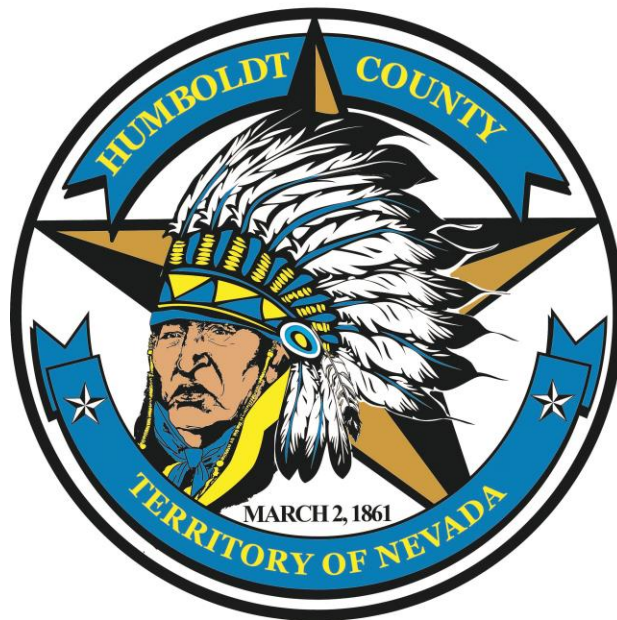


Humboldt County, Nevada

PERSONNEL POLICY MANUAL



Revised by Human

Resources:

(Rev. 1/10)

(Rev. 4/10)

(Rev. 6/10)

(Rev. 9/10)

(Rev. 12/10)

(Rev. 7/11)

(Rev. 7/12)

(Rev. 7/13)

(Rev. 7/14)

(Rev. 7/15)

(Rev. 5/16)

(Rev. 10/16)

(Rev. 01/17)

(Rev. 01/18)

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These are the updated policies for Humboldt County, identified as Humboldt County from this point forward throughout each document.

1. GENERAL PROVISIONS

1.1. Purpose (Revised 7/12)

These policies are established to carry out Humboldt County's personnel resolution, or personnel ordinance, or intent of the governing board to adopt uniform personnel policies that will enable each employee to make his/her fullest contribution to the programs and services of Humboldt County. Each employee is responsible for reviewing and complying with Humboldt County's personnel policies.

Humboldt County retains the sole right to manage its affairs and direct its workforce within the existing framework of law (national, state, and local), but not limited to the right to plan, direct, and control its operations: to determine the location of its facilities; to determine working hours; to decide the types of services to be provided and the manner of providing them; to decide the work to be performed; to decide the method and place of providing its services; to determine the schedules of work; to hire, layoff, assign, transfer, and promote employees; to determine the qualifications of employees; to determine and re-determine job content; to determine the starting and quitting times; to make such reasonable rules and regulations not in conflict with any collective bargaining agreement, as it may from time to time deem best for the purpose of maintaining order, safety, and/or effective operations of its facilities and to require compliance therewith by employees; to discipline and discharge employees for cause. These management rights are not subject to the dispute resolution/grievance procedure except as may be provided in a collective bargaining agreement.

1.2. Scope

In cases where the application of these policies would conflict with a collective bargaining agreement that is in effect between a recognized employee organization and Humboldt County, the provisions of the collective bargaining agreement shall govern. In all other cases, these policies shall govern. Nothing in these policies is intended to supersede applicable state or federal laws or administrative regulations related to personnel matters.

1.3. Computing Time for Notices (calendar versus work day)

For the purpose of determining the length of time periods for processing an action in these policies, days shall be counted beginning with the calendar day following mailing or delivery of notice and concluding at 5:00 p.m., on the last day to be counted. If the last day to be counted falls on a weekend or holiday, the period will end at 5:00 p.m., on the first business day following the last counted day.

1.4. Administration

Humboldt County reserves the right to change these personnel policies at any time. Nothing contained in these policies is intended to confer any property right in continued employment or imply a contract of employment.

All employees of Humboldt County are expected to read and familiarize themselves with the contents of these policies. After receiving and reviewing these policies, each employee is expected to sign an acknowledgement form. The employee should return the signed acknowledgement form to the County Manager's Office

for inclusion into his/her personnel file. Employees who fail to comply with these policies may be subject to disciplinary action, up to and including termination.

All changes, revisions, additions, and notices of deletions to these policies will be made available to all employees.

(Optional) Whenever feasible, Humboldt County will provide all employees copies of any proposed revisions to the adopted policies prior to implementation of the proposed changes.

1.5. Administrative Directive

Humboldt County shall have the authority and the duty to develop and promulgate administrative directives, interpretive memoranda, and other administrative procedures to execute these policies, and to implement Humboldt County's personnel program on a consistent basis.

1.6. Change of Address (Revised 9/09)

It is the responsibility of each employee to keep Humboldt County informed, in writing, of current address, telephone number, change of name, and any other information relating to employment status.

1.7. Failure to Receive Notices (Revised 9/09)

Written communications to employees considered to be routine in nature shall be delivered by regular mail to the current address on record or via email. Written communications to employees identified as significant, important and/or time-sensitive shall be hand-delivered or sent by certified mail, return receipt requested, to the current address on record or via email utilizing the read receipt function. All written communications to applicants shall be hand-delivered or sent by U.S. mail to the address shown on the application for employment or sent via email as shown on the application. Humboldt County is not responsible in the event mail is not received. It is the employee's responsibility to respond to all Humboldt County communications, including those mailed and/or emailed to the address on record, and the responsibility of the applicant to comply with all phases of the selection process within the specified time. Failure to respond for any reason, including failure to receive written notice, may have an adverse effect on an individual's employment status and/or result in disqualification from the selection and hiring process.

1.8. Personnel Files (Revised 7/11)

1.8.1. Guidelines (Contents of Personnel File)

The contents of each employee's personnel file may include, at a minimum, the following:

- Job description
- Position's exempt/non-exempt status
- Job application/resume
- Job offer letter
- Employment contract/any agreement between the employee and Humboldt County

- Signed acknowledgments including receipt of Humboldt County’s policies and procedures, new employee orientation checklist, and related documents
- Enrollment documentation for Humboldt County-sponsored benefits
- Credit card, long distance calling card, and related agreements
- Emergency contact information
- Authorizations for release of information signed by employee
- Salary history record including rates of pay and other forms of compensation
- Employment history of positions held including promotion(s), demotion(s), transfer(s), layoff(s), and termination(s)
- Training/education records including college transcripts
- Performance evaluations
- Performance improvement plan,
- Documentation of verbal warning(s), written reprimand(s), disciplinary notice(s) and document(s)
- Letters of recognition(s), commendation(s), congratulation(s)
- Separation checklists
- COBRA notice
- Exit interview (unless confidentiality was guaranteed)

The personnel file should NOT include any of the following:

- Grievances or the responses thereto
- I-9 immigration form and supporting documents
- General correspondence
- Any document which describes a medical or psychological condition of the employee or any other individual. (Medical and related documents must be kept in a separate, locked file to which access is strictly limited to those in a business “need-to-know” position.)
- Investigation reports and supporting documents
- Employment examination results (written and/or oral testing)
- Employment interview questionnaires and supporting materials (including documentation of remarks by oral examiners)

1.8.2. ***Maintenance of Personnel Files***

Humboldt County shall maintain a master personnel file for each employee. An employee’s supervisor/ manager may elect to maintain a duplicate copy of the documents; however, this does not supersede or eliminate Humboldt County’s need to maintain the master personnel file for each employee. At the time of hire, each new employee will complete all government-required documentation, all Humboldt County-required documentation, and when applicable, documentation pertaining to such matters as benefit plans enrollment and beneficiary designations. Where required, the employee is responsible for providing a copy of his/her driver’s license or other required license or certificate.

1.8.3. ***Employee Access***

An employee may view the contents of his/her personnel file upon request as provided in *Section 1.9.2*. All inspections must be conducted

in the presence of the employee that manages the records. An employee may request copies of any or all documents in his/her file, but may not remove any documents from the file. Humboldt County will provide only one set of copies to the employee without charge per year. If the employee needs additional copies, s/he will be required to pay for them.

1.8.4. ***Negative Information***

Humboldt County shall not put negative or derogatory material in an employee's file unless the employee has had a reasonable opportunity to review the material beforehand. Humboldt County will require the employee to sign such material to acknowledge they have reviewed and not necessarily agree. If the employee refuses to sign such material, Humboldt County may place it in the employee's file with a dated notation that the employee refused to sign such material after having been given an opportunity to do so. Whenever possible, another supervisor or manager should be used as a witness to the employee's refusal, and should co-sign the entry along with the originating supervisor.

1.8.5. ***Employee Information Submitted***

Statements by an employee submitted in rebuttal to adverse material placed in his/her personnel file will be included in the employee's personnel file. Humboldt County may place other information submitted by the employee in the personnel file if Humboldt County finds that such information is relevant to the employee's work history with Humboldt County.

1.9. **Confidential Information (Revised 7/13)**

1.9.1. ***Identification of Confidential Information***

The following types of personnel information and employment records concerning current employees, former employees, and applicants for employment that Humboldt County maintains are confidential, as follows:

- a. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
- b. All information that Humboldt County received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by Humboldt County's, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
- c. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer, concerning an applicant or results from any testing or employment screening process.
- d. Materials used in employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.

- e. Information in an employee's file or record of employment which relates to his/her:
 - 1. Performance;
 - 2. Conduct, including any proposed or imposed disciplinary action taken;
 - 3. Race, color, religion, ethnic identity or affiliation, age, gender, marital status, pregnancy, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, domestic partnership, national origin, ancestry, genetic information, disability, gender identity or expression, political affiliation, date of birth, membership in the Nevada National Guard, or social security number;
 - 4. Past or present home address, telephone number, post office box, or relatives; and
 - 5. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.

- f. The name of an employee's/former employee's designated beneficiary.

- g. All medical information concerning an employee or applicant including, but not limited to:
 - 1. Pre-employment and post-employment medical and psychological examinations;
 - 2. Disability and documentation relating to reasonable accommodation requested or granted;
 - 3. Drug and alcohol testing;
 - 4. Genetic information;
 - 5. Pregnancy, health care provider's certification and other communication; and
 - 6. Any other medical information that an employee or applicant has voluntarily provided or Humboldt County has requested.

- h. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable business need-to-know. This would include:
 - 1. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
 - 2. First-aid and safety personnel;
 - 3. Government officials investigating compliance with applicable laws, on request;
 - 4. State workers' compensation office officials; and

- 5. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 C.F.R. §1630.14(c)(1)).
- i. Notations on attendance sheets that an employee took sick leave are not a confidential record.
- j. Humboldt County shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.
- k. Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file with limited access to only those individuals with a demonstrable business need-to-know.

1.9.2. ***Access to Confidential Information***

Access to confidential records is restricted to the following unless specifically provided in a separate policy:

- a. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person (e.g., information described in items 1-4 of Section 1.9.1) is limited to:
 - 1. Employees with a business need-to-know in order to fulfill the responsibilities assigned by Humboldt County;
 - 2. Humboldt County's manager/administrator, human resources director/manager, or his/her designee;
 - 3. Persons authorized pursuant to any state or federal law or court order (i.e., governmental/legal/auditing/investigating agencies);
 - 4. Counsel retained by or on behalf of Humboldt County; and
 - 5. Any other parties with whom Humboldt County has a contractual relationship in order to enable Humboldt County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against Humboldt County.
- b. Access to an employee's personnel-related confidential file containing those items listed above in Section 1.9.1., items 5 – 9 is limited to:
 - 1. The employee;
 - 2. The employee's representative when s/he presents a current signed authorization from the employee;

3. The employee's manager/supervisor, with a need-to-know, or as needed for a reasonable accommodation and human resources;
 4. Persons authorized pursuant to any state or federal law or court order;
 5. Counsel retained by or on behalf of Humboldt County;
 6. Humboldt County's workers' compensation carrier in order to address a claim filed for workers' compensation; and
 7. Any other parties with whom Humboldt County has a contractual relationship in order to enable Humboldt County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against Humboldt County.
- c. Access to an employee's personnel-related confidential file containing those items listed above in Section 1.9.1., items 10 and 11 is limited to:
1. The employee's manager/administrator, human resources director/manager, or his/her designee;
 2. Persons authorized pursuant to any state or federal law or court order;
 3. Counsel retained by or on behalf of Humboldt County; and
 4. Any other parties with whom Humboldt County has a contractual relationship in order to enable Humboldt County to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against Humboldt County.

1.9.3. *Disposal of Personal Records*

- a. NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license numbers, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.
- b. If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information may be obliterated or removed from documents and computer systems.
- c. In compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, Humboldt County shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information.

“Consumer Reports” are defined as reports which contain information from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of Humboldt County.

- d. Sensitive information includes any and all documents containing employee information, which can include:
 - 1. Employee name
 - 2. Social security number
 - 3. Driver’s license number
 - 4. Phone number
 - 5. Physical address
 - 6. Email address
 - 7. Any other personal identifiers

In addition, any identifying personal information, such as that described above and listed under item 3, which is stored on electronic files, shall be destroyed or erased so that the information cannot be read or reconstructed.

- e. Method of disposal. Humboldt County shall dispose of sensitive information by shredding or burning any and all documents which contain personal information. Although the law specifically applies to consumer reports and the information derived from consumer reports, Humboldt County shall, in accordance with good personnel practices, properly dispose of **any** records containing employee personal or financial information. An electronic record must be destroyed in accordance with the applicable schedule in a manner that ensures the information cannot be retrieved or reconstructed, including, without limitation, overwriting, degaussing and the physical destruction of the storage media.

1.10. Related Forms

- [Humboldt County Personnel Policies – Acknowledgment and Receipt](#)

2. EMPLOYEE RELATIONS

2.1. Fair Employment Practices (Revised 7/11)

2.1.1. Policy

Humboldt County recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with Humboldt County may also be considered. Therefore, it is the policy of Humboldt County to provide equal employment opportunity for all applicants and employees. Humboldt County does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.

Humboldt County will:

- a. Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, Humboldt County-sponsored training, social, and recreation programs will be administered in conformance with Humboldt County's policy.
- b. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
- c. Provide reasonable accommodation wherever the need for such is known by Humboldt County, and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.
- d. Hold all managers and supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

2.1.2. ***Scope***

This policy applies to all persons involved in the operation of Humboldt County and prohibits harassment, discrimination, and retaliation by any employee, including supervisors and coworkers, volunteers, customers or clients of Humboldt County, and any vendor or other service provider with whom Humboldt County has a business relationship. Humboldt County will not tolerate instances of harassment, discrimination, or retaliation, whether or not such behavior meets the threshold of unlawful conduct. While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, Humboldt County nevertheless prohibits such conduct and may impose appropriate disciplinary action against any employee engaging in such.

2.1.3. ***Equal Employment Opportunity Officer Designated***

The primary responsibilities for ensuring fair employment practices for Humboldt County are promoted and adhered to are assigned to Humboldt County's designated Equal Employment Opportunity (EEO) Officer. Humboldt County's designated EEO Officer will also serve as the Americans with Disabilities (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating Humboldt County's compliance with federal and state disability laws. The designated EEO Officer for Humboldt County is the County Manager. The name and work telephone number of the designated individual will be posted on bulletin boards at Humboldt County work sites. In the event the designated EEO Officer is unavailable, the District Attorney is designated as the alternative EEO Officer.

2.2. **Anti-Harassment (Revised 7/11)**

2.2.1. ***Policy***

Humboldt County promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, or any other basis that is inappropriate or offensive.

2.2.2. ***Prohibited Conduct/Behavior(s)***

Humboldt County will not tolerate any form of harassment, including any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

- a. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments,

unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.

- b. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
- c. Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
- d. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
- e. Expectations, requests, demands, or pressure for sexual favors.

2.3. **Dealing w/Allegations of Discrimination and/or Prohibited Conduct/Behavior(s) (Revised 7/13)**

2.3.1. ***Process***

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy by another (e.g. employee, client, customer, vendor, volunteer, contractor, etc.) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, as well as those who believe they have witnessed another employee, client or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of Humboldt County. Employees covered by a collective bargaining agreement may opt to use the process described in this policy or in an applicable grievance procedure delineated by their collective bargaining agreement, but may not use both.

2.3.2. ***Employee Responsibilities***

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:

- a. Identify the offensive conduct/behavior(s) to the alleged harasser and request that the behavior cease.

Note: An employee is **NOT** required to talk directly to the alleged harasser or to the employee's supervisor. It is **critical**, however, that the employee contact one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behaviors(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.

- b. If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to any supervisor /manager, Humboldt County's designated EEO Officer, or the HR Representative.
- c. Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Officer. The alternate will designate an objective person to conduct an investigation of such allegations.
- d. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Officer or HR Representative.
- e. Applicants who have concern regarding violations of this policy are encouraged to contact the designated EEO Officer or the alternate.

2.3.3. ***Supervisor/Manager Responsibilities***

- a. Regardless of whether the employee involved is in the supervisor's or manager's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors and managers must immediately report all allegations or complaints or observations of such conduct/behavior(s) to the EEO Officer, HR Representative, Department Head, or the District Attorney. The information reported must include:
 - The persons(s) involved, including all witnesses;
 - A written record of specific conversations held with the accused and any witnesses; and
 - All pertinent facts, including date(s), time(s), and locations(s).

A supervisor's/manager's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including termination.

2.3.4. ***Investigation***

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), Humboldt County will ensure that such allegations or complaints are investigated promptly. Humboldt County treats all allegations or complaints seriously and requires all employees to be candid and truthful during the investigation process.

Humboldt County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be requested to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees shall be required upon request, to provide information to regulatory agencies. Humboldt County will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

Humboldt County will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, whether the allegations of policy violations were substantiated or not.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including termination.

If it is determined that a violation of this policy has occurred, Humboldt County will take remedial action against the violator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. Humboldt County will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the employee and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when Humboldt County determines that such a reasonable accommodation can be provided by Humboldt County.

2.3.5. ***Training***

Humboldt County will provide training every two years to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. All new employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within 1 week of hire. A copy of this policy will be made available to applicants upon request.

2.3.6. ***Prohibition Against Retaliation***

Retaliation is adverse treatment which occurs because of opposition to the prohibited conduct/behavior(s) in the workplace. Humboldt County will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or alternative EEO Officer. Humboldt County will promptly investigate and deal appropriately with any allegation of retaliation.

2.4. **Genetic Information Nondiscrimination Act (GINA)**

2.4.1. ***Policy***

Humboldt County's with 15 or more employees must comply with the federal regulations associated with the Genetic Information

Nondiscrimination Act (GINA). When requiring employees or applicants to see a health care provider for work-related medical exams, pre-employment physicals, ADA accommodations, fitness-for-duty exams, or similar work-related medical exams, Humboldt County must state to the applicant, employee, AND the health care provider that no genetic information is sought by or to be relayed to Humboldt County under Title II provisions of GINA.

2.5. Employee Dating (New 6/07)

2.5.1. Policy

Humboldt County recognizes that an environment where employees maintain clear boundaries between personal and workplace interactions is most effective for conducting business. This policy does not prevent the development of friendships or romantic relationships between employees. However, employees in supervisory/managerial positions are precluded from having a romantic relationship with any subordinate employee.

2.5.2. Employee Responsibilities

- a. Employees are prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Humboldt County property, in an employer vehicle, or on employer business whether or not such physical contact occurs during work hours.
- b. Violation of this policy could result in disciplinary action up to and including termination.

2.5.3. Supervisor/Manager Responsibilities

- a. Employees employed in supervisory/managerial positions are prohibited from engaging in a romantic relationship with a subordinate employee. Employees employed in supervisory/managerial positions need to be cognizant of their status as role models, their access to sensitive information, and their ability to influence others.
- b. Violation of this policy could result in disciplinary action up to and including termination.

2.6. Employee Bullying (Revised 12/08)

2.6.1. Definition

Humboldt County defines bullying as repeated mistreatment of one or more persons by one or more perpetrators that takes one of the following forms:

- a. Verbal abuse;
- b. Offensive conduct/behaviors (including nonverbal, physical, and cyber-bullying) which are threatening, humiliating, or intimidating, or
- c. Work interferences, such as sabotage, which prevents work from getting done.

2.6.2. **Purpose**

The purpose of this policy is to communicate to all employees, including supervisors and managers, that Humboldt County will not tolerate bullying behavior. Employees found in violation of this policy may be subject to disciplinary action up to and including termination.

2.6.3. **Prohibited Conduct**

Humboldt County considers the following types of behavior examples of bullying (this list is not all-inclusive):

- a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.
- b. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.
- c. *Nonverbal Bullying*: Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.
- d. *Cyber-bullying*: Repeatedly tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting an employee using email, instant messaging, text messaging, social media, or any other type of digital technology.
- e. *Workplace Interference*: Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; unreasonably assigning menial tasks outside of a person's normal job duties.

2.6.4. **Dealing with Allegations of Bullying**

a. Process

Employees or applicants who believe they are being bullied by another (e.g. employee, volunteer, customer, vendor, contractor, etc.), as well as those who believe they have witnessed another employee, volunteer, customer, or member of the public being subjected to bullying behavior, have an affirmative duty to bring the situation to the attention of Humboldt County.

b. Supervisor/Manager Responsibilities

A supervisor/manager is required to report this information to his/her EEO Officer, Department Head, or the District Attorney immediately.

c. Investigation

Upon being made aware of allegations or complaints of bullying, Humboldt County will ensure that such allegations or complaints are investigated where deemed necessary.

Humboldt County will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Humboldt County will release information obtained only to those individuals with business need-to-know or involved in the investigation and the administration of the complaint, or as required by law.

The individual who made the initial complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination by Humboldt County.

If it is determined that bullying has occurred, Humboldt County will take appropriate action. Humboldt County will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

2.6.5. *Prohibition Against Retaliation*

Humboldt County will not tolerate any retaliation by management or by any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the alternate. Humboldt County will promptly investigate and deal appropriately with any allegation of retaliation.

2.7. Employment Disabilities (Revised 7/13)

2.7.1. *Purpose of Policy*

Humboldt County recognizes that the preceding sections of its personnel policy relating to fair employment practices encompass its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. Humboldt County also recognizes that there are specific issues relating to individuals with disabilities that must be individually addressed. Humboldt County acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.

2.7.2. *Policy*

It is Humboldt County's policy to comply proactively with the applicable employment provisions of disability laws, including the Americans with Disabilities Act (ADA), as amended. Humboldt County does not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibits any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment with Humboldt County.

Humboldt County is committed to provide *reasonable* accommodation wherever the need for such is known to Humboldt County or whenever the employee or applicant indicates a need for *reasonable* accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of him/herself or others.

2.7.3. *Determination of Disability*

In determining whether an employee or an applicant has a disability under the law, the employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or being regarded as having an impairment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

2.7.4. *Disability-Related Inquiries*

Humboldt County shall adhere to the provisions of applicable laws regarding Humboldt County's limitations on making disability-related inquiries or requiring medical examinations.

Humboldt County's restrictions regarding disability-related inquiries and medical examinations apply to **all** employees/applicants, whether or not they have disabilities. A disability-related question to an applicant may be a violation of law, even though the applicant may not have a disability.

Humboldt County may require the employee to provide a fitness-for-duty certification from an appropriate health care provider whenever Humboldt County has reason to believe the employee may be unable to perform the essential functions of his/her job or pose a direct threat to him/herself or to others.

2.7.5. *Confidentiality of Medical Records*

Humboldt County shall treat any medical information or genetic information obtained from a disability-related inquiry or medical exam, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Confidential medical records also include medical information from voluntary health or wellness programs and the subsequent injury fund questionnaire.

2.7.6. *Accommodation*

- a. Accommodation for Applicants

Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with Humboldt County, Humboldt County's ADA Coordinator shall determine whether the request for accommodation for a covered disability is reasonable or if another type of accommodation can be provided. In making the determination of reasonableness, the ADA Coordinator may consider whether granting such requests might impose an undue hardship on Humboldt County.

b. Accommodation for Employees

When Humboldt County has some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, Humboldt County must initiate an interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, Humboldt County's ADA Coordinator, or any other manager within Humboldt County requesting some type of accommodation, Humboldt County will initiate the interactive process. Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor should promptly notify the ADA Coordinator. Upon learning of the employee's request for accommodation, the ADA Coordinator shall arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functional limitations, and the impact of the proposed accommodation on Humboldt County. Review of an employee's particular situation by a medical review officer will assist the organization in determining appropriate accommodation.

2.7.7. *Requirements of Other Laws*

Humboldt County may make disability-related inquiries and require medical exams that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

2.8. **Drug- and Alcohol-Free Workplace (Revised 01/17)**

2.8.1. *Policy*

Humboldt County recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This drug and alcohol free workplace policy applies to volunteers as well as employees.

a. Humboldt County is committed to:

1. Maintaining a safe and healthy workplace for all employees and volunteers;

2. Assisting employees or volunteers who recognize they have a problem with drugs or alcohol in receiving appropriate treatment;
3. Periodically providing employees and volunteers with information about the dangers of workplace drug abuse; and
4. When appropriate, taking disciplinary action for failure to comply with this policy.

b. Humboldt County strictly prohibits the following behavior:

1. The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs by an employee at any time and in any amount. This prohibition includes the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications or consumer products not meant for human consumption contrary to instructions provided by the manufacturer. In addition, Humboldt County prohibits employees from possessing open containers of alcoholic beverages while on Humboldt County's premises and/or while on duty and from working with a blood-alcohol level of .02 or more at any time. *Note: Humboldt County permits consumption of alcoholic beverages during certain events on Humboldt County property. Employees may consume alcohol during such events without violating this policy provided that their participation in the event is not on Humboldt County time and not a part of their duties as a Humboldt County employee. Employees choosing to consume alcohol at these events must conduct themselves properly at all times and should ensure that they do not become impaired or intoxicated.*
2. Bringing alcohol, illegal drugs, and other substances which may impair the safety or welfare of employees or the public onto the premises controlled by Humboldt County or placing in vehicles or equipment operated on behalf of Humboldt County.
3. Driving an organizational vehicle while on or off duty with a blood alcohol level of .02 or more or under the influence of an illegal drug, regardless of the amount.
4. Law enforcement personnel performing job-related functions which require possession and/or transportation of such substances are exempt from this section.

c. Reporting Requirements

1. A supervisor who receives information or is a witness to any use of drugs or alcohol by an employee which violates **Humboldt County's** policies or the law, is required to report this information to his/her Department Head or the County Manager immediately. The information reported must include:
 - The persons(s) involved, including all witnesses;
 - Any information gathered, such as actual observation of drug /alcohol use, the presence of paraphernalia, observation of any unusual physical signs or behaviors;
 - A written record of specific conversations held with the accused and any witnesses;
 - All pertinent facts, including date(s), time(s), and locations(s).
 2. An employee who witnesses or obtains information regarding illegal drug/alcohol use by his/her immediate supervisor is required to report the incident to that individual's supervisor.
- d. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.
 - e. A positive test result for alcohol or drugs will be grounds for disciplinary action, up to and including termination.
 - f. Employees in safety-sensitive positions as defined in 49 CFR Part 382, et seq., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as Humboldt County's Drug and Alcohol-Free Workplace Policy.
 - g. Humboldt County is not required to provide reasonable accommodation for the medical use of marijuana for:
 1. Attorneys, investigators, special investigator or other employees acting in his/her professional or occupational capacity within the District Attorney's Office, and
 2. Peace Officers or other employees acting in his/her professional or occupational capacity in a law enforcement agency.
 3. Humboldt County receives funding through federal grants and it's therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical marijuana), cocaine, opiates, amphetamines (including methamphetamines), phencyclidine (PCP), MDMA are considered illegal Schedule I or II drugs through the federal government. All employees must comply with the Drug-

Free Workplace Act of 1988 and may not have any detectable level of Schedule I or II drugs in their system while at work. Failure to comply will result in disciplinary action, up to and including termination.

2.8.2. *Employee Responsibilities*

- a. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.
- b. Employees shall not report to work under the influence of alcohol, illegal drugs, or misused prescription or over-the-counter drugs.
- c. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from Humboldt County's Employee Assistance Program (EAP) provider, substance abuse professional, or other treatment provider. Humboldt County's medical insurance policy may provide for payment of some or all of the treatment costs.
- d. It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug s/he is taking may/or will affect his/her ability to safely perform his/her job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact the human resources director or department director who will attempt to find an appropriate alternative assignment. If none is available, the employee may take sick leave or be placed on a medical leave of absence (if available and the employee otherwise qualifies) or take other steps consistent with the advice of a health care provider. If an employee reports to work under the influence of prescription medication and, as a result, endangers him/herself or others, the employee will be disciplined, up to and including termination.
- e. Each employee must report the facts and circumstances of any criminal drug or alcohol conviction resulting from an incident that occurred while the employee was on duty or which may impact the employee's ability to perform the duties of his/her job. If duties involve driving a vehicle, the employee must report to his/her supervisor a conviction for driving under the influence (DUI), and/or revocation or suspension of the driver's license pending adjudication. Notification to Humboldt County must occur before resuming work duties or immediately after the conviction or revocation/suspension. Failure to notify Humboldt County will result in disciplinary action, up to and including termination.
- f. Employees in safety-sensitive positions identified by Humboldt County are subject to random drug and/or alcohol testing as provided in this policy.
- g. Employees must act as responsible representatives of Humboldt County and as law-abiding citizens. It is every employee's responsibility to report violations of this policy to his/her immediate supervisor or to the

County Manager. Such reporting is critical in preventing serious injuries or damage to Humboldt County's property.

- h. Employees who are required to submit to a drug/alcohol test must complete and sign a consent form.

Note: Law enforcement employees and applicants for law enforcement positions are also subject to the Law Enforcement Department's Drug Testing Policy.

2.8.3. ***Department Head Responsibilities***

The department head or his/her designee is responsible for:

- a. Authorizing the testing of employees.
- b. Coordinating drug and/or alcohol testing.
- c. Requesting completion of a consent form.
- d. Notifying employees of positive test results and their right to a retest of the same sample.
- e. Implementing disciplinary action against employees who fail to comply with provisions outlined in this policy.
- f. Notifying Humboldt County's attorney of an employee's conviction of a federal or state criminal drug and/or alcohol statute violation.
- g. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information.
- h. Identifying safety-sensitive positions.
- i. Notifying employees in department safety-sensitive positions that they are subject to random drug and/or alcohol testing.

2.8.4. ***Supervisor Responsibilities***

Supervisors are responsible for:

- a. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion.
- b. Submitting the documentation to the department head or designee.
- c. Complying with the appropriate provisions outlined in this policy that apply to supervisory personnel.

