on personal devices may be subject to monitoring or legal discovery.
- Upon termination, access will be revoked and company data must be removed.

Compliance:

- Employees must comply with all District policies, including those related to added protection, acceptable use, and confidentiality.
- Use of personal devices must also comply with relevant laws and regulations.
- The device must have the RAVE public safety application and notification alerts/emails installed and operational.

Failure to adhere to this policy may result in revocation of privileges and or disciplinary action

7. Social Media

Social media refers to web-based tools, websites, applications and platforms that enable users to connect, engage in dialogue, share information, collaborate, and interact. These platforms are designed to create a rich and encouraging user experience, where users contribute to and shaped content through their interactions.

Examples include, but are not limited to:

- social networks (Facebook, LinkedIn, Instagram)
- Blogs and micro blogs (X)
- Video and photo sharing sites (YouTube, Flickr)
- Online forums and discussion boards
- Messaging and collaboration platforms
- Automated data feeds and content aggregators

The purpose of this policy is to detail District social media use and limitations. This policy applies to official use of social media by District users on behalf of the District for District purposes, including citizen engagement, and where indicated, to non-official/personal use of social media by District users. These two types of social media use are defined as:

1. Official Use: Social media engagement on behalf of the District and as authorized by the District on sites where the District has an official web presence and terms of service agreement.
2. Non-Official/Personal use: Personal day-to-day use of social media sites by District users, not related to official duties.

Legal Obligations and Restrictions for Social Media Use: All District users must follow the law and District policies when using social media whether at work, at home, or on personal devices. The following rules apply to everyone:

- No criminal or dishonest behavior: District users shall not engage in criminal or dishonest conduct

- Conflict of interest: District users shall not participate in particular matters affecting their own financial interest or the financial interest of other specified persons or organizations.
- Misuse of Position: District users shall not use their public office for private gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or other acquaintances. District users shall not use, or permit the use of, their Government position or title or any authority associated with their public office in a manner that is intended to coerce or induce another person to provide any benefit, to themselves or to persons with whom the District users are affiliated in a nongovernmental capacity.
- Use of Government Time and Property: When District users are on duty, the Standards of Ethical Conduct require that they use official time in an honest effort to perform official duties.
- Use of Non-Public Information: District users shall not allow the improper use of non-public, private, or confidential information as defined in the Government Data Practices section of this Handbook. Improper use includes, but is not limited to, furthering one's private interest or that of another, whether by engaging in financial transactions using such information, through advice or recommendation, or by knowingly unauthorized disclosure. Further, District users shall not carelessly or intentionally disclose non-public, private, or confidential information, unless disclosure is authorized by law.
- Political Activity: District users must avoid engaging in political activity, including activity on social media that is prohibited by the Hatch Act. In short, don't bring personal politics to the office or onto social media.
- Lobbying: Many of the District's funding sources prohibit the use of appropriated funds for indirect or grassroots lobbying in support of or in opposition to pending legislation. District users who use social media in their official capacity must not post content on behalf of the District that includes requests to contact federal or state legislators to favor or oppose any legislation, law, or appropriation unless it can be clearly demonstrated that no restricted funds were used in the process.
- Discrimination and Harassment: All district users have a responsibility to maintain an appropriate level of professional conduct in the workplace, and to treat fellow District users with respect and fairness. The District's anti-discrimination and anti-sexual harassment policies apply to the use of social media.
- Children: District Web sites or social media accounts must not collect any personal information from children (under the age of 13).

When authorized by the District Manager, District users are permitted to access and contribute content on social media sites in their official capacity and should administer the account in a manner consistent with this policy. All approved social media accounts must

engage in exchanges with the public in a manner consistent with this policy, District guidance, applicable law, and other related guidance.

District users will know that they are authorized to communicate in their official capacity when the District Manager assigns this activity as part of the user's official duties. The District Manager should clearly explain the assignment and what social media tool or tools the user is authorized to use and the purpose of the social media tool(s). Official use is different from a District user's "personal" use. The important point is that when a user is communicating in an official capacity he or she is communicating on behalf of the District, just as if he or she was standing at a podium at a conference, communicating the District's views to everyone.