2.8.5. ***Humboldt County Responsibilities***

Humboldt County is responsible for:

- a. Providing communication and training on this policy to include a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug and/or alcohol use by employees and how to effectively intervene.
- b. Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential.

- c. Making drug and/or alcohol testing and notice forms available.
- d. Notifying appropriate department heads of positive results of drug and alcohol tests.
- e. Administering the contract with a third party to provide drug and alcohol testing services.
- f. Overseeing the administration of Humboldt County's Drug- and Alcohol-Free Workplace Policy.
- g. Designating safety-sensitive positions.
- h. Notifying department heads of their employees randomly selected for drug and/or alcohol testing.
- i. Ensuring the administration of all pre-employment drug testing.

2.8.6. *Employee Education*

Humboldt County maintains information relating to the hazards of and treatment for drug- and alcohol-related problems. Proactive training and information shall be sponsored by Humboldt County every two years. Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.

2.8.7. *Employee Assistance and Voluntary Referral*

- a. Humboldt County strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is defined as being one that occurs prior to any positive test for illegal drugs or alcohol under this policy and prior to any other violation of this policy, including a criminal conviction of that individual for a drug- or alcohol-related offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.
- b. Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program may, if the Americans with Disabilities Act applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and/or alcohol.
- c. The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of business will be shared by Humboldt County's management.

2.8.8. *Reasonable Suspicion Testing*

- a. When any supervisor has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee in question will

be directed by the department head or designee or **the** County Manager to submit to drug and/or alcohol testing.

- b. The supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the department head or designee to authorize the drug and/or alcohol test of an employee.
- c. The department head or designee or County Manager shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of this policy. The employee will be placed on administrative leave with pay pending results of the test.
- d. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
 - 1. Information provided either by reliable and credible sources or independently corroborated.
 - 2. The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the department head that an employee is violating Humboldt County's policy.
 - 3. Direct observation of drug or alcohol use while on duty.
 - 4. The first line supervisor or another supervisor/manager directly observes an employee using drugs or alcohol while an employee is on duty.
 - 5. Employee admits using drugs or alcohol prior to reporting to work or while at work.
 - 6. Drug or alcohol paraphernalia possibly used in connection with illicit drugs or alcohol found on the employee's person or at or near the employee's work area.
 - 7. Evidence that the employee has tampered with a previous drug and/or alcohol test.
- e. The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis may provide a sufficient reason for requesting a drug and/or alcohol test:
 - 1. A pattern of abnormal or erratic behavior.

This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
 - 2. Presence of physical symptoms of drug and/or alcohol use.

The supervisor observes physical symptoms that could include, but are not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments such as colds, sinus problems, hay fever, and diabetes.

3. Violent or threatening behavior.

First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person, the department head may request that the employee submit to drug and/or alcohol testing.

Second Incident: Whether or not an employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent, or threatening behavior, upon a second or subsequent episode of similar behavior/conduct, the department head will request that the employee undergo drug and/or alcohol testing.

4. Absenteeism and/or tardiness.

If an employee has previously received disciplinary action for absenteeism and/or tardiness, a continued poor record that warrants a second or subsequent disciplinary action may, in combination with other relevant behaviors, result in drug and/or alcohol testing.

An employee who is required to submit to reasonable suspicion testing will be provided transportation by Humboldt County to the location of the test. After the employee submits to the test or if the employee refuses to be tested, Humboldt County will provide transportation for the employee to his/her home.

2.8.9. Post-Accident Testing

- a. Each employee involved in an accident will be tested for drugs and/or alcohol as soon as possible after the accident, but after any necessary emergency medical attention has been provided. Accidents that trigger testing are those that result in:
 1. Death;
 2. Medical treatment other than first-aid;
 3. Loss of consciousness; or
 4. Property damage estimated to be valued at or in excess of five hundred dollars (\$500.00).

An employee who is required to submit to post-accident testing will be immediately provided transportation by Humboldt County to the location of the test. The employee will be advised to refrain from eating or drinking before being tested. After the employee submits to the test or if the employee refuses to be tested, Humboldt County will provide transportation for the employee to his/her home.

An employee may be placed on administrative leave with pay pending the results of this test. If the test comes back positive and Humboldt County needs to conduct further investigation the employee will be placed on administrative leave without pay.

- b. In the event an employee is so seriously injured that s/he cannot provide a blood, breath, or urine specimen at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable Humboldt County to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the employee's system when the accident occurred.
- c. In the event federal, state, or local officials conducted drug and/or alcohol testing following an accident, the employee will be required to sign a release allowing Humboldt County to obtain the test results from such officials.
- d. An employee who is subject to a post-accident test must remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make him/herself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first.

2.8.10. *Safety-Sensitive Positions*

- a. Humboldt County may conduct pre-employment testing and random testing for drugs and alcohol for positions identified as safety-sensitive by Humboldt County. Successfully passing these tests is a condition of future or continued employment.
- b. Safety-sensitive positions mean positions which may, in the normal course of business:
 - 1. Require the employee to operate Humboldt County's vehicles or heavy equipment or private vehicle on company business on a regular and recurring basis; and/or
 - 2. Involve job duties which, if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, coworkers, and/or the public, including positions that require use of dangerous tools/equipment; performance of job duties at heights; use of dangerous chemicals; or carrying firearms in the performance of job duties.

- c. Humboldt County shall maintain a list entitled “List of Positions Designated as Safety-Sensitive.” The list shall be a public record.

2.8.11. ***Random Testing***

- a. All employees in positions identified as safety-sensitive by Humboldt County shall be subject to random drug and alcohol testing.
- b. Per DOT testing guidelines for CDL holders, Humboldt County will drug test, at a minimum, 50% of the average number of employee positions designated as safety-sensitive each calendar year. Humboldt County will alcohol test, at a minimum, 10% of the average number of employee CDL positions each calendar year.
- c. For all other safety-sensitive positions, Humboldt County will drug test, at a minimum 3% of the average number of employee positions designated as safety-sensitive each calendar year. Humboldt County will alcohol test, at a minimum 2% of the average number of employee positions designated as safety-sensitive each calendar year.
- d. The selection of employees for random testing shall be on a non-discriminatory basis and made from a computer-based random number generator that is matched with the employee’s social security number. Random testing will be unannounced and the dates for administering the tests will be spread reasonably throughout the year. Random testing will be performed at any time while the employee is at work.
- e. An employee selected for random testing shall proceed immediately to the test site and will be advised to refrain from eating or drinking prior to the test. An employee who engages in conduct which does not lead to testing as soon as possible after notification may be considered to have refused to be tested.
- f. Employees selected for a random test but absent due to annual, sick leave, other leave, or on urgent Humboldt County business approved by their department head will not be notified to take the random test until the first day they return to work after random selection.
- g. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

2.8.12. ***Return-to-Work Testing/Follow-Up Testing***

- a. If Humboldt County agrees to continue employment, an employee who violates this policy and undergoes rehabilitation for drugs or alcohol will, as a condition of returning to work, be required to agree to follow-up testing as established by Humboldt County. The extent and duration of the follow-up testing will depend upon the safety and security nature of the employee’s position and the nature and extent of the employee’s substance abuse problem. Humboldt County will review the conditions of continued employment with the employee prior to the employee’s returning to work. Any such condition for continued employment shall be given to the employee in writing. Humboldt County may consider the employee’s rehabilitation program in determining an appropriate follow-up testing program.

- b. Any employee subject to return-to-work testing that has a confirmed positive drug or alcohol test will be in violation of this policy and subject to termination.

2.8.13. *Consequence of Refusal to Submit to Testing/Adulterated Specimen*

- a. An employee who refuses to submit to testing for drugs and/or alcohol, or who consents to a drug or alcohol test but fails to appear timely at the collection site, or who fails to give his/her sample after reasonable opportunity to do so, will be treated as a refusal to submit to a drug or alcohol test. Such refusal shall be treated as a positive test and may result in disciplinary action up to and including termination.
- b. Submission of an invalid, substituted or adulterated specimen will be considered a refusal to test and such refusal shall be treated as a positive test and may result in disciplinary action up to and including termination.
- c. A diluted positive test result shall be treated as a positive test and may result in disciplinary action up to and including termination.

2.8.14. *Testing Guidelines*

- a. Humboldt County may test for alcohol and illegal substances including but not limited to:
 - Marijuana (THC)
 - Cocaine, including crack
 - Opiates, including heroin, codeine, and morphine
 - Amphetamines, including methamphetamines
 - Phencyclidine (PCP)
- b. In addition to testing for the above substances, CDL holders are subject to testing for the following substances:
 - 6-Acetylmorphine
 - MDMA (Ecstasy)
- c. Where applicable, Humboldt County will follow federal testing procedures for drugs and alcohol set forth by the Federal Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

2.8.15. *Option for Drug Retest*

- a. No later than 72 hours after receipt of a positive drug test, an employee who tests positive may request a confirmatory retest of the same sample at his/her expense at a certified laboratory of his/her choice.
- b. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the Department of Health and Human Services, a sufficient quantity of the sample to conduct a second testing analysis.
- c. The employee will be required to authorize the laboratory to provide Humboldt County with a copy of its test results. The accuracy of the

test results will be verified by the laboratory conducting the analysis. The results of the confirmatory test is final.

2.8.16. Requirement for Drug Retest

An employee who tests negative dilute will be required to immediately retest. The employee will:

1. Be given the minimum possible advance notice of retest
2. Will be accompanied by a supervisor to the collection site and,
3. Will not be allowed to eat or drink between the period of being noticed of the retest and he actual test.

The retest will not be under direct observation unless directed so by the Medical Review Officer. If the retest is also negative dilute the test will be considered negative and Humboldt County will not conduct a third test unless directed to do so by the Medical Review Officer.

2.8.17. Searches

- a. If Humboldt County suspects that an employee is in possession of illegal drugs, alcohol, or contraband in violation of this policy, Humboldt County may search Humboldt County vehicles, lockers, desks, and work areas. By entering into or being present at a job site while on Humboldt County time or representing Humboldt County in any way, an individual is deemed to have consented to such searches. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be escorted off the job site and disciplined, as appropriate. Humboldt County may take whatever legal means are necessary to determine whether alcohol or illegal drugs are located or being used on Humboldt County property. Humboldt County may call upon law enforcement authorities to conduct an investigation if deemed necessary.
- b. Searches will be conducted by management personnel or law enforcement authorities and may or may not be conducted in the presence of the person whose work area is searched. Any suspected contraband will be confiscated and may be turned over to law enforcement as appropriate. Any person whose property is confiscated will be given a receipt for that property by Humboldt County's representative conducting the search.

2.8.18. Discipline Related to Abuse

- a. Employees in violation of the provisions of this policy will be subject to disciplinary action, up to and including termination.
- b. An employee may be found to have violated this policy on the basis of any appropriate evidence including, but not limited to:
 1. Direct observation of illegal use of drugs, prohibited use of alcohol, or possession of illegal drugs or alcohol or related contraband;

2. Evidence obtained from an uncontested motor vehicle citation, or a criminal conviction for use or possession of illegal drugs or for the use, or being under the influence, of alcohol on the job;
 3. A verified positive test result; or
 4. An employee's voluntary admission.
- c. Prior to determining its course of action, Humboldt County may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional. The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) and, if necessary, recommend an appropriate program of treatment.
- d. If an evaluation is conducted which results in a recommendation for treatment, continued employment may, but is not required, to be allowed if the recommended treatment is immediately begun and successfully completed. The treatment program may include, but is not limited to, rehabilitation, counseling, and after-care to prevent future substance use/abuse problems. The treatment program will **not** be at Humboldt County's expense; however, employees may use benefits provided by applicable insurance coverage. Failure by the employee to enroll in the recommended treatment program, to consistently comply with the program's requirements, to complete it successfully, and/or to complete any continuing care program shall be grounds for immediate termination from employment. Employees are limited to substance abuse treatment one time only under this policy.
- e. When an employee is required to undergo treatment under this policy, the employee may be required to comply with the following as a condition of continued employment:
1. Monitoring of the treatment program and the employee's participation by Humboldt County;
 2. Submission to return-to-work testing as required under this policy and continuing follow-up testing as provided in the *Return-to-Work Testing/Follow-Up Testing, section 2.19.12.*; and
 3. Any other reasonable condition that Humboldt County deems necessary to maintain a safe and healthy workplace for all employees.
- Failure by the employee to enroll in a required treatment program, to consistently comply with the program requirements, to successfully complete the program, and/or to complete any continuing care program will be grounds for immediate termination of employment.
- f. Disciplinary action will also be taken for any job performance or behavior that would otherwise be cause for disciplinary action.

2.8.19. *Confidentiality*

Positive test results may only be disclosed to the employee; the appropriate medical and substance abuse treatment providers; Humboldt County's attorney; an Humboldt County representative necessary to respond to an alleged violation of this policy; individuals within Humboldt County who have a need-to-know of drug and/or alcohol testing results; and a court of law or administrative tribunal in any adverse personnel action.

2.9. Prohibition of Workplace Violence (Revised 7/11)

2.9.1. *Policy*

Humboldt County is committed to providing for the safety and security of all employees, customers, visitors, and property.

2.9.2. *Scope*

This policy applies to all employees, including full-time part-time, casual/temporary/seasonal, and elected officials, as well as volunteers and contract employees and anyone else on Humboldt County's property.

2.9.3. *Implementation of Policy*

- a. Humboldt County will not tolerate any form of workplace violence including acts or threats of physical violence, intimidation, harassment, and/or coercion, which involve or affect Humboldt County or which occur on property owned or controlled by Humboldt County or during the course of Humboldt County's business. Examples of workplace violence include, but are not limited to, the following:
 1. All threats (including direct, conditional, or veiled) or acts of violence occurring on premises owned or controlled by Humboldt County, regardless of the relationship between Humboldt County and the parties involved in the incident.
 2. All threats of any type or acts of violence occurring off Humboldt County's premises involving someone who is acting in the capacity of a representative of Humboldt County.
 3. All threats of any type or acts of violence occurring off Humboldt County's premises involving an employee of Humboldt County, if the threats or acts affect the legitimate interests of Humboldt County.
 4. Any acts or threats resulting in a criminal conviction of an employee or agent of Humboldt County or of an individual performing services for Humboldt County on a contract or temporary basis which adversely affect the legitimate interests and goals of Humboldt County.
- b. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 1. Hitting, shoving, or otherwise assaulting an individual;

2. Direct, conditional, or veiled threats of harm directed to an individual or his/her family, friends, associates, or property;
 3. The intentional or malicious destruction or threat of destruction of Humboldt County's property, or property of another employee;
 4. Harassing or threatening phone calls, text messages, notes, letters, computer messages, or other forms of communication;
 5. Harassing surveillance or stalking;
 6. Unauthorized possession or inappropriate use of firearms, weapons, hazardous biological or chemical substances, or explosives while on Humboldt County business.
- c. Humboldt County desires to detect and deter real, potential, or threatened violence. Every employee is required to report immediately any acts of violence or any threat of violence against any coworker, supervisor, manager, elected official, visitor, volunteer, or other individual. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Every other person on Humboldt County property is encouraged to report incidents of threats or acts of violence of which s/he is aware. Threats or acts of violence may include:
1. Discussing weapons or bringing them to the workplace.
 2. Displaying overt signs of extreme stress, resentment, hostility, or anger.
 3. Making intimidating, abusive, or threatening remarks.
 4. Sudden or significant deterioration of performance.
 5. Displaying irrational or inappropriate behavior.
- d. Reports of violence or threatening behavior should be made to the Human Resources Department, an employee's immediate supervisor or manager, or any other supervisory or management employee. Humboldt County is committed to ensuring that employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in Humboldt County's policies or in state, federal, or other applicable law.

2.9.4. **Violations**

- a. Violations of this policy by any employee will lead to disciplinary action, up to and including termination and/or appropriate legal action. Humboldt County may also take appropriate disciplinary action against any employee who intentionally makes a false or malicious statement about coworkers or others.

- b. Actions of law enforcement personnel which are necessary in the performance of their duties and are consistent with policies or sound law enforcement procedures shall not be considered to violate this policy. In addition, actions necessary for bona fide self-defense or protection of employees of Humboldt County or of Humboldt County property shall not be considered to violate this policy.

2.9.5. *Temporary Restraining Orders*

- a. Humboldt County may apply for an order for protection against harassment in the workplace under the terms of NRS 33.200 – 33.360 when it has reason to believe that:
 - 1. A person knowingly threatens to cause or commits an act that causes:
 - Bodily injury to him/herself or to another person;
 - Damage to the property of another person; or
 - Substantial harm to the physical or mental health or safety of a person.
 - 2. The threat is made or an act committed against Humboldt County, any employee of Humboldt County while performing employment duties, or against a person present at Humboldt County’s workplace; and
 - 3. The threat would cause a reasonable person to fear that the threat will be carried out, or the act would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.
- b. Such order of protection against harassment in the workplace may:
 - 1. Enjoin the alleged harasser from contacting Humboldt County, an employee of Humboldt County while performing his/her duties, and any person while the person is present at Humboldt County’s workplace;
 - 2. Order the alleged harasser to stay away from the workplace; and
 - 3. Order such other relief as the court deems necessary to protect Humboldt County, the workplace of Humboldt County, Humboldt County’s employees while performing their employment duties, and any other persons who are present at the workplace.

2.10. **Employment of Relatives (Revised 9/09)**

Pursuant to the provisions of NRS 281.210, no officer or appointing authority of Humboldt County may employ in any capacity on behalf of Humboldt County any relative of such person who is within the third degree of consanguinity or affinity. Existing employees may continue in their current position following the election of their relative to an appointing authority position.

In addition, no person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity. For purposes of this paragraph, supervision includes second or higher levels of supervision.

(Example: An employee reports to an immediate supervisor, who reports to a division manager, who reports to a department head. The employee may not be related within the third degree of consanguinity or affinity to the division manager or department head.)

2.11. Code of Ethical Standards (Revised 9/13)

The elected and appointed officers and employees of Humboldt County recognize that holding public office and/or employment is a public trust. To preserve that trust, Humboldt County demands the highest code of conduct and ethical standards. The purpose of this policy is to define and establish the standards of ethical conduct that are required of public officials and employees so as to ensure their professional integrity in the performance of their duties.

The officers, employees and volunteers of Humboldt County shall comply with the following provisions. This list is not all-inclusive, but simply provides the basic level of conduct expected.

- All elected and appointed officials and employees will conduct themselves with honesty and integrity in the course of performing their duties and responsibilities.
- They will act with care and diligence in the course of their employment.
- They will treat everyone, including coworkers, subordinates, supervisors, customers and the public, with the utmost respect and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.
- They will disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their employment.
- They will use Humboldt County resources in a proper manner.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.
- They will, at all times, act in a way that upholds the values and the integrity and good reputation of Humboldt County.
- They will comply with any other conduct requirement that is prescribed by Humboldt County.

In addition, consistent with the provisions of NRS 281A.400 and NRS 281.230, Humboldt County's officials and employees are required to comply with the following:

- No official or employee shall seek or accept any gift, service, favor, employment, engagement, perquisite, gratuity, or economic opportunity or advantage which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.

- No official or employee shall use his/her position with Humboldt County to secure or grant unwarranted privileges, preferences, exemptions, or advantages for him/herself, any member of his/her household, any business entity in which s/he has a significant pecuniary interest, or any other person.
- No official or employee shall participate as an agent of government in the negotiation or execution of a contract between the governmental entity and any private business in which s/he has a significant pecuniary interest.
- No official or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
- If an official or employee acquires, through his/her public duties or relationships, any information which by law or practice is not at the time available to the public generally, s/he shall not use such information to further his/her own current or future pecuniary interests or the current or future pecuniary interests of any other person or business entity.
- No official or employee shall suppress any governmental report or other document or information because the release of such report or information has the potential to impact his/her own pecuniary interests or those with whom s/he has a business or personal relationship.
- No official or employee shall use governmental time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interests.
- No official or employee shall attempt to benefit his/her personal or financial interest(s) by influencing or intimidating a subordinate.
- No official or employee shall seek other employment or contracts through the use of his/her official position or the influence associated thereto.
- An official or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which Humboldt County is in any way interested or affected except:
 - a. A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board, commission or body of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.
 - b. A public officer or employee, other than an officer or employee described in a. above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.

Violations of any of the above provisions may result in disciplinary action, up to and including termination.

2.12. **Political Activity**

2.12.1. *Policy*

Employees shall not engage in political activity of any kind during working hours. This includes, but is not limited to: soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office. Wearing or displaying of apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause is also an example of prohibited political activity during work hours. Furthermore, no person shall attempt to coerce, command, or require a person holding or applying for any position, office, or employment, including a citizen requesting service supplied by Humboldt County, to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office.

Employees may not participate in any of the above-mentioned activities off duty while wearing a uniform, name tag, or any other item identifying them as a representative of Humboldt County.

Employees are expressly forbidden to use any Humboldt County resources, including but not limited to: interoffice mail, email, telephone, fax machines, the Internet, or copy machines to engage in any political activity outside the approved scope of the employees' official duties.

2.12.2. *Running for or Holding, Political Office*

While employees are encouraged to participate in the political process, they must understand Humboldt County also has an obligation to provide service to the public.

Employees who are seeking, or who have been elected or appointed to public office, shall not conduct any business related to these activities while on duty. This includes all the items listed in 2.12.1. Policy.

If there is a conflict with, or the activities hinder the performance of the duties with Humboldt County, the employee will comply with one of the following: (final approval is at Humboldt County's sole discretion)

- The employee will be expected to resign their position;
- The employee may apply and seek approval for use of accrued leave time, or;
- The employee may request unpaid leave.

The maximum duration of unpaid leave time approved will be approved by the County Manager. Humboldt County's leave policies addressing continuation of health insurance, retirement benefits, accrual of additional leave time, and job and seniority status will be applied in this situation.

2.13. **Solicitation Prohibited**

2.13.1. *Employee Activities*

Distribution of literature by employees in work areas or solicitation by employees during work time on behalf of any club, society, labor union, religious organization, political party, philanthropic or similar organization, or for any purpose whatsoever is strictly prohibited. Distribution of information and correspondence related to the administration of a collective bargaining agreement by officers, consultants, and business representatives of a recognized employee organization may be allowed pursuant to the terms of a collective bargaining agreement.

2.13.2. *Non-Employee Activities*

Non-employees will not be allowed on the premises for the purpose of distribution of literature to employees or solicitation of employees at any time whatsoever, except as specifically provided below.

- a. Consultants and business representatives of recognized employee organizations are allowed access to employees as allowed by the specific terms of a current collective bargaining agreement.
- b. Representatives of employee benefit programs (e.g., supplemental insurance or deferred compensation) specifically approved by Humboldt County for payment through payroll deduction may meet with employees during designated work time at designated places or on **Humboldt County** property as may be approved by the appropriate **Humboldt County** representative.

2.14. **Work Stoppage Prohibited**

No employee will instigate, promote, encourage, sponsor, or engage in any strike, picketing, slowdown, concerted work stoppage, sick out, or any other intentional interruption of work. Any employee who violates the provisions of this section will be subject to disciplinary action, up to and including termination.

2.15. **Use of Humboldt County Property and Premises (Revised 7/11)**

Employees will use Humboldt County's property and equipment including, but not limited to, monies and funds, communication equipment, vehicles, tools, equipment, and facilities only for work-related purposes as directed or approved by management. When using Humboldt County property and equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions as well as comply with safety standards and guidelines. Employees will not misuse, destroy, or otherwise use in an improper or unsafe manner any property of Humboldt County. Employees are prohibited from making unauthorized copies, any other unauthorized use of, or allowing or facilitating the unauthorized possession by others of Humboldt County keys or other access devices. Employees are prohibited from transporting family members in Humboldt County's vehicles unless specifically authorized to do so by their supervisor.

Humboldt County may authorize the examination of lockers, desks, vehicles, and all other property and spaces owned or controlled by Humboldt County to check for the presence of any unauthorized material, weapons of any type, or controlled substances including, but not limited to, alcohol and illegal drugs. Prior notice to employees that Humboldt County-owned property or space is to be searched is not

required, entrance onto or use of Humboldt County property is deemed consent. A search may be conducted either in or outside the employee's presence.

2.16. Phone Policy (Revised 7/11)

Humboldt County's policy covers phone usage while at work, including the use of cell phones while operating motor vehicles.

2.16.1. Personal Calls & Texts

- a. Personal phone calls, messages & texting, audio/video recording, and other features of employee's private cell phone or Humboldt County's equipment, are restricted to authorized break periods, except under obvious emergency situations. Excessive personal communication can result in lost productivity and distract coworkers. Humboldt County-issued cell phones are to be used only for official business reasons.
- b. If an emergency situation arises and Humboldt County-issued cell phone must be used for a personal call and the employee is not able to obtain prior authorization from a supervisor, the employee is required to notify the supervisor as soon as is practicable. The employee is required to furnish the reason for the call and, if requested, the number called. Violation of this policy may result in the employee being responsible for reimbursing any costs incurred.
- c. Employees are expected to protect Humboldt County-issued mobile equipment from loss, damage, or theft.

2.16.2. Cell Phone Use in Vehicles

- a. All employees are expected to follow applicable state and federal laws regarding the use of cell phones, or other hand-held devices at all times. Employees on duty and/or conducting official business at any time while operating motor vehicles are prohibited from using cell phones while the vehicle is in motion unless using a hands free device. This includes dialing, answering, texting, and checking messages. Employees are neither required nor expected to use a cell phone while the vehicle is in motion. Safety must come before all other concerns.
- b. Employees shall pull off the road and safely stop before placing or accepting calls, texting, checking and responding to messages, unless they are using hands-free operations/devices.
- c. This provision does not include passenger use of cell phones.
- d. This prohibition is in effect regardless if the cell phone is issued by Humboldt County or is privately owned by the employee.
- e. An exception to this rule is the legitimate use of cell phones by specific departments and for specific reasons as established by each department and under NRS 484B.165. For example the police, fire, ambulance, and EMT departments may operate vehicles while using cell phones only in direct response to emergency calls, but must always keep safety a paramount concern.

2.16.3. Phone Use in Business Meetings

Phone use during meetings, to include texting, unless specifically required and authorized by management, is forbidden. Cell phones must be turned off or left in silent mode.

2.17. Information Technology (Revised 7/13)

2.17.1. Policy

Humboldt County requires employees to use information technology (computer systems, telecommunication and other devices, and electronic information/communication) responsibly and in a manner which is not detrimental to the mission and purpose of Humboldt County. To maintain a level of professionalism, any publication through any means (electronic or otherwise) which is potentially adverse to the operation, morale, or efficiency of Humboldt County will be deemed a violation of this policy.

Employees are prohibited from engaging in any conduct which would violate Humboldt County policy or procedure. Use of personal or Humboldt County cell phones or other electronic devices to engage in such conduct can create liability for Humboldt County, and as such, obligates Humboldt County to undertake reasonable procedures to investigate such allegations, including but not limited to inspection of such equipment. In the event an employee becomes the subject of such an investigation and the allegations include potential violations of Humboldt County policies, whether on work or personal time, and whether using Humboldt County or personal devices, Humboldt County will undertake such an investigation and inquiry by all means allowable under state and federal law.

2.17.2. Privacy

Employees should not expect privacy with respect to any of their activities when using Humboldt County's computer and/or electronic and telecommunication property, systems, or services. Use of passwords or account numbers by employees does not create a reasonable expectation of privacy and confidentiality of information being maintained or transmitted. Humboldt County reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent, received, or stored on Humboldt County's computer systems and/or equipment. Humboldt County's right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and/or inappropriate conduct, and creating and maintaining a productive work environment.

In accordance with provisions of NRS 613.135 Humboldt County will not request user names and passwords for personal social media accounts and will not take any type of employment action against an employee who refuses to provide the username and password for their personal social media account. This provision does not prevent an employer from requiring an employee to disclose the user name and password for access to Humboldt County's computer or information system.

2.17.3. *Use*

- a. The computers, electronic equipment, associated hardware and software, including, but not limited to electronic mail (email or instant messaging “IM”) and access to on-line services, as well as voice mail, pagers, smart phones (e.g., BlackBerry, iPhones) and faxes, belong to Humboldt County and, as such, are provided for business use. Very limited or incidental use by employees for personal, non-business purposes is acceptable as long as it is:
 1. Conducted on personal time (i.e., during designated breaks or meal periods);
 2. Does not consume system resources or storage capacity;
 3. Does not involve any prohibited uses; or
 4. Does not reference Humboldt County or themselves as an employee without prior approval. This includes, but is not limited to:
 - i. Text which identifies Humboldt County.
 - ii. Photos which display Humboldt County logos, patches, badges, or other identifying symbols of Humboldt County.
 - iii. Information of events which occurs involving Humboldt County without prior approval.
 - iv. Any other material, text, audio, video, photograph, or image which would identify Humboldt County.
- b. Employees loading, importing, or downloading files from sources outside Humboldt County’s system, including files from the Internet, World Wide Web, social media sites, and any computer disk, must ensure the files and disks are scanned with Humboldt County’s current virus detection software before installation and execution. Compliance to copyright or trademark laws prior to downloading files or software must be adhered to explicitly.
- c. Employees may use information technology, including the Internet, World Wide Web, and social media sites during work hours on job-related matters to gather and disseminate information, maintain their currency in a field of knowledge, participate in professional associations, and communicate with colleagues in other organizations regarding business issues.
- d. An employee’s use of Humboldt County’s computer systems, telecommunication equipment and systems, and other devices or the employee’s use of personally-owned electronic devices to gain access to Humboldt County’s files or other work-related materials maintained by Humboldt County constitutes the employee’s acceptance of this policy and its requirements.

2.17.4. *Prohibited Use*

Prohibited use includes, but is not limited to, the following:

- a. Sending, receiving, or storing messages or images that a “reasonable person” would consider to be offensive, disruptive, harassing, threatening, derogatory, defamatory, pornographic, indicative of illegal or prohibited activity, or any that contain belittling comments, slurs, or images based on race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.
- b. Sending, receiving, or storing chain letters.
- c. Subscriptions to newsletters, advertising, “clubs,” or other periodic email which is not necessary for the performance of the employee’s assigned duties.
- d. Engaging in political activities including, but not limited to, solicitation or fund raising.
- e. Engaging in religious activities including, but not limited to, proselytizing or soliciting contributions.
- f. Conducting outside employment in any manner.
- g. Engaging in illegal, fraudulent, defamatory, or malicious conduct.
- h. Writing or participating in blogs that injure, disparage, and/or defame Humboldt County, members of the public, and/or its employees’ reputations by name or implication.
- i. Downloading, uploading, or otherwise transmitting without authorization:
 1. Confidential or proprietary information or material
 2. Copyrighted material
 3. Illegal information or material
 4. Sexually explicit material
- j. Obtaining unauthorized access to other systems.
- k. Using another person’s password or account number without explicit authorization by Humboldt County.
- l. Improperly accessing, reading, copying, misappropriating, altering, misusing, or intentionally destroying the information/files of Humboldt County and other users.
- m. Loading unauthorized software or software not purchased or licensed by Humboldt County.
- n. Breaching or attempting to breach any security systems or otherwise maliciously tampering with any of Humboldt County’s electronic systems including, but not limited to, introducing viruses.
- o. Using Humboldt County’s information technology for personal, non-business purposes in other than a limited or incidental way.