Non-official/Personal use of social media is the day-to-day use of social media sites by District users that is not related to official District duties. Users must be careful in their personal participation in social media sites; they must not engage as if presenting the official position of the District. According to guidance issued by the Office of Government Ethics (OGE), a District user is not required, ordinarily, to post a disclaimer disavowing government sanction or endorsement on the District user's personal social media account. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, however, a District user is encouraged to include a disclaimer clarifying that the social media communications reflect only the District user's personal views and do not necessarily represent the views of the District user's organization. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion that arises. District users must also be aware that misconduct committed on a social media site may result in appropriate discipline consistent with federal and state law and district policy.

8. Artificial Intelligence (AI) Use Policy

The District recognizes the growing role of Artificial Intelligence (AI) in enhancing productivity, decision making, and innovation. This policy establishes guidelines for the responsible and ethical use of AI tools and technologies by employees.

Approved AI Tools

- Microsoft 365 Copilot is an approved AI platform for District use.
- Other AI tools may only be used with prior approval from the District Manager.

Guideline for use

- Use responsibly; AI tools should support work tasks like writing, summarizing, organizing, or analyzing and should not replace human judgment.
- Review Outputs: Always check AI-generated content for accuracy, tone, and appropriateness before sharing or using it.
- Protect Data: Do not enter confidential, private, or sensitive information into AI tools unless they are approved and secure.
- Stay Transparent: If AI helps create content, be open about it when appropriate.

- Follow the Law: Use of AI must comply with date privacy laws and District policies.

Prohibited Use

- Using AI to create or spread false, biased, or harmful content.
- Uploading personal information (PII) or confidential files into unapproved AI tools.
- Relying on AI to make decisions that significantly affect individuals without human oversight.

Improper use of AI tools may result in disciplinary action, depending on the nature of the violation.

9. Violations

Any employee, who abuses the privilege of the District facilitated access to e-mail or the internet, may be subject to corrective action up to and including termination. The District may also advise appropriate legal officials of any violations that may violate the law.

10. Systems/Property Rights

The information, communication, processing, and storage resources provided by the District are the sole property of the District. Files, data, and other communication created, originating from, or stored on the District's hardware, software, computer disks or other electronic systems are also the property of the District. Equipment and software leased from others by the District are considered the District's property for the purposes of this policy. The District's ownership and control over its systems shall apply regardless of how and where a user accesses the District's systems.

11. Disclaimer/User Liability

While the District has adopted and shall enforce this policy to the extent practicable, it does not have the resources or technical capability to ensure complete compliance by its users, who shall be responsible for following the terms of this policy.

The District shall not assume and hereby expressly disclaims liability for the misuse of its computers, equipment or Internet access, which violates this policy or any law.

The District expressly disclaims any liability resulting from any of the following:

- Financial obligations resulting from the use of the District accounts to access the Internet or any other financial obligation entered into on behalf of the District by an unauthorized individual;
- Damage to property used to access District computers, networks, equipment or online resources;
- Information received through District computers, equipment, online resources or networks.
- Damages, injuries or improper communications resulting from contact between individuals, including agents, through the Internet, e-mail or use of District equipment, computers or systems.

B. VEHICLES AND EQUIPMENT

The District maintains vehicles and various equipment for employee use in the performance of their assigned duties and responsibilities. The use of District vehicles and equipment is confined to only that which is necessary to discharge the District's business. When available, employees are encouraged to use District-owned vehicles, rather than their own personal vehicles, when on District business. The only persons who may be passengers in a District-owned vehicle are fellow employees, approved volunteers, approved temporary employees, interns, supervisors, cooperating agency personnel, or a landowner/operator or contractor when conducting field work. No animals are allowed in District vehicles unless needed to conduct District business. Personal use of District vehicles and equipment is prohibited except for commuting purposes and minimal personal use such as stopping for lunch while away from the office performing District business.

Employees shall not drive District vehicles without a valid Minnesota driver's license of the appropriate classification. Driving records of District employees who use any vehicle for the District may be checked by the District Manager on an annual basis.

Employees are required to have liability insurance in effect on all vehicles used for District purposes or while performing District business. The District may at any time require proof of such insurance.