2.18. Social Networking (Social Media) Policy (Revised 7/13)

2.18.1. Policy

Humboldt County takes no position on an employee's decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of Humboldt County to protect itself and its employees from unauthorized disclosure of information. Humboldt County's social networking policy includes rules, guidelines, and best practices for Humboldt County-authorized social networking and personal social networking. In accordance with provision of NRS 613.135, Humboldt County will not request user names and passwords for personal social media accounts. This policy applies to all board members, management, employees, and volunteers.

2.18.2. General Provisions

Blogging or other forms of social media or technology include, but are not limited, to video or wiki posting, sites such as Facebook and Twitter, chat rooms, personal blogs, or other similar forms of online communication journals, diaries, or personal newsletters not affiliated with Humboldt County.

Unless specifically instructed, employees are not authorized and, therefore, restricted to speak on behalf of Humboldt County. Employees are expected to protect the privacy of Humboldt County and its employees. Employees are prohibited from disclosing personal employee and non-employee information and any other proprietary and non-public information to which employees have access to the extent such discussion or disclosures are not protected under state or federal law.

All other existing Humboldt policies apply in social media forums. Policies include, but are not limited to, anti-harassment, bullying, and workplace violence.

2.18.3. Humboldt County Monitoring

Ultimately employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved, including conduct that adversely affects job performance, the performance of coworkers, or otherwise affects employees, customers, suppliers, and people who work on behalf of Humboldt County and the Humboldt County's legitimate business interests.

Employees are cautioned that they should have no expectation of privacy while using the Internet, Humboldt County equipment or facilities for any purpose, including authorized blogging. Employee's posting can be viewed by anyone, including Humboldt County. Humboldt County reserves the right to monitor comments or discussions about Humboldt County or its employees posted on the Internet by anyone, including employees and non-employees. Humboldt County may use search tools and software to monitor forums such as blogs and other types of personal

journals, diaries, personal and business discussion forums, and social networking sites.

Humboldt County reserves the right to use content management tools to monitor, review, or block content on Humboldt County blogs that violate Humboldt County's blogging rules, guidelines, and best practices.

2.18.4. ***Reporting Violations***

Humboldt County requests and strongly urges employees to report any violations or possible or perceived violations to their immediate supervisor, manager, human resources, or the County Manager. Violations include discussions of Humboldt County and its employees, discussion of proprietary and non-public information, and any unlawful activity related to blogging or social networking; to the extent such discussions are not protected under state or federal law.

2.18.5. ***Discipline for Violations***

Humboldt County will investigate and respond to all reports of violations of the social networking policy and other related policies. Violation of Humboldt County's social networking policy will result in disciplinary action up to and including termination. Discipline will be determined based on the nature and factors of any blog or social networking post. Humboldt County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

2.18.6. ***Authorized Social Networking***

The goal of authorized social networking and blogging is to become a part of the industry conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking and blogging is used to convey information about Humboldt County operations and services; promote and raise awareness of Humboldt County culture; search for potential new equipment and training tools; communicate with other employees, customers, and interested parties; issue or respond to breaking news or negative publicity; and discuss business-specific activities and events.

When social networking, blogging, or using other forms of web-based forums, Humboldt County must ensure that use of these communication paths maintain integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

2.18.7. ***Rules and Guidelines***

The following rules and guidelines apply to social networking and blogging when authorized by Humboldt County. The rules and guidelines apply to all Humboldt County-related blogs and social networking entries, including Humboldt County subsidiaries or affiliates.

Only authorized employees can prepare and modify content for Humboldt County's blog and/or the social networking entries located on any Humboldt County-related website. Content must be relevant, add value, and meet at least one of the specified goals or purposes developed by Humboldt County. If uncertain about any information, material, or

conversation, employee will contact immediate supervisor, manager, human resources, or the County Manager to discuss the content.

All employees must identify themselves as employees of Humboldt County when posting comments or responses on Humboldt County's blog and/or social networking site.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted on Humboldt County's blog.

All employees of Humboldt County are responsible for ensuring all blogging and social networking information complies with Humboldt County's written policies. Management is authorized to remove any content that does not meet the rules and guidelines of this policy, any other Humboldt County policy, or that may be illegal, prohibited, or offensive. Removal of such content will be done without permission of the blogger or advance warning.

Humboldt County expects all guest bloggers to abide by all rules and guidelines of this policy. Humboldt County reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive. Humboldt County also reserves the right to take legal action against guests who engage in prohibited or unlawful conduct.

2.18.8. *Personal Blogs and Social Networking Sites*

Humboldt County respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. However, employees are expected to follow the rules and guidelines as set forth in this policy to provide a clear line between the employee as the individual and/or as an employee of Humboldt County. Humboldt County will not request user names and passwords for personal social media accounts.

Humboldt County respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

Bloggers and commenters are personally responsible for their commentary on blogs and social networking sites. Bloggers and commenter's can be held personally liable for commentary that is considered defamatory, obscene, proprietary, or libelous by any offended party; not just Humboldt County.

Employees cannot use Humboldt County equipment, including computers, licensed software or other electronic equipment, nor facilities or on-duty time to conduct personal blogging or social networking activities.

Employees cannot use blogs or social networking sites to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with Humboldt County.

If employee chooses to identify him/herself as a Humboldt County employee, please note that some readers may view him/her as a

spokesperson for Humboldt County. Because of this possibility, employee is required to state that his/her views expressed in the blog and/or social networking area is employee's own and not those of Humboldt County or of any person or organization affiliated or doing business with Humboldt County.

Employees cannot post on personal blogs or other sites the name, trademark, or logo of Humboldt County or any business with a connection to Humboldt County. Employees cannot post Humboldt County-privileged information, including copyrighted information or Humboldt County-issued documents.

Employees cannot post on personal blogs or social networking sites photographs of other employees, volunteers, clients, vendors, suppliers, patients, nor can employees post photographs of persons engaged in Humboldt County business without prior authorization by immediate supervisor, manager, human resources, or the County Manager.

Employees cannot post on personal blogs or social networking sites any advertisements or photographs of Humboldt County products, nor use Humboldt County in advertisements.

Employees cannot link from a personal blog or social networking site to Humboldt County's internal or external websites.

If contacted by the media, press, or any other public news source about employees' post that relates to Humboldt County business, employees are required to obtain written approval from the immediate supervisor, manager, human resources, or the County Manager prior to responding, explaining the details of the request and who requested the information.

2.19. Use of Tobacco (Revised 7/13)

Humboldt County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As required in accordance NRS 202.2483 (Nevada Clean Indoor Air Act), the use of tobacco products including electronic cigarettes and similar products is prohibited within any building owned, leased, contracted for and utilized by Humboldt County. This prohibition extends to areas that are routinely or regularly used by employees, including but not limited to work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies, reception areas and vehicles Humboldt County owns or uses. Humboldt County may designate an outdoor smoking area for its employees. Humboldt County shall not allow the use of tobacco products during staff and training meetings.

2.20. Outside Employment (Revised 4/08)

2.20.1. Policy

In order to maintain a work force that is fit and available to provide proper services and carry out functions of Humboldt County, employees are prohibited from engaging in outside employment which presents real or potential conflict with or negatively impacts their employment with Humboldt County.

2.20.2. *Conflicting Employment*

Outside employment may be classified as in conflict with Humboldt County's interests if it:

- a. Interferes with or negatively impacts the employee's ability to perform his/her assigned job.
- b. Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- c. Is conducted during the employee's work hours.
- d. Requires the services of other employees during their normally scheduled work hours.
- e. Makes use of Humboldt County's telephones, computers, supplies, or any other resources, facilities, or equipment.
- f. Is represented as an activity of Humboldt County or an activity endorsed, sanctioned, or recommended by Humboldt County.
- g. Takes advantage of the employee's employment with Humboldt County, except to the extent that the work with Humboldt County may demonstrate expertise or qualification to perform the outside work.
- h. Requires the employee to schedule time off at specific times that could disrupt the operation of Humboldt County.
- i. Involves employment with a firm that has contracts or does business with Humboldt County. Exceptions to this policy have been identified in Section 2.11, Code of Ethical Standards.
- j. Negatively impacts the public's perception of the integrity or credibility of Humboldt County.

2.20.3. *Procedure*

- a. Employee will devote his/her full time, attention, and effort during official duty hours and not to contractual obligations.
- b. An employee must request written approval from his/her supervisor or manager for outside employment, including self-employment.. The proposed outside employment may not be construed as an extension of his/her duties or responsibilities with Humboldt County.
- c. In order to determine if there is a conflict with the employee's duties, the supervisor or manager may request information, such as:
 5. The outside Humboldt County's name;
 6. Nature of the work performed by the outside employer;
 7. Does the activity of the outside employment require employee to disclose information obtained with Humboldt County and/or impair employee's independence or ethics;
 8. Proposed work schedule;
 9. Job location; and

10. Duties to be performed.

- d. If the supervisor or manager denies the request, the employee may request and Humboldt County will grant a review by the department head or designee. Their decision will be final.
- e. Employees who engage in outside employment which is prohibited by this policy are subject to discipline, up to and including termination.
- f. Provisions of policies and procedures of the Police/Sheriff's Department may provide additional restrictions or conditions for approval of outside employment and will remain in effect as they are currently written or as they may be modified.

2.21. Personal Appearance (Revised 7/13)

2.21.1. Policy

- a. Each employee is expected to dress and groom appropriately for the job, presenting a clean, safe, and neat appearance. An employee unsure about whether attire or grooming is appropriate should consult with his/her supervisor or manager.
- b. Employees working in office areas should dress professionally. Appropriate attire includes, but is not limited to, slacks, khakis, capris or crop pants (if they portray a business appearance), knit blouses or tops, dress shirts, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, loafers, and sandals. Blue jeans, T-shirts, sweat suits, and leggings are not appropriate office dress.
- c. For those employees who do not have direct contact with the public, dress should still be neat and clean and pose no safety hazard to themselves or others.
- d. On approved casual days, employees may dress in casual clothing, including jeans and T-shirts, although dress standards still require a neat, clean appearance.
- e. Field employees are required to wear the assigned work uniform provided by Humboldt County. If a work uniform has not been assigned, employees may wear jeans and T-shirts as well as shorts that are no more than 3 inches above the knee. Any employee who performs any work assignments in the field must wear closed-toe shoes. Long hair must be tied back to ensure the employee's personal safety. Loose clothing or dangling jewelry that poses a safety hazard to employees also is prohibited.
- f. Under no circumstances may employees wear halter tops, strapless tops, spaghetti straps, tank tops, cropped tops, clothing with offensive wording (sexually-related references or inappropriate language) or that promotes the use of illegal drugs, clothing that shows undergarments (sheer), torn clothing, clothing with holes in it, or tight-fitting, revealing, or oversized clothing. All clothing must be clean, neat, and fit properly. Safe, neat, and clean shoes should be worn at all times.

- g. For all employees, professional appearance means that Humboldt County expects employees to maintain good hygiene and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Earrings in the earlobe are acceptable; however, gauges, extender, and or o-rings must be removed while working. Rings/studs through the nose, eyebrow, tongue, or body parts other than the ear lobe that are visible to the public may not be worn while working. All tattoos must be small in size or covered at all times and may not be offensive in nature (sexually-related references, inappropriate wording, and the promotion of illegal drugs is prohibited). Employees are expected to be conservative in the wearing of makeup, scented products, and hairstyles.
- h. If an employee requires a reasonable accommodation regarding his/her dress for bona fide legal reasons, s/he should contact his/her supervisor or manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue hardship or safety hazard, Humboldt County will accommodate such requests.

2.21.2. **Enforcement**

- a. All employees should practice common sense rules of neatness, good taste, and comfort. Provocative clothing is prohibited. Humboldt County reserves the right to determine appropriate dress at all times and in all circumstances.
- b. When Humboldt County believes an employee's dress or grooming does not comply with the personal appearance guidelines, the immediate supervisor will discuss the issue with the employee. If continued counseling fails to result in the desired response, the supervisor may initiate disciplinary action.
- c. Humboldt County may send employees home to change clothes should it be determined that dress is not appropriate.
- d. If an employee feels aggrieved by the personal appearance guidelines, s/he may use the dispute resolution process provided in Humboldt County's personnel policies.

2.22. **Children, Animals, and Visitors in the Workplace**

To avoid disruptions to the employee and coworkers, potential distractions in serving members of the community and to reduce personal and property liability, employees are forbidden to bring children and animals to the workplace and are limited in having family and friends visit. This policy is intended to address the presence of children and animals while the employee is on duty and does not include official functions or activities promoted by Humboldt County which may allow children and/or animals.

Supervisors may grant a temporary exception to the rule, prohibiting children in the workplace, not to exceed one work day, to accommodate the employee. If an exception is granted, it is the responsibility of the employee to supervise and control the movements of the child. It is not acceptable to request an accommodation to bring sick children into the workplace.

This policy does not apply to employees whose service animal has been approved by Humboldt County as a reasonable accommodation under the Americans with Disabilities Act.

Humboldt County understands that an occasion may arise when an employee receives a visit from a family member or friend during working hours and allows such visits providing they are short in duration and not disruptive to other employees or the public.

2.23. Reporting Convictions, Investigations, and Change of License (Revised 7/12)

2.23.1. Reporting Convictions

All employees and volunteers are required to immediately report convictions, guilty or nolo contendere plea, or deferred adjudications for felony, misdemeanor (excluding juvenile adjudication) or any lesser crime other than a minor traffic infraction to their supervisor or manager. Convictions shall not automatically impact the employees' employment or the volunteer's assignment.

Humboldt County will make an assessment of the effect of the conviction to the essential duties of the position the employee holds or the duties the volunteer performs.

2.23.2. Reporting Investigations

All employees and volunteers are required to immediately report to their supervisor or manager if they are under investigation by a licensing board or other regulatory entity for actions related to their employment or volunteer assignment.

2.23.3. Reporting Change of License

An employee or volunteer must immediately notify his/her supervisor or manager of any suspension, restriction, or revocation of his/her driver's license, permit, or other license or certification required for the performance of his/her assigned job.

2.24. Whistleblower Protection (Required for County and Incorporated City Employees per NRS 281.611) (New 6/10)

2.24.1. Purpose

The purpose of this policy is to establish "whistleblower protection" for employees of Humboldt County who report improper governmental action, per NRS 281.611-.671.

2.24.2. Definitions

"Improper governmental action" is defined as action taken by an officer or employee in the performance of official duties which is:

- In violation of state law or regulation;
- In violation of county code, ordinance, or regulation adopted by Humboldt County;
- An abuse of authority;

- Of substantial and specific danger to the public health or safety; or
- A gross waste of public money.

2.24.3. *Filing an Appeal (Required to be adopted by Ordinance per NRS 281.645)*

An officer or employee who claims that a reprisal or retaliatory action was taken against the officer or employee for disclosing information concerning improper governmental action as defined above may file a written appeal with the human resources manager or appropriate authority.

“Reprisal or retaliatory action” includes:

- The denial of adequate personnel to perform duties;
- Frequent replacement of members of the staff;
- Frequent and undesirable changes in the office location;
- Refusal to assign meaningful work;
- Issuance of letters of reprimand or evaluations of poor performance;
- Demotion;
- Reduction in pay;
- Denial of a promotion;
- Suspension;
- Dismissal;
- Transfer;
- Frequent changes in working hours or workdays; or
- If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of Humboldt County, of a complaint concerning the employee, if such action is taken in whole or in part, because the officer or employee disclosed information concerning improper governmental action.

A written appeal must be filed by the officer or employee within 60 days after the date the alleged reprisal or retaliatory action took place. The reprisal or retaliatory action must have occurred within two years after the date the officer or employee disclosed information concerning improper governmental action. The appeal must be filed with the human resources manager or appropriate authority on a form provided by Humboldt County. The appeal must contain a statement that sets forth with particularity:

- The facts and circumstances under which the disclosure of improper governmental action was made; and
- The reprisal or retaliatory action that is alleged to have been taken against the officer or employee.

2.24.4. *Appointment of Hearing Officers*

As set forth by ordinance, hearing officers shall be appointed by Humboldt County’s governing board upon the recommendation of the appropriate authority. The qualifications of the hearing officers require a combination of education and experience in resolving disputes, adjudicating issues through the interpretation of statutes, rules or regulations, or serving as a hearing officer with the state.

2.24.5. *Appeal Hearings*

A hearing officer may reject an appeal form that is incomplete or otherwise insufficient to commence an appeal.

When an officer or employee alleging reprisal or retaliatory action requests an appeal hearing, s/he may represent themselves at the hearing or be represented by an attorney or other person of the employee's or officer's choosing. All testimony given at the hearing is under oath. The officer or employee alleging reprisal or retaliatory action presents his/her case first and must establish:

- That the officer or employee was an officer or employee on the date of the alleged reprisal or retaliatory action;
- That the officer or employee disclosed information concerning improper governmental action; and
- The alleged reprisal or retaliatory action was taken against him/her within two years after the date s/he disclosed the information concerning improper governmental action.

Humboldt County then presents its case and must show that Humboldt County did not engage in the alleged reprisal or retaliatory action, or that the action was taken for legitimate business purposes and was not the result of the disclosure of information regarding improper governmental action by the officer or employee. The employee or officer making the allegation must then show that the stated business purpose for the action was a pretext for the reprisal or retaliatory action.

If the hearing officer finds that the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing the person to desist and refrain from engaging in such action.

2.24.6. *Prohibition of Threats or Coercion*

An officer or employee shall not directly or indirectly use or attempt to use the officer's or employee's official authority or influence to intimidate, threaten, coerce, command, influence, or attempt to intimidate, threaten, coerce, command, or influence another officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action. The provisions of this policy shall not be used to harass another officer or employee.

2.24.7. *Disclosure of Untruthful Information*

This policy does not preclude Humboldt County from initiating proper disciplinary action against an individual who discloses untruthful information concerning improper governmental action.

2.24.8. *Annual Summary*

As required by NRS 281.661, a summary of this policy will be provided to employees on an annual basis.

2.25. **Telecommuting (Revised 7/13)**

2.25.1. *Purpose*

The purpose of this policy is to define the telecommuting program of Humboldt County and the guidelines under which it will operate.

Telecommuting is defined as working at an alternate worksite that is away from the main or primary worksite typically used by Humboldt County. Telecommuting is a mutually agreed upon alternative work location between the telecommuting employee and Humboldt County.

Telecommunicating is not an employee benefit, but rather a work alternative or possible accommodation based upon the job content, satisfactory work performance, and work requirements of the department and Humboldt County.

2.25.2. *Scope*

The policy applies to all employees, supervisors, and managers who are approved to telecommute as a work alternative. All supervisors, managers, and department heads must be familiar with the contents of this policy.

2.25.3. *Requesting Permission to Telecommute*

An employee who wishes to request a telecommuting arrangement shall submit a written request for approval to his/her supervisor. The form shall be approved by the appropriate department head before employee may telecommute.

Note: Employees requesting telecommuting as an ADA accommodation shall make such request to their supervisor and the ADA coordinator.

2.25.4. *Employee Rights and Responsibilities*

Except as specified in this policy or agreed to in the individual telecommuting agreement signed by the employee, employee rights and responsibilities are not affected by participating in telecommuting. An employee's compensation, benefits, and expected total number of hours worked will not change regardless of work location.

No benefits provided by Humboldt County are enhanced or abridged by the implementation of a telecommuting agreement. All forms of telecommuting imply an employee-Humboldt County relationship. The employee is expected to adhere to all of the same policies, regulations, and performance expectations established for all employees of Humboldt County.

Telecommuting employees must keep their supervisor informed of progress on assignments worked on at the alternative worksite, including any problems they may experience while telecommuting. The employee must generate a synopsis of activities and accomplishments for the workday in a prescribed format. Methods of planning and monitoring the work shall be at the discretion of the supervisor, department head, and/or Humboldt County.

Office needs will take precedence over telecommute days. An employee must forgo telecommuting if needed in the office on the regularly scheduled telecommute day.

The employee is responsible for providing an appropriate workspace, including all necessary equipment to perform their normal job functions unless otherwise stated in the written agreement. Equipment supplied by Humboldt County is to be used for business purposes only. Any additional financial burden resulting from the telecommuting arrangement is solely the responsibility of the employee unless the arrangement is identified as an ADA reasonable accommodation in which case the situation will be addressed individually.

Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults, in need of primary care, are in the alternate work location during employees' work hours, some other individual must be present to provide care.

2.25.5. *Humboldt County Rights and Responsibilities*

Participation in a telecommuting agreement is at the sole discretion of Humboldt County unless identified as a reasonable accommodation under the ADA. Except as specified in this policy or agreed to in the individual telecommuting agreement, Humboldt County rights are not affected by an employee's participation in telecommuting.

Humboldt County will determine the methods of planning, monitoring, receiving, and reporting the employee's activity and accomplishment. Humboldt County must manage the work of employees in their area of responsibility and assure that employees receive the assistance they need to accomplish their responsibilities.

The employees will be given as much advance notice as possible if they will be needed in the office on the regularly scheduled telecommute day.

Each telecommuting agreement will be discussed and renewed at least annually, or whenever there is a major job change. Because telecommuting is selected as a feasible work option based on a combination of job characteristics, employee performance, and Humboldt County needs, a change in any one of these elements may require a review of the telecommuting agreement.

Humboldt County may, upon request, inspect the employee's alternate workspace for safety and workers' compensation concerns.

2.25.6. *Termination of Telecommuting Agreement*

Humboldt County and/or employee may terminate the telecommuting agreement for any reason, at any time. Whenever feasible, written notice will be provided, but this is not a requirement.

The opportunity to participate in a telecommuting agreement is offered only with the understanding that it is the responsibility of the employee to ensure a proper work environment is maintained, dependent care arrangements must not interfere with work, and personal disruptions such as non-business telephone calls and visitors must be kept to a minimum. Employees must notify their supervisor of any changes to their standard workweek (i.e. sickness, health care provider visits, or annual leave). Failure to maintain a proper work environment, as determined by

Humboldt County, provides cause for discipline and the termination of the employee's telecommuting agreement.

Approval for any telecommuting request is based upon Humboldt County and department requirements as determined by Humboldt County. Employees previously participating in a telecommuting agreement are not assured a telecommuting agreement in the future.

Note: If telecommuting is considered as a reasonable accommodation, Humboldt County and employee will follow Humboldt County's ADA policy and process to include proper use of appropriate forms and procedures.

2.26. Related Forms (Revised 7/11)

- [ADA Reasonable Accommodation Checklist](#)
- [ADA Employee Request for Accommodation](#)
- [ADA Accommodation Request--Employee Release](#)
- [ADA Accommodation Request--Health Care Provider Information](#)
- [ADA Accommodation Approval Letter](#)
- [ADA Accommodation Denial Letter](#)
- [Documentation for Reasonable Suspicion Drug/Alcohol Testing](#)
- [Alcohol Test Informed Consent: Applicants](#)
- [Drug/Alcohol Test Informed Consent: Current Employees](#)
- [Drug Test Informed Consent: Applicants](#)
- [Employee and ADA Coordinator Interactive Process Meeting](#)
- [ADA Reasonable Accommodation Summary Form](#)
- [Investigation Checklist](#)
- [Last Chance Agreement – Drug and Alcohol](#)
- [Investigation Report Template](#)
- [Nevada Consanguinity/Affinity Chart](#)
- [Notice – Designation of Equal Employment Opportunity Officer](#)
- [Outside Employment Disclosure Form](#)
- [Request for Hearing Under the provisions of NRS 281-645 \(“Whistleblower Law”\)](#)
- [Subsequent Injury Fund Questionnaire](#)
- [Suggested Steps for Reasonable Suspicion Drug-Alcohol Testing](#)
- [Telecommuting Request Form](#)

3. **EMPLOYMENT**

THIS SECTION COVERS HIRING FOR REGULAR FULL AND PART-TIME POSITIONS, AND FOR CASUAL/TEMPORARY/SEASONAL POSITIONS.

Employment with Humboldt County is contingent upon, among other things, compliance with these policies. These policies are not intended to create a contract, nor be construed to constitute a contractual obligation of any kind or a contract of employment between Humboldt County and any of its employees. Unless otherwise specified by statute, a collective bargaining agreement, personnel policies, or a written employment contract, all employees are employed at-will, and either Humboldt County or the employee may terminate the employment relationship at any time with or without reason or notice. Any modification of the at-will status must be set forth in a written agreement signed by the Commissioners of Humboldt County.

3.1. Scope (Revised 9/08)

It is recognized that the role of the department is critical in the hiring process and that utilizing the subject matter expertise of those in the hiring department will help ensure the selection of the most appropriately qualified candidate for each position. Therefore, Humboldt County will involve department management in the recruitment, examination, and selection process.

3.2. Source of Applicant (Revised 9/08)

Regular positions may be filled by applicants selected from existing eligible lists. If no eligible list exists, Humboldt County may initiate a recruitment (open or promotional) to create an eligible list. Applications from present employees may be considered for open positions before non-employee applicants are considered. For open recruitments, the position vacancy announcement will be posted internally and externally.

Promotional recruitments limit consideration of applicants to qualified employees currently working within a single department of Humboldt County (departmental/promotions) or to qualified employees currently working within Humboldt County (Humboldt County-wide/promotional).

Departmental/promotional recruitments shall be limited to employees in regular or introductory status who have completed at least 6 months of service. Humboldt County-wide/promotional recruitments are limited to regular or introductory employees of Humboldt County with at least 6 months of service.

When deciding what type of recruitment to initiate, Humboldt County will consider such factors as the impact of the decision on Humboldt County's efforts to have a workforce which is representative of:

11. The local population;
12. The qualifications and level of responsibility required by the position;
13. The extent to which the knowledge and skills required for the position can readily be acquired on the job;

14. The qualifications of employees potentially available for placement on a promotional list;
15. The effects on retention of present employees; and
16. The likelihood of attracting well-qualified outside applicants.

After Humboldt County has determined how they will announce the vacancy, they will develop a recruitment plan by determining the applicant pool they wish to target and in what geographic region they will advertise; determining what types of media (e.g., internet, newspapers, trade journals) will be used to advertise and ensuring outreach efforts reach diverse applicant groups.

3.3. Job Announcements (Revised 7/11)

Prior to initiating recruitment, Humboldt County should verify the essential job functions; identify knowledge, skills, and abilities needed, and determine what education, experience, and credentials will provide the desired knowledge, skills, and abilities.

3.3.1. *Open Recruitments*

Humboldt County will announce all vacancies for regular positions. An announcement may be for the purpose of filling a single vacancy or to establish an eligible list for one or more vacancies in the same job class. Position vacancies will be publicized to allow potentially qualified and interested individuals to learn of employment opportunities and to encourage qualified applicants from diverse backgrounds to apply. Recruitment announcements will always be posted at the County Manager's Office and in such other places as Humboldt County feels appropriate. The announcement will normally include:

- a. Title and pay range of the class of the vacancy;
- b. Nature of the work to be performed, including the essential job functions;
- c. Minimum as well as any preferred qualifications, including education and/or experience, knowledge, skills, and abilities, or other special criteria associated with the position;
- d. License or certifications required;
- e. Manner of applying (where, how and deadlines); and
- f. A declaration that Humboldt County is an Equal Employment Opportunity (EEO) Humboldt County, and Americans with Disabilities (ADA) accommodations are available.

Regular employees will be released from work, on paid status, to take an examination and participate in an interview held during their scheduled work time. Casual (intermittent) workers will not be paid for time taken to participate in an examination or interview.

3.3.2. *Promotional Recruitments*

Notice of promotional recruitments will be posted in Humboldt County's work locations as appropriate. When an eligible list is to be established

as a result of a promotional recruitment and used to fill more than the current vacancy, the announcement will state the time period during which the list will be used and state that only the most appropriately qualified applicants will be placed on the list. The announcement will include the criteria outlined above in sub-section 3.3.1, items 1-6.

Regular employees will be released from work, on paid status, to take a promotional examination and participate in an interview held during their scheduled work time. Casual/temporary/seasonal workers will not be paid for time taken to participate in a promotional examination or interview.

3.4. General Requirements for Filing of Applications (Revised 10/16)

3.4.1. *Application Forms*

Applications for employment must be typed or handwritten on prescribed forms. Applicants must complete a separate application form for each vacancy unless the job announcement indicates otherwise. Humboldt County may also require resumes, completed supplemental questionnaires, and other evidence of education, training, experience, or other lawful requirements, including licenses and certifications. Applications submitted become the property of Humboldt County.

3.4.2. *Signatures*

Applications must be signed by the applicant. An electronic signature is acceptable.

3.5. Application Filing Periods (Revised 10/16)

Recruitment announcements will specify the application filing period. Applications must be received (In person, electronically, or postmarked) by the County Manager's Office no later than the date specified on the filing period. The filing period may end on a specific date and/or may allow acceptance of applications until a sufficient number of appropriately qualified applicants have applied. Humboldt County, consulting with department management, will determine when sufficient applications have been received.

Application periods will end at the close of the business day or at the specific time stated on the recruitment announcement. A job announcement may be closed at any time and for any reason as determined by Humboldt County.

3.6. Eligibility of Applicants (Revised 7/12)

An applicant may be disqualified from further participation in the recruitment process and/or from placement on an eligible list by Humboldt County for material reasons, including, but not limited to, those listed below:

1. The application does not indicate the applicant possesses the qualifications required for the position.
2. The application is not fully and/or truthfully completed.
3. The applicant has prior convictions that relate to the position for which s/he is being considered. Prior conviction shall not automatically disqualify an applicant from employment;

however, an applicant's prior conviction of a crime may be considered in the employment decision. Humboldt County will take into consideration the nature and gravity of the offense, the time that has passed since the offense, and nature of the position sought. An applicant may be denied employment if s/he is convicted of a crime which relates to the position sought. Humboldt County will consider job-related misdemeanor convictions, but such convictions shall not constitute a sole basis for disqualification from employment.

4. The applicant has been discharged from or resigned in lieu of dismissal from any prior employment for any cause which would constitute a reason for dismissal from employment with Humboldt County.
5. The applicant does not appear at the time and place designated for an examination or interview.
6. The applicant is a former employee of Humboldt County who, absent a compelling reason, quit without notice.
7. Applicant's failure to possess a valid license, certificate, permit, etc. If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.
8. The applicant is a former employee whose performance evaluations indicated below acceptable performance and/or behavioral problems, such as insubordination, leave abuse, or excessive tardiness.

3.7. Limitation of Applicant Pool to Most Qualified (Revised 9/08)

Humboldt County may determine at any point in the recruitment process that only those applicants who are deemed most qualified for the vacancy being filled will continue to be considered.

3.8. Examination Process (Revised 9/08)

3.8.1. Administration of Examinations

All examinations for employment, whether formal or informal, are conducted under the direction of Humboldt County. Examinations shall be conducted when there is a need to establish an eligible list or in any circumstances Humboldt County deems appropriate.

3.8.2. Factors Evaluated

Examinations will be used to evaluate applicants' qualifications and suitability for the position. Factors evaluated through the examination process may include, but are not limited to, the knowledge, ability, skill, achievement, physical and mental fitness, and job-related personal characteristics such as customer service skills.

3.8.3. Types of Examinations

The techniques used in the examination process shall be consistent, impartial and practical, and shall relate to the qualifications and suitability of applicants to perform the job duties and responsibilities of the position. Examinations may include any or a combination of the following selection techniques:

- a. Evaluation of employment applications;
- b. Assessment of experience, training, and/or education;
- c. Written tests;
- d. Personal and group interviews;
- e. Performance tests;
- f. Physical ability tests;
- g. Evaluation of work performance and work samples;
- h. Medical and psychological evaluations; and
- i. Other assessment methods as deemed appropriate for the class/position.

Certificates of one or more medical and psychological practitioners, references, background investigations, and fingerprint checks may be a part of any selection process if such are deemed relevant to the specific job requirements by Humboldt County.

3.8.4. *Minimum Standards*

In any examination, Humboldt County may include qualifying and/or competitive components and may establish minimum standards or scores for each component and/or the examination as a whole.

3.9. **Eligible Lists (Revised 9/08)**

Humboldt County may maintain eligible lists consisting of the names of applicants eligible for hire based on the recruitment process. While generally used to fill a single position, eligible lists may be used to fill additional positions which occur within six months of the establishment of the list or until a published expiration date, whichever occurs first.

An applicant will be removed from an eligible list if the applicant submits a written request to be removed, or if the applicant fails to respond within an allotted time period to instructions regarding participation in an examination or selection interview mailed to the eligible applicant. An eligible applicant who refuses an offer of employment will be removed from an eligible list unless the specific circumstances of the refusal warrant otherwise as determined by Humboldt County.

3.10. **Referral of Applicants for Hire (Revised 9/08)**

When the hiring department requests that a vacancy be filled, the County Manager's Office will provide the hiring department with the names of applicants from the appropriate eligible list. Any person on an appropriate reinstatement list shall be considered for appointment in accordance with Humboldt County's established layoff policy. If Humboldt County decides to fill a vacancy by hiring from a promotional eligible list, such a list will be created with eligible applicants from the promotional list being referred to the hiring department for consideration. Eligible

applicants will be referred for consideration on the basis of the results of competitive examination scores or, in the case of reinstatement lists, according to Humboldt County's layoff policy.

When an eligible list (except a reinstatement list) contains fewer than three eligible applicants willing to accept appointment, Humboldt County may make an appointment from among such eligible applicants or may request the County's Administrator's Office to provide a new list. When so requested, the County Manager's Office will provide Humboldt County with eligible applicants from another appropriate eligible list or, if no other list exists, conduct a new recruitment and establish a new eligible list.

3.11. Interviewing Applicants (New 7/11)

Selecting the most appropriately qualified applicant for the position will reduce turnover, reduce the costs associated with training, and improve the effectiveness of the organization.

Once applications have been evaluated and a determination has been made regarding which applicants are selected for an interview vs. those who will not be interviewed based on applicants' education, experience, and other job-related qualifications, all applicants should be notified as to their status. The interviewing portion of the selection process is critical for determining which applicants are best qualified to do the job.

Prior to conducting an employment interview, managers should:

1. Review the job descriptions.
2. Create job-related questions to ask each applicant to help ensure consistency. Ask open-ended, job-related questions about past work experiences to identify skills and strengths.
3. Prepare an Applicant Interview Evaluation Form to measure strengths and weaknesses.
4. Convene an interview team of approximately three members who are representative of both genders and ethnically diverse.

Each applicant applying for the same position should be asked the same, job-related questions on the question guide and rated using the same evaluation form. The evaluation form will help the evaluator measure the extent to which each applicant possesses the necessary knowledge, skills, and abilities required for the position. Whenever necessary, ask follow-up questions to clarify the response of the applicant. Avoid asking questions which are unlawful or on inappropriate subjects. Refer all panelists to the reference guides Prohibited Topics: "Questions Which Cannot Be Asked" and the "Potential Rating Errors and Problems" for review prior to the actual interview.

3.12. Selection (Revised 7/13)

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in

the Nevada National Guard. Humboldt County will not request user names and password for personal social media accounts. The hiring manager has ultimate responsibility for selection of the applicant for hire; however, s/he should take into consideration the input of the other members of the interview team. The hiring manager is responsible for ensuring the selected applicant meets the required level of education, experience, certification, license, etc. The hiring manager will document the basis of their decision to select a particular applicant; i.e., why s/he is the most qualified and the best fit for the position. The hiring manager should also document why the other applicants were not selected. The Applicant Interview Evaluation Form is the best tool for this. The hiring manager will submit the documentation regarding why the selected applicant was chosen and notify the County Manager's Office of the selection.

In compliance with NRS 281.060(2), if all other qualifications of applicants are considered equal, Humboldt County must give preference first, to honorably discharged military personnel who are citizens of the State of Nevada, and second to citizens of the State of Nevada.

3.13. Correction of Administrative Errors (Revised 9/08)

If Humboldt County should discover any administrative error regarding the process of filling a vacancy, Humboldt County will correct the error at any time during the duration of the eligible list. No such correction shall affect an appointment.

3.14. Reference Checks (Revised 7/11)

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, Humboldt County is committed to adhering to the following procedure whenever conducting a background/reference check for an applicant for employment or when responding to inquiries from others for information regarding a current or former employee.

3.14.1. *Acquiring References*

Reference and background checks are conducted to assist Humboldt County in assessing an applicant's fitness for employment with Humboldt County. Only those employees designated by the Department Head or Elected Official may acquire employment references. Any authorized employee of Humboldt County who attempts to acquire reference information on an applicant must comply with the following:

- a. Obtain a Humboldt County employment application that is signed and dated by the applicant. The applicant must have completed all relevant sections of the application.
- b. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form for the release of information from former Humboldt County's, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant

refuses to sign such a release, s/he will be eliminated from further consideration for employment with Humboldt County.

- c. Inform the applicant that Humboldt County will conduct a background/reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.
- d. Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness, quality of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work related questions such as family or marital status, disabilities, age, and related areas are not appropriate.

Note: For safety-sensitive positions as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, Humboldt County shall obtain, pursuant to an applicant's written consent, information on his/her alcohol tests and/or verified positive controlled substance test results, and refusals to be tested within the preceding two years from date of application which are maintained by the previous employer.

- e. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
- f. Adequately document the conversation and record refusals to provide information.
- g. Maintain strict confidentiality of all background/reference information. Only employees, supervisors, or management officials of Humboldt County who have a demonstrable work-related need-to-know should be accorded access to such information.

3.14.2. *Providing References*

All requests for employment information shall be referred to the County Manager's Office. Only those personnel designated by Humboldt County are authorized to release employment information to third parties.

Humboldt County has a neutral reference policy as well as a confidential information policy. Only the following personnel information and employment records that Humboldt County maintains concerning current and former employees shall be provided upon request:

- a. Name
- b. Class/Job Title
- c. Dates of Employment
- d. Salary
- e. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the

workplace will be provided only after consultation with Humboldt County's legal counsel.

- f. Employment information and documented incidents regarding the character, honesty, and potential for violence of Humboldt County's employees may be provided to governmental entities, including, but not limited to, any federal, state, county, municipality or city or any other private (non-governmental) entity where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. Humboldt County must provide information requested by public safety agencies in accordance with NRS 239B.
- g. Records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent Humboldt County's upon receipt of written request from the employee or former employee.
- h. In accordance with NRS 239.012, a public officer or employees who act in good faith in disclosing or refusing to disclose information, and his/her Humboldt County are immune from liability for damages, either to the requester or to the person whom the information concerns.

3.15. Applicant/Employee Investigations (Revised 7/13)

Humboldt County desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, will conduct pre-employment background checks of applicants and current employees as necessary. If these background checks are conducted by external third parties (also called "consumer reporting agencies"), they will be governed by relevant provisions of the Fair Credit Reporting Act (FCRA) and the Fair and Accurate Credit Transactions Act (FACT). FCRA and FACT cover background checks and other investigations for prospective employees, and current employees in certain situations, such as a promotion to positions requiring additional information. FCRA and FACT specifically exclude misconduct investigations, such as unlawful harassment charges. Nevada law (NRS 613) restricts the use of consumer credit information to limited positions.

3.15.1. *Reports*

The types of reports that may be requested from consumer reporting agencies under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called "consumer reports." The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with the applicant's or employee's coworkers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as "investigative consumer reports." Any information contained in such reports may be taken into consideration in evaluating an applicant's or employee's suitability for employment, promotion, reassignment, or retention.

3.15.2. *Requirements*

In order to meet the requirements of the FCRA, effective the date of this policy:

- a. Applicants for employment will be required to complete a notice and authorization form concerning consumer and investigative consumer reports. In the event of an external third party investigation, existing employees will be required to complete a notice and authorization form concerning consumer and investigative consumer reports, provided the employee has not previously completed such form.
- b. Humboldt County will certify to the consumer reporting agency that:
 1. The notice and authorization requirement has been met;
 2. The information received is only used for employment purposes;
 3. The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 4. Pre-adverse action requirements will be followed;
 5. Any additional investigative consumer report disclosures, if applicable, have or will be issued within three days; and
 6. Upon request from the applicant or employee, Humboldt County will comply with applicable additional disclosure requests including, but not limited to, information as to the nature and scope of an investigative consumer report.
- c. Humboldt County will provide a copy of the consumer report and a summary of the individual's rights under the FCRA to the applicant or employee prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a consumer report or an investigative consumer report.
- d. After Humboldt County has complied with item 3 above and waited a "reasonable" period of time, Humboldt County may take the adverse or negative action. After taking such action, Humboldt County must provide to the applicant or employee a notice of adverse action which also contains the following:
 1. The name, address, and telephone number of the consumer reporting agency;
 2. A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the applicant or employee of the specific reason(s) for the adverse action;
 3. A statement that the applicant or employee is entitled to obtain an additional free copy of the "consumer report"; and

4. A statement that the applicant or employee has a right to dispute the accuracy or completeness of any information in the report.

3.16. Offers of Employment (Revised 7/11)

3.16.1. *Job Offer Letters*

After an applicant has been selected for employment or promotion, the hiring department will extend (when applicable), the following:

- a. A “notification of background check” if non-medical checks are required (i.e., background, criminal, DMV, consumer reporting, drug test).
- b. A “bona-fide conditional offer letter” (if medical exam is required). Once non-medical checks and tests have been successfully passed, this letter will condition the offer on passing required medical examinations.
- c. A “formal job offer letter” once all applicable non-medical and medical checks and exams have been passed; this letter will include the terms and conditions of employment.

Prior to notifications/letters being extended, the hiring department may contact the applicant by telephone to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered an official job offer.

Note: All non-medical checks must be completed before applicant is subject to medical exams.

3.16.2. *Pre-employment Drug Screening for Safety-Sensitive Positions*

- a. Humboldt County may require successful applicants for safety-sensitive positions to consent to a pre-employment drug screen. Humboldt County will advise the applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative drug test result. The applicant may be asked to authorize Humboldt County, as a condition of employment, to conduct through Humboldt County’s designated laboratory testing facility, a drug screen test. Refusal to authorize and participate in a drug screen shall eliminate the applicant from further consideration for the position.
- b. Humboldt County may direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and in no circumstances later than 48 hours after notice to the applicant.
- c. Humboldt County will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug.

- d. Humboldt County will not extend a final offer of employment to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of Humboldt County for a period of 12 months. Humboldt County shall disqualify the applicant on the basis of failure to pass the applicable test(s).

3.16.3. **Other Conditions**

- a. All offers of initial and continuing employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). The hiring supervisor or manager will notify all unsuccessful applicants that they have not been selected, either verbally or in writing. The hiring supervisor will document any verbal notification.
- b. Employees required to report the abuse or neglect of a child must be provided notice in writing or electronically, of their duty as a mandatory reporter. The employee must sign acknowledgement of this notice which is to be filed in employee's personnel file (This requirement is not necessary if the employee is licensed, certified, or endorsed by a board in the state).

3.17. **Orientation (Revised 6/10)**

Humboldt County recognizes that an appropriate and timely orientation program can aid the assimilation of new staff members. The hiring supervisor or manager will be responsible for the orientation of each new employee. Orientation may include, but is not limited to, a review of the organization and services of Humboldt County, work rules, standards of performance, and personnel policies and procedures including the policies relating to fair employment practices, prohibited conduct/behavior, workplace violence, alcohol and drug abuse, and workplace safety. Additionally, the supervisor or manager will ensure that the new employee:

1. Has completed all new hire paperwork including payroll and benefit forms;
2. Will receive or be provided access to Humboldt County's personnel policies;
3. Has been introduced to other employees; and
4. Has had the opportunity to have questions addressed.

3.18. **Introductory Period**

All new and rehired employees, except elected officials, casual, temporary, or seasonal employees, and those identified as "at-will," will serve a 12 month introductory period beginning with the day the employee initially reports for work. Current employees who are promoted or transferred will also be required to serve a 12 month introductory period. During this "introductory period," the employee and Humboldt County have the opportunity to evaluate one another and determine whether the employment relationship should be continued. At its sole discretion, Humboldt County may extend this introductory period when Humboldt County has had insufficient opportunity to assess the employee's ability to perform the job functions or such extension is determined appropriate. The employment relationship can be terminated by the employee or by Humboldt County at any time

during the introductory period or during the extension of the introductory period, with or without cause or advance notice.

For law enforcement personnel, the introductory period is established as one year, with the extension period also established as one year. This introductory period may be prorated for employees working less than full-time.

The supervisor will conduct performance evaluations as outlines in Section 10 of this policy manual, to ascertain the advisability of continued employment.

3.19. Failure to Appear for Work (Revised 9/08)

If a selected applicant fails to report for work within the time period prescribed by Humboldt County, that applicant may be deemed to have declined the position and be removed from the eligible list.

3.20. Transfers (Revised 9/08)

A transfer is a lateral move to a job in the same pay range as the employee's present position for which the employee meets the minimum education and/or experience requirement.

3.20.1. *Employee-Requested Transfer*

If the transfer is to another department, the employee may make his/her interest known by submitting a transfer form or contacting the hiring supervisor or manager, who will consider the transfer request by conducting discussions with the employee and appropriate supervisors or managers with knowledge of the employee's job performance. The hiring supervisor will also consider the employee's past performance, qualifications, abilities, and job experience as key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of the Humboldt County.

3.20.2. *Agency-Directed Transfer*

A Department Head may, after giving 10 working days' notice, transfer an employee to another position in the same class or a comparable class for the purpose of providing continued services to the citizens of the Humboldt County or other appropriate cause. A transfer pursuant to this section must not be made to harass or discipline an employee. A regular employee who is required to transfer to a geographical location more than 30 miles from their current work location, and who declines the transfer, has layoff rights as provided in policy 9.2. Layoffs.

3.21. Promotions

Humboldt County encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of all applicants for the positions. Employees interested in announced positions must follow the application instructions outlined in the job announcement.

3.22. Rehire Eligibility and Service Recognition (Revised 01/18)

3.22.1. Purpose

Where business needs dictate, it is the policy of Humboldt County to rehire former employees who: a) voluntarily left county employment or b) were laid off due to a reduction in force. To be eligible for rehire, former employees must have possessed a satisfactory record of service. This policy sets forth the county's philosophy governing eligibility for reemployment and associated bridging of service (service recognition), where appropriate.

3.22.2. Eligibility for Rehire

Employees who completed their county introductory period and who were part of a reduction in force, as well as those employees who voluntarily resigned, will be eligible for rehire as long as they had a satisfactory work record while employed by Humboldt County.

Regular employees, or employees serving an introductory period following promotion who subsequently resign, may be rehired without undergoing any recruitment within two years of the effective date of their resignation as long as they had a satisfactory work record while employed by Humboldt County. The rehire must be to a position in the same class or a class comparable to the one in which the employee formerly served as a regular employee.

The rehiring of retired public employees will be accomplished in accordance with the limitations outlined in NRS 286.523.

3.22.3. Ineligibility for Rehire

Former employees who had a less-than-satisfactory work record appropriately noted at termination as not being eligible for rehire are excluded from rehire consideration.

Employees who were involuntarily terminated by Humboldt County or who were laid off (with a less-than-satisfactory work record) or who failed to complete their county introductory period will not be considered for rehire.

3.22.4. Authority

The County Manager or Human Resources Director, with the approval of the County Manager, has the authority to change, modify or approve exceptions to this policy at any time with or without notice.

3.22.5. Service Restoration for Eligible Employees

1. If a former employee with less than one year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefits plan participation purposes.
2. If a former employee with more than one year's prior service is rehired, the employee's seniority and eligibility to participate in county benefits plans will be bridged if the employee is rehired and the period of prior county service exceeded the duration of the

period of absence. Service recognition will include prior service recognition for accrued leave plans.

3. If a former employee with more than one year's prior service is rehired and the duration of the period of absence exceeded the period of prior county service, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefits plan participation purposes.
4. Upon rehire, all former employees shall be required to successfully complete an introductory period.

3.22.6. *Rehire Service Date Adjustment*

When recognition of prior service is granted, a rehired employee's county service date will be adjusted in accordance with the service restoration rule.

3.22.7. *Leave Benefits Restoration through Repurchase upon Rehire*

Leave benefits which may be lost by an employee due to termination or interruption of County employment may be restored through a repurchase upon request by the rehired employee and subsequent authorization by the County Manager. Requests for the repurchase of benefits must be received by the County Manager's Office no later than 30 calendar days from the rehired employee's date of reemployment. Requests received after 30 calendar days from the rehired employee's date of reemployment are ineligible for benefits repurchasing.

3.23. Casual and Seasonal Employment (Revised 01/18)

3.23.1. *Purpose*

Because some of Humboldt County's work is indefinite and/or irregular with regard to schedule and duration, Humboldt County may need to employ casual or seasonal workers at all levels of responsibility from time to time on an as-needed basis or to work for limited periods of time at the discretion of Humboldt County.

3.23.2. *Authorization to Hire Casual or Seasonal Workers*

In general, a casual and seasonal worker may be hired for work which will require fewer than 20 hours per week or fewer than 120 consecutive working days to complete, if Humboldt County has appropriated sufficient funds in the budget to pay the worker. Work requiring more hours to complete will usually require the establishment of a regular position. Humboldt County will not hire casual or seasonal workers to avoid establishing a regular position when the work to be performed is ongoing. However, Humboldt County may, from time to time, find that its best interests are served by assigning work to a casual or seasonal worker for longer than 120 days or more than 20 hours per week.

3.23.3. *Duration of Casual/Temporary/Seasonal Employment*

A casual and seasonal worker has no right to or expectation of continued employment or any property right regarding employment. Casual and seasonal workers may be terminated at any time, with or without cause, with or without notice, and shall have no right to appeal.

3.23.4. *Employment in a Regular Position*

Humboldt County may hire a casual or seasonal worker into a regular position only after the applicant has been found to be qualified as a result of completing an authorized recruitment and selection process for that position. The employee's service date will be determined according to the date of hire in the regular position with no credit given toward completion of an introductory period or the accrual of benefits for the time an employee was hired for casual or seasonal work.

3.23.5. *Casual and Seasonal Employee Selection*

1. Former employees who had a less-than-satisfactory work record appropriately noted at termination as not being eligible for rehire are excluded from casual and seasonal employment consideration.
2. Employees who were involuntarily terminated by Humboldt County or who were laid off (with a less-than-satisfactory work record) or who failed to complete their county introductory period are excluded from casual and seasonal employment consideration.

3.23.6. *Authority*

The County Manager, or Human Resources Director, with the approval of the County Manager, have the authority to change, modify or approve exceptions to this policy at any time with or without notice.

3.24. **Contingent Staffing: Contract and Temporary Employees (New 01/18)**

3.24.1. *Purpose*

Humboldt County acknowledges that a portion of its staffing requirements may be met through the employment of agency temporaries and contractors. The Human Resources Department is responsible for identification and review of employment vendor relationships. Contractual agreements relating to fee schedules, bill rates, payment schedules, selection processes and replacement policies must be negotiated in advance of placement of temporary employees or contractors.

3.24.2. *Authorization to Hire Contract and Temporary Employees*

The County Manager and Human Resources Director are the designated county representatives authorized to enter into any legally binding agreement with any type of staffing-related agency or business, unless otherwise stated in NRS. Payment of services rendered by temporary and contract employees may only be paid directly to a third-party agency whose primary purpose is to provide temporary and contract employees.

3.24.3. *Responsibility*

The Human Resources Department is responsible for the overall management of the selection and hiring processes related to temporary and contract employees. The release of all contract and temporary employees must be coordinated through the Human Resources Department directly with the agency.

3.24.4. *Contract and Temporary Employee Selection*

3. Former employees who had a less-than-satisfactory work record appropriately noted at termination as not being eligible for rehire are excluded from contract and temporary staffing consideration.
4. Employees who were involuntarily terminated by Humboldt County or who were laid off (with a less-than-satisfactory work record) or who failed to complete their county introductory period are excluded from contract and temporary staffing consideration.

3.24.5. **Authority**

The County Manager, or Human Resources Director, with the approval of the County Manager, have the authority to change, modify or approve exceptions to this policy at any time with or without notice.

3.25. **License/Occupational Certification (Revised 7/11)**

3.25.1. **Purpose**

Humboldt County mandates that, if required by the current job, all employees obtain and maintain a valid license, certificate, permit, or other occupational certification issued by the state, county, city, or other applicable authority.

3.25.2. **Employee Responsibilities**

- a. All employees who must possess a valid license, including a driver's license, certificate, permit, or other occupational certification as required by their position, must adhere to the provisions of NRS 425 including those provisions relating to paternity determination and child support.
- b. In the event the employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification as a result of a violation of NRS 425, s/he shall immediately notify his/her supervisor. The employee shall not perform any task for which the license, certificate, permit, or other occupational certification is required after the license, certificate, permit, or occupational certification has been non-renewed or revoked. By statute, the employee has 30 days to satisfy one of the items listed below:
 1. Comply with the court order, subpoena, or warrant;
 2. Satisfy any arrears payments due; or
 3. Submit to the District Attorney or other public agency a written request for a hearing.

Failure to satisfy one of the above items will result in the license, certificate, permit, or occupational certification being revoked or suspended by the issuing agency.

If the employee has been notified and does not satisfy any noted deficiency within 30 days from receipt of notice, his/her renewal license, certificate, permit, or occupational certification, by statute, will not be approved and will be revoked or suspended by the issuing agency. This action will remain in effect until

s/he satisfies the deficiency. If the District Attorney schedules a hearing to review the case, the employee's license, certificate, permit, or other occupational certification will remain valid pending the results of the hearing.

- c. In the event the employee does not have a valid license, certificate, permit, or occupational certification, s/he does not meet the job requirements. Failure to meet the job requirements will result in termination.

3.25.3. *Applicant's Failure to Possess a Valid License, Certificate, Permit, etc.*

If a prospective applicant for a position cannot obtain the required license, certificate, permit, or occupational certification required for the job, s/he will not be given any further employment consideration. Any job offer, offer of promotion, or offer of transfer previously made will be withdrawn.

3.25.4. *Driving Records*

Humboldt County may conduct a review of driver's license records annually for those employees required to drive as a part of their duties.

3.26. Volunteer Program (Revised 12/10)

3.26.1. *Purpose*

Humboldt County recognizes that there are benefits to members of the community to become involved in the delivery of Humboldt County's programs and services on a volunteer basis. Individuals have an interest in assisting public agencies by applying their knowledge, skills, and experience to a worthwhile endeavor. Also, the community and Humboldt County receive enhanced services because of the individual's specialized skills and commitment. Using volunteers is a true win-win situation for those willing to volunteer for Humboldt County and for the community.

3.26.2. *Scope*

This policy covers the essential elements of an effective volunteer program which is compliant with applicable state and federal regulations pertaining to Humboldt County's volunteers. As this policy is broad in scope, individual departments should establish additional specific requirements consistent with this policy to guide the use of volunteers within the specific program areas.

3.26.3. *Planning*

Prior to implementing a volunteer program, a department will develop a plan for utilizing volunteers.

- a. The plan may include:
 - 1. Job assignment descriptions for each volunteer.

2. A statement describing how and by whom volunteers are overseen.

b. The plan must include:

1. A needs assessment and a statement outlining how volunteers will be used to meet these needs;
2. A budget for any personnel costs, operating costs, and direct and indirect costs
3. *(Optional)* A program to recognize and reward volunteer services.

3.26.4. ***Recruiting, Screening, Interviewing, and Selecting Volunteers***

As with employees, Humboldt County's ability to meet its goals and objectives is directly related to the skill and ability of volunteers selected. Criteria for selecting volunteers will be developed in the same manner as used for selecting new employees.

Humboldt County prohibits discrimination, harassment, or retaliation directed at volunteers on the basis of their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.

The recruitment, screening, and interviewing process should be planned and sufficiently thorough to result in selecting the best volunteer possible for departmental needs.

Volunteer applicants engaged in activities for Humboldt County shall complete Humboldt County's volunteer application, including an acknowledgment that the function to be performed is not a paid position and the person is truly volunteering his/her services.

Humboldt County will promptly address problems associated with the volunteer's performance or behavior. However, if problems cannot be corrected, the services of the volunteer should discontinue.

Specific requirements that apply to employees in certain occupations such as fingerprinting, detailed background checks, and screening for drug use apply to volunteers performing similar occupations.

3.26.5. ***Managing Volunteers***

Volunteers must be covered by Humboldt County's workers' compensation policy per NRS 616A.130. Volunteers shall receive appropriate oversight for the functions performed including an orientation to Humboldt County's policies and procedures, departmental operating procedures, safety practices, and other relevant information.

Day-to-day oversight of volunteers shall be conducted as with employees. Adequate equipment and supplies, as well as a safe working environment, will be provided for volunteers.

Humboldt County will maintain detailed and accurate records of volunteer activities including a roster of active volunteers. The date,

time, and duration of each volunteer activity session must be recorded, along with the work performed. Humboldt County will remove volunteers from the roster whenever volunteers are inactive for more than 30 days.

Volunteers may be reimbursed for expenses incurred. In addition, Humboldt County may provide limited and reasonable benefits and/or nominal remuneration to volunteers. The benefits provided cannot be in an amount or of a type that implies that the volunteer is being paid a wage or salary for time spent as a volunteer, or for the quantity or quality of the work performed. All such benefits must be approved, in advance, by the County Manager.

Annual performance evaluations may also be completed on volunteers.

Volunteers serve at the pleasure of Humboldt County and are subject to dismissal at any time with or without cause.

3.27. Exit Interviews (New 01/17)

3.27.1. *Background Information*

Humboldt County is committed to attracting and retaining quality Professional Staff in order to implement its Mission and achieve its strategic goals. As a consequence, the County places a high priority on the overall employment experience, with a particular emphasis on quality people and management practices. These priorities are reflected in a variety of ways, including structured selection, comprehensive induction processes, the provision of staff learning and development opportunities, managing performance processes including feedback and career development, the availability of work and life- balance arrangements intended to assist staff members work in ways which best fit their personal and County needs, and generous employment conditions.

3.27.2. *Policy Statement*

Humboldt County is seeking to monitor staff satisfaction levels with work at the County and intends to do so in a number of ways. It is recognized that staff members who voluntarily leave the County are in a position to provide valuable perspectives on their overall working experience at Humboldt County.

3.27.3. *Policy Purpose*

The purpose of this policy is to inform staff of the processes and procedures involved when participating in the Staff Exit Survey and interview process.

3.27.4. *Application of Policy*

This policy applies to all continuing and fixed-term staff of Humboldt County. Employees subject to cessation of employment because layoffs or terminations for cause are exempt from this policy, however, these employees may request a special interview with the Director, Human Resources.

3.27.5. *Procedures*

Feedback is being sought from staff members who are voluntarily leaving the County. This feedback will be sought in the first instance through the use of an online Staff Exit Survey. Exit Interviews are available to staff members who nominate to take up such an opportunity.

Participation in the Staff Exit Survey is voluntary. The results will be entirely confidential and may be used to monitor staff satisfaction with the working experience at Humboldt County and identify key issues and ways in which the quality of the working experience might be improved for the benefit of the organization as a whole and its intent to provide working life quality.

- a. On receipt of authorized advice regarding cessation of employment from a staff member or at the confirmation of a fixed-term contract expiration, Human Resources will initiate an online Staff Exit Survey.
- b. The staff member will receive an email inviting the completion of the Staff Exit Survey.
- c. Where the staff member also nominates to take part in an Exit Interview, in addition to the Staff Exit Survey, Human Resources will contact the staff member within two (2) working days of nomination and organize a time to conduct the Exit Interview.
- d. If the Director, Human Resources is not available to conduct the Exit Interview, his/her designee will document the Exit Interview and forward a report and discuss said report with the Director, Human Resources.
- e. The Office of the Director, Human Resources will undertake (bi-annual) reviews and report annually to the County Manager identifying key staff issues and possible ways in which the quality of working life at Humboldt County might be improved.
- f. Confidentiality will be maintained with respect to all information collected via the Staff Exit Survey.
- g. In instances where the Staff Exit Survey and/or Exit Interview raises significant matters this will be referred immediately to the Director, Human Resources and the County Manager.
- h. The operation of the policy and procedure will be monitored annually.

3.27.6. *Policy Review*

The County may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to Human Resources.