An employee who is involved in a collision or related property damage accident while performing District business, regardless of whether the employee is driving his/her own personal vehicle, must notify the District Manager as soon as possible and in no event more than twenty-four (24) hours after the collision or property damage accident. Drivers involved in a collision should also contact law enforcement immediately and remain at the scene in the case of injury or major property damage. Employees are personally responsible for paying any traffic or parking tickets received while operating District vehicles and equipment, and must notify the District Manager of any such traffic or parking tickets regardless of whether the employee was driving on behalf of the District at the time.

SECTION XVI: SAFETY AND HEALTH

A. SAFETY AND HEALTH POLICY

It shall be the policy of the District to provide a workplace and conditions that are free of recognized hazards to health and safety. The District's policy is to promote safety and to comply with all federal and state laws and regulations regarding safety in the workplace. The District Manager is responsible for establishing and maintaining active safety programs.

The health and well-being of employees is the foremost concern. For this reason, employees are expected to assist the District in maintaining safe working conditions. Employees are required to follow common sense safety practices, and are responsible to conduct themselves and handle equipment and material so as to avoid hazards. Employees are also responsible for observing all safety rules, District policies and the identification and reporting of safety hazards to the District

Manager. Employees' notification of unsafe working conditions or of workplace accidents, injuries, or illnesses is essential to enforcing this policy.

B. LIFE THREATENING ILLNESSES

The District recognizes that employees with life-threatening communicable diseases and terminal illnesses such as cancer, heart disease, and AIDS, may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards, and medical evidence indicates that their condition(s) are not a threat to themselves or others, the District should be sensitive to their condition(s) and ensure that they are treated consistently with other employees. The District also recognizes that it has an obligation to provide a safe work environment for all employees, clients, and the public. Therefore, precautions should be taken to ensure that an employee's condition does not present a health and/or safety threat to themselves, other employees, clients or the public.

When dealing with situations involving employees with life-threatening communicable diseases and terminal illnesses, the District Manager will remember that an employee's health condition is personal and private, and every precaution will be taken to protect information regarding an employee's health condition. Health data regarding the employee is private data, M.S. 13.43, subd. 2, and may not be released to the public or to fellow employees without a strict observance of data privacy rights of public employees. Knowledge that an employee has a life-threatening communicable disease or terminal illness will be limited to those persons determined by the District Manager to have a direct need to know. Further, if warranted, the District will make reasonable accommodations for employees with life-threatening diseases and terminal illnesses consistent with the ADA.

C. DRUG AND ALCOHOL-FREE WORKPLACE

The District recognizes that alcohol and other drugs or controlled substances create significant disruptions to the District's workforce. The District has the obligation to ensure that its employees perform the responsibilities of their job in an efficient, safe, and professional manner.

In recognition of the value of a drug and alcohol-free workplace, and in conjunction with the Drug-Free Workplace Act of 1988, the District adopted this policy.

The unlawful manufacture, distribution, dispensation, possession or use of illegal drugs, intoxicants, or controlled substances is strictly prohibited on District property or while conducting District business, while driving for District purposes, or while driving or operating any District vehicle or equipment.

If an employee is taking medically authorized drugs or other legal substances which may alter job performance, the employee is under an affirmative duty to notify the District Manager of the potential that his/her ability to perform his/her regular duties may be impaired.

As a condition of employment, employees will abide by the terms and conditions of this drug-free policy and will notify the District Manager of any criminal drug statute conviction if the violation occurred in the workplace within five (5) calendar days after such conviction.

Within thirty (30) calendar days of receiving notice from an employee of a drug related workplace conviction, the District may require an employee to satisfactorily participate in a drug abuse assistance or acceptable rehabilitation program. Programs of this type may be available through the District's medical insurance program.

The District will notify the appropriate law enforcement agency when there is a reasonable suspicion that an employee may have illegal drugs in his/her possession at work or on District premises.

Employees are expected and required to conduct District business in an appropriate mental and physical condition. Employees are not allowed to consume alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the District.

The District recognizes drug and alcohol abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, or other available resources, as appropriate.

Violations of this policy will result in disciplinary action of employees, up to and including termination of employment, and may also have other legal consequences.

D. SMOKING/TOBACCO FREE WORKPLACE

The District is committed to providing a safe and healthy environment. Smoking and secondhand smoke have been found to pose definite health hazards, and adversely affect employee relations and the conduct of business.