3.28. Related Forms

- [Adverse Action Notice](#)
- [Applicant Interview Evaluation Form](#)
- [Authorization to Conduct Employment Investigations](#)
- [Bona Fide Conditional Offer Letter](#)
- [Disclosure to Employee or Applicant of Request for Third Party Investigative Report](#)
- [Formal Job Offer Letter](#)
- [Request for New Hire or Reclassification Form](#)
- [New Employee Orientation Checklist](#)
- [Notice and Authorization for Requesting Consumer and Investigative Consumer Reports](#)
- [Notification of Background Check](#)
- [Potential Rating Errors and Problems](#)
- [Prohibited Topics “Questions Which Cannot Be Asked”](#)
- [Pre-Adverse Action Notice](#)
- [Employment Application](#)
- [Reference Check Data Collection Form](#)
- [Reference Check Data Collection Form For Public Safety Agencies](#)
- [Summary of your Rights Under the Fair credit Reporting Act](#)
- [Transfer/Reassignment Request Form](#)

Volunteer Related Forms

- [Authorization to Conduct Volunteer Investigations](#)
- [Volunteer Application Form](#)
- [Volunteer Agreement, Consents and Releases, and Conditions](#)

4. POSITION CLASSIFICATION PLAN

4.1. Policy (Revised 7/12)

4.1.1. Purpose

Humboldt County will develop and maintain a classification plan for all positions. Classification plans categorize positions into similar duties, qualifications, and responsibilities called “classes.” Each class is defined in a class specification/job description form. The class specification/job description will include: title; definition and/or distinguishing characteristics; essential functions; qualifications for employment including knowledge, ability, experience and/or training required to perform the job; physical and mental requirements and working conditions; and Fair Labor Standards Act (FLSA) status – exempt/non-exempt.

4.1.2. Classification

- a. Each position shall be classified consistent with this policy and in accordance with the nature and relative complexity of the essential functions, responsibilities, and authority of the position. Classification of a position shall be effective when approved by Humboldt County.
- b. Positions will be allocated to the same class when the following conditions exist:
 1. The same descriptive title may be used to designate the positions;
 2. Substantially the same level of education, experience, knowledge, ability, and other qualifications are required to perform the duties/essential functions;
 3. Similar tests may be used to select employees for the positions; and
 4. The same level of compensation is appropriate for the positions.
- c. Classes will be allocated to a pay grade based on comparison to other Humboldt County classes and salaries paid by comparable entities for comparable work.

4.1.3. Maintenance and Revision

Humboldt County will periodically review the classification plan and recommend to the Commissioners the revision, addition, or abolishment of classes.

4.1.4. New Positions

When a new position is to be created, the County Manager will recommend to the Board of Commissioners an appropriate class for the new position. When preparing a request for a new position, the requesting party shall consult the County Manager to determine the

appropriate classification for the duties to be assigned to the new position.

4.1.5. ***Reclassification***

- a. When a department manager believes the duties/essential functions of a position have changed to the extent they no longer fit within the current class, the duties/essential functions will be reviewed and, if appropriate, the position reclassified to the appropriate class. Reclassification will not be undertaken as a substitute for discipline or hiring practices, nor to effect a change in salary in the absence of a significant change in assigned duties/essential functions and responsibilities.
- b. Reclassification must be confirmed by the County Manager and will become effective no later than the beginning of the following budget year.
- c. A change in a position's classification does not constitute the sole basis for determining whether the employee in a position will also be assigned to the new position.
 - a. The decision as to reclassification of a position shall be made by the Board of Commissioners with the concurrence of the Department Head. The decision to place the current employee in the new class shall be based upon the qualifications and job performance of the employee. The employee will be assigned to the class whenever a position is reallocated to a higher level class and the employee has satisfied the following requirements:
 - i. Completes the introductory period for the position as previously allocated;
 - ii. Demonstrates acceptable or better job performance; and
 - iii. Possesses the knowledge, skills, and ability required for the higher class.

4.1.6. ***Whenever a position is reclassified to a lower level class, the employee will be placed in the lower level class. Reallocation***

A class may be reallocated to a higher pay grade or to a lower pay grade based ***on a change*** in duties/essential functions and responsibilities for all positions in the class, or based upon salaries paid by other comparable classes.

4.2. **Procedure (Revised 10/16)**

4.2.1. ***Requests for Classification Review***

1. Submission Process

- a. Requests for classification review are made by the employee to the Department Head or by the Department Head to the County Manager **each year during November**. An employee may request that the Department Head submit a request for classification review to the County Manager's Office. The County

Manager will review the request and, if appropriate, send it with a written memorandum explaining the reasons the request meets the criteria for a classification study to the Board of Commissioners. At a minimum, the request shall include the specific duty and responsibility changes, and a verification that the changes are to be permanent. The County Manager will review the request and indicate whether or not s/he will conduct a study. An individual employee may only make such a request once every three years. The County Manager can commission a classification study at any time if he/she deems it necessary to improve County operations or to reduce costs.

- b. An employee may request the classification review be forwarded to the County Manager even if the Department Head does not concur. The employee will notify the Department Head in writing s/he wants the County Manager to review the denied request. The reasons for disagreeing with the employee's request shall accompany any request forwarded to the County Manager.
- c. The County Manager shall review the request and consider the budgetary implications of the requested change and discuss the merits of the requested action with the employee's Department Head. Should the Administrator and the Department Head be convinced that the request merits further review, the Administrator will arrange for an appropriate audit of that and any other affected positions. The employee must be notified of any action to be taken by the employer, including the job audit, within a reasonable period of time, not to exceed one hundred twenty (120) days of the employee's request. If the audit recommends a change in classification and such recommendation is approved by the Commission, such reclassification shall be effective no later than the beginning of the following budget year.
- d. Should the request be denied at any stage, the employee shall be eligible to submit another reclassification request after two years. No other recourse shall be available to the employee.

2. *Criteria for Determining the Need for Classification Review*

- a. The County Manager may authorize a classification review when, in his/her judgment, permanent and substantial changes in the duties assigned to a position have occurred.
- b. The new duties must be clearly defined and assigned before a review is begun.
- c. The County Manager may include in any classification review any positions which are in the same work unit,

have related duties, or are in the same class series as the position for which classification review is requested.

4.2.2. ***Effective Date***

1. *Reclassification/Reallocation*

The effective date of a reclassification shall be no later than the beginning of the following budget year. The anniversary date for future step increases shall be established as the first day of the pay period following twelve (12) months in the new classification, and will not include the period for which retroactive pay is granted, if any. (See also Work Out-Of-Class, Section 5.12.)

In the event of a reclassification to a lower paid class, the action will be effective no later than the beginning of the following budget year. In the event of a reclassification to a lower paid class, salary may be a Y-Rate (see Section 5.11.) on approval of Humboldt County, with concurrence of the bargaining unit representative, if applicable.

2. *Working Out of Class*

At the discretion of Humboldt County, out-of-class pay may be paid back to the date on which a formal reclassification request was made if the reclassification is *subsequently* approved.

4.3. **Related Forms: NONE**

5. **COMPENSATION PLAN**

5.1. **Pay Periods and Paydays**

Employees are paid biweekly every other Friday. If a payday falls on a holiday, employees are paid on the preceding work day.

5.2. **Workweek Defined**

The workweek begins at 12:01 a.m., on Monday and ends seven days (168 hours) later at midnight on the next Sunday.

5.3. **Work Time**

5.3.1. *Attendance*

Employees are expected to be available and ready for work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Required preparation for rest and meal periods, as well as the end of the work day, is considered work time. Rest and meal periods include the time spent going to and from the place where the break is taken.

5.3.2. *Work Schedules*

The supervisor or manager shall schedule work hours according to the needs of Humboldt County.

- a. Employees working a five-day, 40-hour week (designated 5/40) shall work eight hours per day for five days in any workweek and shall receive two days off.
- b. Employees working a four-day, 40-hour week (designated 4/40) shall work 10 hours per day for four days in any workweek and shall receive three days off.
- c. Employees working a five-day, 35-hour workweek (designated 5/35) shall work seven hours per day for five days in any workweek and shall receive two days off.

5.3.3. *Rest Periods*

Employees will be granted one 10-minute break or rest period during each work period of four or more hours. Employees may not take rest periods at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods. (This policy does not apply to firefighters, public safety dispatcher, and law enforcement personnel. Refer to departmental policy or applicable collective bargaining agreement.)

5.3.4. *Meal Periods*

Employees who work six or more hours in a work day are allowed an uninterrupted, unpaid meal period of 30 minutes or longer at or about mid-point of their work day. Supervisors or managers will be responsible to ensure that wherever and whenever possible, employees will be permitted the half-hour meal period uninterrupted by work-related

duties. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the meal period. (This policy does not apply to firefighters, public safety dispatchers, and law enforcement personnel. Refer to departmental policy or applicable bargaining agreement.)

5.3.5. *Work Assignments*

Work should be scheduled in a manner which allows employees rest periods and meal periods. Rest and meal periods shall be scheduled in a manner which allows maximum public access to Humboldt County's services. Humboldt County may adjust rest and meal periods from time to time to meet the needs of individual employees and/or to respond to changes in department workload. Nothing herein should be considered to limit or restrict the authority of Humboldt County to make temporary assignments to different or additional locations, shifts, hours of work, or duties as needed to meet Humboldt County's needs or to respond to unforeseen or emergency situations.

5.4. **Time Reporting**

5.4.1. *Purpose of Time Reporting*

Recording of hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state law, and to maintain an effective and efficient cost accounting system. (For payroll purposes, non-exempt employees covered by the Fair Labor Standards Act (FLSA) must report all time spent performing work.)

5.4.2. *Hours Worked*

Non-exempt employees will be paid for all hours worked. Hours worked include, but are not limited to:

- a. Time worked before or after the normally assigned shift, or any other irregular hours, **even if the employee volunteers his/her time.**
GUIDELINE: Periods of six minutes or less are not considered overtime unless they occur regularly. (This provision does not apply to employees who are performing volunteer work which is unrelated to their normal job functions)
- b. Rest periods of 20 minutes or less.
- c. Travel time that occurs during an employee's normally scheduled work hours, including regular days off, holidays, etc.
- d. Except as provided below, hours spent at lectures, meetings, and training activities, unless attendance is completely voluntary, outside of normal work hours, not job related, and no other work is performed.

Employees will not be compensated for the time spent under the following conditions:

- Voluntary attendance, outside of work hours, at an independent school, college, trade school, or similar training offered by the employer at the employee's own

initiative even if the courses are related to the employee's current job or paid for by the employer.

- Training outside of regular work hours required by law for certification for public-sector employees.
- Police officers or employees in fire protection activities, who are in attendance at a police or fire academy or other training facility, are not considered to be on duty during those times when they are not in class or at a training session, if they are free to use such time for personal pursuits.

- e. Hours spent serving as volunteer ambulance, fire, or law enforcement personnel for an emergency response during normally scheduled work hours.

5.4.3. *Position Designations - Exempt or Non-Exempt*

All positions are designated as "exempt" or "non-exempt" according to federal and state laws and regulations. For cost accounting and billing purposes, Humboldt County requires exempt employees in certain positions, regardless of exempt or non-exempt status, to account for hours worked.

5.4.4. *Responsibility for Exempt or Non-Exempt Designation*

The County Manager's Office will examine and evaluate position descriptions and duties performed for all positions to determine the designation of the position as exempt or non-exempt. Departments will notify the County Manager when the duties of a position have substantially changed in order to ensure an accurate designation.

5.4.5. *Responsibility for Time Reporting*

Employees are responsible for accurately completing their own timesheets. Supervisors shall **not** alter or adjust the hours that an employee reports on his/her timesheet. If the supervisor believes the employee has completed his/her timesheet in error, the supervisor shall discuss the issue with the employee.

- a. All non-exempt employees will record **all hours worked and all leave time** taken, whether paid or unpaid, and the type of leave taken (e.g., sick leave, annual leave, compensatory time) on the timesheet.
- b. All exempt employees in positions which require an accounting of hours worked will enter their hours worked for each project.

5.5. **Overtime (Revised 01/18)**

5.5.1. *Non-Exempt Employees*

- a. Except as provided below, employees in positions designated as "non-exempt" will be eligible for overtime compensation as follows:
 - Employees whose normal work schedule is eight hours a day will receive overtime compensation for hours worked in excess of eight hours in a day.

- Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
 - Employees who request and are approved for a variable workday as provided in NRS 281.100, 3b(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
 - Employees whose hours are established by collective bargaining agreement will receive overtime accordingly.
- b. Per NRS 281.100 and the Fair Labor Standards Act (FLSA), employees working as firefighters, police officers, jailers, sheriff's deputies, with a formalized policy or agreement with Humboldt County, may work longer workweeks or workdays.
1. Humboldt County's police officers, jailers, or sheriff's deputies may establish a work period of 171 hours within a 28-day period.
 2. Humboldt County's firefighters may establish a work period of 212 hours within a 28-day period.
 3. For police, jailers, sheriff's deputies, and firefighters, these work periods must be established as regularly occurring and by an affirmative statement by Humboldt County that such a work period is being established.
 4. If the work period for police, jailers, sheriff's deputies, or firefighters is not established, these employees are then subject to overtime after ten hours in a workday, per NRS 281.100, or 40 hours in a workweek per NRS 281.100 and the Fair Labor Standards Act (FLSA).
- c. All overtime hours must be specifically authorized in advance by the employee's supervisor/manager. Overtime will be compensated at one and one-half times the employee's regular rate of pay. An employee's regular rate includes all payments made by Humboldt County to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Employees who earn overtime may, with the approval of the supervisor, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee's payroll file. Compensatory time will be earned at the rate of one and one-half hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to 80 hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and supervisor/ manager. Paid overtime will be included in the same

paycheck covering the pay period in which the overtime was earned. At any time, Humboldt County may pay an employee for compensatory time earned and not used. Humboldt County reserves the right to pay out any and all compensatory time earned at its discretion.

- d. Compensatory time is for Law Enforcement Unit and Justice Court employees only. An ineligible department/office may request a temporary waiver to this policy by submitting a request in writing or electronically to the County Manager. Approval or denial of any such request is at the discretion of the County Manager.
- e. With thirty (30) days notice prior to the months of June and December of each year, an employee may submit a request to their Department Head that the cash value of all or part of accumulated compensatory time be paid to the employee. With thirty (30) days notice prior to June or December, the County Manager may, at his/her discretion, approve the pay off all but thirty (30) hours of an employee's compensatory time off bank.
- f. Time paid but not worked, such as sick leave, holidays, and annual leave, count toward hours worked for the purpose of computing overtime hours.
- g. Minimum Call Back Pay (for Communication, I.T., and TV District Personnel Only). When an employee is called back to duty after the employee has left the worksite, the employee shall be credited for two (2) hours of work plus any additional time worked in excess of two (2) hours during which the employee is continuously engaged in assigned work. If an employee completes a call back assignment in less than the two (2) hour call back period and is again called back to duty, the employee shall be paid for continuous time worked, but there shall be no overlapping minimum call back payments. Pay for Call Back will be time and a half.
- h. Firefighters and law enforcement personnel are governed by different overtime requirements. Refer to departmental policy, applicable collective bargaining agreement, and the Fair Labor Standards Act (FLSA). Employees who work in public safety, emergency response, or seasonal activity may accumulate up to 80 hours of compensatory time as specifically authorized by Humboldt County.

CAUTION: Paramedics serving in the dual capacity of paramedic/firefighter must meet certain requirements to be covered by the Fair Labor Standards Act (FLSA) 207(k) overtime exemption. To qualify, the paramedic/firefighter must:

- Be employed by an organized fire department or fire protection district;
- Be trained in fire suppression and protection;
- Have the legal authority and responsibility to engage in fire suppression, to include the prevention, control and extinguishing of fires, and;
- Perform activities which are required for the prevention, control or extinguishment of fires.

Absent these requirements, a paramedic must be paid overtime subject to the rules for non-exempt employees as outlined above.

5.5.2. ***Exempt Employees***

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. It is our policy to comply with all aspects of the FLSA including its salary-basis requirements. Therefore, making any deductions from the salaries of exempt employees which are not allowed by law is prohibited.

Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime.

- a. Exempt employees utilizing intermittent leave under the Family Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.
- b. Subject to certain exceptions set forth in the FLSA regulations and FMLA as provided above, if an organization does not have a bona fide annual and sick leave policy, an exempt employee must be paid the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees will not need to be paid for any work week in which they perform no work. FLSA provides that deductions may be made when the employee absents him/herself from work for a day or more for personal reasons, other than sickness or disability.
 - c. Employers that have a bona fide annual and sick leave policy may make deductions from pay in full day increments when an exempt employee does not qualify to use leave, does not have accrued leave, or chooses not to use paid leave and is absent from work for one or more full days. Deductions from sick or annual leave balances may be made in full day increments.
 - d. Deductions will also be made to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Humboldt County will pro rate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
- d. Exempt employees are generally expected to be available to perform their job duties during normal business hours (usually 8:00 a.m. to 5:00 p.m., Monday through Friday). It is expected that in order for exempt employees to complete their assigned work from time to time, it will be necessary that they work beyond the normal work days and business hours of Humboldt County. If, however, an exempt employee is working well beyond a 40-hour workweek on a regular recurring basis, Humboldt County may examine staffing levels and the employee's work habits and procedures.

- e. Humboldt County may choose to recognize an exempt employee for hours worked beyond normal business hours.
 - 1. In recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical work week to accomplish the job, managers may allow an exempt employee to take limited periods of time off without using accrued paid leave.
 - 2. Humboldt County may grant an exempt employee time off in any calendar month in recognition of extraordinary work assignments completed. The County Manager or Board of Commissioners shall approve such time off. The decision to grant such leave is at the sole discretion of Humboldt County. Such leave is not charged against accrued leave and, therefore, is not recorded on the employee's timesheet.
 - 3. The limited periods of time off do not constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40 hours per week. Accordingly, exempt employees will not "accrue a balance" of compensatory leave hours.
 - 4. An exempt employee may be paid overtime and not void their otherwise exempt status as specifically provided under the FLSA.

5.5.3. *"Safe Harbor"*

Humboldt County will classify employees as exempt or non-exempt, in accordance with the provisions of the Fair Labor Standards Act (FLSA) and applicable state law. If an employee feels s/he is improperly classified, s/he should request a review of the classification from the County Manager or Board of Commissioners. An investigation will be conducted on a timely basis and Humboldt County will act to correct any errors as soon as practicable. Humboldt County will not make improper deductions of pay from any employee, regardless of exempt or non-exempt status. Improper deductions should be reported to the County Manager. The complaint will be investigated and Humboldt County will act to reimburse the employee if an error is found. Humboldt County will continuously make a good faith commitment to comply with all provisions of FLSA and state laws and intends this policy of correction to satisfy the "safe harbor" provisions of the FLSA regulations, as amended effective August 23, 2004.

If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to the County

Manager. An investigation will be conducted on a timely basis and Humboldt County will act to correct any errors as soon as practicable.

5.6. Rates of Pay (Revised 7/12)

5.6.1. *Compensation Plan*

Each regular position will be assigned to a class and pay grade in the compensation plan. Assignment to a pay grade will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. Humboldt County shall determine the salary ranges based on these considerations:

- a. Rates paid by Humboldt County for comparable work;
- b. Internal relationships of other job classes in the same or similar occupation;
- c. Rates paid by other entities for comparable work;
- d. Other financial commitments of Humboldt County; and
- e. Funds available to Humboldt County for salaries.

Humboldt County may adjust the minimum and maximum for each salary range periodically as changes in any of the factors listed above occur or to recruit and retain qualified employees for each job.

5.6.2. *Hiring Rate of Pay*

The normal hiring rate is the first step of the pay range for the position's classification. Humboldt County may authorize advanced step appointments.

5.6.3. *Advanced Step Hire*

Fairness and equity in the administration of the compensation plan will be maintained when making advanced step hires. Humboldt County may authorize advanced step appointments when all of the following circumstances exist:

- a. The applicant's qualifications indicate s/he will perform at a level commensurate with the requested step;
- b. Based on the applicant's current or most recent salary, an advanced step hire is required for the applicant to accept the position (Humboldt County will not consider salaries paid more than twelve months prior to the job offer.);
- c. Other applicants with similar qualifications not requiring an advanced level salary are unavailable; and
- d. Funds are available in the hiring department's budget to pay the higher rate.

5.6.4. *Salary on Promotion, Transfer, Demotion, Reclassification, and Reallocation*

- a. Except as may otherwise be provided by a collective bargaining agreement, a regular employee who is promoted to a higher hourly

classification will move to that step in the range for the new class which provides at least an approximate 5% pay increase, not to exceed the top step in the range for the new class. A promoted employee's salary shall not be less than the starting pay of the salary range for the new position. Reclassification to a class with a higher grade level is treated as a promotion for salary purposes.

- b. An employee who transfers to a position at the same grade level will retain their current grade and step.
- c. An employee who demotes to a position with a lower grade level will be placed at a step in the lower grade level which is closest to their current salary. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-Rated (see 5.11.).
Reclassification to a class with a lower grade level will be treated as a demotion for salary purposes.
- d. Reallocation of an existing class:
 - 1. To a higher grade level is NOT a promotion. An employee in a class that is reallocated to a higher grade level shall be placed in the higher grade at a step closest to his/her current salary that does not provide a decrease, or step 1 of the new grade if the current salary does not fall within the grade range.
 - 2. To a lower grade level shall be placed at the step closest to the employee's current salary that does not provide a decrease. If the employee's salary exceeds the top salary of the lower pay range the employee will be Y-Rated (see 5.11.).

5.7. Salary Increase Schedule (Revised 10/16)

5.7.1. *Step Advancements Authorized*

- a. An employee who is currently not paid at the top step of the salary range for his/her class is normally eligible for a step advancement on his/her anniversary date. Raises in salary resulting from step advancements are based on longevity and satisfactory performance, and are not automatic. A step advancement may be granted only upon a finding by Humboldt County that the employee meets all of the performance requirements of the position and complies with all of Humboldt County's rules, regulations, and policies. An employee who is determined to be eligible for a step advancement shall move to the next higher step within the range.
- b. Except when Y-rated, an employee will not be paid a regular rate of pay above the top step of the salary range for his/her classification.
- c. Salary step advancements are administered by the departments, subject to the confirmation of the County Manager that there is adequate documentation that all requirements have been met.

5.7.2. ***Anniversary Date/Step Advancement***

- a. The date on which an employee becomes eligible for consideration for step advancement is known as the **anniversary date**. When approved in writing, step advancements will become effective at the beginning of the pay period following the employee's anniversary date of their current position.
- b. If performance appraisals are completed post appraisal date recommending approval, the merit increase will be retroactive to the first pay period following the employee's anniversary date at current position.
- c. A promotion and reclassification to a class with a higher salary range shall establish a new anniversary date.
- d. A demotion or reclassification to a class with a lower salary range shall not establish a new anniversary date.

5.8. **Withholding of Step Advancements**

5.8.1. ***Job Performance***

When Humboldt County has determined that the job performance of an employee is less than satisfactory, the step advancement shall be withheld. The employee's performance shall be documented and a copy of the documentation provided to the employee.

5.8.2. ***Unpaid Leaves of Absence***

An employee's eligibility for consideration for step advancement shall be delayed by temporary layoffs or unpaid leaves of absence in excess of 15 working days during the 12-month period following the employee's last step advancement. The employee's anniversary date shall be adjusted by the total number of days of unpaid leave.

5.8.3. ***Granting of Withheld Advancements***

Humboldt County may approve a step advancement at the beginning of any pay period upon finding that the employee now meets the qualifications for an advancement. The employee's anniversary date shall be adjusted to the date on which the step advancement is actually granted. If a step advancement is not granted in the interim, the employee shall be considered for step advancement on the next anniversary date.

5.9. **Flat Rate Salaries**

Certain job classes may be assigned to flat rates of pay in the compensation plan. Employees in classes assigned to a flat rate of pay are not eligible for step increases.

5.10. **Casual/Temporary/Seasonal Worker Compensation (Revised 7/11)**

5.10.1. ***Rates of Pay***

Humboldt County will pay casual workers at the rate of pay established for the same work when performed by regular employees, or as

appropriate for the type of work performed. Students receiving school credit for work may be paid at a rate established by Humboldt County for student interns.

Humboldt County may adjust the rates of pay annually consistent with general salary increases granted regular employees.

5.10.2. *Step Advancements*

In completion of each year, Humboldt County may advance casual/temporary/seasonal workers to the next step in the approved pay range for the work assigned. Humboldt County shall consider the qualifications and performance of the worker, the length of time the casual/temporary/seasonal worker has been assigned to the work, the rates paid to regular employees assigned similar work, and the funds available when determining whether to grant a step advancement.

5.11. **Y-Rate**

Humboldt County may pay an employee, who is reduced to a lower class as a result of reclassification or reorganization not associated with layoff or discipline and not the result of employee action or request, at his/her current rate of pay which is above the top step of the range or between steps of the range. Similarly, an employee in a class which has its salary adjusted to a lower rate may also be paid at a rate of pay above the top step of the range. This rate shall be known as a “Y-Rate.” At the discretion of Humboldt County, assignment to such a rate of pay is available to employees who are fully qualified to perform the work of the lower paid class.

An employee who is at a Y-rate above the top step of the range for the new (lower) class shall continue to receive the Y-rate while employed in the new class until a change in the rate of pay for the employee’s new class causes the top step of the new class to be equal to or greater than the employee’s Y-rate.

An employee who is at a Y-rate which is between the steps of the range for the new (lower) class shall continue to receive the Y-rate until a change in the rate of pay for the employee causes the rate for the step in the range to which the employee is entitled to exceed his/her current rate of pay.

5.12. **Work Out-of-Class**

5.12.1. *Policy*

Employees may occasionally be asked to perform duties beyond the scope of their normal position or asked to temporarily assume the duties of a higher level budgeted position for a short period. In the event that such work extends beyond a short-term assignment, Humboldt County establishes criteria for paying employees for temporarily performing work beyond the assigned duties of their current job class, and for employees temporarily assigned the duties of a management or administrative position.

5.12.2. *Assignments*

- a. Employees may be temporarily assigned the duties and responsibilities of a budgeted, higher level position provided the position is currently

vacant, **or** the employee normally filling the position is on authorized leave, **or** has been temporarily relieved of all regular duties to complete a special project approved by Humboldt County, **or** because of temporarily increased workload requirements.

- b. The same employee shall not be assigned to the higher level duties for more than six consecutive months unless specifically approved by the Board of Commissioners, who may extend the assignment for not more than an additional six months.

5.12.3. *Employee Eligibility*

- a. Employees must be formally assigned and actually performing the duties of the higher job class.
- b. The salary range for the higher paid class must be at least 5% above the range for the employee's current job class.
- c. Beginning on the twelfth consecutive work day of performing the duties of the higher level position, employees will be paid at a rate 5% above their current rate of pay, or at the entry rate of the higher job class, whichever is greater, but not to exceed the top step of the higher classification.
- d. The provisions of this section shall not be used to authorize additional pay
 - a. to reward employees neither for outstanding service, nor for any purpose other than those stated.

5.13. **Related Forms**

- [Request for Variable Workday Schedule](#)

6. LEAVE PLANS

6.1. Holidays (Revised 7/11)

6.1.1. *Holidays Designated*

The following holidays are recognized by Humboldt County (**NRS 236.015**):

New Year's Day – January 1

Martin Luther King, Jr.'s Birthday – Third Monday in January

President's Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4

Labor Day – First Monday in September

Nevada Day – Last Friday in October

Veterans Day – November 11

Thanksgiving Day – Fourth Thursday in November

Family Day – Friday following the fourth Thursday in November

Christmas Day – December 25

Floating Holiday – 1 day per calendar year (after 1 year of service)

Any day declared a legal holiday by the President of the United States will be observed in accordance with the presidential proclamation.

Humboldt County will observe a holiday, which occurs on a Saturday or a Sunday, on the day before or after the holiday.

6.1.2. *Holiday Pay*

- a. Recognized holidays are counted as hours worked. Each employee in a full-time, non-exempt position who is on paid status on his/her regularly scheduled work day before and after a holiday will be paid eight hours of pay at his/her rate of pay for each recognized holiday. Employees who work seven or seven and one-half hours per day according to their regular schedule will receive holiday pay based on that schedule. Employees in part-time, non-exempt positions, who are on paid status on the day before and after a holiday will be paid for each recognized holiday at his/her rate of pay on a pro-rated basis. Casual, seasonal, temporary employees will not be paid unless they work on the holiday.
- b. Employees who work a 4/10 schedule, as stated in Section 5.3.2., may use annual leave time or compensatory time off in order to receive 10 total hours of holiday pay.

6.1.3. *Weekend Holidays*

For employees regularly assigned to work Mondays and/or Fridays, if a holiday falls on a Saturday, the Friday preceding will be observed as the

holiday. If a holiday falls on a Sunday, the Monday following will be observed as the holiday. When a holiday falls on Saturday or Sunday for an employee regularly scheduled to work on the Saturday or Sunday, the employee will observe the holiday on the Saturday or Sunday, unless an alternative is authorized by Humboldt County. If the holiday falls on a regularly scheduled day off, the employee will observe the holiday on the next regularly scheduled work day, unless an alternative is authorized by Humboldt County.

6.1.4. Work on Holidays

Non-exempt employees who work on a designated holiday shall be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on a holiday. Bargaining unit employees who work on a holiday shall be paid overtime as provided in the collective bargaining agreement.

6.2. Annual Leave (Revised 7/13)

6.2.1. Annual Leave Accrual

- a. All full-time employees will earn annual leave beginning from their initial date of hire as follows (part-time employees who regularly work 20 hours or more per week will earn annual leave on a pro-rata basis):

Years of Continuous Service	Hours Earned Per Hours Paid	Max. Hours Per Year	Max. Hours Carryover
1st thru 2nd	.0385	80	192
3rd thru 5 th	.0462	96	240
6th thru 10th	.0577	120	240
11th thru 15th	.0769	160	240
16th thru 20th	.0846	176	240
21st and more	.0923	192	240

- b. You will accrue annual leave during your introductory period but are not allowed to use annual leave until you have been employed continuously for at least 6 months.
- c. Except as noted, all accrual rates are expressed in terms of fractions of an hour earned for each regularly scheduled hour worked or on paid leave. Annual leave is not accrued for any other hours.
- d. Annual leave is earned and credited to the employee on a (biweekly) basis coinciding with pay periods. The amount of annual leave accrual is based upon years of service adjusted, as specified, for leaves of absence without pay.

6.2.2. Eligibility Maximum Accrual

- a. Accrued annual leave may not exceed maximum hours carryover in the above table hours unless it is determined that the employee requested and was denied leave because of Humboldt County's business requirements. When allowing accrual above the maximum, Humboldt County will establish with the employee a specific schedule for use of the excess leave or may authorize cash payment for accrued annual leave, subject to funds being available in an approved budget.

6.2.3. *Use of Annual Leave*

Annual leave is provided to employees for the purpose of rest and relaxation from their duties and for attending to personal business. Employees may not use annual leave before it is accrued.

Annual leaves are scheduled on a first-come, first-served basis and the convenience of your department's work schedule. All annual leave must be taken at a time as approved by your supervisor. Length of service is a controlling factor in scheduling annual leave if two individuals in the same area request annual leave at the same time. You are encouraged to schedule as much in advance as practical.

6.2.4. *Annual Leave Pay at Termination*

Upon termination, an employee with more than six months of continuous employment will be paid for all accrued annual leave at the employee's last regular rate of pay.

6.3. Sick Leave (Revised 10/16)

6.3.1. *Policy*

1. *Accrual*

Humboldt County expects each employee to be available for work on a regular and reliable basis. Humboldt County will monitor attendance and leave use whether or not the employee has accumulated leave balances remaining in his/her sick leave account.

- a. Employees will accrue sick leave at the rate of .0577 hours per each regularly scheduled hour worked or on paid status. Sick leave is not accrued for any other hours.
- b. Sick leave hours are earned and credited to the employee on a (biweekly, semimonthly, monthly) basis, coinciding with pay periods.
- c. Unused sick leave will be credited to the employee's sick leave balance to a maximum accrual of 980 hours. Employees with more than 980 hours accrued as of August 4, 2003 shall not accrue sick leave until their balance drops below 980 hours.

2. *Use of Sick Leave*

Sick leave is for use in situations in which the employee must be absent from work due to:

- a. His/her own physical illness or injury.

- b. His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- c. The need to provide medical care for an ill or injured dependent child, spouse/domestic partner, or parent who resides in the employee's household. Medical care includes accompanying a dependent child, spouse/domestic partner, or parent who resides in the employee's household to medical appointments.
- d. Medical or dental appointments for the employee; provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- e. Any disability.

Employees who are absent from work due to sick leave shall be at their residence, a medical facility, their health care provider's office, or shall notify their supervisor of their whereabouts when using sick leave.

3. *Abuse of Sick Leave*

Use of sick leave for purposes other than those listed above is evidence of abuse of sick leave. Abuse of sick leave is cause for disciplinary action, up to and including termination. If Humboldt County suspects abuse, they may require substantiating evidence which may include, but is not limited to, a certificate from a health care provider.

4. *Illness During Annual Leave*

If an employee on annual leave suffers an illness or injury which requires medical treatment from a health care provider, s/he may elect to charge that time to accumulated sick leave provided the employee furnishes Humboldt County with a certificate issued by the health care provider providing treatment.

5. *Placing an Employee on Sick Leave*

Humboldt County may place an employee on sick leave if s/he has an illness that appears to be contagious or due to a known or suspected illness or injury, the employee is not able to perform the essential functions of their position with or without reasonable accommodation.

6. *Return to Work*

An employee on sick leave shall notify his/her department manager as soon as the employee is able to return to work. An employee returning from an extended absence shall give as much advance notice of return as possible. Humboldt County may also require a statement from a health care provider certifying the employee's fitness to return to work.

7. *Sick Leave at Separation*

Payoff – Employees* with accrued, unused sick leave may, at the time of separation, select **one** of the following options for reimbursement (**Elected Officials may only select option a. Cash payment upon separation of service*):

- a. Cash payment upon separation of service:
 - i. Less than 10 years of service – 35% of accrued, unused sick leave @\$10.00 per day – Maximum payout \$500.00. (# of hours x .35 / 8 = # of eligible days x \$10.00 = payout (not to exceed \$500.00).
 - ii. 10 – 20 years of service – 45% of accrued, unused sick leave @\$15.00 per day – Maximum payout \$1,000. (# of hours x .45 / 8 = # of eligible days x \$15.00 = payout (not to exceed \$1,000.00).
 - iii. Over 20 years of service – 60% of accrued, unused sick leave @ \$20.00 per day – Maximum payout \$2,000.00. (# of hours x .60 / 8 = # of eligible days x \$20.00 = payout (not to exceed \$2,000.00).
- b. Conversion to Retirement credit upon separation:

In lieu of (A) above, an employee who is eligible to purchase retirement service credit under the Public Employees Retirement System (PERS) may convert a maximum of 720 hours of accrued, unused sick leave into service credit. (# of hours (max 720) x hourly rate = amount). Upon receipt of check, PERS will calculate service credit. *Note: 1 hour of sick leave may not equal 1 hour of service credit.*

Conversion to Retirement credit prior to retirement (Not a choice for Elected Officials) - An employee who is eligible to purchase retirement service credit under the Public Employees Retirement System (PERS) may convert a maximum of 400 hours of accrued, unused sick leave into retirement credit prior to retirement under the following conditions only:

- a. Must have at least 400 hours of accrued, unused sick leave.
- b. Can only convert hours **in excess** of 400 (in increments of 8 hours).
- c. Maximum hours allowed to convert is 400.
- d. Effective July 1, 2016 may only use this option (5) times during employment with Humboldt County. Employees who have already exercised this option three times by December 31, 2010 shall be “grandfathered.”

- e. PERS will convert dollars into service credit. *Note: 1 hour of sick leave may not equal 1 hour of service credit.*
- f. Must submit a written request to the County Manager on or before December 1.
- g. If the employee meets all the conditions set forth in this section, then the County will deduct the designated amount of sick leave from the employees account and proceed to purchase retirement service credit from PERS.

8. *Leave Sharing*

- a. An employee who has more than 200 hours of sick leave accrued may donate sick leave to an employee or employees who are on sick leave for catastrophic illness pursuant to the following restrictions:
- b. The employee receiving the sick leave must have exhausted all of his/her available paid leave including all sick leave, annual leave, and compensatory time off.
- c. The employee receiving the sick leave may not be on leave for an on-the-job injury covered by Workers' Compensation Insurance.
- d. The employee giving the sick leave must do so in writing and in blocks of eight (8) hours and shall not exceed 80 hours in any fiscal year. The sick leave being given shall be indicated on a form provided by the County.
- e. The granting of sick leave must be irrevocable.
- f. If a donation is made by an employee at a different pay rate than the receiving employee, pursuant to NRS 245.210.4, the donated time shall be converted into money at the hourly of the donor and the money shall then be converted into sick leave at the hourly rate of salary of the recipient.
- g. The total hours donated to an employee shall not exceed the number of hours necessary to avoid a loss in pay between the time the employee exhausts his/her paid leave pursuant to paragraph 2 of this section and either the employee's return to work or the employee's eligibility for disability insurance.
- h. Retiring employees may donate unpaid sick leave hours to the catastrophic sick leave bank so long as the donation does not cause the bank to exceed 1000 hours. Such leave will be available in amounts and for catastrophic purposes

as determined by the County Manager. Catastrophe means:

1. The employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence;
2. There is a serious illness or accident which is life threatening or which will require a lengthy convalescence in the employee's immediate family.

6.3.2. **Procedure**

1. *Leave Approval*

An employee shall complete an appropriate leave request form as soon as the need for a leave is known. Humboldt County shall determine whether to approve use of accrued sick leave and shall approve such a request whenever it is deemed reasonable.

2. *Notification*

Any employee who is ill or unable to report to work for any reason shall notify his/her immediate supervisor no later than 15 minutes following the employee's normal work reporting time. In the event of a continuing illness, the employee shall continue to notify his/her immediate supervisor daily or at appropriate intervals agreed on by the supervisor of his/her condition. Humboldt County may deny sick leave requests which are not in compliance with this policy.

3. *Health Care Provider's Certification*

Humboldt County may require an employee who has been absent for three or more days to provide a health care provider's certification that the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The certification will also verify the employee's fitness for return to work. A health care provider's statement is required when specifically requested by the supervisor or manager. Whenever an employee qualifies for FMLA leave, the employee is required to submit to Humboldt County the "Certification of Health Care Provider" form referenced in the FMLA policy.

6.4. **Family and Medical Leave (Revised 3/13)**

6.4.1. **Policy**

Public entities are covered under the Family and Medical Leave Act (FMLA), and will comply with the requirements of the FMLA and advise employees if they meet all the FMLA eligibility requirements. Humboldt County must provide employees *Form WHD-1420 Employee Rights and Responsibilities Under the Family and Medical Leave Act* and are also required to post and keep posted this notice in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

(*Note:* Entities that have less than 50 employees are not required to provide FMLA leave to their employees as employees will not be independently eligible as listed in 6.4.1.1. Entities that want to extend this benefit to employees are encouraged to do so by revising their sick leave policies rather than offering FMLA.)

1. *Eligibility*

Employees who have been employed by Humboldt County for a total of 12 months and worked for Humboldt County at least 1,250 hours during the preceding 12-month period and are employed at a work site where 50 or more employees work for Humboldt County within 75 surface miles of that work site are eligible for FMLA leave. When the 1,250 hours are calculated, the hours an employee was on annual leave, even if that leave was paid, do not count toward the 1,250 hours worked. However, an employee who has a military service obligation must be credited with the hours of service that would have been performed, but for the period of military service. The required 12 months of employment does not have to be consecutive. There may be a break in service as long as it does not exceed seven years. There is an exception to the seven-year condition for USERRA-covered military service or written agreements. All employees meeting the above qualifications qualify for FMLA, regardless of their seasonal, temporary, etc., status.

2. *Compensation During Leave*

FMLA leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. An employee on FMLA leave **must** use all of his/her accrued paid annual leave, sick leave (if it qualifies under employer's sick leave use requirements), compensatory time leave, and personal time off as part of the FMLA leave. (See the applicable collective bargaining agreement for alternate provisions which may apply.) When substituting accrued paid leave, the employee must comply with the Humboldt County procedural requirements, terms, and conditions of the paid leave policy as appropriate; the remainder of the leave period will then consist of unpaid FMLA leave. Employees must be made aware that they are required to use sick, annual, compensatory time and personal leave as appropriate, in the rights and responsibilities notice Form WH-381: Notice of Eligibility and Rights & Responsibilities.

3. *Intermittent or Reduced Schedule Leave*

When medically necessary (as distinguished from voluntary treatments and procedures) or for any qualifying exigency, leave may be taken on an intermittent or reduced schedule basis. Leave for bonding with a healthy newborn or placement of a healthy child for adoption or foster care is not considered medically necessary and, therefore, may not be taken on a reduced schedule or intermittent basis unless agreed to by Humboldt County.

Employees needing intermittent leave or reduced schedule leave must make a reasonable effort to schedule their leave so as not to disrupt unduly Humboldt County's operations. If leave is foreseeable, Humboldt County may require an employee on intermittent leave or reduced schedule leave to temporarily transfer to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits and better accommodates the employee's intermittent or reduced schedule leave. Intermittent leave and reduced schedule leave reduces the 12-week entitlement only by the actual time used. When an employee, who was transferred, no longer needs intermittent or reduced scheduled leave, the employee must be placed in the same or equivalent position held prior to when the leave commenced.

6.4.2. *Duration of and Reasons for Leave*

1. *Duration of Leave*

Any eligible employee, as defined above, may be granted a total of 12 weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period (see exception for Military Caregiver Leave as provided in section 6.4.3 below). This period is measured backward from the date an employee uses any FMLA leave. A "week" is defined as a calendar week, regardless of the number of days the employee normally works. Twelve weeks does not entitle a part-time employee working three days a week to 60 leave days, but rather 12 weeks.

2. *Reasons for Leave*

- a. FMLA may be granted for the following reasons:
 - The birth of the employee's child and in order to care for the newborn child;
 - The placement of a child with the employee for adoption or foster care;
 - To care for the employee's spouse, child, or parent who has a serious health condition;
 - An employee's own serious health condition that prevents the employee from performing one or more of the essential functions of his/her job. Serious health conditions may include conditions resulting from job-related injuries and/or illnesses; or
 - Due to a qualifying exigency arising when an employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call to covered active duty.

3. *Conditions for Leave*

- a. Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition of incapacity or treatment that involves:

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility.
 - Continuing treatment by (or under the supervision of) a health care provider for a period of incapacity of more than three consecutive full calendar days, combined with at least two visits to a health care provider within 30 days of the first day of incapacity or one visit to a health care provider requiring a regimen of continuing treatment, e.g., prescription medication.
- b. Exigency Leave Short-term notice deployment (deployment in seven or less calendar days)
- Military events and activities
 - Childcare and school activities
 - Family support or assistance programs
 - Financial and legal arrangements
 - Counseling
 - Service member's rest and recuperation leave (limited to 15 calendar days for each instance)
 - Post-deployment activities
 - Parental leave for the spouse, son, daughter, or parent of a military member to care for the military member's parent who is incapable of self-care. The leave may be used for arranging for alternate care, providing care, admitting or transferring the patient to a care facility, or attending a meeting with care facility staff.
 - Additional activities arising out of active duty that Humboldt County and employee agree upon.
- c. Covered Active Duty:
- In the case of a member of a regular component of the Armed Forces; duty during the deployment of the member with the Armed Forces to a foreign country.
 - In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

4. *Limitations of Leave*

The entitlement to FMLA leave for the birth or placement of a child for adoption or foster care **will** expire 12 months from the date of the birth or placement. If both an employee and his/her spouse are employed by Humboldt County, their combined time off may not

exceed 12 weeks during any 12-month period for the birth, adoption, or foster care of a child, or care of a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks within a 12-month period to care for a son, daughter, or spouse with a serious health condition.

Employees may not take more than a combined total of 12 weeks for all FMLA qualifying reasons listed above in Section 6.4.2.2.

6.4.3. *Military Caregiver Leave*

1. *Policy*

An eligible employee, as defined in 6.4.1.1. above, may be granted a total of 26 weeks of unpaid FMLA leave (which can run concurrent with paid leave) during a 12-month period to provide caregiver leave for a seriously ill or injured covered service member or veteran who is the employee's spouse, son, daughter, parent, or next of kin. This period is always measured forward from the date an employee takes FMLA leave to care for the covered service member or veteran and ends 12 months after that date.

Employees cannot take more than a combined total of 26 weeks for military caregiver leave or because of other FMLA qualifying reasons as provided in 6.4.2. above. A husband and wife both working for the same Humboldt County are limited to a combined total of -26 weeks of FMLA military caregiver leave.

2. *Eligibility*

The Covered Service member under the Military Caregiver leave must be:

- a. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious illness or injury that;
 - Was incurred by the covered service member in the line of duty on active duty in the Armed Forces, or
 - Existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and
 - May render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- b. A covered veteran is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period* prior to the first date the eligible employee takes FMLA leave to care for the covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in the line of duty on active

duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is;

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- A physical or mental condition for which the covered veteran has received a U.S. Department of Veteran Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veteran Affairs Program of Comprehensive Assistance for Family Caregivers.

*The period between 10-28-09 and 3-8-13 is excluded in the determination of the five-year period.

3. *Limitations of Leave*

Employees cannot take more than a combined total of 26 weeks for military caregiver leave or because of other FLMA qualifying reasons as provided in 6.4.2. A husband and wife both working for the same employer are limited to a combined total of 26 weeks of FMLA military caregiver leave.

6.4.4. *Notice of Leave*

An employee intending to take FMLA leave because of an expected birth or placement or child for adoption or foster care, a planned medical treatment or medical care, or qualifying exigency, shall provide notice for such leave at least 30 days before the leave is to begin. If a requested leave will begin in less than 30 days, the employee must give notice to his/her immediate supervisor as soon as the necessity for the leave is known. Reasonable advance notice is required for all leaves, even if the event necessitating the leave is not foreseeable. If an employee gives less than 30 days notice, Humboldt County may require an explanation.

Within five business days (absent extenuating circumstances) of receiving notice that 1) an employee requests to use FMLA leave, or 2) Humboldt County acquires knowledge that a leave may be for a FMLA-qualifying reason, Humboldt County will complete *Form WH-381 Notice of Eligibility and Rights and Responsibilities*. Completion of this form will designate if an employee is eligible for FMLA or if an employee is not eligible, the reason(s) why he or she is not eligible. The form will designate if the employee is required to obtain certification related to medical conditions and/or required family relationships. Humboldt County may require the use of FMLA leave for any absence which would otherwise qualify as FMLA leave, even if no formal application for such leave was made by the employee, provided notice is given to the employee. Employees cannot waive nor may Humboldt County induce employees to waive their rights under FMLA.

6.4.5. ***Certification of Leave***

1. *Certification Forms*

a. Serious health condition

A request for leave based on the serious health condition of the employee or the employee's spouse, child, or parent must be supported by completion of Form WH-380-E – Certification of Health Care Provider for Employee's Serious Health Condition or *Form WH-380-F-Certification of Health Care Provider for Family Member's Serious Health Condition* completed by the health care provider. (Note: Attach the employee's current job description to Form 380-E when it is sent to the employee's health care provider.)

b. Exigency Leave

Employees requesting FMLA leave for qualifying exigency are required to complete Form *WH-384 Certification of Qualifying Exigency for Military Family Leave* and provide copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status.

c. Caregiver leave

Employees requesting FMLA leave for military caregiver leave are required to complete *Form WH-385 Certification of Serious Injury or Illness of Covered Service member for Military Family Leave* or *WH-385 V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave* within 15-calendar days, absent extenuating circumstances. Employees may also submit invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill service member at his/her bedside in lieu of forms WH-385 or WH-385-V.

2. *Incomplete or Insufficient Certification (cure period)*

If a certification is incomplete or insufficient, the employee will be given seven calendar days (unless not practicable under the particular circumstances despite the employee's

diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by Humboldt County are not cured in the resubmitted certification, Humboldt County may deny the taking of FMLA leave. A certification that is not returned to Humboldt County is no considered incomplete or insufficient, but constitutes a failure to provide certification.

3. *Clarification or Authentication of certification*

Humboldt County may contact the employee's health care provider for the purpose of clarification or authentication after giving the employee an opportunity to clarify specific discrepancies. Only Humboldt County (*agency to specify individual who is another health care provider, human resource professional, leave administrator, or management official, other than the employee's direct supervisor*), may contact the health care provider.

4. *Second and Third opinions*

If Humboldt County questions the validity of the certification, Humboldt County may require, at its expense, the employee obtain a second opinion from a health care provider designated by Humboldt County. If the second opinion conflicts with the original opinion, Humboldt County may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by Humboldt County and the employee. This third opinion will be considered final and binding on both parties.

Second and third opinions are not permitted for leave to care for a covered service member when the certification has been completed by a Department of Defense or Department of Veterans Affairs health care provider. However, second and third opinions are permitted when the certification has been completed by other health care providers as provided for by law.

Second and third opinions are not allowed on a fitness for duty certification.

5. *Recertification*

In instances where the minimum duration of leave anticipated by the original certification is more than 30 days, Humboldt County may require the employee to recertify that the original medical condition still exists. Such requests can be made no more frequently than the minimum duration of the leave requested (e.g., 40 days) or once every six months in connection with an absence.

In situations in which the minimum duration of leave anticipated by the original certification is less than 30 days, Humboldt County may request recertification if the employee requests an extension of leave, the circumstances described by the original certification have

changed significantly, or Humboldt County receives information casting doubt upon the continuing validity of the certification.

Recertifications are not permitted for leave to care for a covered service member.

6. Annual Medical Certification

Humboldt County may require the employee to provide new medical certification, not recertification, for his/her first FMLA-related absence in a new 12-month leave year.

6.4.6. *Designation Notice*

Within five business days (absent extenuating circumstances) of receipt of all required information, Humboldt County will make a determination if employee's request for leave is for an FMLA-qualifying reason. Humboldt County will complete *Form WH-382 -Designation Notice* indicating if leave is approved or not and provide to employee.

If Humboldt County cannot make a determination from the information provided, they will use this form to:

Indicate the information presented is incomplete or insufficient and provide the employee seven calendar days to provide complete information.

Provide notice to an employee if a second or third medical certification is required.

Humboldt County may also use this form to designate a fitness-for-duty certificate which will be required prior to returning to work.

6.4.7. *Benefits Coverage During Leave*

During a period of FMLA leave, an employee will be retained on Humboldt County's health plan under the same conditions that would apply if the employee was not on FMLA leave. To continue health coverage, the employee must continue to make any contributions that s/he would otherwise be required to make. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the FMLA leave, the employee may be required to reimburse Humboldt County for payment of health insurance premiums during the leave, unless the reason the employee cannot return is due to circumstances beyond the employee's control. The definition of "beyond the employee's control" includes a large variety of situations such as: the employee being subject to layoff, continuation, recurrence, or the onset of an FMLA-qualifying event; or the employee's spouse's unexpected worksite relocation of more than 75 surface miles from the current worksite.

An employee is not entitled to the accrual of any seniority or employment benefits during any unpaid leave. An employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began and will be entitled to any unconditional pay

increase, such as cost of living increase granted to all employees during the FMLA leave period.

6.4.8. *Outside Employment*

An employee may not accept other employment during an FMLA absence if the job conflicts with the reason the employee is on FMLA leave; e.g., an employee is on FLMA leave due to a back injury and accepts a job requiring heavy lifting. All other requirements of Humboldt County's outside employment policy apply.

6.4.9. *Periodic Reporting*

Any employee on FMLA leave must notify Humboldt County periodically of his/her status and intention to return to work. Humboldt County has the authority to determine how often the employee must provide this notification.

6.4.10. *Change in Duration of Leave*

1. Return Prior to Expiration

If an employee wishes to return to work prior to the expiration of the approved FMLA leave period, s/he must notify the supervisor within two business days prior to the employee's planned return. Employees may be required to provide a fitness-for-duty certification (if indicated on the designation notice) specifically addressing the employee's ability to perform the essential functions of his/her job, prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition. Employees required to present a fitness-for-duty certification may be delayed in restoration to employment until certification is provided. Second and third opinions are not allowed on a fitness-for-duty certification.

2. Request an Extension of Leave

An employee who requests an extension of FMLA leave due to the continuation of a qualifying exigency, care for service member, continuation, recurrence, or onset of his/her own serious health condition, or of the serious health condition of the employee's spouse, child, or parent, must submit a request for an extension, in writing, to Humboldt County. This written request should be made as soon as employee realized that s/he will not be able to return at the expiration of the leave period. Any additional time requested beyond the FMLA 12-week period (or 26-week period for caregiver leave) will not be considered as FMLA. Rather, such time, if approved by Humboldt County, will be characterized as either

paid or unpaid leave, thereby ending Humboldt County's reinstatement obligations included in Section 6.4.11. (see the applicable collective bargaining agreement for alternate provisions which may apply.)

6.4.11. *Return from Leave*

Upon returning to work, an employee on FMLA leave will be restored to his/her most recent position or to a position with equivalent pay, benefits, and other terms and conditions of employment. Humboldt County cannot guarantee that an employee will be returned to his/her original job. Humboldt County will determine whether a position is an "equivalent position" as defined by FMLA. Employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

Employees may be required to provide a fitness-for-duty certification (if indicated on the designation notice) specifically addressing the employee's ability to perform the essential functions of his/her job, prior to returning to work if the FMLA leave of absence was due to the employee's own serious health condition. Employees required to present a fitness-for-duty certification may be delayed in restoration to employment until certification is provided. Second and third opinions are not allowed on a fitness for duty certification.

Key employees may be denied job restoration if such denial is necessary to prevent substantial and grievous economic injury to the operations of Humboldt County and the employee was given written notice they were considered a key employee at the time they gave notice of FMLA leave or when the leave commenced.

6.4.12. *Failure to Return from Leave*

Failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to disciplinary action, up to and including termination, unless Humboldt County has granted an additional (paid or unpaid) extension. (Note: Refer to Humboldt County's other leave policies.) Nothing in this policy limits Humboldt County's obligations of reasonable accommodation under the Americans with Disabilities Act, as amended.

6.5. *Leave of Absence Without Pay (Rev. 7/13)*

6.5.1. *Policy*

Humboldt County may approve leaves of absence without pay for up to six months. Such approval will be for exceptional circumstances and conditions, such as education or prolonged illness, when the approval of such leave is consistent with Humboldt County's needs, when the work of the office or department will not be impeded by the employee's absence, and when the leave will not require the appropriation of additional funds for the operation of the employee's department. Such leave may be extended for an additional period of up to six months at the

sole discretion of Humboldt County. Exceptions for leave beyond one year may be provided as required by law. Humboldt County will require the use of all accrued paid leave prior to granting leave without pay.

6.5.2. *Procedure*

1. *Approval – Less Than 30 Days*

Leaves of absence without pay not exceeding 30 days may be granted by the department head with substantiating documentation.

2. *Approval – More Than 30 Days*

For leaves of absence without pay in excess of thirty (30) days may be granted by the County Manager. Humboldt County may grant a leave in excess of thirty (30) days following written certification by the employee to Humboldt County that the leave is consistent with the intent of this section and substantiating documentation as requested by Humboldt County is provided. Humboldt County reserves the right to not require the use of all accrued paid leave credits, depending upon the nature and type of leave without pay taken by the employee.

3. *Purpose*

Leaves of absence without pay will not be granted for the purpose of allowing an employee to seek or accept other employment, except when or if Humboldt County determines that the granting of such leave is in its best interest.

4. *Humboldt County Termination of Leave*

Humboldt County may terminate any leave of absence without pay, except those granted pursuant to statute or regulation, prior to its expiration by providing written notice to the employee. The document granting the leave of absence will state the terms of the leave and any reason(s) for terminating such leave. Upon receipt of notice of termination of the leave, the employee is required to return to work within five calendar days or by a later-approved alternate date. In the event Humboldt County terminates a leave of absence, the employee will be returned to the same class or position s/he occupied when the leave of absence was granted.

An employee who fails to return to duty upon expiration or termination of leave of absence without pay is considered to have abandoned his/her employment.

5. *Insurance*

Employees on approved leave of absence without pay may continue their medical, dental, and life insurance coverage in accordance with COBRA health benefit continuation regulations.

6. *Return from Leave*

Employees on approved leave of absence without pay are required to return to work on the first work day following the end of leave.

An employee who does not return from a leave of absence without pay on the first work day following the end of a leave will be considered to have resigned.

7. Introductory Period

If an employee is granted unpaid leave during his/her introductory period, the introductory period will be extended by the number of days of leave taken by the employee during his/her introductory period.

8. Medical Reason for Leave

Humboldt County may require a health care provider's certification or other appropriate type of verification to substantiate a need for a medical leave of absence without pay. Humboldt County may also require a statement from a health care provider certifying the employee's fitness to return to work.

9. Anniversary Date

An employee's anniversary date will be adjusted by the number of days off work for all unpaid leaves of absence in excess of 15 days during any 12-month period. (See special provisions for Military Leave in *Section 6.8* below.)

10. Benefit Accrual

If an employee is on unpaid leave for more than one-half of his/her regularly scheduled work hours in any pay period, no leave benefits shall be accrued for that period, nor shall Humboldt County contribute toward the cost of insurance benefits.

6.6. Court Leave

6.6.1. Policy

Humboldt County will grant court leave to allow employees to serve as juror or a witness in a court proceeding provided that neither employee nor the employee's collective bargaining representative is a party to the action. Employees shall provide their supervisors with relevant documents verifying the need for court leave as soon as the need becomes known.

6.6.2. Compensation

Subject to the following conditions, eligible employees shall receive their regular base rate of pay for those hours spent in court and traveling to and from court when such time occurs during employee's regular scheduled work days and hours of work. Casual, seasonal or temporary employees will be granted time off without pay. Law enforcement personnel appearing in court as part of their duties are not affected by this policy.

- a. The employee's regular rate of pay shall be limited to compensation for court and travel time which occurs during the employee's regularly scheduled hours of work. Court leave will not result in payment of overtime or be considered as hours worked for purposes of determining

eligibility for overtime, unless the court leave is related to the employee's job responsibilities.

- b. Upon completion of jury/court/witness service for which the employee received his/her regular pay, the employee will immediately forward any compensation received from the court or other party to Humboldt County upon receipt. Reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging may be kept by employees, unless Humboldt County has reimbursed the employee for such expenses or such expenses were paid by Humboldt County.
- c. An employee shall not receive pay for the work time missed if s/he is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against Humboldt County. However, the employee may choose to use his/her annual leave.

6.6.3. *Late Start/Early Release*

- a. An employee who is serving as a witness and is not required to report to court until after the start of their work day or who is released from court before the end of his/her scheduled work day shall report to work for the hours which are not required for court duty or for related travel time.
- b. Employees who are required to report to jury duty will not be required to work eight hours prior to reporting. If the employee's service last four hours or more, including time going and returning from court the employee will not be required to work between 5 p.m. of the day of jury duty and 3 a.m. the following day per NRS 6.190.

6.7. **Bereavement Leave**

A full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity may use up to a maximum of 5 days or 40 hours of bereavement leave per each occurrence. Bereavement leave longer than 5 days or 40 hours may be charged to accumulated annual leave, up to a maximum of two (2) additional days (or sixteen (16) additional hours), with the advance approval of the Department Head. Employees who are not regular full-time or part-time employees may take up to 5 days or 40 hours of bereavement absence without pay. Supervisors or managers may require evidence of attendance at the funeral. Casual, seasonal, temporary employees are not eligible for bereavement leave.

6.8. **Military Leave under Federal Law**

6.8.1. *Policy*

Employees who are members of the uniformed services are entitled to military leave and to re-employment rights as provided in 38 USC, sections 2021-2024, and 4302 et.seq. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or

national emergency. The Army National Guard and Air National Guard are also covered.

6.8.2. *Notice and Notification*

- a. Humboldt County must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where Humboldt County customarily places notices for employees.
- b. Humboldt County may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

6.8.3. *Salary and Benefits*

1. *Leave Without Pay*

- a. Humboldt County will treat the employee the same as any other employee on leave without pay.
- b. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

2. *Health Insurance*

There is no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package. Humboldt County and employee premium payments or obligations, if any, remain unchanged for 30 days. Employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either 24 months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is less (see *Reemployment, Section 6.8.4.* below). Humboldt County must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to 90 days after leaving the military before commencing his/her reemployment may stay on the military health insurance; however, it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

3. *Seniority*

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if an introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. Humboldt County must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, Humboldt County must count time in the military when determining the employee's rate of pay if the rate is based on

seniority (e.g., a grade-and-step pay system). Humboldt County is not required to accumulate annual or sick leave for an employee during his/her absence. The “escalator principle” will be applied to a returning employee’s opportunities to take promotional examinations or skills tests and to merit pay increases.

4. *Retirement*

Time served will be counted as work time for purposes of retirement. Humboldt County must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. Humboldt County contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

5. *Death or Disability*

If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. Humboldt County must make the retirement contribution up to the date of the death or disability.

6. *Other Leave*

Humboldt County must count time served in the military when calculating the employee’s Family Medical Leave Act eligibility.

6.8.4. ***Reemployment***

1. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee’s report-to-work obligations are:
 - a. Service of one to 30 days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
 - b. Service of 31 to 180 days: Application for reinstatement must be submitted not later than 14 days after completion of military duty.
 - c. Service of 181 or more days: Application for reinstatement must be submitted not later than 90 days after completion of military duty.
2. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and Humboldt

County must make reasonable accommodations for the impairment.

3. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same Humboldt County. Time spent in National Guard and reservist training does not count towards the five-year period.

6.8.5. Discharge

If time served is greater than 30 days, but less than 181 days, an employee may not be discharged within 180 days of reemployment, except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

6.9. Military Leave under Nevada Statute

6.9.1. Policy

Public officers and/or employees who are active members of the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, or the Nevada National Guard are entitled to leave to serve under orders including, without limitation, orders for training or deployment, as provided in NRS 281.145.

6.9.2. Procedure

- a. Upon employee's or public officer's request, Humboldt County must relieve employee or public officer of duties with pay to serve under orders for training or deployment for a period of not more than the number of hours equivalent to 15 working days in a 12 month period.
- b. Humboldt County is not required to pay the public officer's or employee's salary after 15-working days (or hours equivalent).
 3. Public officer's or employee's accrued vacation time may not be deducted during the leave. If public officer or employee requests additional time beyond 15 working days, public officer or employee may choose to use annual leave and compensatory time, if any, before going on leave without pay. The employer will treat the public officer or employee the same as any other employee on leave without pay.
 4. The 12-month period designated by Humboldt County in number 1 above is a rolling 12-month period counting backward from the date employee uses leave.

6.10. Emergency Conditions/Disaster Leave

6.10.1. Emergency Volunteer Service

An employee who is a participant in any volunteer emergency service (e.g., fire protection, ambulance service, or search and rescue) shall not schedule him/herself for on-call duty during work hours. In the event an

employee is required to respond to an emergency during normal working hours, s/he shall remain in full employment status and shall receive total regular compensation while performing the volunteer service for the period that s/he would have been working for Humboldt County.

6.10.2. *Emergency Road Conditions*

- a. Any non-exempt employee who is unable to report to work due to road closures or hazardous road conditions caused by ice, snow, floodwaters, washouts, or slides shall not receive regular salary. Employees are advised to use their best judgment in making a decision of whether or not to report to work under such conditions. Should an employee decide to remain at his/her residence, all reasonable attempts should be made to notify his/her immediate supervisor. Any employee wishing to receive payment for time missed due to hazardous road conditions may do so by using either accrued annual leave or accrued compensatory leave time (HCLEA only)
- b. Any non-exempt employee who reports to work late due to road closures or hazardous road conditions will be compensated only for the actual hours worked. In the event the employee wishes to receive a full day's pay, s/he may use annual leave or accrued compensatory leave time to complete the normal work period.
- c. Any employee who elects not to report to work due to hazardous road conditions or reports to work late under such conditions shall not be subject to discipline. In the event the supervisor is in doubt of the employee's reasoning, the final decision shall be made by Humboldt County on the basis of documentation or confirmation of the hazardous conditions by either a law enforcement agency or the appropriate public works agency having jurisdiction over the roadways in question.

6.10.3. *Disaster Area Declaration*

- a. "Disaster Area" is defined as a designated area affected by an event declared to be a disaster by a state or federal governmental agency duly authorized to make such designation. Employees who are unable to report to work due to a disaster may use accrued annual leave or compensatory leave time as compensation for scheduled time not worked.
- b. Employees shall make every effort to report to work as soon as is reasonable under such conditions provided Humboldt County's operation is open and functioning. An employee who has made such an effort, yet fails to report to work under such declared "disaster" conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to their immediate supervisor.

6.11. **Blood Donor Leave**

6.11.1. *Policy*

Employees may be granted reasonable time off during their work shift for the purpose of donating blood when participating in a Humboldt County-

sponsored blood donation. All such absences shall be scheduled with the employee's supervisor. In no event shall an employee be eligible for overtime as a result of donating blood.

6.12. Leave for Parents of Children Enrolled in School (New 8-09)

6.12.1. Policy

For entities with 50 or more employees employed for 20 or more calendar weeks per year, those employees who are parents of children enrolled in public or private school (K-12) are entitled to four hours of unpaid leave, per school year, for each child enrolled in school. The employee may use the entitled leave time to:

- a. Attend parent-teacher conferences;
- b. Attend school-related activities during regular school hours;
- c. Volunteer or otherwise be involved at the school in which the child is enrolled during regular school hours; and
- d. Attend school-sponsored events.

The time for the leave must be mutually agreed upon by the employee and Humboldt County. The employee must request the leave in writing at least five school days prior to the date on which the leave is to be taken. The employee may also be required to furnish documentation demonstrating that s/he was present at the school activity for which the leave was provided.

6.12.2. Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against as a result of having taken leave under this section may file a claim with the Nevada Labor Commissioner. Humboldt County shall provide the employee with all of the forms necessary for the claim filing.

6.13. Leave for Nursing Mothers (New 6/10)

6.13.1. Policy

As required by federal law, Humboldt County will provide unpaid "reasonable" breaks each time an employee needs to express breast milk for her nursing infant who is up to one-year old. Employees may elect to use their paid break times for this purpose. Humboldt County will furnish a private space, other than a bathroom, for that activity. The space will be shielded from view and free from interruption. Entities with less than 50 employees may be exempt if they can demonstrate requirements would impose an undue hardship by causing significant difficulty or expense.

6.14. Related Forms

- [Certification of Health Care Provider for Employee's Serious Health Condition \(FMLA Form WH-380-E\)](#)

- [Certification of Health Care Provider for Family Member's Serious Health Condition \(FMLA Form WH-380-F\)](#)
- [Certification of Qualifying Exigency for Military Family Leave \(FMLA Form WH-384\)](#)
- [Certification for Serious Injury or Illness of a Current Service member for Military Family Leave \(FMLA Form WH-385\)](#)
- [Certification for Serious Injury or Illness of a Veteran for Military Family Leave \(FMLA Form WH-385-V\)](#)
- [Designation Notice \(FMLA Form WH-382\)](#)
- [Employee Rights and Responsibilities under the Family and Medical Leave Act \(FMLA Form WH 1420\)](#)
- [Leave of Absence Authorization Form](#)
- [Nevada Consanguinity/Affinity Chart](#)
- [Notice of Eligibility and Rights & Responsibilities \(FMLA Form WH-381\)](#)
- [Notice of Intent to Return to Work After Leave of Absence \(Non-Medical\)](#)
- [Notice of Intent to Return to Work After Medical Leave of Absence](#)

7. **BENEFITS**

7.1. **Health Insurance Coverage**

7.1.1. *Eligibility*

Eligible employees as defined in the group health insurance plan are eligible to enroll in the group health insurance plan effective the first of the month following 30 days of employment. Dependents of employees, as defined in the current plan booklet, are also eligible for coverage under the insurance plan at the employee's expense. Employees must authorize a payroll deduction of any share of the health coverage premium, which is to be paid by the employee.

7.1.2. *Benefits*

The specific terms and conditions of coverage are specified in the plan document for medical, dental, vision, and prescription drug insurance issued by the insurance company.

7.1.3. *Plan Changes*

Humboldt County will, from time to time, evaluate the health coverage plan that is offered and make adjustments, as Humboldt County deems appropriate, in the level of coverage and the amount of premium cost to be paid by Humboldt County.

7.2. **Life Insurance Coverage**

7.2.1. *Eligibility*

Eligible employees, as defined in the life insurance plan, are covered by an Humboldt County-paid term life insurance and accidental death and dismemberment insurance plan effective the first of the month following 30 days of employment.

7.2.2. *Policy*

The specific terms and conditions of coverage are specified in the plan document issued by the insurance company.

7.2.3. *Coverage*

Eligible employees are covered by a life insurance policy in the amount of \$20,000. (*Optional* - dependent life insurance is available on an employee-contribution basis.)

7.3. **Optional Insurance Coverages**

Vision and dental plans are available but optional.

Supplemental insurance plans are available and information on these plans can be obtained from the Comptroller's Office.

7.4. Retirement (Revised 12/08)

As defined in NRS 286, Humboldt County is considered a public entity and employees in positions considered to be half-time or more, according to the full-time work schedule for at least 120 consecutive work days, are covered by the Public Employees Retirement System (PERS). Details are available in NRS 286.

Eligibility for membership in PERS for elected officials is covered in NRS 286.293.

Eligibility for membership in PERS for district judges, justices of the peace, and municipal judges is covered in NRS 1A.

7.5. Workers' Compensation (Revised 7/13)

Employees are insured under the provisions of the State Workers' Compensation Act for Occupational injuries and diseases that arise/arose out of and in the course of their employment. Employees are required to report all on-the-job accidents, injuries, or illness to their immediate supervisor as soon as reasonably possible or within 24 hours of the accident, injury, or illness. Employees are also required to complete the C-1 form within seven days of the accident, injury, or illness regardless of whether medical attention was received.

The following provisions are adopted pursuant to and are intended to implement the requirements of NRS 281.390:

1. When an employee is eligible at the same time for benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, and for any leave benefit s/he may, by giving notice to the supervisor or manager, elect to continue to receive his/her normal salary instead of the benefits under those statutes until his/her accrued sick leave, comp time, annual leave, or approved catastrophic leave (if any), in this order, is exhausted. Humboldt County will notify the Workers' Compensation Administrator of the election. Humboldt County will continue to pay the employee his/her normal salary, but charge against the employee's accrued leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under NRS 616A to 616D, inclusive, or NRS 617 for that pay period.
2. When the employee's accrued leave time is exhausted, payment of his/her normal salary under subsection 1 must be discontinued and Humboldt County will promptly notify the Workers' Compensation Administrator so that it may begin paying the benefits to which the employee is entitled directly to the employee.
3. An employee who declines to make the election provided in subsection 1 may use all or any part of the leave benefit normally payable to him/her while directly receiving benefits for temporary total disability under NRS 616A to 616D, inclusive, or NRS 617, but the amount of leave

benefit paid to the employee for any pay period must not exceed the difference between his/her normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under those statutes for that pay period.

4. If the amount of the employee's leave benefit is reduced, pursuant to subsection 3, below the amount normally payable, the amount of leave time charged against the employee as taken during that pay period must be reduced in the same proportion.
5. An employee may decline to use any part of the leave benefit normally payable to him/her while receiving benefits under NRS 616A to 616D, inclusive, or NRS 617. During that period of time, the employee will be considered on leave of absence without pay.

7.6. **Transitional Duty (Revised 7/13)**

7.6.1. *Policy*

Humboldt County is committed to providing work, when possible, for employees who have been restricted by a treating health care provider due to a work-related injury or illness. Such work will be provided subject to availability. Work will be assigned according to the nature of the injury or illness and the limitations set forth by the treating health care provider. Every effort will be made to place employees in positions within their own departments. If necessary, an employee will be placed wherever an appropriate position is available.

7.6.2. *Salary*

While on transitional duty, employees will continue to receive their regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department.

7.6.3. *Duration and Conditions of Transitional Duty*

An employee on transitional duty must furnish a written update from the health care provider to the workers' compensation coordinator after each visit in order to remain in the reassigned job. Transitional duty assignments are limited to a period of 90 days, subject to review.

7.7. **Deferred Compensation (Revised 12/08)**

Employees may defer a portion of their taxable income by participation in a deferred compensation plan as provided for in NRS 287.

Initial enrollment may be made at any time during the year for earnings beginning the first of the month following enrollment. Changes in contribution are governed by the terms and conditions of the particular plan.

Only income earned after the effective date of initial or increased participation can be deferred.

Prior to retirement, participants may withdraw the balance of their deferred compensation account only upon termination of employment. In the event of an

unforeseeable emergency, the employee may withdraw a portion of the account needed to pay for the emergency. The IRS defines the conditions for and requires Humboldt County approval of early withdrawal on a hardship basis. The Comptroller/Auditor must review and approve all requests for early withdrawal.

7.8. Educational Assistance (Revised 10/16)

The County will reimburse each employee for the cost of registration and books for job-related class work which is part of the requirement for completion of a major for an Associates, Bachelor, Graduate, and Post-Graduate college degree which is directly related to the employee's current County employment or if not in pursuit of a degree, classes directly related to the employee's current County employment, provided all of the following conditions are met:

The employee must request and receive approval for reimbursement prior to beginning the class. Requests shall be submitted to the County Manager and shall be considered for approval subject to the conditions of this section.

Class work will be completed on the employee's own time.

The total reimbursement paid by the County to all employees for education under this section in any fiscal year shall not exceed ten thousand dollars (\$10,000.00), nor shall any employee be reimbursed more than one thousand five hundred dollars (\$1,500.00) in any fiscal year. Classes will be approved for reimbursement on a first come first paid basis, based on the date of initial application for approval, until funds are exhausted.

Reimbursement shall be for actual cost of tuition and registration for a class in an amount not to exceed two hundred fifty dollars (\$250.00) per class. Employees shall present evidence of completion of the course with a grade of "B" or better. Non-graded classes are not eligible for book reimbursement.

An employee who completes two (2) successive college level Spanish language courses may be reimbursed for the registration, tuition and book costs directly related to the courses upon completion of the second (intermediate level) course, provided that each of the conditions listed above are met.

7.9. Related Forms

- [Transitional Duty Letter](#)
- [Workers' Compensation Benefits Leave Option Form](#)

8. GOVERNMENT CREDIT CARD ISSUANCE AND USE

8.1. Overview and Statement of Intent

Humboldt County issues a government credit card for specified Department Heads and certain other authorized employees and/or County Representatives to use for legitimate business purposes in accordance with the County's Purchasing Policy.

Permissible uses of a County-issued credit card include expenses relating to justified in-County meetings (including meal expenses), travel, hotel accommodations and certain other non-emergency minor expenditures for which a Purchase Order is not required. Expenses that normally require the issuance of a Purchase Order or voucher form may be purchased using a County-issued credit card only in emergency circumstances or if a Purchase Order or voucher has been issued authorizing the purchase. Under no circumstances is the use of a County-issued credit card intended to enable the cardholder to circumvent any provision(s) of any existing or future County Purchasing Policy and/or Travel Policy. Furthermore, use of a County-issued credit card does not alleviate the cardholder from his or her obligation to submit any necessary forms in accordance with the County's Travel policy.

8.1.1. Purpose of Policy

1. To ensure County transactions are carried out as effectively and efficiently as possible through the use of credit cards as appropriate and in accordance with the Overview and Statement of Intent outlined in the preceding paragraph.
2. To guard against any possible abuse of County issued credit cards.

8.2. Procurement of Credit Cards

Government credit cards will be procured by the Humboldt County Treasurer and will be issued in the name of Humboldt County (hereafter referred to as the "*the County*") and the Department Head, authorized employee or County Representative (hereafter referred to as "*Cardholder*").

8.3. Administration of Credit Cards

The Humboldt County Treasurer shall be responsible for obtaining, issuing, or closing all GOVERNMENT CREDIT CARDS. The Treasurer shall have oversight regarding the administration and use of each card and shall provide the County Manager with a monthly report on the use of each card. No card may be issued to any person without approval from the Humboldt County Commission. All statements and amounts due for each card shall be processed through the normal County expenditure process with approval of all charges ultimately by the Humboldt County Commission.

8.4. Procedures Involving Credit Card

The following procedures shall be observed when using a County issued GOVERNMENT CREDIT CARD:

1. Issuance of Card

- a. Only one credit card will be issued per Cardholder. Prior to issuance of the card, Cardholders shall sign the GOVERNMENT CREDIT CARD Compliance Agreement, a copy of which is attached to this GOVERNMENT CREDIT CARD Use Policy as Attachment 1, stating they have read and will adhere to the policies and procedures outlined in this Policy. A signed original of the GOVERNMENT CREDIT CARD Compliance Agreement must be on file in the Humboldt County Treasurer's office prior to the card's usage.
- b. Credit cards shall only be used by the cardholder. The Cardholder is responsible for payment or resolution of all charge transactions placed on the credit card, with no exceptions.

2. Credit Card Safekeeping

Cardholders are responsible for the safekeeping of the GOVERNMENT CREDIT CARD. In the event that the card has been lost or stolen, or if unauthorized transactions are detected, it is the Cardholder's responsibility to immediately notify (1) the bank; and (2) the Humboldt County Treasurer.

3. Credit Limits

Credit limits, including any increases in credit limits, will be established as appropriate and will be at the discretion of the County Treasurer.

4. Credit Card Expenditures – The Cardholder agrees that:

- a. Under no circumstance is the use of a County-issued credit card intended to enable the cardholder to circumvent the existing County Purchasing Policy and established procedures regarding fixed assets, budgeting, purchasing and/or the use of Purchase Orders, voucher forms or the cardholder's obligation to submit an itemized Travel Expense Statement in accordance with the County's Travel policy.
- b. The card will only be used for those activities that are a direct consequence of the Cardholder's function within the County and that under no circumstance will the card be used for personal reasons; furthermore, the Cardholder agrees to be personally liable for any unauthorized

- transactions unless the card is lost, stolen or subject to fraud on some part of a third party;
- c. Maximum credit limits established for the card by the County Treasurer will not be exceeded;
 - d. When using the card to make online internet purchases, the Cardholder shall make every effort to ensure that the purchase is made from a secure website using secure online access, thereby limiting the risk of fraud or theft;
 - e. All credit card purchases that require shipment will be shipped to the Cardholder's business address. In no instance shall any shipment resulting from a credit card purchase be shipped to the Cardholder's home address; and
 - f. Credit card statements will be periodically audited by County staff to ensure that the card is used for authorized purchases; adequate receipts and/or sufficient documentation to support purchases is provided by the cardholder; and card use is not in violation of County policies, including the County's Travel and Purchasing Policies. The cardholder agrees to allow and to cooperate fully with such audit and to immediately place into operation any recommendations resultant from such audit.

5. *Credit Card Expenditures in conjunction with County Travel*

When utilizing the GOVERNMENT CREDIT CARD for travel expenses associated with County business, the Cardholder agrees that:

- a. Use of the card for the purchase of alcoholic beverages is strictly prohibited;
- b. In accordance with the County's Travel Policy, a Travel Request Authorization must still be obtained from the County Manager when County travel expenditures have been frozen. Use of the GOVERNMENT CREDIT CARD does not negate this requirement; and
- c. Use of the GOVERNMENT CREDIT CARD to purchase in-room movies during the hotel stay while on County business is allowable; however, such purchases shall be reimbursed to the County immediately upon filing a Humboldt County Travel Expense Statement for the related trip. Travel Statements submitted without the required reimbursement will forfeit future use of the GOVERNMENT CREDIT CARD and shall be considered misuse and grounds for disciplinary action in accordance with the County's Personnel Manual and as described in Item 8 below.

6. *Credit Card Statements*

A monthly credit card statement will be mailed from the bank to the Cardholder at their business address. The Cardholder agrees:

- a. For all purchases, to obtain and retain sufficient supporting documentation (itemized receipts) to validate all expenditures made using the card. A credit card authorization receipt that does not include an itemized detail of purchases does not constitute supporting documentation. In the event sufficient documentation (including non-itemized, missing or lost receipts) is not provided, the Cardholder's privileges may be suspended.
- b. To review the credit card statement and report any inaccuracies to the Humboldt County Treasurer;
- c. To verify that the goods and/or services listed on the credit card statement were in fact received;
- d. On each credit card statement (1) Attach itemized receipts supporting each expenditure to the credit card statement and Monthly Summary of Purchases; (2) for each purchase, note the departmental expense account code to be charged; (3) acknowledge approval of the expenditure; (4) verify that the expenditure has been made for official purposes by signing and dating the statement; and (5) if applicable, obtain approval of the expenditures by the Department Head; and
- e. To forward the statement and supporting documentation to the Humboldt County Treasurer at least ten days in advance of the due date for payment in order that payment may be submitted without incurring late fees. In the event more than three late fees are incurred within a six-month period, the cardholder's privileges will be suspended.

7. *Return of County Credit Card*

The Cardholder agrees to return the card in the event the Cardholder retires, resigns, or his or her employment with Humboldt County is otherwise terminated. Additionally, the Cardholder agrees to return the card in the event it is determined there is no longer a need to retain his or her card or if the card has been cancelled by the bank.

8. *Credit Card Misuse*

In accordance with the County's Employee Personnel Manual, any misuse of the GOVERNMENT CREDIT CARD will serve as grounds for disciplinary action, including and up to termination of employment with Humboldt County. Additionally, whenever a breach in this Policy occurs, County

Management must assess the nature of the breach and reserves the right to report the misuse to law enforcement for criminal investigation.

8.5. Related Forms:

- Government Credit Card Compliance Agreement

9. TRAVEL EXPENSES

9.1. Policy (Revised 10/16)

1. Employees shall receive a per diem allowance and reimbursement at a rate comparable to the rates established by the US General Services Administration (GSA) for the State of Nevada for reasonable travel expenses which are required for the performance of their assigned duties and which are appropriately authorized. Maximum per diem reimbursement rates for lodging, meals and incidental expenses are established by the city/county and vary by season. Humboldt County employees are directed to the GSA's website <http://gsa.gov> and the link "Per Diem Rates" for the most current rates.
2. Prior to traveling other alternatives will be investigated such as phone conference, video conference, webinar or other means of attending without leaving the work place.
3. To obtain reimbursement, employees must submit an expense report on a proper claim form and substantiate the amounts claimed as required below.
4. Reimbursement shall be made only for expenses actually incurred, paid, and authorized under this policy and procedure.

9.2. Allowances (Revised 10/16)

9.2.1. Mileage

Humboldt County will attempt to make a vehicle available to employees to use for official travel. When a County vehicle is used for travel it will be signed out and will include the purpose of the trip and the destination. If there are no Humboldt County vehicles available and the employee must use a personal vehicle, mileage will be reimbursed at the per mile rate set by the Internal Revenue Service (IRS). If an employee drives a personal vehicle when commercial air travel would be more efficient, the mileage reimbursement will be limited to the cost of the airfare. Employees using a personal vehicle for official travel must have proof of current registration and insurance for that vehicle.

The Board of County Commissioners has approved a reimbursement rate for the use of private aircraft equivalent to the IRS ground mileage rate per air mile traveled. This method of travel must be the least expensive

method available when such factors as total travel time, salary of traveler and cost of alternate transportation are considered.

The employee-owner of a private aircraft must show evidence of public liability insurance to avail themselves of this benefit.

9.2.2. *Lodging*

Moderate cost lodging should be pre-arranged at a location nearest to the meeting/training site as possible. Reimbursement will be based on the cost of a single room if available. A receipt is required for reimbursement of incurred lodging expenses.

Hotel/lodging rates are reimbursable at the lodging rates established by the GSA. In addition to the reimbursable lodging rates, employees may be reimbursed for lodging taxes and fees. Lodging taxes are limited to the taxes on reimbursable lodging costs. For example, if the maximum lodging rate is \$50 per night, and you elect to stay at a hotel that costs \$100 per night, you can only claim the amount of taxes on \$50 which is the maximum authorized lodging amount.

9.2.3. *Meals*

1. The cost of meals shall be in accordance with the GSA meals and incidental expense (M&IE) allowance.
2. If the cost of meals purchased exceeds these allowances, the employee may appeal to the County Manager for a variance on the allowances by submitting such request with the original receipts and an explanation for the expenditures. The County Manager's ruling on such a request is final.
3. Except as provided in item 6 below, an employee shall be entitled to reimbursement for the cost of breakfast only if s/he is required to leave his/her normal work location prior to 6:00 a.m., and return to such location after 10:00 a.m.
4. Except as provided in item 6 below, an employee shall be entitled to reimbursement for the cost of lunch only if s/he is required to leave his/her normal work location prior to 10:00 a.m., and return to such location after 3:00 p.m.
5. Except as provided in item 6 below, an employee shall be entitled to reimbursement for the cost of dinner only if s/he is required to leave his/her normal work location prior to 4:00 p.m., and return to such location after 8:00 p.m.
6. No reimbursement shall be allowed for any meal which is provided or made available to an employee as part of the cost of a meeting, class, or other function, regardless of whether the employee partakes of the provided meal or purchases his/her meal elsewhere.

9.2.4. *Other Expenses*

Upon approval of the County Manager, Humboldt County may make exceptions to the rate of reimbursement for lodging when the following applies:

1. Lodging is procured at a prearranged place such as a hotel when a meeting, conference or training session is held or;
2. Costs have escalated because of special events; lodging within prescribed allowances cannot be obtained nearby; and costs to commute to/from the nearby location exceed the cost savings from occupying less expensive lodging.
3. If the condition(s) above exist, departments/offices may apply the following rules to the rate of reimbursement for in-state travel:
 - a. 150% of the standard continental United States (CONUS) federal per diem rate for non-surveyed in-state sites.
 - b. As approved by the County Manager.
4. Employees will be reimbursed for actual expenses incurred for parking or vehicle storage fees for private automobiles and commercial transportation costs (i.e., taxi, shuttle, etc.). Receipts are required.
5. Other miscellaneous reimbursable business related expenses are: use of Internet services, computers, printers, faxing machines, and scanners; conference room rentals, official telephone calls/service. Receipts are required.
6. Employees will be reimbursed for laundry cleaning/pressing services if the employee's official business related hotel stay is four consecutive nights or longer. Receipts are required.
7. An employee using his own personal vehicle for the County's convenience will be reimbursed at the standard mileage reimbursement rate for which a deduction is allowed for travel for federal income tax. The Comptroller's Office shall issue an All-Agency Memorandum periodically reflecting the current rate in effect at that time.
8. An employee using his own personal vehicle for the employee's convenience will be reimbursed at one-half the standard mileage reimbursement rate.
9. An employee using his own personal vehicle will be compensated for any miles driven in excess of their normal commute. An employee's normal commute is the roundtrip mileage between the employee's residence and their official duty station.

9.2.5. *Out of State Travel*

1. Employees shall receive reimbursement at a rate established by GSA for their primary destination.
2. Maximum per diem reimbursement rates for lodging, meals and incidental expenses are established by the city/county and vary by season. Humboldt County employees are directed to the GSA's website <http://gsa.gov> and the link "Per Diem Rates" for the most current rates.
3. If the travel is to be out of State (exception is the transport of prisoners) the requesting party shall supply the Commission with information regarding the trip, the cost the purpose, and how attendance will provide a direct benefit to Humboldt County.
4. Once an employee returns from training they will be expected to share with their fellow employees what was learned at that training, both in

their Department, and with appropriate employees from other Departments.

5. The Department Head will report to the Commission on what training or conference occurred and the benefit of the training or conference to Humboldt County was as a result of the trip.
6. The County recognizes there are County Department Heads/employees who are employed by cooperating agencies but receive County funds for some to all of their operational expenses. These individuals reside in Humboldt County, but their responsibilities and programs transcend count, state, regional and national efforts. When these individuals must have approval from their employer to travel out of state, the approval of their employer will be sufficient to meet the intent of this policy.

9.2.6. *International Travel*

- a. Meal rates are approved for employees traveling outside the United States, commensurate with the U.S. Department of State's meal allowances for foreign cities as listed in the U.S. Department of State's publication, Maximum Travel Per Diem Allowance for Foreign Areas. The current foreign per diem rates can be accessed at the U.S. Department of State's website.

9.2.7. *Unallowable Expenses*

- a. Humboldt County does not reimburse for gratuity, fines and parking tickets, towing or impounding fees, traffic violations, alcoholic beverages, personal entertainment, tobacco, or expenses unrelated to the business purpose of the travel as determined by the County.
- b. Humboldt County discourages combining personal travel with business travel due to the public's perception regarding use of Humboldt County funds. Employees must clearly disclose any personal travel and/or annual leave to be taken in conjunction with Humboldt County travel. An employee's family may accompany the employee on Humboldt County business, provided travel is not in a Humboldt County vehicle. Humboldt County will not, however, pay any additional expenses so incurred.

9.3. **Processing**

9.3.1. *Claims*

All claims with required receipts for travel expenses are to be submitted for approval by the Board of Commissioners within 5 working days following any trip.

9.3.2. *Advances*

Employees may request an advance to cover anticipated expenses of at least \$50.00. This request must be made not more than three weeks nor less than one week before departure. When advanced funds have been provided, all unused funds must be returned with a claim form submitted to the Board of Commissioners within five working days following any trip.

9.4. Related Forms: NONE

10. EMPLOYEE SEPARATION

10.1. Resignation (Revised 6/10)

10.1.1. *Notice*

Employees are requested to provide at least two weeks' notice, in writing, to their supervisor or manager of their intent to resign their employment. At the sole discretion of Humboldt County, an employee may withdraw a resignation at any time prior to its effective date. An employee's failure to give appropriate notice when resigning may constitute cause for denying re-employment with Humboldt County.

10.1.2. *Return of Humboldt County Property*

When resigning or being terminated, an employee must return all Humboldt County property including clothing, keys, credit cards, employee ID, tools, equipment, and other items of value prior to the last day of employment.

10.1.3. *Job Abandonment*

Humboldt County may consider employees who are absent from work without approved leave for a period of three consecutive work days to have abandoned their position and, thus, to have resigned. Humboldt County is required to follow due process procedures for termination if the employee has completed their introductory period.

10.1.4. *Final Paycheck*

Humboldt County shall issue a paycheck by the next payday following the effective date of resignation if sufficient notice was given by the employee and may issue a paycheck sooner when the employee resigns in good standing. Whenever a Humboldt County discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable on the next regular payday. (If Humboldt County is private, they are governed by NRS 608 which requires payment to be made immediately.)

10.2. Layoffs (Revised 6/10)

Humboldt County may lay off employees because of lack of work, lack of funds, material change in duties or organization; or in the interests of economy, efficiency; or for other appropriate causes, as determined by Humboldt County.

An employee hired for a project of limited duration (e.g., grant funded) will not be afforded rights relative to layoff at the end of the funding period unless, at the time of hire, Humboldt County elected to grant layoff rights to the employee.

The order of layoff among employees in the same class within a department will be as follows: employees serving an introductory period will be considered first, and then all other employees will be considered.

10.2.1. *Alternatives to Layoff*

Whenever a layoff is anticipated, Humboldt County will notify employees whose jobs may be affected by the situation and explain all

available options to them. Humboldt County will make reasonable efforts to integrate affected employees into other available positions. Humboldt County may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay.

10.2.2. *Order of Layoffs*

In deciding which employees shall be laid off and which retained, initially the County shall consider employees for layoff using the criteria of performance, qualifications and seniority within the job class and department. Humboldt County shall consider job-related factors such as job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the layoff; attendance, safety, and disciplinary records; performance evaluations while with Humboldt County; and efficiency of operations.

10.2.3. *Designation of Employees to be Laid Off*

In the event of a layoff, the County shall provide the Department Head with a list designating the class, position, and names of employees to be laid off. The County shall be responsible for providing the rationale for selecting particular employees within the same job class for layoff. The County Manager shall review the list for conformance to Humboldt County policy.