Tobacco (whether smoked or chewed) and e-cigarettes are not permitted in any District owned or leased building, vehicle or equipment. All District employees, visitors and contractors shall adhere to this policy. Employees who smoke tobacco are required to smoke outside at least 50 feet from any door of any District owned or leased building, to avoid second-hand smoke from entering the building.

Employees who violate this policy will be subject to disciplinary action.

E. SEAT BELT SAFETY

The District Board, in order to effect compliance with Minnesota Statute 169.684, the Mandatory Seat Belt Usage Law, requires all District employees to use the appropriate passive restraint and/or seat belt when operating a motor vehicle in connection with District business regardless of whether or not he/she is operating a District owned vehicle or using his/her personal vehicle to perform District functions. The intent of the Board's action is to prevent injuries to District employees wherever possible. Each employee is responsible for strict compliance with this policy and, as a driver is

responsible for the compliance of all passengers with this policy. The protection and safe operation of vehicles and equipment is a requirement. Employees who violate this policy will be subject to disciplinary action.

F. VIOLENCE IN THE WORKPLACE

The District is committed to the safety of its employees and has adopted a zero tolerance to workplace violence. As such, all employees and visitors should be treated with courtesy and respect at all times, and conduct that threatens, intimidates, or coerces another employee or visitor will not be tolerated.

Use of District equipment or other resources as a weapon, and/or to threaten, stalk, or harass anyone at or outside the workplace is strictly prohibited. Any threats coming from an employee's abusive personal relationship should be promptly reported to the District Manager, as should any protective or restraining orders obtained by an employee that lists the workplace as a protected area.

This policy applies to full-time, part-time, long-term substitute/temporary and seasonal employees, officials, interns, grant recipients, volunteers and citizens.

G. POLICY PROHIBITING FIREARMS AT WORK

The District prohibits all employees from carrying or possessing firearms while acting in the course and scope of employment for the District. The possession of, or carrying of, a firearm by employees is prohibited while working on District property or while working in any location on behalf of the District.

This prohibition includes, but is not limited to, carrying on your person a firearm while:

- Driving when on District business;
- Riding as a passenger in a car or any type of mass transit while on District business;
- Working at any District worksite;
- Working off-site on behalf of the District;
- Performing emergency or on-call work at times other than normal business hours;
- Working at private residences, businesses, or any location on behalf of the District;
- Attending training or conferences on behalf of the District.

Violations of this policy may lead to discipline up to and including termination of employment in accordance with Section XI of these policies.

SECTION XVII: RECORDS AND DATA PRIVACY

A. DATA PRACTICES ACT

All data collected, received, or maintained by the District, including data collected, received, or maintained by District employees are governed by the Minnesota Government Data Practices Act ("MGDPA"). All employees must exercise extreme care to maintain data in accordance with the provisions of that law.

Employees may only access private, confidential or non-public data when they have a legitimate work-related purpose for doing so. The District Manager, as the Responsible Authority for government data for the District, shall be consulted regarding the appropriateness of access to any private, confidential or non-public data.

Employees who improperly access, view, obtain or disclose private, confidential or non-public data shall be subject to disciplinary action, including discharge from employment.

Employees **shall never** release any private or confidential data to any non-District employee (including, but not limited to, employees' families, friends, and spouse) or to any District employees not officially concerned with the information.

If an employee is uncertain whether data is public or private or whether the data can be released, accessed or discussed, the employee **must** consult with the District Manager.

The wages and benefits of public employees are public data and may be discussed by employees and released by the District upon request.

No adverse employment action, including any form of retaliation, be taken against any employee for disclosing the employee's own wages or discussing another employee's wages. An employee may bring a civil action against the District for a violation of his or her rights related to disclosing or discussing public wage data. Remedies for a violation of such rights may reinstatement, back pay, restoration of lost services, credit, if appropriate, and the expungement of any related adverse records of an employee who was the subject of the violation.

SECTION XVIII: GENERAL REQUIREMENTS

A. NOTICE OF INJURY TO PUBLIC

Each employee shall report to the District Manager any instance of injury to the person or property of a member of the public as a result of operation of District property under their control. Employees are also expected to report any instance of injury to a member of the public arising from an incident on District property that comes to their attention.

B. PERSONAL DRESS

Employees are expected to maintain a good personal appearance and to give consideration to neatness and cleanliness. Employees should always dress in a manner befitting the job, with due consideration to the needs of the District, other employees, and safety.

When appropriate, employees should wear District logo apparel. Employees should dress appropriately for weather conditions and field work.

Office attire shall be clean and neat. Clothing should address casual, semi-casual or at times professional dress.

- Casual dress (day to day office) such as jeans, t-shirt, etc. is appropriate for work. The jeans/pants need to be neat, clean, without holes and appropriate. T-shirts and hats will be free of sayings that make reference to alcohol, tobacco, etc. Name brand clothing with a logo is acceptable. Shorts are not acceptable office attire. Clothing that is inappropriate will be addressed with the employee by the District Manager.
- Semi-casual dress (public facing) for work will be neat, clean and appropriate. District logo apparel is appropriate.
- Professional dress (Legislative meetings, Conventions) is always appropriate. Such attire would consist of dress shirt, ties, suits, or any business attire.
- Employees shall wear footwear at all times. Employees shall wear closed-toed shoes when in the field unless conditions require alternative shoes.
- An employee's observance of religious dress will be accommodated unless it creates an undue hardship or safety risk.

C. KEY POLICY

The District Board adopts the following Key Policy for all District facilities.

- The District Manager has the responsibility and authority to issue keys for the District facilities.
- Only the District Manager is authorized to duplicate keys.
- All new employees, at orientation, shall be given a copy of the Key Policy.
- If an employee loses a key, it must be reported to the District Manager within 24 hours or disciplinary action may be taken against the employee. The employee must sign a statement of lost key before a new key is issued.
- In the event of a lost key, the District Manager will meet if there is a potential security risk and if there is a need for locks to be changed or rekeyed.
- To insure the safety and security of the District's buildings, an employee shall never loan their key to others. This infraction could result in disciplinary action taken against the employee.
- When an employee leaves employment with the District, they must turn all keys in to the District Manager.
- It is the responsibility of the District Manager to collect all keys that are in the terminating employee's possession on or before the employee's last day of employment with the District.
- Employees, who do not turn in keys before leaving employment, will be considered as having not resigned in good standing.

D. DISTRICT MANAGER

1. Authority

Subject to the provisions of these Policies, and subject to approval and/or ratification by the District Board, the District Manager possesses the right to operate the District and all management rights reposed in it. These rights include, but are not necessarily limited to, the following:

- To direct the day-to-day operations of the District.
- To establish reasonable work rules and assign work.
- To hire, promote, transfer, schedule and assign employees to positions within the District.
- To suspend, demote, discharge and take other disciplinary action against employees.
- To relieve employees from their duties because of lack of work or other justifiable economic reasons.
- To maintain efficiency of District operations.

2. Recruitment and Selection

The Personnel Committee is responsible for recruitment, selection, promotion, demotion and discharge of the District Manager pursuant to the provisions of Section XIII. Any decision of the Personnel Committee in reference to the District Manager is subject to review and approval by the District Board.

3. Policy, Rules and Regulation

The Personnel Committee will apply all policies, rules and regulations established by this Personnel Handbook to the District Manager.

E. CONFLICT OF INTEREST

An employee shall not engage in any employment, private enterprise, participate in any professional activity, or perform any act of service during or outside their employment with the District, including volunteer work, which could adversely affect the employee's ability to perform the normal duties and responsibilities of their position, or which is adverse to the interests of the District.

An employee may not act in a manner outside of their capacity as a District employee that then subjects the employee, directly or indirectly, to the control, inspection, review, audit, or enforcement by said employee in their capacity as a District employee.

Employees shall obtain prior written approval (a copy of which will be placed in the employee's personnel file) from the District Manager before engaging in any other employment activity or enterprise for private gain, or non-compensated activity, that may constitute a conflict of interest. The District Manager shall obtain prior written approval from the District Board before engaging in any other employment activity or enterprise for private gain, or non-compensated activity, that may constitute a conflict of interest. An employee or District Manager's failure to obtain prior written approval before engaging in any other employment activity or enterprise, or non-compensated activity, that may constitute a conflict of interest is grounds for disciplinary action, including suspension or termination of employment.

Employees shall not use their position to directly or indirectly receive or agree to receive any payment of expense, compensation, gift reward, gratuity, favor, service, or promise of future employment or

other future benefit from any source, except the District for any activity or decisions related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be in violation of this policy: plaques or similar mementos recognizing individual service in a field of specialty or to a charitable cause; or honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by District.

If the employee believes that there may be a conflict of interest it is the employee's duty to report the matter to the District Manager or in the absence of the District Manager, to the District Board Chair. Such report shall be made within seven (7) days after the potential for a conflict becomes known.

F. STAFF ETHICS AND CONFLICT OF INTERESTS

Solicitation

In order to prevent disruptions in District operations, persons not employed by the District may not solicit or distribute materials on District owned or leased property without prior authorization from the District Manager. Employees may not solicit or distribute materials during working hours or in working areas.

Employee Code of Ethics

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

Acceptance of Gifts or Favors

Employees of the SWCD, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expenses, compensation, gift reward, gratuity, favor, promise of future employment or other future benefit from any source, except the SWCD for any activity related to the duties of the employee, unless otherwise provided by law. Acceptance of the following shall NOT be in violation of this policy:

- Gifts of nominal value.
- Plaques or similar mementos.
- Payment or reimbursement for expenses, not to exceed actual expenses incurred, which are not reimbursed by the District and which are related to the work assignment.
- Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the District.

Confidential Information

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

District employees, during the course of their jobs, will frequently make use of information that is not to be made public. If a question arises where the employee is unsure if information is public, they are required to check with the District Manager.

Use of Property

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

Conflicts of Interest

The following actions shall be deemed a conflict of interest and may subject employees to disciplinary action as appropriate:

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

Resolution of Conflict of Interest

If the employee or the District Manager determines that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest.

Acceptance of Advantage by District Employee

Employees of the District in direct contact with suppliers or potential suppliers of the District may not:

- Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the District;
- Accept directly or indirectly from a person, firm, or corporation to whom a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value.

- No such employee may further accept any promise, obligation or contract for future reward.

Outside Employment

Employees must disclose outside employment to the District Manager.

- Outside employment shall be regarded as secondary to regular SWCD employment;
- Employees shall not engage in any outside occupation employment or business which could hinder the impartial objective or efficient performance of their SWCD employment
- Employees shall not engage in non-SWCD employment which could create a conflict of interest;
- No employee shall be instructed or allowed to perform work for pay for private individuals or other governmental agencies as part of the employee's SWCD employment; and
- The SWCD shall not grant paid time off to any employee injured in the course of outside employment where the employee is eligible for Worker's Compensation or other compensation from the secondary employer as a result of such injury.

G. POLITICAL ACTIVITY

All District employees have the right to vote as they please, to express their opinions on political subjects and retain membership in political parties.

1. Candidate for Public Office

An employee may be a candidate for partisan or non-partisan public office provided that no employee shall campaign for such office during actual hours of work. Any employee seeking public office must give prior written notice to the District Manager so that a determination, by the District Board, can be made as to whether the position that the employee occupies with the District would be in conflict with the candidacy for public office the employee is seeking.

If the employee fails to provide the above required notification of his/her candidacy, the District Manager shall call a special meeting with the District Board for determination of any conflict of interest. If a finding of a conflict is made, the employee shall be required to take a leave of absence without pay until the first business day following the election at which the outcome of the election contest is determined.

If the District Board has determined that an employee's position within the District and the public office they seek to hold are in conflict, if elected, the employee must either separate from employment with the District or take a leave of absence for the duration the employee holds the public office, subject to review and approval by the District Board.

Any District employee seeking public office must devote full-time energies to their District employment and must never campaign during normal working hours.

2. Prohibited Activities

The following employee political activities are strictly prohibited:

- Using official authority or influence for the purpose of interfering with, or affecting the result of, an election or nomination for office.
- Using official authority or influence to compel any employee to apply for membership in, or become a member of, any organization.
- Directly or indirectly coercing or attempting to coerce or command an employee to pay, lend, or contribute anything of value for political purposes.
- Soliciting or receiving funds during hours of employment.
- Placing or distributing campaign material outside of designated areas within District facilities as determined by the District Board.
- The wearing of campaign buttons or other campaign regalia during hours of employment.
- Using District property or equipment for any political activities, whether on their own behalf or for others.