10.2.4. *Layoff Notice*

Upon confirmation of the layoff list, the County shall provide each affected employee with a written notice of layoff. Such written notice of the layoff shall either be delivered in person or mailed to the affected employees at least 14 days prior to the expected date of layoff.

10.2.5. *Reinstatement*

Persons who have been laid off shall be placed on one or more reinstatement lists. All employees laid off from positions in the same class shall be placed on a single reinstatement list without regard to department. A laid-off employee may request and receive placement on a reinstatement list for any job class in which s/he previously held post-introductory status. When a vacancy occurs in the same job class for which a reinstatement list exists, the County Manager shall fill the vacancy using the appropriate reinstatement list.

10.2.6. *Reinstatement Process*

The most recently laid-off employee on the applicable reinstatement list who is qualified for the position and is willing to accept employment in the class and department where a vacancy exists shall be reinstated. The County Manager may select the most appropriately qualified employee based upon the same considerations described under *Section 9.2.2., Order of Layoffs*. An employee reinstated to a position in the same class and department as held prior to the layoff will not be required to serve an additional introductory period, provided the required introductory period had been served prior to layoff.

10.2.7. *Duration of Reinstatement List*

The names of persons laid off shall be maintained on a reinstatement list for one year from the date of layoff. Persons on this list who are hired in positions in the same or (should they apply for and be selected for a vacancy) higher class from which they were laid off shall, upon such hire, be removed from the reinstatement list. An employee who refuses reinstatement to the same position from which the layoff occurred shall be removed from the reinstatement list. Persons reinstated to a position in a lower class from which they were laid off or called to work as a casual worker shall remain on the reinstatement list for the designated period of time the reinstatement list is active.

10.3. **Related Forms**

- [Employee Separation Checklist](#)

11. PERFORMANCE MANAGEMENT

11.1. Statement (Revised 10/16)

Humboldt County's performance management system is designed to be a formal, objective, consistent, and ongoing process to assess the on-the-job effectiveness of each employee by communicating to the employee his/her status and the objectives and standards of performance which s/he is expected to achieve. Humboldt County views performance management as an ongoing process that focuses on the future and continued improvement.

11.1.1. *Purpose*

The performance management process exists to ensure timely and periodic two-way communication between employees and supervisors regarding job performance. This process is designed to:

- a. Clarify Humboldt County's goals and link them to performance expectations.
- b. Assist employees in reaching their full potential by identifying training needs and developing specific plans for continual improvement.
- c. Identify and document performance achievements and deficiencies.
- d. Provide ongoing opportunities for supervisors to coach and encourage personal development and improved job performance.

11.1.2. *Ongoing Communication Regarding Performance*

It is the policy of Humboldt County and the responsibility of each supervisor to routinely provide employees with accurate, constructive feedback regarding job performance expectations, accomplishments, deficiencies, and opportunities for growth. Recognizing that periodic formal performance evaluations cannot take the place of ongoing communication and feedback, Humboldt County encourages frequent, ongoing discussions of job performance and expectations between employees and supervisors. Performance evaluations, whether formal or informal, do not create a contract or other right to continued employment.

11.1.3. *Frequency of Performance Evaluations*

Formal performance evaluations are to be conducted a minimum of once a year. Additionally, supervisors may conduct formal evaluations at the following times:

- a. For new employees, no later than five (5) months after initial hire and at 11 months after hire.
- b. Six months following transfer to a new position within the same class.
- c. When there is a significant change (either improvement or deterioration) in performance or behavior affecting the job.
- d. Within three months following an evaluation documenting that the employee's performance needs substantial improvement. (Humboldt County encourages frequent, ongoing meetings between the employee and supervisor.)

- e. At any other more frequent interval as the supervisor deems appropriate. In addition, informal performance communications (feedback) should occur routinely and regularly throughout an evaluation cycle.

11.1.4. ***Written Record***

Performance evaluations should not be considered as discipline. Supervisors will conduct evaluations in a private meeting with the employee. Formal evaluations will be in writing, utilizing the approved performance evaluation form. All information on the form shall be consistent with the information communicated verbally during the performance evaluation meeting with the employee. Employees will be allowed an opportunity to comment on the evaluation, sign the forms, and receive a copy. A copy of the evaluation, along with any written comments by the employee, will be placed in the employee's personnel file. Performance appraisals will ordinarily be completed within thirty (30) days prior to the completion of twenty-six (26) payroll periods. The content of a performance appraisal and any decisions based upon such content may be appealed only through the grievance procedure to the County Manager level. The decision of the County Manager shall be final and binding.

11.1.5. ***Personnel Actions Resulting from Performance Evaluations***

Personnel actions, whether positive or adverse, are based on an assessment of the overall performance and behavior of the employee, rather than on a single performance evaluation.

Substandard performance or violation of a policy or procedure which necessitates disciplinary action is not part of the performance evaluation process and will be addressed as provided in *Section 11 Disciplinary Actions and Appeals* of these policies.

11.1.6. ***Employee Involvement***

Humboldt County strongly encourages employee participation in the performance evaluation process. Opportunities for participation include the following:

- a. Supervisors providing employees with an opportunity to present a self-evaluation which the supervisor may then consider prior to and discuss during the evaluation meeting.
- b. Discussions between the supervisor and the employee for the purpose of establishing performance expectations or goals for the next evaluation period.
- c. If requested by the employee, a discussion with the next level supervisor to review any disagreements over a performance evaluation.

11.2. **Procedure (Revised 3/08)**

11.2.1. ***Steps in the Performance Evaluation Process***

As part of the performance evaluation process, supervisors will:

- a. Establish and communicate a written performance plan at the beginning of the evaluation period which states expectations the employee must meet.
- b. Review notes taken on the employee's performance since the last formal evaluation and the employee's self-evaluation, if provided.
- c. Complete a performance evaluation form comparing the employee's actual performance with the established performance expectations and standards.
- d. Schedule a meeting with the employee.
- e. During the evaluation meeting:
 - a. Use specific examples to provide a candid, objective, constructive, and complete description of how the employee performed during the evaluation period. Discuss both the "what's" and "how's" of the employee's performance, strategies for improvement, and the employee's own goals for personal growth.
 - b. Jointly establish new performance expectations and goals for the next performance evaluation period.
 - c. Obtain appropriate signatures and employee comments.
 - d. Review any areas of disagreement. If the employee does not agree with all or part of the performance evaluation, s/he should be referred to the next level manager or to the process in their collective bargaining agreement.
- f. Continue to monitor performance, providing feedback, as well as coaching and counseling, throughout the evaluation cycle.

11.2.2. *Documentation of Performance Evaluations*

Supervisors must use Humboldt County's approved performance evaluation form and ensure that the completed and signed form becomes a permanent record in the employee's personnel file.

1. Formal performance evaluations are to be conducted at least annually. Performance evaluations may also be conducted at four (4) months and seven (7) months and one (1) year. [For Sheriff's Office personnel, performance evaluation occurs at 3, 6, 9 and 12 months.]
2. In addition, supervisors may conduct formal evaluations at the following times:
 - a. At the end of the first year in any position.
 - b. Six (6) months following transfer to a new position within the same class. [For Sheriff's Office personnel the probationary period is twelve (12) months.]
 - c. When there is a significant change (either improvement or deterioration) in performance.

- d. Within three (3) months following a finding that the employee's performance needs substantial improvement. (Frequent, ongoing meetings with the supervisor are encouraged.)
- e. At any other, more frequent interval the supervisor deems appropriate.

11.3. **Related Forms**

- Employee Performance Review
- [Let's T.A.L.K. Preparation Form](#)
- [SMART Goals Form](#)

12. DISCIPLINARY ACTIONS AND APPEALS

12.1. Discipline and Appeal

12.1.1. *Justification for Discipline*

Disciplinary action, up to and including termination, may be taken against an employee for unsatisfactory performance or for misconduct including, but not limited to, the following:

- a. Conduct unbecoming an employee in Humboldt County's service, or discourteous treatment of members of the public or a fellow employee, or any other act of omission or commission that impacts negatively on the public's perception of the integrity or credibility of Humboldt County or erodes the public confidence in Humboldt County.
- b. Falsification of or making a material omission on forms, records, or reports including applications, time cards, and other Humboldt County records.
- c. Absence from work without permission or without notification to an appropriate supervisor/manager, habitual absence or tardiness, or misuse of sick leave.
- d. Unauthorized possession, removal, or use of Humboldt County's property including, but not limited to, funds, records, keys, confidential information of any kind, equipment, supplies, or any other materials.
- e. Insubordination, refusing to follow directions, or other disrespectful conduct directed toward a supervisor/manager.
- f. Sexual harassment or other prohibited behavior directed toward another employee, member of the public, vendor, or anyone doing business with Humboldt County, or anyone present on premises owned or controlled by Humboldt County.
- g. Actual or threatened physical violence including, but not limited to, intimidation, overt or subtle threats, harassment, stalking, or any form of coercion, except as may be required of a peace officer in the course of his/her duties.
- h. Possession or inappropriate use of drugs or alcohol on property owned or controlled by Humboldt County or while on duty or during an on-call status.
- i. Possession, bringing, or aiding others in bringing unauthorized firearms, weapons, hazardous biological material or chemicals, or other dangerous substances onto property owned or controlled by Humboldt County.
- j. Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard to other employees, the public, vendors, or him/herself.

- k. Dishonesty, including intentionally or negligently providing false information, intentionally falsifying records, employment applications, or other documents.
- l. Violating or failing to comply with federal, state, or local law or Humboldt County's policies, rules, regulations, and/or procedures.
- m. Unsatisfactory work performance.

12.1.2. ***Forms of Disciplinary Action***

Disciplinary action includes, but is not limited to, one or more of the following:

- a. Verbal warning (document time, date, and subject)
- b. Written reprimand
- c. Suspension *(See Note Below)
- d. Pay reduction *(See Note Below)
- e. Demotion (See NRS 62G.060 for juvenile court employees)
- f. Termination (Reference: Section 11.1.4. Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns and NRS 62G.060 for juvenile court employees))

Employees' signed copies of the above items 1-6 must be placed in employees' master personnel file, and a copy provided to employees.

*Note: Exempt employees are subject to the following rules regarding disciplinary pay deductions and unpaid suspensions:

- a. Pay deductions imposed as a penalty may only be made in cases of violations of safety rules of major significance, including those rules related to the prevention of serious danger in the workplace or to other employees. An example would be violating a rule that prohibits smoking around flammable material. Deductions can be made in any amount.
- b. Pay reductions, as a form of discipline, may be imposed as long as the employee is paid at least \$455 per week and the reduction is on a "permanent" (i.e. not workweek) basis and is not tied to an employee's attendance or quality or quantity of work performed during a particular workweek.
- c. Unpaid suspensions may be imposed for infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence, drug or alcohol use, or for violating state or federal laws. The suspension must be for serious misconduct, not for performance issues. Suspensions must be in full-day increments and must be imposed pursuant to a written policy applicable to all employees.

- d. Suspensions for performance issues must be made in full-week increments.

12.1.3. *Due Process*

Prior to taking disciplinary action involving suspension, reduction in pay, demotion, or termination against any regular employee, Humboldt County will take action intended to ensure that the employee is afforded due process. Due process in regard to employment-related disciplinary action includes, among other actions, making certain the employee is provided notice of the reason for the disciplinary action and is given the opportunity to provide a response to the proposed disciplinary action prior to an appropriate supervisor making a final decision regarding the disciplinary action.

1. *Written Notice*

In situations where the proposed disciplinary action involves a suspension, a reduction in pay, a demotion, and/or termination, written notice of the proposed disciplinary action will be hand-delivered or sent certified mail to the employee. The notice will include the following information:

- a. The nature of the disciplinary action proposed;
- b. The effective date of the proposed disciplinary action;
- c. A statement of the proposed disciplinary action with documentation, statements, and/or other evidence supporting the proposed disciplinary action;
- d. A statement advising the employee of his/her right to file a written response, or to submit a written request for a pre-disciplinary conference with the Department Head, within five work days of receipt of the notice of proposed disciplinary action; and
- e. A statement that the employee's failure to file a written response or request a pre-disciplinary conference in a timely manner, or to appear at the pre-disciplinary conference after requesting such, will constitute a forfeiture of the employee's rights to any further appeal. (Reference: Section 11.1.4. Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns)

1. *Employee Review*

If the employee requests, s/he will be given the opportunity, as soon as practical, to review the documents or other evidence, if any (except for confidential and privileged documents), on which the proposed disciplinary action is based. If the employee requests, Humboldt County will provide a copy of the documents used to support the proposed disciplinary action, including names of witnesses.

2. *Conference Prior to Implementation*

When the employee requests a conference after receipt of the proposed disciplinary process, but prior to any disciplinary action being imposed, the Department Head will schedule a meeting with the employee and his/her representative (if the employee requests a representative be present) in a timely manner to review the reason for and basis of the proposed disciplinary action. At this conference, Humboldt County will also provide the employee with an opportunity to present relevant information which may impact the nature or severity of the proposed disciplinary action.

3. *Implementation of Discipline*

No later than five work days from receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Department Head will issue a written decision to the affected employee. The written decision will inform the employee that:

- a. The proposed disciplinary action will be implemented; or
- b. The proposed disciplinary action will be modified, with an explanation; or
- c. The proposed disciplinary action is rescinded, with an explanation.

4. *Appeal*

- a. The affected employee may appeal the disciplinary action to the County Manager by filing a written appeal with the County Manager within five work days of the effective date of the disciplinary action. The written appeal must state the basis of the appeal and contain a specific admission or denial of each of the material statements in the decision. If an employee fails to file a written appeal conforming to these requirements within the prescribed time limit, s/he is deemed to have waived the right to appeal. (Reference: Section 11.1.4. Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns)
- b. After an employee has submitted a timely appeal to the County Manager, the County Manager will set a date for a disciplinary appeal hearing. At such hearing, the employee will have the right to be represented by an attorney or other representative retained by the employee, to present evidence and argument in response to the disciplinary action, and to question and cross-examine adverse witnesses. The hearing may be conducted informally without conforming to the formal rules of evidence and such informality of the hearing process shall not invalidate the decision rendered. The County Manager will issue to the parties a decision following such hearing within five work days. The decision of the County Manager is final and may only be appealed as provided for in a collective bargaining agreement or as

provided under NRS 245.065 (Counties) or NRS 268.405 (Cities) or NRS 269.083 (Unincorporated Towns).

12.1.4. *Public Hearing for Dismissed Employees of Counties, Cities and Incorporated Towns, and Unincorporated Towns*

Statutes for counties (NRS 245.065), cities and incorporated towns (NRS 268.405), and unincorporated towns (NRS 269.083) provide for a public hearing for a dismissed employee who has been employed for 12 months or more (except those employees exempted from the merit system; i.e., city/county manager, city/county administrator, department heads). Such dismissed employee is not required to utilize an established pre-disciplinary conference and appeal process before requesting a public hearing. The employee must request in writing the public hearing within 30 days of receipt of written notification of dismissal. The public hearing will occur within 15 days of receipt of such request.

12.1.5. *Administrative Leave During Disciplinary Proceeding*

By notifying the employee in writing, Humboldt County may place an employee on administrative leave, with or without pay pending an investigation of alleged misconduct or performance deficiencies, prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The notice of administrative leave will include a statement that the leave is not a disciplinary action. An employee placed on administrative leave without pay who is later reinstated without punitive disciplinary action being imposed will be reimbursed for any pay lost during the administrative leave.

12.2. Related Forms:

- [Intent to Discipline Form](#)
- [Verbal Written Warning Form](#)
- [Written Reprimand Form](#)
- [Sample Last Chance Agreement – Performance and Behavior](#)
- [Sample Last Chance Agreement – Drugs and Alcohol](#)

13. DISPUTE RESOLUTION

13.1. Definition of Dispute

Subject to the exclusions listed below, a dispute is any disagreement between Humboldt County and an employee pertaining to the application of Humboldt County's personnel policies, or an allegation by an employee that Humboldt County has failed to provide a condition of employment established by Humboldt County's compensation plan. The term "**dispute**," as used herein, shall exclude the following:

1. Disciplinary action.
1. Complaints for which Humboldt County provides an alternate dispute resolution process.
2. Any impasse or dispute in collective bargaining negotiations.
3. Any matter within the scope of representation for employees in a recognized bargaining unit.
4. Any matter which may be or has been grieved under an applicable collective bargaining agreement.
5. Termination of an introductory employee.
6. Termination of an at-will employee.

13.2. No Retaliation

Humboldt County shall not restrain, coerce, retaliate, interfere with, or discriminate against any employee based on the employee's use of the dispute resolution process.

13.3. Time Limits

1. The time limits set forth herein are essential to the dispute resolution process and shall be strictly observed. The time limits may be extended by written agreement, signed by the employee and Humboldt County.
2. If, at any stage of the dispute resolution process, the employee is dissatisfied with the decision rendered, the employee shall be responsible for submitting the dispute to the next designated level within the delineated time limits. If the employee fails to submit the dispute to the next designated level within the time limits imposed, the dispute resolution process shall be considered terminated, the dispute shall be considered settled on the basis of the last decision, and the dispute shall not qualify for further appeal or reconsideration.
3. If the appropriate Humboldt County representative fails to respond within the time limits specified, the employee has the right to proceed to the next step within the prescribed time limits. Any such failure by a **Humboldt County** representative shall not constitute an admission of the validity of the dispute.

13.4. Dispute Resolution Process (Revised 7/12)

13.4.1. *Step 1. Discussion with Immediate Supervisor*

- a. The employee shall first discuss the dispute informally with the immediate supervisor. The discussion shall be held within 10 work days of the action causing the dispute or of the date the action reasonably could have been expected to be known to the employee. In no event shall any dispute be accepted for consideration more than six months from the date of the initial occurrence causing the dispute, regardless of the date the action became known to the employee (except as otherwise provided by law).
- b. The immediate supervisor shall verbally respond to the employee within 10 work days of the informal discussion between the employee and supervisor. Additionally, the immediate supervisor must document the verbal response.

13.4.2. *Step 2. Formal Written Notice of Dispute*

- a. In the event the employee believes the dispute has not been satisfactorily resolved at **Step 1**, the employee may submit the dispute, in writing, to the Department Head within five work days after receipt of the immediate supervisor's verbal response. The employee shall file one copy with the supervisor. If the written notice of dispute is not presented within the time limits provided herein, it shall be waived. The written notice of dispute shall:
 1. Fully describe the dispute and how the employee was adversely affected.
 2. Set forth the section(s) of the written policy or rule allegedly violated and state the specific nature of the violation.
 3. Indicate the date(s) of the incident(s).
 4. Specify the remedy or solution to the dispute sought by the employee.
 5. Identify the employee and be signed by the employee.
 6. Identify the person, if any, chosen by the employee to be his/her representative.
- b. No modifications in the alleged basic violation shall be made subsequent to the filing of a dispute, unless mutually agreed to by both Humboldt County and the employee. However, corrections in citations can be made at any time by the employee or the employee's representative.
- c. The Department Head shall meet with the employee to discuss the dispute and shall deliver a written decision to the employee within ten (10) work days of the meeting outlining the reasons behind the decision.
- d. Any dispute resolved at this step shall be subject to the review and confirmation of the Supervisor before the resolution is effective. Such review will occur within fourteen work days and the confirmation shall be final and binding.

13.5. Related Forms: NONE

14. DEFINITION OF TERMS (Revised 3/13)

The terms used in these policies shall have the meanings defined below:

Administrative Leave: Authorized leave for administrative purposes, such as for conducting an investigation which may be with or without pay, at the option of Humboldt County.

Adulterated Specimens: A specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

Allocation: The assignment of a single position to its proper classification on the basis of the duties performed and responsibility assigned.

Anniversary Date: The date the employee is hired, appointed, promoted, reclassified or reallocated (as defined below) upward. This is the date an employee becomes eligible for consideration for a salary increase. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (Note special provisions regarding military leave.)

Applicant: A person, including a current employee, who is applying for any position with Humboldt County. (May also be referred to as the candidate)

Appointment: The offer of and acceptance by a person to a position in accordance with the provisions of this manual.

At-will: Employment status wherein the employee may be terminated at any time, with or without cause. An employee in an at-will status has neither a property right nor an expectation of continued employment with Humboldt County and is not covered by the provisions of the discipline, layoff, or dispute resolution sections of these personnel policies.

Authentication: For purposes of FMLA, providing the health care provider with a copy of the medical certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Board: The governing body of Humboldt County.

Casual Worker/Hire: An employee hired on an as-needed basis, either as a replacement for permanent employees who are out on short- and long-term absences or to meet **Humboldt County's** additional staffing needs during peak business periods.

Child: (Son or daughter) For purposes of FMLA, a biological, adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."

Clarification: For purposes of FMLA, contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

Class Series: Two or more classes which are similar as to the fundamental type of work, but which differ as to degree of responsibility and difficulty, and which have been arrayed in a progression of level of responsibility and complexity of duties.

Class Specification: A description of the essential characteristics of a job class, and the factors and conditions that make it unique from other classes, described in terms of duties, responsibilities, and qualifications.

Compensatory Time Off: Time off granted to an employee in lieu of monetary payment for overtime worked.

Contraband: Any item such as illegal drugs, drug paraphernalia, or other related items whose possession is prohibited by this policy.

Conflicting Employment: Outside employment that interferes with the employee's ability to perform his/her assigned job.

Conviction: A finding of guilt, including a plea of no contest or imposition of sentence or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug or alcohol statutes.

Date of Hire/Hire Date: The actual date an employee first renders paid service in a regular position.

Day: Calendar days unless work days are specified.

Demotion: Involuntary movement of an employee from one job class to another job class having a lower maximum base rate of pay, as a result of disciplinary action.

Department Head/Department Manager: An elected official or appointed official who is directly responsible to the County Manager or to the Board or to a board established by the Board, for overall administration of an office or department of Humboldt County.

Diluted Specimens: Diluted specimens have creatinine and specific gravity values that are lower than expected for human urine. The HHS has determined that specimens with creatinine levels greater than or equal to 2.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct observation.

Disability-Related Inquiry: A question (or series of questions) likely to elicit information about a disability. Generally, disability-related inquiries are not allowed during the hiring process. Examples of disability-related inquiries not permitted include:

- Asking whether the employee/applicant currently has or has ever had a disability, how s/he became disabled, or inquiring about the nature or severity of an employee's/applicant's disability;
- Asking an employee/applicant a broad question about his/her impairments that is likely to elicit information about a disability;
- Asking an employee/applicant whether s/he is currently taking any prescription drugs or medication; and
- Asking about an employee's/applicants genetic information.
- Asking about an applicant's prior workers' compensation history.
- Asking an employee's/applicant's coworker, family member, health care provider, or other person about the employee's/applicant's disability.

Discharge: Termination, separation, dismissal, or removal from employment for cause.

Discipline: A suspension (generally without pay), involuntary demotion, reduction in pay, discharge, or written reprimand or verbal warning.

Discrimination: Employment decisions or actions which are inappropriately taken because of the applicant's or employee's race, color, religion, age, gender, pregnancy, sexual orientation, national

origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, or union activity.

Dispute: Any disagreement between Humboldt County and an employee pertaining to the application of Humboldt County's personnel policies, or an allegation by an employee that Humboldt County has failed to provide a condition of employment established by Humboldt County's compensation plan

Domestic Partner: Persons who are registered as domestic partners with the state of Nevada per NRS 122A.200.

Drug Test: A test to determine the presence of prohibited drugs or their metabolites that includes specimen collection and testing by a Department of Health and Human Services (DHHS)-certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

Eligible List: A list of names of persons who have satisfactorily completed an examination for a position and are qualified for employment.

Employee: A person employed in a budgeted position on a full- or part-time basis. For purposes of those sections of these policies covering discipline, hiring, layoff, and dispute resolution, the term employee **excludes** elected officials, department heads, casual/temporary/seasonal workers, and others specified in the collective bargaining agreement.

Regular Full-time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position with a normally scheduled workweek of at least 40 hours.

Regular Part-Time Employee: A person who has successfully completed an initial introductory period in a regular budgeted position which requires a minimum number of hours per week, (typically 20 hours), but less than full-time employment.

Introductory Employee: A person who serves in an at-will status for a specified period of time during which s/he is evaluated by Humboldt County to ensure that s/he has demonstrated fitness for a position by actually performing the duties of the position.

Exempt Employee: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)

Non-Exempt Employee: An employee who is subject to the overtime provisions of the Fair Labor Standards Act.

Humboldt County Premises: All Humboldt County property and facilities, the surrounding grounds and parking lots, leased space, Humboldt County motor-driven equipment/vehicles, offices, desks, cabinets, closets, etc.

Equal Employment Opportunity (EEO) Officer: The staff member assigned the responsibility and authority to receive, investigate, and resolve complaints of alleged discrimination/harassment. This individual also has the responsibility to provide training to Humboldt County and assure appropriate notices are posted.

Essential Function: A fundamental job duty of the position held or desired. A function is essential if the job exists to perform that function, a limited number of other employees are available to perform the function, or the function requires special skill or expertise. (Marginal functions associated with any job should not be considered essential functions.)

Examination/Test: Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, assessment centers, introductory periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms. **Open** examinations are open to all applicants, internal and external. **Promotional** examinations are open only to selected categories of employees of Humboldt County.

Full-Time: Work which requires hours of work as established by Humboldt County as full-time. A full-time employee is regularly scheduled to work a normal work week of 40 hours. Note: For the purpose of determining eligibility for benefits and layoff, collective bargaining agreements may provide alternate definitions of full-time.

Grade: The designation of a salary range for a class.

Illegal Drugs: Any controlled substance or drug which is illegal to sell, possess, cultivate, transfer, use, purchase, or distribute. Illegal drugs include prescription drugs not legally obtained and/or prescription drugs not being used in the manner, combination, or quantity prescribed, or by the individual for whom prescribed.

Incomplete or Insufficient Certification: For purposes of FMLA, a medical certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the employer receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.

In Loco Parentis: A relationship in which a person has put him/herself in the situation of a parent by assuming and discharging the obligations of a parent to a child, with whom he or she has no legal or biological connection, including day-to-day responsibilities to care for or financially support a child.

Introductory Period: A trial or working test period which is an integral part of the examination and selection process during which an employee serves in an at-will status and is required to demonstrate fitness for the position for which s/he was hired by actually performing the duties of the position.

Invalid Specimens: An invalid specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

Key Employee: A salaried FMLA-eligible employee who is amount the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Layoff: A separation from Humboldt County's service because of a shortage of funds, lack of work, abolishment of a position, reorganization, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

Leave Without Pay: Authorized leave in a non-paid status.

Legal Drugs: Prescription drugs and over-the-counter drugs that have been legally obtained and are being used in the manner, combination, and quantity for which they were prescribed or manufactured.

Manager: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head.

Medical Examination: A procedure or test usually given by a health care professional or in a medical setting that seeks information about an individual's physical or mental impairments or health. Medical examinations include, but are not limited to:

- Vision tests conducted and analyzed by an ophthalmologist or optometrist;
- Blood, urine, and breath analyses to check for alcohol use;
- Blood pressure screening and cholesterol testing; nerve conduction tests;
- Range-of-motion tests that measure muscle strength and motor function;
- Pulmonary function tests;
- Psychological tests designed to identify a mental disorder or impairment; and

Diagnostic procedures such as x-rays, CAT scans, and MRI's.

Next of Kin: For purposes of FMLA, the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority; blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FLMA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Parent: For purposes of FMLA, includes a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee or covered service member.

Personnel Action: Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting an employee's employment status.

Position: A group of duties and responsibilities requiring the ongoing services of one or more employees, which is listed in the authorized position list contained in the currently approved **Humboldt County's** budget or established by formal action of the Board.

Positive Drug or Alcohol Test: Any detectable level of drugs or its metabolite (in excess of trace amounts attributable to secondary exposure) in an employee's urine or blood. With respect to alcohol, a blood alcohol concentration of 0.02 or higher constitutes a positive test.

Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay, usually as a result of some type of examination.

Rate of Pay: An employee's salary as shown in Humboldt County's compensation plan.

Reallocation: A change in the classification and pay grade of a class to a higher or lower pay grade.

Reasonable Accommodation:

- A modification or adjustment to a job application process that enables a qualified applicant with a disability to be considered for the position such qualified applicant desires: or
- A modification or adjustment to the work environment or to the manner or circumstances under which the position held or desired is customarily performed that enable a qualified individual with a disability to perform the essential functions of that position: or
- A modification or adjustment that enables a covered employee, with a disability, to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Reclassification: The change of a position to a different job class which results from changes in duties and responsibilities.

Reduction in Pay: Disciplinary action by Humboldt County moving an employee to a lower pay level in the same class and same pay grade.

Regular Position: An authorized position which appears in the authorized position list contained in Humboldt County's budget documents or its amendments approved by the Board. (Normally a regular position consists of duties which must be performed at least 20 hours per week on a regular, year-round basis.)

Reinstatement: The restoration of a laid-off employee or an employee rejected during a promotional introductory period to a position in a class in which the employee formerly served as a regular employee.

Reinstatement List: A list of names of persons who have been laid off and are available for reinstatement (rehire without examination).

Reprimand: A written notice to an employee stating specific performance and/or behavioral deficiencies and the improvements in behavior and/or performance which the employee must make, and that further disciplinary action will follow if the employee does not make the required improvements. (A performance evaluation form shall not be considered a reprimand.)

Resignation: A notice by an employee that s/he intends to separate from Humboldt County's service. Humboldt County may require that resignations be in writing.

Salary Range: The minimum and maximum salary set for each classification, grade, or level as designated by the position compensation plans. (Also see Grade.)

Seasonal Employee: See Casual Worker.

Son or Daughter of a Covered Service member: For purposes of FMLA, a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

Son or Daughter on Covered Active Duty or Call to Covered Active Duty Status: For purposes of FMLA, employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

Spouse: A husband or wife as defined or recognized under State law. For purposes of FMLA the definition of spouse includes marriage of individuals in the state in which the employee resides.

Step: A specific rate of pay within the salary range established for a class. (Also see Rate of Pay.)

Substance Abuse Professional (SAP): A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted Specimens: Substituted specimens have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The HHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.

Supervisor: An employee, or an elected official who has been authorized to select, train, schedule, and evaluate the work of other employees, and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This person may also serve as the department head or manager.

Suspension: The temporary separation from service, with or without pay, of an employee for disciplinary reasons or pending investigation of an employee's conduct.

Temporary Employee: See Casual Worker.

Transfer: A lateral change of an employee from one position to another position in the same class or to a different class in the same salary range.

Transitional Duty: A temporary assignment of an employee who is unable to perform the essential functions of their job but has been cleared by a health care provider to perform other assignments for Humboldt County.

Volunteer: An individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An individual is not considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

Warning: Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior.