

**PERSONNEL POLICY MANUAL**

**Belknap County, NH**



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**This document supersedes all personnel policies previously established or approved by the County Commissioners.**

## TABLE OF CONTENTS

WELCOME .....	4
ABOUT THIS MANUAL .....	4
CHAPTER 1 PURPOSE OF THE PERSONNEL POLICIES AND PROCEDURES .....	5
1-1 PURPOSE.....	5
1-2 APPLICABILITY OF THE PERSONNEL POLICIES AND PROCEDURES .....	5
1-3 SEVERABILITY.....	6
CHAPTER 2 DEFINITIONS .....	6
CHAPTER 3 EQUAL EMPLOYMENT OPPORTUNITY .....	9
3-1 PURPOSE.....	9
3-2 POLICY STATEMENT.....	9
3-3 COMPLAINT PROCEDURE.....	10
3-4 POLICY ON HARASSMENT.....	10
3-5 ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES POLICY.....	12
CHAPTER 4 ADMINISTRATION OF PERSONNEL.....	13
4-1 COUNTY MANAGEMENT TEAM.....	13
4-2 DEPARTMENT HEADS .....	13
4-4 EMPLOYEE INPUT.....	14
CHAPTER 5 CLASSIFICATION SYSTEM .....	14
5-1 PURPOSE.....	14
5-2 ADMINISTRATION OF THE CLASSIFICATION PLAN.....	14
5-3 JOB DESCRIPTIONS.....	14
5-4 RECLASSIFICATION .....	15
5-5 EMPLOYMENT DESIGNATIONS.....	16
CHAPTER 6 PAY PLAN AND COMPENSATION .....	17
6-1 POLICY .....	17
6-2 MAINTENANCE OF THE PLAN.....	17
6-3 NEW EMPLOYEE RATES.....	17
6-4 STEP INCREASES.....	17
6-5 DENIAL OF STEP INCREASES.....	17
6-6 PROMOTION RATE.....	17
6-7 LATERAL TRANSFER RATE.....	17
6-8 DEMOTION RATE.....	18
6-9 TEMPORARY ASSIGNMENT OUTSIDE CLASSIFICATION RATE.....	18
6-10 LONGEVITY PAY .....	18
6-11 OVERTIME.....	18
6-12 PAY PERIODS AND PAYDAYS.....	19
6-13 DEDUCTIONS.....	19
6-14 QUESTIONS REGARDING PAYCHECKS AND ANY DEDUCTIONS.....	20
6-15 CHANGES IN THE LAW.....	21
CHAPTER 7 HOURS OF WORK.....	21
7-1 HOURS OF WORK.....	21
7-2 ATTENDANCE.....	21
7-3 CHILD LABOR LAWS.....	22
7-4 MEAL AND REST PERIODS.....	22
7-5 TIME CLOCK PROCEDURE: .....	22
CHAPTER 8 LEAVES .....	23
8-1 GENERAL POLICY.....	23
8-2 ANNUAL LEAVE.....	23
8-3 HOLIDAYS.....	24

8-4	SICK LEAVE.....	24
8-5	BEREAVEMENT LEAVE.....	25
8-6	JURY/WITNESS DUTY.....	26
8-7	MILITARY LEAVE.....	26
8-8	FAMILY & MEDICAL LEAVE ACT (FMLA).....	27
8.9	MATERNITY LEAVE.....	32
8.10	LEAVE OF ABSENCE FOR VICTIMS OF CRIMES:.....	33
8-11	LEAVE OF ABSENCE.....	34
	CHAPTER 9 BENEFITS.....	35
9-1	BENEFITS OVERVIEW.....	35
9-2	HEALTH AND DENTAL INSURANCE.....	35
9-3	NH RETIREMENT.....	36
9-4	PERSONAL PROTECTIVE EQUIPMENT.....	36
9-5	TRAVEL& TRAINING.....	36
	CHAPTER 10 RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES.....	36
10-1	POLICY.....	36
10-2	RECRUITMENT PROCEDURES.....	37
10-3	APPLICATION FOR EMPLOYMENT.....	37
10-4	FALSE STATEMENTS.....	37
10-5	MEDICAL SCREENING.....	37
10-6	SELECTION PROCEDURES.....	37
10-7	APPLICATION BY EMPLOYEES.....	38
	CHAPTER 11 PROBATIONARY PERIOD.....	38
11-1	OBJECTIVE.....	38
11-2	DURATION OF PROBATIONARY PERIOD.....	38
11-3	EXPIRATION OF PROBATIONARY PERIOD.....	39
11-4	REMOVAL OF EMPLOYEE IN A PROBATIONARY PERIOD.....	39
11-5	RECORDS.....	39
11-6	STATUE OF EMPLOYMENT:.....	39
	CHAPTER 12 PROMOTION, DEMOTION AND SEPARATION.....	39
12-1	PROMOTION POLICY.....	39
12-2	POSTING.....	40
12-3	DEMOTION.....	40
12-4	LATERAL TRANSFER.....	40
12-5	SEPARATION OF EMPLOYMENT.....	40
	CHAPTER 13 PERFORMANCE EVALUATION.....	41
13-1	POLICY.....	41
	CHAPTER 14 RULES OF CONDUCT & DISCIPLINARY ACTION.....	42
14-1	EMPLOYEE CONDUCT & WORK RULES.....	42
14-2	BILLING PRACTICES/FALSE CLAIMS ACT.....	43
14-3	DRUG-FREE WORKPLACE.....	44
14-4	FITNESS FOR DUTY.....	45
14-5	ELECTRONIC COMMUNICATIONS POLICY.....	46
14-6	NEPOTISM.....	51
14-7	POLITICAL ACTIVITIES.....	51
14-8	WORKPLACE VIOLENCE.....	52
14-9	TOBACCO USE & SMOKING POLICY.....	53
14-10	DISCIPLINE.....	54
	CHAPTER 15 GRIEVANCE PROCEDURE.....	56
15-1	PURPOSE:.....	56
15-2	PROCEDURE:.....	56
	CHAPTER 16 RECORDKEEPING.....	57

16-1	PERSONNEL DATA CHANGES.....	57
16-2	PERSONNEL FILE & RECORDS.....	57
16-3	MEDICAL RECORDS.....	58
CHAPTER 17 SAFETY & HEALTH.....		58
17-1	ACCIDENT REPORTING & INVESTIGATION.....	58
17-2	TEMPORARY ALTERNATIVE DUTY (TAD) POLICY.....	59

## WELCOME TO BELKNAP COUNTY

As an employee of the County, the importance of your contribution cannot be overstated. Our goal is to provide residents and taxpayers of the County with the finest and most efficient service possible. You are an important part of this process.

This Personnel Manual explains our personnel policies and benefits, as well as the specific opportunities and responsibilities that exist for you within our organization. In an effort to be responsive to the needs of a changing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

We are pleased you have joined us, and we trust you will find your work to be both challenging and rewarding.

Sincerely,  
Belknap County Commissioners

## ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines which may require changing from time to time. The County Commissioners retain the right to make decisions involving employment as needed in order to conduct the County’s work in a manner that is beneficial to the employees and the County. **This Manual supersedes and replaces any and all prior Manuals, policies, procedures, and practices of the County with the exception of departmental operating procedure manuals and collective bargaining agreements as applicable.**

This Employee Manual also summarizes the current benefit plans maintained by the County for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Employee Manual (and other plan documents) are not contractual in nature and do not guarantee any benefits or continuance of benefits.

This Manual is not, and shall not be construed as, an explicit or implied contract of employment, shall not modify any existing status of any County employee, and shall not create any due process requirements in excess of federal or state constitutional or statutory requirements. Please

understand that neither the policies contained in this Personnel Manual, nor any other written or oral communication by any other employee, including management employees, are intended to create a contract of employment or a warranty of any of the benefits described in this Manual. Employment is “at-will” unless otherwise required by statute or agreement. This means the County may terminate an employee anytime, “at-will,” with or without cause of notice. No supervisor or County Administrator has the authority to make any contrary representations to any employee.

Please also be aware that the County reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, at its sole discretion.

## **CHAPTER 1 PURPOSE OF THE PERSONNEL POLICIES AND PROCEDURES**

### **1-1 PURPOSE.**

The County of Belknap (hereinafter called County) has established these Personnel Policies and Procedures contained within this Manual to provide employees general information concerning policies, procedures and work rules that will help them understand their relationship with the County.

### **1-2 APPLICABILITY OF THE PERSONNEL POLICIES AND PROCEDURES**

- A. These Personnel Policies and Procedures shall apply to all employees of the County, with the following exceptions:
  - 1. Contracted individuals
  - 2. Employees under a specific agreement or covered by a collective bargaining agreement, except where that agreement does not govern the subject of a particular policy or procedure
  - 3. Other exceptions that may be mandated by applicable law
- B. While these policies shall serve as a guide, they are not all inclusive. While the views of employees will be sought and considered in personnel policy matters, the administration and interpretation of these policies shall rest with the Human Resources Director and County Administrator while the modification of these County policies and procedures shall rest with the Board of Commissioners.
- C. Should any provisions contained herein conflict with any existing federal or state laws, the applicable statute or law shall prevail.
- D. It shall be the responsibility of each employee to acquaint himself/herself thoroughly with the provisions of these personnel policies and procedures and subsequent revisions thereof. Employees are also encouraged to submit their suggestions for changes and improvements to the department heads, Human Resources Director and the County Administrator so that these policies and procedures may reflect the concerns and interests of the employees they serve.
- E. A copy of this Personnel Policies and Procedures Manual and any rules and regulations affecting the employees and managers shall be available for examination by any employee, candidate for employment or any interested citizen at the Belknap County Human Resources Department and in each department head’s office.

1-3 SEVERABILITY.

The sections of this document and the parts hereof are separable. If any portion or section of this document or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the document shall not be affected thereby. If a clause, portion of, or section of this document is so held invalid, then the applicable provisions of State law, if any, shall govern.

**CHAPTER 2  
DEFINITIONS**

2-1 ANNIVERSARY DATE. The date on which a person becomes an employee and is placed on the payroll (also known as the Hire Date). When a promotion occurs the Anniversary Date will change to the effective date of promotion. A separation and rehire will also result in a new Anniversary Date.

2-2 APPOINTMENT. Filling a job or position by placing, hiring, assigning or transferring a person by any proper method under these procedures and these policies.

2-3 CERTIFICATION. The Act of supplying an appointing authority with the names of applicants deemed qualified for appointment to a vacant position.

2-4 CLASS. A position or group of positions which are so similar with respect to complexity of duties, responsibilities and authority that they are designated by the same class title and are compensated within the same pay grade.

2-5 CLASSIFICATION. The assignment of an individual position to an appropriate class/pay grade on the basis of kind of work, duties, and the responsibilities of the position.

2-6 CLASSIFICATION PLAN. A plan outlining the systematic placing of each position into a class/pay grade on the basis of class specification.

2-7 COMPENSATION. Salary or wage earned by an employee for work performed in a position to which he/she has been appointed, but does not include reimbursement allowed for expenses incurred in the course of employment.

2-8 COMPENSATORY TIME. Time off work at the rate of time and one-half in lieu of pay for overtime as provided herein.

2-9 CONTRACTED. Personnel who are employed based on specific contracts to provide a specific service(s). Their employment rights and benefits are governed by the specific contract(s) or agreement(s) rather than the County's Personnel Policies and Procedures, unless otherwise denoted in the contract, agreement or these policies and procedures.

2-10 DEMOTION. The voluntary or involuntary appointment of an employee to a position in a lower class at a lower pay grade than the position held at the time of such appointment.

2-11 DISCHARGE. (Also known as Termination) The involuntary and permanent removal from employment for any reason contained herein.

2-12

2-13 DISCIPLINARY ACTION. Any of the following penalties imposed:

- A. Oral Reprimand
  - B. Written reprimand
  - C. Suspension without compensation
  - D. Demotion
  - E. Termination
  - F. Any other appropriate remedial measure.
- 2-14 ELIGIBLE. Meeting the minimum education and experience qualifications required for appointment to a position in a particular class.
- 2-15 ELIGIBILITY LIST. A list of persons who meet eligibility requirements for appointment to a position.
- 2-16 EMERGENCY APPOINTMENT. A non-competitive appointment made for a period not to exceed 30 days to meet an emergency situation to prevent interruption of public business, hazard, or serious public inconvenience, when appointment from an eligibility list is possible.
- 2-17 EMPLOYEE REGISTRY. A classification of individual contract employees who are hired to perform nursing related work on an on call or as needed basis to supplement shifts normally filled by regular employees as determined by the Nursing Home Administrator and approved by the Commissioners.
- 2-18 EMPLOYEE, REGULAR FULL-TIME. An Employee, whose regularly scheduled workweek is at least 40 hours, holds a classified position and has completed the appropriate probationary period.
- 2-19 EMPLOYEE, REGULAR PART-TIME. An Employee whose regularly scheduled workweek is less than 40 hours but 20 or more hours.
- 2-20 EMPLOYEE, REGULAR PART-TIME, BENEFIT INELIGIBLE. An Employee whose regularly scheduled workweek is less than 20, and who is ineligible for benefits.
- 2-21 EMPLOYMENT AT-WILL. Employment at-will allows the County or an employee to terminate the employment relationship at any time, with or without cause or notice. All employees of the County are “at-will” unless the employee has a written contract or is subject to RSA 28:10-a.
- 2-22 HIRE DATE. The date on which a person becomes an employee and is placed on the payroll.
- 2-23 EXAMINATION. Any or all fitness tests that are given to determine the fitness of an applicant for any position in any class.
- 2-24 FAIR LABOR STANDARDS ACT STATUS. "Exempt"—salaried employees exempt from over-time requirements. “Non-exempt”—hourly employees who are eligible to receive overtime pay for hours worked in excess of forty hours in a workweek.
- 2-25 GRIEVANCE. An objection which an employee has to any job action of any administrator, official, supervisor, or other on-the-job superior concerning working conditions or his/her rights as an employee under these rules regulations, for which objection he/she seeks redress.
- 2-26 INCUMBENT. The current holder of a position.

- 2-27 LATERAL TRANSFER: When an Employee is transferred from one Position to another Position in the same class that does not involve a reduction in scheduled hours. Such transfer shall not affect the Employee's Anniversary Date for purposes of Step Increase eligibility.
- 2-28 LAYOFF. The separation of an employee because of lack of work or funds to continue the position or other reason not related to fault, delinquency or misconduct of the employee or the employer. The Human Resources Department will keep a list of all employees who have been laid off and are eligible for recall.
- 2-29 LEAVE. An authorized absence which has been approved by an official, and the Human Resources Director or designee.
- 2-30 ORIGINAL APPOINTMENT. An appointment of a new employee to a position.
- 2-31 OVERTIME. Hours a non-exempt employee is directed and authorized to work in excess of 40 hours in a workweek.
- 2-32 PAY PLAN. The schedule of compensation for all classes in the classification plan, including any successive pay-rate steps established for each class. All positions classified in the same class will be paid according to the salary range established for that class.
- 2-33 PERSONNEL ACTION. A decision that affects any aspect of an employee's status including but not limited to appointment and change in appointment, transfer, promotion, demotion, change in working hours, reclassification, resignation, discipline, suspension, termination, layoff, involuntary leave, step increases, pay status, evaluation.
- 2-34 PERSONNEL ACTION FORM. Document used to make changes to an employee's payroll record; e.g., rate of pay change, home address, title change, etc.
- 2-35 POSITION. A job to be performed by one person consisting of a group of written duties and responsibilities classified herein under a class title and job description.
- 2-36 PROBATIONARY PERIOD: A test period of six to twelve months, depending on the position, following initial appointment, promotion, lateral transfer or reappointment during which an employee is required to demonstrate by conduct and actual performance his/her fitness for the position to which they have been appointed. Successful completion results in the employee achieving regular status or those positions requiring certification, transfer to regular status cannot occur until certification is received. Failure to successfully complete the probationary period may result in termination. The County may also terminate an employee prior to the end of the probationary period or extend the probationary period at its sole discretion.
- 2-37 PROMOTION. The transfer of an employee from a position in one class to a position in another class having a higher maximum pay range.
- 2-38 PROMOTIONAL EXAMINATION. An examination to test the minimum qualifications of an employee for a promotion.
- 2-39 RECLASSIFICATION. The reassignment by the Board of Commissioners of a position in one class to another class having a different pay range.
- 2-40 SEPARATION. The involuntary removal or resignation from employment for any reason.
- 2-41 STEP INCREASE. A one-step increase in compensation within the class in which the position is classified.

- 2-42 **SUSPENSION.** An involuntary absence without compensation imposed upon an employee as a disciplinary action, or pending final outcome of a disciplinary action.
- 2-43 **TEMPORARY EMPLOYEE.** A non-competitive appointment, authorized by the appropriate Department Head, for a period generally not to exceed six months (unless otherwise authorized by the County Administrator) for purposes such as seasonal work, emergency or other special help purposes. A temporary employee is not entitled to any benefits.
- 2-44 **TEMPORARY POSITION.** A job to which an employee receives a temporary appointment.
- 2-45 **TERMINATION.** The involuntary and permanent removal from employment for any reason.

### **CHAPTER 3 EQUAL EMPLOYMENT OPPORTUNITY**

3-1 **PURPOSE.**

This policy sets forth the commitment of Belknap County to equal employment opportunity and ensures compliance with federal and state laws and regulations in these areas.

3-2 **POLICY STATEMENT.**

Belknap County is committed to promoting equal employment opportunity as part of its mission to provide fairness and equity in its employment practices. Equal Employment Opportunities will be provided for all employees and applicants. The County will make employment decisions based on merit, qualifications, abilities and other legitimate business considerations. We seek to maintain a cordial, professional work place where the dignity and respect of individuals is promoted and protected.

There are certain non-merit characteristics for which it is strictly prohibited to illegally discriminate against any individual with respect to his/her recruitment, examination, appointment, compensation, retention, fringe benefits, upgrading, training and transfer opportunities, discipline, or any phase of employment. These characteristics include sex, race, color, national origin, political opinions, religion, age, military or veteran status, physical or mental disability, marital status, pregnancy, sexual orientation or genetic information or any other legally protected category.

No employee or applicant will be subject to unlawful discrimination, segregation, limitations, classifications, or deprivation in any way which would adversely affect his/her status as an employee or applicant because of the above stated personal characteristics.

Consideration of a protected status such as age or disability may occur only in cases where specific job requirements constitute a bona fide qualification necessary to proper and efficient administration. These conditions of employment will be made available to the applicant.

### 3-3 COMPLAINT PROCEDURE

Any job applicant or employee who feels that he/she has been discriminated against in violation of this policy may file such a complaint with the Human Resources Director or County Administrator. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of discrimination in violation of this policy or retaliation against an employee who has made a complaint or participated in an investigation under this policy will be subject to disciplinary action up to and including immediate termination of employment.

### 3-4 POLICY ON HARASSMENT.

The Board of Commissioners and all members of management are committed to assuring that all employees work free from harassment in all employment practices, including terms, conditions and privileges of employment.

- A. The Policy of Belknap County is to prohibit harassment directed toward any employee because of his/her race, color, religion, sex, sexual orientation, disability, military or veteran status, marital status, pregnancy, age, genetic information, or national origin. Harassment by any County employee, officer, official, personnel, department head, supervisor or other third parties will not be tolerated.
- B. The policy of the County is that all personnel will work in an environment free from harassment. The County will investigate any allegation of harassment for the above reasons, and, if it is determined that harassment has occurred, the County may take remedial disciplinary action that may include disciplining or discharging the offending employee.
- C. Harassment is serious or pervasive and offensive conduct or behavior, which is personally offensive or threatening, impairs morale, or interferes with the work effectiveness of employees and is directed toward an employee because of his/her race, color, religion, sex, sexual orientation, disability, marital status, military or veteran status, genetic information, pregnancy, age or national origin. Most harassment starts out as offensive and inappropriate conduct directed toward an employee because of his/her race, color, sex, age, national origin, citizenship, religion, disability, sexual orientation or marital status. The County does not tolerate this kind of conduct. The County wants to ensure that all employees are not subjected to harassment or inappropriate conduct for these reasons.
- D. Sexual harassment is a specific type of harassment and is difficult to define. It generally is serious or pervasive offensive conduct that is directed toward an employee because of his/her sex and is unwelcomed by the employee. It also generally has a sexual or sexist component. Activities of this nature distract employees from legitimate County functions and serve no useful purpose within the County. Certain conduct is more offensive to some people than others. However, the basic guideline, which the County will follow, is that physical touching not required by the job is not appropriate. Likewise, discussions, jokes or remarks involving sex, sexual matters, propositions, physical makeup or gender stereotyping are prohibited. No employee or supervisor may engage in this type of conduct. Although all the kinds of prohibited conduct cannot be listed, the following list sets out examples of types of prohibited conduct:
  1. Unnecessary touching

2. Brushing against the body
  3. Comments or slurs of a sexual or sexist nature
  4. Displaying viewing or sending sexually suggestive objects, cartoons, email messages, internet websites, text messages, pictures, etc.
  5. Pressuring someone to go on a date
  6. Dirty or offensive jokes or comments of a sexual or sexist nature
  7. Inquiries into one's sexual experiences
  8. Discussion of one's sexual activities.
  9. Cyber Harassment or cyber-stalking.
- E. Acts that constitute sexual harassment include, but are not limited to, sexual advances and suggestions where:
1. Submission to such conduct is either an expressed or implied term or condition of employment;
  2. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;
  3. The conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment.

Therefore, unwelcome sexual advances, request for sexual favors or verbal or physical conduct that has sexual connotations will not be tolerated. Further, such behavior by County officers, officials, contractors or other non-employees who have reason to be on County premises will not be tolerated.

- F. Employee Responsibility.
1. Any employee who believes that he or she is being harassed should promptly take the following steps:
    - i. In many cases, the person who is offended can stop the conduct by politely but firmly telling the other person that he/she is offended and expects the other person to stop; the employee should state how he/she feels about the conduct or actions and request that the person stop. The person must immediately stop that conduct. The County encourages this kind of forthright communication. It is much better to deal with inappropriate conduct, which does not amount to true harassment at that point.
    - ii. If the employee being harassed prefers not to deal with the other person directly, he/she should go to the department head, any member of Human Resources or the County Administrator. Employees are also free to report the behavior to a male or female department head of his/her choice. Reports can be oral or in writing, stating specific details of the sexually harassing behavior.
  2. Any employee who observes sexual harassment is required to report it to a member of the County's administration or supervisory staff.

G. County Responsibility.

Every member of the County's administration and supervisory staff is responsible for ensuring that harassment does not occur within his or her area of authority in violation of

this policy. Any complaint of harassment shall receive the immediate attention of a department head and shall be reported immediately to the Director of Human Resources and County Administrator.

#### H. Investigation.

Investigation of a complaint of harassment normally will include interviews with the parties and potential witnesses.

1. Because of their sensitive nature, complaints of harassment shall be investigated and should remain, to the extent possible, confidential.
2. An employee accused of harassment shall be given sufficient information about the allegations to provide them a reasonable opportunity to respond before any corrective action or discipline is taken.
3. Under ordinary circumstances, a complaint of harassment shall not be released by the County to third parties or to anyone within the County not involved with the investigation. The purpose of this provision is to protect the confidentiality of the employee, who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of any employee wrongfully charged with harassment.
4. If the investigation reveals that the complaint is valid, remedial action will be taken that is designed to stop the harassment. The remedial action taken will depend upon the circumstances surrounding the incident.
5. Where it is concluded following an investigation that a violation of this policy has occurred, but does not warrant termination of the harasser's employment, the harasser will be disciplined to an extent the County determines is warranted by the conduct. The Director of Human Resources and offending employee's department head are responsible for instituting the discipline and carefully explaining the policy to the harasser, including that any further instances of harassment shall result in disciplinary action up to and including termination of employment. A record of that communication/warning shall be retained in the employee's personnel file.
6. The County also prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for participating in or otherwise assisting in a complaint investigation. Any retaliation against the victim of harassment will result in disciplinary action up to and including termination of employment.

#### 3-5 ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES POLICY.

It is the policy and practice of Belknap County to ensure equal employment opportunity for all qualified persons with disabilities. Belknap County is committed to ensuring non-discrimination in the application process as well as in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by Belknap County or any other entity on the County's behalf, will be conducted on a non-discriminatory basis.

The County will make reasonable accommodations for qualified individuals with disabilities to ensure equal opportunity in the application process, to enable employees to perform essential job functions, and to enable disabled employees to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Employees should notify the Director of Human Resources if, because of a disability, he or she requires an accommodation to perform the essential functions of his or her job. The employee may be asked to provide medical documentation about the disability and the types of reasonable accommodation that may be effective for the employee. The employee will be expected to promptly provide this information and engage in an interactive process with us so that the County may evaluate whether the employee qualifies for accommodation and determine appropriate reasonable accommodations.

The County may decline to provide accommodation in certain circumstances including, but not limited to when: (1) the requesting employee is not a qualified individual with a disability within the meaning of state or federal law; (2) the accommodation would pose an undue hardship to the County or our employees; and/or (3) the employee may cause a direct threat to his or her own health or safety or the health or safety of others, even with the benefit of reasonable accommodation.

The County will maintain all medical information in a confidential manner, and will release it only to those with a legitimate need to know.

Employees with questions or concerns about disability discrimination or harassment must report the matter to the Director of Human Resources the employee's department head or the County Administrator

## **CHAPTER 4 ADMINISTRATION OF PERSONNEL**

### **4-1 COUNTY MANAGEMENT TEAM.**

The County Management Team shall be composed of the County Administrator, County Attorney, Corrections Superintendent, Maintenance Director, Nursing Home Administrator, Human Resources Director, Registrar of Deeds, Sheriff and Youth Services Director. The County Management Team shall recommend additions, modifications or deletions to personnel policies, regulations and procedures for action by the Board of Commissioners.

- A. The County Management Team shall be responsible for the maintenance and enforcement of the policies and procedures governing employee/employer relations and Belknap County personnel. The County Administrator will serve as the chairperson for the Belknap County Management Team. The County Administrator will continue to be supervised by and report to the Board of Commissioners.
- B. These provisions are not intended to diminish the authority granted to elected officials under New Hampshire Law.

### **4-2 DEPARTMENT HEADS**

Department Heads shall be responsible for the appointment, retention, transfer, promotion, discipline and separation of employees in their respective departments in accordance with these procedures and policies. They are expected to supervise their employees; to report on the efficiency and performance of their subordinates; to notify the Director of Human Resources of changes in the duties and responsibilities of their employees in order that the plan of employee classification will be maintained; and to provide the Director of Human

Resources with all documentation relative to an employee's appointments, retention, transfer, promotion, discipline, evaluation, salary changes or any other records to be included in the County personnel file.

- A. Department Heads shall, as indicated, recommend to the County Administrator desirable changes in the personnel policies and procedures to improve the administration of the personnel system.
- B. Department heads may establish such rules as are deemed necessary for the efficient and orderly administration of their respective departments. Such rules must be reviewed by and be on file with the Director of Human Resources before becoming effective, and they must be consistent with these personnel policies and procedures. Copies of department rules must be made available to the employees in the office of the department heads responsible for them.
- C. Department heads may delegate in writing any or all of the above enumerated responsibilities to subordinates, as he/she may deem advisable. The department head, however, ultimately remains accountable.

4-4 EMPLOYEE INPUT.

It is the policy of Belknap County to solicit the ideas, suggestions, views and concerns of employees. The purpose of this is to increase employee morale, improve work quality, efficiency, productivity and quality of work life in general, and to improve and facilitate communications with employees.

Employees may ask questions, express their views and make suggestions. Employees are encouraged to present their ideas, suggestions, views and concerns to their department heads to bring forward at Management Team meetings.

**CHAPTER 5  
CLASSIFICATION SYSTEM**

5-1 PURPOSE.

The purpose of the classification plan shall be to establish qualification standards for recruitment and examination purposes; provide for a means of analyzing and establishing work distribution, areas of responsibility, lines of authority and promotion and other relationships between positions; assist in determining budget requirements; provide a basis for developing standards for work performance; establish awareness of training needs; and provide uniform titles for positions.

5-2 ADMINISTRATION OF THE CLASSIFICATION PLAN.

The proper classification of all positions is the responsibility of the Director of Human Resources with input and assistance from Department Heads.

5-3 JOB DESCRIPTIONS.

The County makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description generally includes a job summary (giving a general overview of the job's purpose), essential Job functions, other duties and

responsibilities, supervisory responsibilities if applicable, qualifications required (e.g. education, knowledge, and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), physical demands, and work environment/conditions.

The County maintains job descriptions for purposes that include aiding in the orientation of new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Each Department Head is responsible for ensuring job descriptions are maintained and updated for approval by the Human Resources Director. Current job descriptions shall remain on file in the Human Resources Department. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. Employees will be given a written copy of their job description. All employees will be expected to help ensure that their job descriptions are accurate, current, and reflect the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact your Supervisor or Human Resources Director if you have any questions or concerns about your job description.

#### 5-4 RECLASSIFICATION

- A. When a position has changed substantially as to kind or level of work, the department head or the employee may initiate a request for change in classification by submitting a written request to the Director of Human Resources, accompanied by a complete description of the work being performed as well as how it differs from the current classification. If the Director of Human Resources in conjunction with the County Administrator determines that the position has changed substantially, such reclassification will be submitted to the Board of Commissioners for consideration.
- B. In the event the Board of Commissioners recommends reclassification, such recommendation shall be forwarded to the County Administrator for action at a time designated by the Board of Commissioners. If adopted, the reclassification will be considered a change in the position and the rules and pay policies of the new classification will apply. If funds are not available to effect the reclassification, the reclassification shall be deferred until such funds become available.
- C. Once approved, reclassification will be effective on the employee's anniversary date and the rate of pay will be determined by giving the employee his/her step increase (if warranted) and compensating the employee at the next higher step in the new class. If a step increase is not warranted, the pay plan adjustment percentage, if any, will be applied to the current rate of pay and the employee will be compensated at the closest rate of pay in the new classification.

5-5 EMPLOYMENT DESIGNATIONS.

It is the policy of Belknap County to designate employees at the time they are hired as a regular full-time, regular part-time, part-time, registry (nursing home only) or temporary employee. In addition, an employee is classified as either exempt or non-exempt. If an employee is unsure of which job classification his/her position fits into, please ask the Human Resources Department.

- A. Regular Full-Time. Full-time employees are those employees who are regularly scheduled to work forty hours (40) per workweek. Full-time employees are eligible to receive Belknap County benefits. (For a complete listing of benefits for employees covered by a union group, please see applicable collective bargaining agreement.) For those employees not covered by a collective bargaining agreement union, see Benefit Overview / Eligibility section.
- B. Regular Part-Time, Benefit Eligible. Regular part-time employees are those employees who are regularly scheduled for at least twenty hours (20) weekly but less than forty (40) hours. Regular part-time employees are eligible to receive pro-rated holidays, vacation, and sick leave benefits in accordance with the terms, conditions and limitations of these benefits as set forth in the Benefit Overview/Eligibility section or any applicable collective bargaining agreement.
- C. Regular Part Time, Benefit Ineligible. Employees who are regularly scheduled for less than twenty (20) hours per week are not eligible for any benefits.
- D. Registry. A classification of individual contract employees who are hired to perform nursing related work on an on call or as needed basis to supplement shifts normally filled by regular employees as determined by the Nursing Home Administrator and approved by the Commissioners. Registry employees are not eligible for any benefits.
- E. Temporary. An employee hired for a period of time or for the completion of a specific project is considered a temporary employee. Temporary employees are not eligible for any benefits.
- F. Probationary. A probationary employee is one who is newly hired and is still in the “test period.” See Definition of Probationary Period above for further information.
- G. Exempt/Salaried. In accordance with the Fair Labor Standards Act, exempt employees are ineligible for overtime pay. Exempt employees are managers, executives, administrators, professional staff, highly skilled computer professionals, and any other employee whose duties and responsibilities make them “exempt” from overtime pay provisions.

- H. Non-Exempt/Hourly. In accordance with the Fair Labor Standards Act, non-exempt employees are eligible for overtime pay at the rate of time and a half of their hourly wage for hours actually worked in excess of forty (40) hours per workweek.

**CHAPTER 6  
PAY PLAN AND COMPENSATION**

6-1 POLICY

It is the policy of Belknap County to have a uniform and equitable pay plan, which shall consist of minimum and maximum rates of pay for each class of positions, and such intermediate steps as are deemed equitable.

6-2 MAINTENANCE OF THE PLAN.

The Director of Human Resources, under the direction of the County Administrator and with the approval of the Board of Commissioners, shall be responsible for the development and maintenance of the pay plan. Factors to be considered in setting a sound pay plan include: ranges of pay in other classes; cost of living; prevailing rates of pay for similar work in the community; other benefits received by employees; and the ability of the County to recruit and retain competent personnel.

6-3 NEW EMPLOYEE RATES.

An employee newly appointed to a position should normally be compensated at the minimum rate of pay or salary (Step 1) for the class in which the position falls. However, department heads may direct a rate/salary above the minimum step (Step 1) if warranted based on qualifications.

6-4 STEP INCREASES.

Step increases within a pay range are not automatic, but require the certification of the supervisor that an employee is performing at an acceptable level of competence. The eligibility date shall be the anniversary date each year.

6-5 DENIAL OF STEP INCREASES.

If a department head finds that an employee is performing at less than a satisfactory level, the step increase shall be withheld until the next satisfactory evaluation.

6-6 PROMOTION RATE.

Upon promotion to a new classification, the employee's compensation shall be at the step in the new classification which at least provides an increase equal to the next higher pay step in the employee's previous classification. The promoted employee shall serve a probationary period; however, the initial hire date shall not change.

6-7 LATERAL TRANSFER RATE.

When an employee is transferred from one position to another in the same class/wage or salary schedule, the employee shall continue to be paid at the same rate, unless the hiring department head, with the approval of the County Administrator, determines that his/her credentials merit an increase. Employees laterally transferred shall have an evaluation period;

however, the initial hire date shall not change.

6-8 DEMOTION RATE.

When an employee is demoted to a lower grade, his or her salary shall be set at the step in the lower grade that represents the smallest decrease in salary. Employees demoted shall have an evaluation period; however, the initial hire date shall not change.

6-9 TEMPORARY ASSIGNMENT OUTSIDE CLASSIFICATION RATE.

- A. Higher Minimum Rate. When an employee is temporarily assigned to a position in a class with a higher minimum rate of pay for at least one month, the department head may grant a pay increase to the starting step of that class or the next higher pay step, which provides a pay increase for the duration of the temporary assignment. Written notice from the employee's department head requesting the temporary assignment and pay change shall be forwarded to the Director of Human Resources and County Administrator at least one full pay period prior to the effective date. This notice shall be filed in the employee's personnel file to show experience in a different class that may add significantly to the employee's total qualifications. Provisions of this section shall not apply if the employee's position description stipulates that the employee shall assume responsibility for the higher classification.
- B. Same or Lower Minimum Rate. When an employee is temporarily assigned to a position in another class with the same or lower minimum rate of pay, his/her pay during the temporary assignment shall remain the same.

6-10 LONGEVITY PAY

Regular full time employees who have completed ten (10) years of service shall be paid in addition to their normal salary additional bonuses based on the following years of service:

<b>Years of Service</b>	<b>Bonus Amount</b>
10	\$350
15	\$450
20	\$550
25+	\$650

The amount will be paid with the first pay period in December of each year

6-11 OVERTIME.

Overtime may be paid out in compensation or accumulated in compensatory time for time worked in excess of 40 hours per week, as described in this policy. This policy applies only to non-exempt employees.

- A. The department head or his/her designee must approve all overtime worked by a non-exempt employee in advance.
- B. Overtime will occur when an employee's hours worked exceed 40 hours in a workweek. Unpaid leave, annual time or other paid leaves will not be counted as hours actually worked in the calculation of overtime except as specifically identified elsewhere.

Overtime pay will be calculated at 1½ times the employee's regular hourly rate.

C. Compensatory time may be granted by the department head in lieu of overtime pay, as follows:

1. Prior to the performance of any work for compensatory time, the employer and employee must come to an agreement on the accrual and use of the compensatory time. (Ref RSA 275:43).
2. Compensatory time is accrued at 1½ times the overtime hours. (Ex. Overtime Hours = 5 x 1.5 = 7.5 Hours Comp Time)
3. The department head shall grant the employee's request for use of authorized, accrued compensatory time within a reasonable period of time, unless to do so would disrupt the operations.
4. The amount of accrued compensatory time is limited to a maximum of (60) hours (1½ x 40) for all employees.
5. At the end of employment for any reason, the employee will be paid for unused compensatory time at the final regular rate received by said employee or the average regular rate received by such employee during the last 3 years of the employee's employment, whichever is higher and in accordance with federal and state laws.

#### 6-12 PAY PERIODS AND PAYDAYS.

The County's payroll period runs weekly from Sunday through Saturday. Paychecks are issued each Thursday for work performed during the preceding pay period. Paychecks are distributed either by your supervisor or may be directly deposited to the checking or savings account the employee specifies. Paychecks will be provided only to the employee to whom the check is issued.

#### 6-13 DEDUCTIONS.

Deductions will be made from the employee's paycheck and reflected on the pay stub for payroll taxes or as otherwise required by law, and for deductions authorized in writing by the employee as permitted by law and authorized in accordance with County payroll policies & procedures.

Payroll deductions required by state and federal law are as follows:

- (a) Federal Withholding Tax - compulsory;
- (b) Social Security Tax (FICA) - compulsory;
- (c) Medicare Part of Social Security - compulsory;
- (d) Retirement - compulsory for employee working at least 35 hours per week;
- (e) Court or Regulatory Agency Mandated Deductions - compulsory;

If authorized in writing by an eligible employee, the County will also make payroll deductions for health and dental insurance, savings plans, retirement contributions, and other deductions permitted by applicable state and federal law.

The New Hampshire Department of Labor permits these deductions, and requires employers

to provide employees with notice of the other circumstances in which payroll deductions are permitted by law. Payroll deductions are also permitted for the following (note: we recognize that not all of the following apply in our workplace, but we are providing the whole list approved by the Department of Labor): installment payments of legitimate loans made by the employer to the employee; repayment of accidental overpayments made to the employee; repayment of advances on vacation or other paid time off; required clothing not considered to be uniforms; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; medical, surgical, hospital, and other group insurance benefits having no financial advantage for the employer; the use of a demonstrator vehicle as defined in RSA 261:111; payments into savings funds held by someone other than the employer; housing and utilities; strictly voluntary contributions to charity; union dues; and health, welfare, pension and apprenticeship fund contributions; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider, parking fees, and/or pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees.

Payroll Deductions for Exempt Employees: The County complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried exempt employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed, and is not subject to reduction for absences requested by the County or due to the operating requirements of the County.

The County recognizes that under federal and state law there are only limited reasons for which an exempt employee's salary for a pay period can be subject to deductions. The County prohibits deductions from salaries that are inconsistent with an employee's exempt status.

Exempt employees should note that salaries are subject to modification from time to time such as at compensation review time, when an employee's position or responsibilities change, and at other appropriate times.

Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal, and other forms of paid time off to partial or full day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary

#### 6-14 QUESTIONS REGARDING PAYCHECKS AND ANY DEDUCTIONS.

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact your immediate supervisor as soon as possible.

If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact your department head and/or the Human Resources Director.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. Belknap County will not tolerate retaliation against employees who have expressed concerns using this procedure.

6-15 CHANGES IN THE LAW.

If state or federal law mandates a higher minimum wage or a lower maximum workweek, such law shall take precedence. The converse will not hold. Not all minimum wage laws are applicable to the County. The key word is "applicable." The United States Department of Labor and the New Hampshire State Department of Labor are the proper authorities for determining applicable federal and state requirements.

**CHAPTER 7  
HOURS OF WORK**

7-1 HOURS OF WORK.

Department Heads are responsible for establishing the hours of work for their respective departments within guidelines determined by County Policy.

7-2 ATTENDANCE.

There will be times when it will be necessary for employees of Belknap County to be absent from work due to illness or personal reasons. The County supports employee needs in this regard and has developed the following policy for the purpose of defining expectations in regard to employee attendance and to provide a mechanism for recording occurrences of employee absence and tardiness.

- A. An employee needing to be absent or tardy to work for any reason is responsible for notifying his/her supervisor prior to the start of his/her shifts and each subsequent day of an unscheduled absence in accordance with standard departmental policies and procedures. Employees must indicate the reason and probable duration of the absence. Each department shall designate an individual to be the contact person for all calls regarding tardiness or absence. Failure to call in may result in forfeiture of paid leave and disciplinary action up to and including termination. In cases of emergency, the department manager may waive the call in period. If there is no communication with the County after three (3) consecutive working days, the employee will be considered to have voluntarily severed the employer/employee relationship.
- B. Department heads shall be responsible for reporting attendance and absences for their respective departments in accordance with procedures/format developed by the Finance Department. The attendance records shall note all time worked, absence from duty, including the use of annual leave, sick days, holiday, bereavement, jury duty, or other applicable leave.
- C. Employees must work pursuant to their time schedules established by the department

head for the convenience of the County, not the employee.

- D. Employees who are absent for more than 3 days due to illness and return to work may be required to submit a note to their supervisor from a physician, physician's assistant or nurse practitioner stating that the employee was medically incapacitated for work.
- E. Leaving Early-If an employee wishes to leave work early, permission must be obtained from the employee's supervisor or designated alternate prior to leaving the workplace. Permission may be denied due to operational necessity or the employee's previous attendance record. The supervisor shall insure an appropriate request for leave form is completed in accordance with County procedures.

7-3 CHILD LABOR LAWS.

Applicable child labor laws shall control should a dispute arise involving the employment of persons prior to reaching the adult legal age.

7-4 MEAL AND REST PERIODS.

A meal period shall be reserved for each employee at times designated by the department head. It shall normally be one-half hour. The department head may include the mealtime in computing the total working hours of an employee.

Employees are entitled to a thirty (30) minute meal period/break after working more than five (5) consecutive hours, except if it is feasible for the employee to eat during the performance of his/her work and the County permits him/her to do so in accordance with RSA 275:30-a, as revised.

No reduction shall be made from the basic work day for rest periods fifteen minutes (15) in every four (4) hours working time or major fraction thereof; during such rest period the employee is required to remain on duty and be available in the event of an emergency.

7-5 TIME CLOCK PROCEDURE:

All non-exempt employees are required to keep track of their time. Each department has adopted its own time-keeping policies. Employees are required to know and follow their department's specific policy. If required of the employee's position, he/she must personally record his/her time at the beginning of the workday, beginning and end of meal periods, or other time away from his/her job, and at the end of the workday, in accordance with the procedure set by the employee's department. Having another person record the employee's time for him/her is unacceptable and may be cause for disciplinary action, up to and including termination of employment. In the event of an error in recording time, the employee must report the matter to his/her supervisor as soon as he/she becomes aware of it. If a correction must be made to a time card or time sheet, the correction must be signed or initialed by the employee.

**CHAPTER 8  
LEAVES**

8-1 GENERAL POLICY.

Leave is any absence from regularly scheduled work hours that is approved by the proper authority. Leave may be with or without pay and shall be granted in accordance with these rules, with the work requirements of the department and, whenever possible, with the personal desire of the employee.

8-2 ANNUAL LEAVE.

Annual / vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits.

- A. Employees who are regularly scheduled to work forty hours (40) per work week are eligible to receive annual/vacation time in accordance with the provision of this policy. Employees who are regularly scheduled for at least twenty hours (20) weekly but less than forty (40) hours will be entitled to pro-rated annual/vacation.
- B. Annual time will be calculated on the following basis:

<b>Years of Service</b>	<b>Accrued Per Month</b>	<b>Days Per Year</b>	<b>Max Acc. Days</b>
0-10	1 1/4 Days	15	30
10+	1 2/3 Days	20	40
20+	2 Days	24	40

- C. Annual leave is accrued on an anniversary year basis. Annual leave shall not accrue in excess of the “maximum accrued days” listed above. In other words, employees will not receive any monthly accruals once they have reached their maximum accrual. Employees may carry over their accrued but unused annual leave into the following anniversary year, and in accordance with this policy of “maximum accrual amounts” (e.g., for employees with 0 - 10 years of service, the maximum number of days they can accrue in a given year is 15, and the maximum number of days they can accrue in total is 30; any accruals over 30 are forfeited). Employees with sufficient accrued time shall be afforded the opportunity to receive two (2) consecutive weeks of uninterrupted leave if the employee so desires and operational requirements can be met during employee’s absence. Leave time can only be taken in one (1) hour increments. Employees should request advance approval at least two weeks prior to the desired time off from their immediate supervisor. The County reserves the right to refuse a vacation request.
- D. Annual leave subject to the needs of the County may be scheduled on the basis of department seniority or may be assigned on a first come basis subject to the needs of the County as determined by the County.
- E. Employees who have been employed continuously for a period of six (6) months or longer, except those employees terminated by the County pursuant to RSA 28:10-a and employees who resign without giving at least two (2) weeks written notice upon termination of employment, will be paid for any unused accumulated annual leave at the employee's regular rate of pay upon separation from employment.
- F. Annual leave is earned from the first day of employment but may only be used as it accrues

(accrual begins at the end of the first full month of employment) and may not be used until the employee has been employed continuously for a period of six (6) months. Vacation accruals operate on an anniversary year basis.

- G. Every effort should be made by employees to utilize their vacation time.
- H. Employees will not accrue vacation time while they are on a leave of absence that is not being paid by the County. In other words, if an employee is receiving pay through already accrued vacation or sick time, vacation time will continue to accrue, but accruals will stop for any unpaid period of the leave, including periods during which the employee is receiving income from sources other than the County (such as worker's compensation or disability benefits).

8-3 HOLIDAYS.

The following are authorized official holidays:

New Year's Day	President's Day	Memorial Day	Independence Day
Labor Day	Columbus Day	Veteran's Day	Thanksgiving Day
Day After Thanksgiving Day		Christmas	

- A. \*In addition to the authorized official holidays, each employee shall accrue one floating holiday per calendar year in lieu of MLK/Civil Rights Day. The MLK/Civil Rights Day floating holiday shall accrue on January 1 of each year for use on MLK/Civil Rights Day or for use at any other time during the calendar year. The day must be requested as whole day and only those employed on January 1<sup>st</sup> of the current year are eligible.
- B. For all full time employees who work Monday through Friday, holidays that fall on Saturday will be observed on Friday and holidays that fall on Sunday will be observed on Monday. Those staff who work other than a Monday through Friday schedule, the calendar holiday will be observed as the holiday.
- C. Eligible employees will be paid for holiday time off. Holiday pay will be calculated at the employee's base straight-time pay rate as of that holiday multiplied by the number of hours employee would normally have been scheduled to work that day.
- D. In order to be eligible for the paid holiday, an employee must work both the last scheduled workday immediately before the holiday and the first scheduled day immediately after the holiday. If an employee is on a paid absence during the holiday, such as vacation or sick leave, employee will receive holiday pay instead of the paid time off pay employee would have received.
- E. If an eligible nonexempt employee is required to work on a recognized holiday, he/she will receive holiday pay, plus wages at his/her straight-time rate for the hours worked on the holiday. The County does not count holiday paid time off as hours worked when calculating overtime.

8-4 SICK LEAVE.

Employees who are regularly scheduled to work forty hours (40) per work week are eligible

to receive sick leave in accordance with the provision of this policy. Employees who are regularly scheduled for at least twenty hours (20) weekly but less than forty (40) hours will be eligible for pro-rated sick leave.

- A. Employees shall be entitled to sick leave with pay on the basis of the formula given below and computed at the end of each completed month of service:

Accrued Per Month	Days Per Year	Max Acc. Days
1 1/4 Days	15	110

- B. Sick leave will be paid at the employee's regular rate of pay.
- C. Sick leave may be utilized for absences due to an employee's illness, injury, exposure to contagious disease, quarantine, doctors and dentists appointments, unless such sick leave pay is requested in connection with an approved FMLA leave of absence to care for a family member with a serious health condition, in which case the employee will be permitted to use accrued but unused sick leave to care for a family member with a serious health condition.
- D. Sick leave is earned from the first day of employment and may be used as earned. The accrual begins at the end of the first full month of employment. Sick time shall not be considered time worked for purposes of overtime pay unless notice is given five (5) days prior to said illness.
- E. The County may require an employee who takes more than three (3) consecutive days of sick leave to provide the County with a doctor's certificate certifying said illness and certifying that said employee is well enough to return to work. The employee shall not be paid for said days if the employee fails to comply with said request. The County reserves the right to request a doctor's certificate for any absence.
- F. Any employee employed on January 1st of the current year, using four (4) or less days of sick leave in a calendar year shall receive a bonus equal to three (3) day's pay at the employee's base rate of pay as of the end of the subject calendar.
- G. Sick leave accruals are not paid out upon separation of employment. However, employees who retire pursuant to RSA 100-A shall be paid at their regular rate of pay for thirty percent (30%) of their accumulated sick leave to a maximum of thirty (30) days of paid sick leave.

8-5 BEREAVEMENT LEAVE.

An employee shall be allowed leave at full pay not to exceed three (3) days between the date of death and the date of funeral or memorial service, inclusive, for a death in the immediate family. For purpose of administering this section, immediate family shall be limited to spouse/civil union partner, father, mother, father-in-law, mother-in-law, father of civil union partner; mother of civil union partner, son, daughter, brother, sister, grandmother, grandfather, and other relatives living within the household.

**An employee may be granted one (1) day of bereavement leave to attend the funeral of an Aunt, Uncle, Niece or Nephew.**

#### 8-6 JURY/WITNESS DUTY.

Employees called upon to perform jury duty must inform their Supervisor and the Director of Human Resources, by showing proof of the summons, immediately upon receipt of notice to report for duty, so that the Supervisor may make arrangements to accommodate the employee's absence. Employees who are called for jury duty and required to serve will be granted time off as necessitated by the schedule of the court. Employees shall be paid the difference between the amount received for jury service and the amount normally received for their scheduled work day, up to a maximum of ten (10) days. Any remaining jury service will be unpaid, unless payment would otherwise be required by federal or state law. When an employee is not scheduled for jury duty or is released early during the day, it is expected that the employee will report to work.

Employees subpoenaed to appear as a witness before a court, public body or commission on behalf of the County or when appearing as a witness for the county shall be authorized and required to honor their subpoena as necessitated by the schedule of the court, public body or commission. It shall be considered time worked when an employee is subpoenaed to appear before a court, public body, or commission on behalf of the County or when appearing as a witness for the County. The County shall pay the employee's regular base wage and the employee shall turn over any compensation paid to the employee by said court, public body, or commission less any mileage. If an employee is appearing as a witness on behalf of a party other than the County, then the employee shall be granted unpaid leave to fulfill the obligations of the subpoena. When an employee's subpoena is revised or cancelled, so as to result in the employee not being required to appear for a full day, it is expected that the employee will report to work in accordance with his/her regular work schedule.

#### 8-7 MILITARY LEAVE.

If an employee enlists or is drafted into service with the armed forces of the United States, he/she will be granted a military leave of absence for service or training according to the terms of current federal and state law. An employee's status, benefits, and rights to re-employment will also be set according to the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA") and any other applicable federal or state laws. If you return to work within the set time limit, you will retain your service status. Reasonable efforts will be made to return you to the job you held when your military leave began or to a job of similar status and pay.

- A. If you are on military leave you will be paid the difference between the amount you receive from the military and your current rate of pay for up to two (2) weeks per year. An employee must provide his/her Department Head and the Human Resources Director with a copy of military orders before leave begins and documentation of military pay. Any additional military leave will be unpaid, unless payment is otherwise required by federal or state law. You may use accrued personal time during military leaves of absence, but are not required to do so.
- B. You must give your supervisor advance notice of upcoming military service promptly after the receipt of orders, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable. When possible, it is requested that notice be provided 30 days in advance.

- C. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to terms, conditions, and limitations of the applicable plans for which you are otherwise eligible.
- D. If you are on military leave for up to 30 days, your health insurance will be continued and you must pay your regular contribution for the cost of health insurance. You must return to work on the first regularly scheduled work period after your service ends (allowing for reasonable travel time). If you are on military leave for more than 30 days, then your health insurance coverage will cease and you will be eligible to elect to continue your health insurance coverage at your own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged. When you return to work, you must apply for reinstatement in accordance with USERRA and applicable state laws.
- E. When you return from military leave (depending on the length of your military service in accordance with USERRA), you will be placed either in the position you would have attained if you had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, you will be treated as if you had been continuously employed. Following military leave, you should promptly notify the Director of Human Resources of your desire to be reinstated. If the leave is for service of less than 31 days, then you should return to work for the first full regularly scheduled work day following completion of service, allowing for 8 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then you should notify the Director of Human Resources of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then you should notify the Director of Human Resources of the desire for reinstatement within 90 days of completing service. The County will reinstate eligible employees promptly, which will generally be within two weeks of the employee's application for employment. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. When seeking reinstatement, you may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying. Employees cannot waive their reemployment rights in advance of being released from uniformed service.
- F. Statement Against Discrimination And Retaliation: The County will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. We also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

8-8 FAMILY & MEDICAL LEAVE ACT (FMLA)

- A. Introduction - Under the FMLA, eligible employees may take an unpaid leave of absence and be restored to work for any of the following reasons:

- (1) The birth of the employee's child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);

- (2) The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed child (leave must be taken within twelve (12) months of the adoption or placement of the child);
- (3) The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care (“covered family members”);
- (4) The employee’s own serious health condition that renders the employee unable to perform his or her job;
- (5) A “qualifying exigency” (as defined in the Department of Labor Regulations and as amended by the National Defense Authorization Act for Fiscal Year 2010);
- (6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations and as amended by the National Defense Authorization Act for Fiscal Year 2010) who has a serious injury or illness and the employee is needed to care for such person.

B. Eligibility Requirements: To be eligible for FMLA leave, an employee must satisfy both of the following conditions:

The employee must have worked for the County for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request; and

At the time leave is requested, the employee must either: (a) work at a site where the County employs fifty (50) or more employees or (b) work at a worksite where the County employs less than fifty (50) employees if fifty (50) or more employees are employed within a seventy-five (75) mile radius of the worksite.

- C. Amount of Leave Available. If an employee takes leave for a reason stated in paragraphs (1) - (5) above, the employee may take up to 12 weeks of leave in a rolling 12-month period. The amount of leave available is determined by looking at the amount used during the 12 months preceding the date leave would begin; the total amount of leave available in this 12-month period may not exceed 12 weeks. If an employee takes FMLA leave for a reason stated in paragraph (6) above, the employee will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.) . The “single 12-month period” for leave to care for a covered service member begins the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave.
- D. Intermittent and Reduced Schedule Leave: Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an

employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the County approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried employee, the County will adjust the employee’s salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the County may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the County’s operations.

E. Notification and Request for FMLA Leave by Employee

1. **Foreseeable Events.** The employee must notify Human Resources at least 30 days in advance of foreseeable leaves, such as leaves for planned medical treatment or for the employee’s child’s birth or adoption.
2. **Unforeseeable Events.** For unforeseeable events, such as an injury resulting in a serious health condition, premature birth or a sudden change in the employee’s health, he/she must notify Human Resources of his/her need for leave as soon as it is possible and practical to do so. In most cases, the employee must notify Human Resources of an unforeseen leave within one day of when he/she finds out when leave is needed.
3. **Failure to Give Notice.** Failure to give notice as required may result in the delay or denial of leave. In the case of foreseeable leaves, the County may delay the leave for up to 30 days from the date the employee notified it of the need to take leave.
4. **FMLA Forms:** In all cases, employees must complete the appropriate FMLA leave request forms. These forms are available from the Human Resources Department

F. Notification by Belknap County. The County will notify an employee when it designates absences as FMLA LEAVE. For a FMLA- qualifying event, the County will designate leave even if not requested by the employee.

G. Pay and Benefits. Family and Medical Leave is generally unpaid. However, the employee must use accrued sick time during this leave and, once sick time is exhausted, accrued vacation time must be used for those out on leave due to personal illness. For other reasons (family, etc), vacation time will be exhausted first and then sick leave. Thereafter, leave would be unpaid. Regardless of whether the employee receives pay during the leave, the full amount of leave will be counted toward the 12-week maximum leave available in a 12-month period.

While an employee is on approved leave, the County will contribute to the employee's health insurance premium payments in accordance with the established level of contribution. While on paid FM Leave, the employee will not lose any seniority or benefits because of the leave.

The employee will not accrue any benefits during unpaid FMLA LEAVE.

H. Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Human Resources Department for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the County will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The County reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the County, at its expense, may require an examination by a second health care provider designated by the County. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third health care provider agreed upon by the employee and the County to conduct an examination and provide a final and binding opinion.

The County may also require subsequent medical recertification. Failure to provide requested recertification within fifteen (15) days may result in delay of further leave.

I. Certifications for a Qualifying Exigency: Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

J. Confirmation of Familial Relationship: Employees requesting a leave of absence based on a familial relationship (e.g., leaves of absence under paragraphs (3), (5) and (6)) may be

required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

- K. Reporting While On Leave: If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the office of Human Resources on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.
- L. No Work While On Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.
- M. Returning To Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the County. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from Human Resources. The County reserves the right to clarify and authenticate such certification.

- N. Coordination With Maternity Leave: As stated in our Maternity leave policy, the County provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and Maternity Leave will run concurrently. Please refer to the County's Maternity Leave policy for more information regarding Maternity Leave.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of

available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

- O. Coordination With Other County Policies; Reference To FMLA And Federal Regulations: In the event of any conflicts between this policy and other County policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The County reserves the right to apply the terms of the FMLA and the FMLA federal regulations.
- P. Failure to Comply With This FMLA Leave Policy. If an employee fails to follow the guidelines in the policy or falsifies any information related to the medical certification, his/her leave may be delayed or denied and discipline, up to and including termination, may result.

## 8.9 MATERNITY LEAVE

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. The employee may be asked to provide certification of her disability and reasonable recertification as deemed necessary by the County. The employee must promptly comply with any such requests so that the County may determine her eligibility for leave. If a requested certification is not forthcoming, the County will not be able to determine eligibility for leave, and the leave may be delayed or ultimately denied.

Maternity leave is unpaid, although eligible employees may qualify to receive short-term disability benefits, according to the terms, conditions, and limitations of the benefit, if any, offered by the County at the time. Employees who are not receiving short-term disability benefits must use any accrued vacation and personal/sick time before taking unpaid leave.

Employees will not accrue vacation or sick/personal time while they are on maternity leave that is not being paid by the County. In other words, if an employee is receiving pay through already accrued vacation or sick/personal time, time will continue to accrue, but accruals will stop for any unpaid period of the leave, including periods during which the employee is receiving income from sources other than the County (such as workers' compensation or disability benefits).

While on approved maternity leave of absence, employees can continue to carry fringe benefits (i.e. medical, dental, life insurance, AD & D, short term disability, long term disability and flex spending accounts) by paying for their portion of the benefit as well as the County's portion. Employees will be required to make such payments on a monthly basis.

Employees on maternity leave are responsible for contacting Human Resources at least once every other week during the absence to provide updates regarding their status and intentions to return to work.

An employee who has notified the County of her intent to return at the end of her maternity leave will be reinstated to her original job or a comparable position unless business necessity

makes it unreasonable or impossible to do so.

If an employee fails to report to work or contact the County on the scheduled date of return from an approved maternity leave of absence, it will be assumed that the employee has voluntarily quit and her separation from employment will be processed.

#### 8.10 LEAVE OF ABSENCE FOR VICTIMS OF CRIMES:

In accordance with New Hampshire law, the County will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse/civil union partner, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the supervisor as soon as possible to allow the department to arrange for the time off. The employee must submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime to document the need for leave and the amount of time required. Failure to do so may result in denial of the leave of absence. The County will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on our business. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position and role within our organization, and our need for the employee to be at work. Leave requests that are granted will be only for the period required for court or other legal or investigative proceedings, including necessary travel time.

Employees must use any accrued paid time off, such as vacation or personal days, during leave under this policy, and then may take any remaining time as unpaid. If an absence under this policy will be protracted, an employee will be allowed to continue to participate in the County’s health insurance benefit for the remainder of the calendar month in which the leave commences. After that time, the employee may continue medical insurance coverage by making arrangements with the Finance Department to pay the entire amount of the appropriate monthly premium in advance each month.

Employees must report to work during their normal work hours at those times when their presence is not needed in court or for other legal or investigative proceedings. Employees

will not be required to work odd hours or an extended work week, but must work during regular hours when excused from court or other proceedings.

The County will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

#### 8-11 LEAVE OF ABSENCE

- A. Administrative Leave With Pay. Leave of absence may be granted by the County Administrator when an employee is the subject of an internal investigation or for other justifiable reasons.
- B. Without Pay. Leave without pay may be granted by the County Commissioners when requested by an employee and recommended by the department head, Human Resources Director and County Administrator. Such leave may be granted where, due to extended illness, accumulated sick leave and annual leave have been used or for the extension of vacation time where circumstances will permit. The County Commissioners may also grant leave without pay for such purposes and under such conditions as he/she deems to be in best interest of the County. No annual leave or sick leave may be accumulated during a leave of absence without pay.

Such leave shall normally be capped at sixty (60) days, however the County may grant an extension in the event of extreme conditions when doing so is in the County's best interests. Any employee requesting a leave of any length may be asked to submit documentation of the reason for the leave. The type of documentation required will vary depending on the circumstances compelling the leave request. The decision of the County and any conditions that may be imposed in approving such a request shall be final and not subject to any appeal proceedings. If a personal leave of absence is granted, the leave will be unpaid unless the employee is eligible for workers' compensation benefits.

Employees are not entitled to holiday pay while on an unpaid leave of absence.

Generally, only one (1) personal leave of absence will be granted in any three (3) year period.

An employee on personal leave of absence will be allowed to continue to participate in the County's health insurance benefit for thirty (30) consecutive days of leave. If the employee is requesting a personal leave to immediately follow another form of leave, the health insurance continuation will not extend beyond a total of thirty (30) consecutive days of leave, which may have already been exhausted by the time out of work preceding the personal leave. After 30 consecutive days of leave, the employee may continue medical insurance coverage by making arrangements with Human Resources to pay the entire amount of the appropriate monthly premium in advance each month.

Employees on a leave of absence may not work for any other employer during their leave, including their own business.

If an employee is granted an unpaid leave of absence, the employee must communicate with his or her supervisor each week while on leave to keep the County informed of his or her

status and intent to return to work. In addition, the employee must notify the County at least two weeks prior to the end of the leave of his or her availability to return to work.

Regardless of the length of an unpaid leave of absence, the employee must be available to return to regular employment on or before the expiration date of the leave. If the personal leave was for the employee's own medical reasons, the County may require an employee returning from leave to submit a doctor's certificate stating that the employee is medically able to return to work and/or submit to a fitness for duty examination.

Employees who have exhausted all forms of leave and are unable to return to work shall be considered to have voluntarily resigned their position.

The County will try to reinstate employees returning from personal leaves of absence to the same or similar position. However, the County cannot guarantee reinstatement from a personal leave of absence for more than thirty (30) days. If the County is not able to reinstate an employee from personal leave, the employee will be separated from employment and will remain eligible to apply for employment with the County in the future.

## **CHAPTER 9 BENEFITS**

### **9-1 BENEFITS OVERVIEW.**

Regular Full Time Employees who are regularly scheduled to work forty (40) hours per work week are eligible to receive holiday, vacation, and sick leave benefits in accordance with the provision of this policy. Regular Employees may also participate in health and dental insurance.

- A. Regular part time employees who are regularly scheduled for at least twenty hours (20) weekly but less than forty (40) hours will be entitled to pro-rated holidays, vacation, and sick leave benefits.
- B. Employees who are regularly scheduled for less than twenty (20) hours per week are not eligible for any benefits.
- C. Benefits for employees covered by a union group are set out in the respective collective bargaining agreement. Benefit information for eligible employees not covered by a collective bargaining agreement is outlined below:

### **9-2 HEALTH AND DENTAL INSURANCE**

- A. Health - Regular Employees will be eligible to participate in the County's Health program commencing the first day of the month following date of hire
- B. Dental – Regular Employees are eligible to participate in dental insurance effective the first of the month following date of hire.
- C. Those employees who choose not to participate in the health insurance benefit shall receive an annual benefit opt out payment in an amount determined during open enrollment of each

year.

1. Opt out amounts are available from the Director of Human Resources by the first of May each year.
2. The employee shall be required to submit proof of and certify coverage under an employer-sponsored health insurance plan and must notify the Human Resources Department if the alternate coverage is lost during the plan year. This payment shall be made to the employee prorated on a weekly basis. Those employees hired within the current year shall receive a prorated opt out incentive benefit. This payment is considered earnings and will be subject to appropriate treatment under tax laws.

D. Such benefits shall be as described within summary plan documents and are subject to annual revision as determined by the County Commissioners.

#### 9-3 NH RETIREMENT

Regular full time employees are required to enroll in the NH Retirement System. See the Human Resources Department for more information.

#### 9-4 PERSONAL PROTECTIVE EQUIPMENT.

The County shall supply personal protective equipment (PPE) in compliance with the nature of the employee's position and the applicable requirements of federal and state law. PPE will be considered separate from an employee's clothing allowance.

#### 9-5 TRAVEL& TRAINING.

- A. Employees who use their own private vehicle for business purposes at the request of the employee's supervisor shall be reimbursed at the mileage rate approved by the Commissioners for all miles driven. Employees may be required to provide proof of insurance and must possess a valid driver's license.
- B. Continuing education and training expenses within the employee's job classification mandated by state or federal law shall be paid by the County. Additional training deemed reasonable and necessary by the County may also be paid by the County. The following costs shall be considered for reimbursement by the County: tuition, registration fees, books, materials, travel, lodging, and meal expenses. Employees must obtain approval for reimbursement in advance of incurring expense; otherwise, the reimbursement may be denied and the employee will be responsible for payment of any related costs and fees.

## **CHAPTER 10 RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES**

#### 10-1 POLICY.

To assure a high quality of service to the public, appointments to regular positions will be made on a merit basis from among the most competent individuals available. Recruitment efforts and publicity will generally be directed to appropriate sources of applicants in whatever geographic area is necessary to assure reaching the most qualified people.

## 10-2 RECRUITMENT PROCEDURES

- A. Defining the Job. When a vacancy occurs, the department head or his/her designee will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description accurately reflects the position. If the job description is to be changed, the recommended changes will be reported to the Director of Human Resources, who will determine, on the basis of the minimum qualification requirements for the position, the appropriate class for the newly described position and report the same to the County Administrator and the Board of Commissioners.
- B. Advertising the Vacancy. The Director of Human Resources will generally be responsible for publicizing the vacancy to the public as follows:
  - 1. The Director of Human Resources in conjunction with the department head will strive to publicize the vacancy by means best calculated to inform as many qualified people as possible;
  - 2. The publication of the vacancy will generally include the position title; duties; responsibilities; special and minimum qualifications; the time, place and manner of making application; the County's equal employment opportunity;
  - 3. The following methods of publicizing may be used as indicated by the position being considered: posting on public bulletin boards, advertising in newspapers and other appropriate publications, listing with the State Employment Service, approaching community and other organizations that may have special interest in the position;
  - 4. To allow sufficient time for interested persons to apply recruitment and posting will be conducted for a minimum of five calendar days.
- C. Filling Vacancies. Vacancies may be filled by original appointment, emergency appointment, temporary appointment, promotion, demotion, or transfer.

## 10-3 APPLICATION FOR EMPLOYMENT.

All applicants for employment must file an application at the office of the Director of Human Resources or the appropriate location specified prior to the time and date specified in the published announcement of the position.

## 10-4 FALSE STATEMENTS.

Deliberately false or misleading statements in the application or in any employment interview for the purpose of attempting to secure County employment will be grounds for rejecting an applicant or discharging an employee who has been appointed to a position on the basis of such false, misleading or deceptive information.

## 10-5 MEDICAL SCREENING.

After a conditional job offer has been made and prior to the applicant starting, the department head or his designee will contact the Occupational Health provider to set up an appointment for a medical screening, including drug testing if applicable.

## 10-6 SELECTION PROCEDURES.

The Human Resources Director in conjunction with the department head shall determine which examining procedures will be employed to evaluate the qualifications of applicants for positions.

- A. Such procedures will relate to the duties and responsibilities of the various positions and may include but are not limited to the following: examination of each applicant's education, training, work experience, work and character references. Use of appropriate tests of each applicant's ability to perform the tasks for which he or she is being considered and making comparative evaluations among applicants applying for the same position may also be included.
- B. Based upon final review, the department head or designee will consider the applicant(s), will interview and, thereafter, either make an appointment (Elected Official with statutory authority to hire or fire only); or make a recommendation to the County Administrator or County Commissioners as required.
- C. Each applicant interviewed will be notified of the final appointment decision in writing.
- D. The Director of Human Resources shall be responsible for maintaining a record of the selection process employed each time an appointment to a position is made.

10-7 APPLICATION BY EMPLOYEES.

Full-time and part-time employees are eligible to apply for any vacancy announced for which they are qualified by following the procedures outlined in this policy. The employee shall be given preference for a posted opening unless an outside candidate is determined to be the most capable or qualified candidate at the sole discretion of the department head. No department head or supervisor shall deny any subordinate employee permission to apply for a vacancy or in any way discourage, punish or intimidate any employee who wishes to apply for a vacancy.

**CHAPTER 11  
PROBATIONARY PERIOD**

11-1 OBJECTIVE.

The probationary period is an integral part of the selection procedure allowing the department head or supervisor to observe and evaluate an employee's on-the-job work performance for the purpose of determining fitness and suitability for appointment to the position. Failure to successfully complete the probationary period shall result in termination.

11-2 DURATION OF PROBATIONARY PERIOD.

A probationary period shall begin immediately upon appointment to a new position not previously held by the appointee and shall continue for six months for regular employees not employed in Corrections or by the Sheriff and for one year for Correction and Sheriff's department employees.

- A. The probationary period may be extended for a period not to exceed six months by the department head if noted that, while the employee's performance is not entirely satisfactory, there are reasonable prospects that it may become satisfactory during an extension of the probationary period.
- B. Notice of extension of a probationary period will be given to the employee in writing, and the department head or his/her designee shall discuss with the employee the reason for the extension and what is expected of the employee to successfully complete the

probationary period. Employees who have their probationary period extended will have the annual review extended by the additional amount of time of the extended probationary. This change affects only the employee's annual review date for the purpose of evaluation of performance, not the employee's employment date.

C. Completion of the probationary period does not guarantee a job.

#### 11-3 EXPIRATION OF PROBATIONARY PERIOD.

Prior to completion of an employee's probationary period, supervisors will notify the appropriate department head in writing that:

- A. The probationary employee's performance is satisfactory and that such employee should receive an appointment to the position; or
- B. The probationary employee's performance or conduct is unsatisfactory, that removal prior to the end of the probationary period is recommended and the specific reasons for the removal; or
- C. An extension of the probationary period is desired for reasons provided above and the specific reasons for the extension.

#### 11-4 REMOVAL OF EMPLOYEE IN A PROBATIONARY PERIOD.

Unless the provisions of RSA 28:10-A apply, an employee in a probationary period is an "at-will" employee and may be terminated at any point for any reason with or without cause. Some of the more common reasons an employee may be terminated during the probationary period include, but are limited to:

- A. The employee is unwilling or unable to perform required duties
- B. The employee demonstrates unsatisfactory work habits or conduct on the job
- C. The employee submitted false information to the County to secure the appointment
- D. For any reason deemed in the best interest of the County

#### 11-5 RECORDS.

A record of all correspondence relating to an employee's satisfactory or unsatisfactory completion of the probationary period shall be filed in the employee's personnel file.

#### 11-6 STATUE OF EMPLOYMENT:

An employee's job remains "at-will" unless and until the provisions of RSA 28:10 apply. Merely switching from probationary status to regular status does not alter an employee's "at-will" status.

## **CHAPTER 12 PROMOTION, DEMOTION AND SEPARATION**

#### 12-1 PROMOTION POLICY.

Employees are encouraged to develop new skills, expand their knowledge of their work, take more initiatives on the job, and demonstrate their qualifications for promotion to

positions of greater responsibility. It is the policy of Belknap County to promote from within the County when all other qualifications are deemed at least equal at the sole discretion of the appointing department head.

12-2 POSTING.

The Director of Human Resources shall post any job vacancy resulting from a promotion in all departments of County government and for the general public for a period of not less than 5 calendar days following the same procedure as in the Recruitment Procedures. Employees are encouraged to apply for a position for which they are qualified that is a promotion.

12-3 DEMOTION.

An employee may be demoted to a vacant position in a lower class, providing such employee is qualified, for any of the following reasons:

- A. The employee would otherwise be laid off because his or her position is being abolished
- B. The employee's position is reclassified to a lower class
- C. The employee voluntarily requests a job in a lower class
- D. The employee's performance of his or her duties is unsatisfactory
- E. For other reasons determined in the best interest of the County

12-4 LATERAL TRANSFER.

A Position may be filled by a Lateral Transfer of an Employee from another Position of the same or similar class having the same maximum pay rate, involving similar duties and requiring essentially the same basic qualifications. Such a transfer shall not involve a reduction in the Employees scheduled hours. Interdepartmental lateral transfers require approval by each department's department head and written notification to Human Resources. Lateral Transfers, without an interruption in service, shall not cause loss of any benefits.

12-5 SEPARATION OF EMPLOYMENT.

The purpose of this policy is to set forth the County's procedures for the separation of the employment relationship. This policy is designed to specify the rights and responsibilities of all County employees at the conclusion of their employment with the County.

- A. Retirement. An employee retires when he/she leaves County service after qualifying as a retiree under the New Hampshire Retirement System.
- B. Resignation. An employee in good standing may resign by submitting his/her resignation in writing to the department head or the supervisor setting out the reasons at least two work weeks prior to the effective date. Two weeks' notice must be given exclusive of time off or any other leave time, unless otherwise approved by the department head. Failure to provide two weeks' notice as required by this policy will result in forfeiture of any accrued but unused annual. See Section 8-2, Annual Leave for additional information.

- C. Layoff. A layoff will result when the County must reduce the number of employees due to reorganization, lack of work or lack of funding to do the work. The County does not recognize or endorse the practice of "bumping." When it is determined by the County Administrator, department head or the Board of Commissioners that layoff is necessary, the order of layoff is determined at the discretion of the County.
- D. Termination. The County reserves the right to terminate the employment of any employee during his/her probationary period at any time, with or without cause and with or without notice. The County may terminate an employee not subject to the provisions of RSA 28:10-a (for example, employees with less than one year of service) at any time, with or without cause and with or without notice.
- E. Employees covered by a collective bargaining agreement will have recourse to the grievance procedures of that agreement. Employees not covered by a CBA should use the Employee Grievance Procedure established.
- F. A terminated employee will be paid through the date of dismissal only unless otherwise required by law. The County will pay an employee's wages in accordance with all applicable federal and state laws, and regulations.
- G. Return of Property. Belknap County may issue you property, materials, or written information to help an employee do his/her job. Employees are responsible for protecting and controlling any issued property. If an employee stops working at the County, he/she must return all County-issued property immediately.

## **CHAPTER 13 PERFORMANCE EVALUATION**

### 13-1 POLICY.

Each employee will generally be evaluated annually. During the probationary period, employees should be evaluated after ninety (90) days and again at six (6) months. Evaluations are intended to assist the employee to improve his/her performance. If a substandard evaluation is received, the supervisor will re-evaluate the individual as needed to document if progress is being made. An employee who does not appear to be meeting accepted standards will be evaluated as frequently as the supervisor deems necessary. A review may also be conducted in the event of a promotion or change in duties and responsibilities.

### 13-2 During a formal performance review, supervisors cover areas that may include but are not limited to:

1. The quality and quantity of work performed;
2. Strengths and areas for improvement;
3. Attitude, behavior, and willingness to work;
4. Initiative and teamwork, including communication skills;
5. Attendance;

- 6. Problem solving skills; and
  - 7. Ongoing professional growth and development.
- 13-3 The performance review process is designed to link individual performance to departmental and organizational success. The process needs to begin with a clear understanding between supervisors and employees regarding duties and responsibilities.
  - 13-4 Reviews provide an opportunity for collaborative, two-way communication between the employee and the supervisor. Employees should be prepared to discuss their interests and future goals. The performance review gives the supervisor an opportunity to suggest ways for the employee to advance and make the job at Belknap County more fulfilling.
  - 13-5 Supervisor should answer any questions the employee may have about the performance review process. In addition to individual job performance reviews, Belknap County periodically conducts a review of job descriptions to insure that the County is fully aware of any changes in the duties and responsibilities of each position and those changes are recognized and adequately compensated. An employee should inform his/her supervisor if he/she considers the job description inaccurate. Supervisors should bring all concerns to the Human Resources Department.
  - 13-6 Wages are determined annually through the budget process and approved by the Commissioner's office. See Human Resources for a copy of the current wage scale.
  - 13-7 Step increase will generally occur on anniversary dates upon attaining an overall performance evaluation of satisfactory or better.
  - 13-8 The Human Resources Department will review all employee evaluations prior to filing in the employee's personnel file. An employee has the right to include a written statement attached to his/her performance evaluation providing further relevant information he/she believes to be pertinent to his/her evaluation which will be included in his/her personnel file.

**CHAPTER 14**  
**RULES OF CONDUCT & DISCIPLINARY ACTION**

- 14-1 **EMPLOYEE CONDUCT & WORK RULES.**  
As public servants for Belknap County, the County expects employees to follow certain work rules and professional conduct in ways that protect the interests and safety of all employees as well as the County. Unacceptable work conduct may be subject to disciplinary action, up to and including termination of employment. Unacceptable conduct includes, but is not limited to, the following list of examples:
  - A. Theft or inappropriate removal or possession of property
  - B. Falsification of timekeeping records
  - C. Working under the influence of alcohol, illegal drugs, or abuse of prescription and/or over-the-counter medications
  - D. Possession, distribution, sale, transfer, or use of alcohol, illegal drugs or the unlawful

- distribution, sale, or transfer of prescribed medications in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- E. Fighting or threatening violence in the workplace; engaging in disorderly conduct which disrupts the work environment of others
- F. Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- G. Insubordination or other disrespectful conduct
- H. Violation of safety or health rules
- I. Violation of county or departmental rules
- J. Smoking in prohibited areas
- K. Unlawful or unwelcome harassment
- L. Unauthorized possession of dangerous materials, such as explosives or firearms, in the workplace
- M. Unauthorized absence from work station during the workday
- N. Unauthorized use of telephones, computer, mail system, or other employer-owned equipment
- O. Unauthorized disclosure of confidential information such as patient records, medical information covered by HIPAA, and information that could be used for identity theft.
- P. Poor work performance
- Q. Dishonesty, misrepresentation, unauthorized use of County property and/or confidential information
- R. Willful waste of County materials or supplies
- S. Any criminal activity

Subject to RSA 28:10-a, employees should note that for purposes of final pay and other considerations employers terminated for violating our Employee Code and Work Rules Policy will be considered to have been terminated for cause.

#### 14-2 BILLING PRACTICES/FALSE CLAIMS ACT

Belknap County's policy with respect to billing is that all employees with responsibility for submitting claims must submit claims that are accurate, supported by proper documentation, and comply with all applicable state and federal laws.

The federal False Claims Act (FCA) and New Hampshire RSA 167:61-b provide that any person who knowingly submits false, fraudulent, or misleading claims to any governmental or third party payor or to any client payor is liable to the federal and state government and subject to civil penalties. A person who acts in reckless disregard or in deliberate ignorance of the truth or falsity of the information also can be found liable under the FCA. In short, the FCA imposes liability on any person who submits a claim to the federal government that he or she knows (or should know) is false. In addition to the FCA, the Program Fraud Civil

Remedies Act of 1986 authorizes federal agencies to investigate and assess penalties for the submission of false claims. The conduct prohibited by this Act is similar to that prohibited by the False Claims Act. Examples of false claims include, but are not limited to, claims for services not rendered, claims which characterize the service differently than the service actually rendered, claims that do not otherwise comply with applicable program or contractual requirements, and making false representations to any person or entity in order to obtain payment for any service.

The FCA also allows private citizens to bring suit on behalf of the federal government to recover federal funds used to pay false or fraudulent claims. These private parties are known as “qui tam realtors.” The FCA provides protection to qui tam realtors who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of any action under the FCA. Similar protections are also available under the New Hampshire Whistleblowers’ Protection Act.

Any employee who violates the County’s standards with regard to billing practices, any related County policies, and/or any federal or state laws or regulations will be subject to disciplinary action, up to and including termination of employment.

#### 14-3 DRUG-FREE WORKPLACE.

The County intends to provide employees with a working environment that is free of the problems associated with the use and abuse of alcoholic beverages or controlled and/or illegal drugs. The abuse of alcoholic beverages or controlled substances is inconsistent with the behavior expected of employees and subjects the County to unacceptable risks of workplace accidents or other failures that would undermine the County’s ability to operate effectively and efficiently.

##### A. Conditions

1. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled drugs on the County’s property or other work site where employees may be assigned or elsewhere during work hours is strictly prohibited. Further prohibited is the unlawful use, sale, possession, distribution, manufacture, or transfer of controlled drugs on non-working time to the extent such unlawful use, sale, possession, distribution, manufacture, or transfer adversely impacts the reputation of the County in the eyes of the general public or threatens the County’s integrity.
2. Any employee determined to have violated this policy shall be subject disciplinary action, up to and including termination for such an offense. Such an employee may immediately be removed from any position involving access to information, the health and safety of others or a high degree of trust or confidence until such time as the Department Head and Human Resources Director determines that the employee is capable of performing his/her job without posing a risk to others or to himself/herself.
3. An employee who is charged or convicted of a drug related offense must notify the Department Head and Human Resources Director or his/her designee immediately of such charge or conviction. Failure to do so may result in disciplinary action, up to and including immediate termination.

4. Department Heads/Supervisors must notify the Human Resources Director or his/her designee immediately upon being made aware of an employee who is engaged in the unlawful use, sale, possession, distribution, manufacture, or transfer of controlled drugs on the County's property, or other work site areas where employees may be assigned, or on non-working time to the extent such unlawful use, sale, possession, distribution, manufacture, or transfer affects the reputation of the County to the general public or threatens the County's integrity. Failure of the Department Head/Supervisor to notify the Human Resources Director may result in disciplinary action up to and including termination
5. Any employee who has been subject to disciplinary action for a violation of the within policy shall be entitled to those remedies provided in applicable County policies and/or collective bargaining agreements.
6. For the purposes of this section, alcoholic beverages shall be considered a drug and the use and abuse of alcoholic beverages shall be controlled by this section.
7. Any employee who is taking prescribed medication which may affect his/her ability to operate machinery or vehicles is required to notify his/her immediate supervisor prior to the beginning of his/her working tour of duty of the medication being taken and any restrictions or limitations that may result from taking such medications. Failure of an employee to notify his/her immediate supervisor about his/her prescribed medication which may affect his/her ability to operate machinery or vehicles may result in disciplinary action up to and including termination.
8. Employees are encouraged to voluntarily seek appropriate treatment and rehabilitation services if they currently have a substance abuse problem. Employees may utilize the Employee Assistance Program without fear of disciplinary actions to receive the treatment and services that they require.

#### 14-4 FITNESS FOR DUTY

1. General: The County is committed to providing a safe environment for its employees and customers. The County has adopted this Fitness for Duty policy in furtherance of its continuing efforts to improve the safety of the County workplace.
2. Definitions:
  - Fitness for Duty: Able to work safely, properly, and perform normal work duties without impairment.
  - Drug: Any over-the-counter medication, prescribed medication, illegal or controlled substance, or any alcoholic beverage.
  - Fitness for Duty Examination: An announced or unannounced medical examination and/or drug and/or alcohol test.
3. Responsibilities: Any employee who feels for any reason that he or she is not fit for duty should immediately disclose this to his or her Supervisor. Employees who are taking prescribed medication or other drugs that could impair their ability to safely perform their job functions should discuss this confidentially with the Supervisor or Department Head so that alternative arrangements may be made.

4. All employees must report to their Supervisors or the County Administrator any employee who may be unfit for duty. Reports will be kept confidential to the extent possible and will be made available only to those individuals with a “need-to-know,” unless otherwise required by law.
5. If a Supervisor receives a report or otherwise believes that an employee may not be fit for duty, the Supervisor should immediately contact the County Administrator.
6. The County Administrator or, in his absence, his designee will make a determination, within his discretion, whether it is appropriate to require the employee to go for a fitness for duty examination.
7. Employees who are required by the County to report for fitness for duty examinations must report for and consent to the examination as scheduled as a condition of continued employment. While the examination will not be conducted without the employee’s consent, refusal to submit to the fitness for duty examination may lead to disciplinary action up to and including immediate discharge of employment.
8. Prohibited Conduct: All employees are required to follow the County’s policies and standards of conduct. In addition, the following is a non-inclusive list of prohibited conduct that may lead to the requirement to submit to a fitness for duty examination:
  - Inability to conduct oneself in a professional manner; i.e., excessive anger, aggressive behavior, inappropriate language, or other inappropriate distractions.
  - Reporting for work or working in a condition physically or mentally unfit for duty or arriving at work under the influence of an illegal or unauthorized drug or alcohol.
  - Smelling of alcohol or drugs while reporting to work or working.
  - Failure to follow fitness-for-duty policies and procedures.
  - Excessive or unexcused absence or tardiness.
  - Carelessness or negligence; violation or neglect of safety regulations; or violation of other commonly accepted standards and policies.
  - Violation of the Drugs and Alcohol policy.
9. Confidentiality: All information regarding fitness for duty referrals and examinations must be kept as confidential, and disclosed only on a strict “need to know” basis. The results of any and all fitness for duty examinations will be treated as confidential and be made available only to those individuals with a “need-to-know,” unless otherwise required by law. The test results will be filed separately from the employee’s personnel file.

## 14-5 ELECTRONIC COMMUNICATIONS POLICY

### A. Electronic Communications

1. Electronic communication is the transmission of voice, data or other information using electronic means. Electronic communication must be protected from unauthorized access, improper use, theft, and accidental or unauthorized modification, disclosure, transfer, or destruction. Protective measures must be

implemented commensurate with the sensitivity, value, and criticality of the communications.

2. In order to assist employees and authorized contract personnel in performing their jobs, Belknap County provides certain equipment and materials including, but not limited to, electronic mail, voice mail, telephones, Internet, copy and fax machines, computer equipment such as personal computers, other hardware/software, mainframe access, networks and communications media, PDAs (Blackberries, etc.) (collectively referred to as "Information Technology" or "IT"). Such equipment, materials, services, communications systems and information transmitted using these systems are and shall remain the property of the County at all times. The County reserves the right to access, inspect, review, copy, remove, change or disclose the contents of such equipment, materials, services and communications systems as it deems appropriate. Such equipment, materials, services and communications systems are made available to employees and contract personnel for use only in connection with official Belknap County business and are at all times the property of the County.

B. No Expectation of Privacy

1. **Users of the County's IT equipment, materials, services and communications systems must not expect privacy in their use or communications through these systems. The County and its departments reserve the right, but not the obligation, to audit/inspect/monitor any or all of its equipment, materials, services, and communications systems used by employees, contractors, suppliers and agents in the performance of their work for the County. Additionally, the County reserves the right, but not the obligation, to monitor, and/or review after the fact, the use of its information assets. No user of the County's IT can assume any individual privacy while using this asset and no expectation of privacy is granted.**

C. Telephone Usage

1. The County recognizes that employees, on occasion, may need to use a personal cell phone or the County's phone system for personal reasons. Prohibiting such use would produce hardships which we would not wish to cause for our employees. However, misuse produces lost time and unnecessary costs to the County. Therefore, guidelines as issued by individual departments appropriate to the needs of the department shall be followed.
2. The County does not object to employees using its system for occasional and necessary personal calls. When properly handled this serves both the County and the employee interests.
3. Such calls should be minimal as to number and duration and shall not entail any additional cost to the County.
4. When personal long distance calls are necessary, a personal cell phone should be

used.

- D. Email and Internet Use - Email is any message created or received on an electronic mail system, including text or word processing documents, spreadsheets or other data compilations transmitted through a computer or computer system. Therefore, email stored on or utilizing County property is considered property of the organization including email transmitted from or to a non-organization computer.
1. Email and/or the Internet must not be used to access, create, transmit, receive, or store:
    - a. Anything illegal under local, state, federal or international law
    - b. Regulatory prohibited information
    - c. Any type of downloading, unless permission has been granted from the employee's department head. This includes music, pictures, data and courseware.
    - d. Harassment and threats of any nature, including but not limited to cyber harassment, cyber-bullying and cyber-stalking
    - e. Gaming including gambling
    - f. Creating or forwarding "chain letters," Ponzi, or other pyramid schemes of any type
    - g. Personal shopping, reservations, and registry sites
    - h. Online auction sites
    - i. Social networking sites
    - j. Pornographic or sexually explicit material
    - k. Material containing derogatory content based on a protected classification, including racial, gender, religious or hate-oriented comments
    - l. Offensive language, jokes, or material which is otherwise inappropriate or unlawful
    - m. Discriminatory language or remarks that would constitute harassment of any type
    - n. Access and forwarding/texting to personal web-based email systems
    - o. Any business purposes for personal or financial gain outside of this organization
- E. Additional email and Internet use restrictions may be imposed at the department level.
- F. Users must exercise extreme caution and good judgment when using the County's email or Internet/intranet communication systems. At all times, users have the responsibility to use County Internet/Intranet communication systems in a professional, ethical and lawful manner. At no time are users authorized to "surf the web" unless if it is for an explicit County purpose or initiative. Communications must not contain information that the creator would not want to see distributed bearing his or her name. This includes items containing profanity or misrepresentations of any kind.
- G. Employees and users should not expect information stored, saved, deleted or transmitted through the County's computers to be private, including but not limited to email messages. The use of a password does not ensure confidentiality of any communication.
- H. Email and Internet Monitoring. **The County reserves the right, but not the obligation, to monitor, review, inspect and access all employee Internet and email activities, whether inbound or outbound, to determine that the usage is related to the organization's purposes and complies with all policies prohibiting harassment and**

**discrimination and for any other legitimate business reason.** The transmission of discriminatory, offensive or unprofessional messages or accessing any Internet sites that are discriminatory, offensive or explicit in nature, including but not limited to pornography sites, is strictly prohibited. Employees and users of the organization's computers and Internet system are to notify their immediate supervisor should they need to access questionable sites for legitimate purposes (for example, a law enforcement or internal investigation).

- I. **Unauthorized Access:** Unauthorized access of County IT resources is prohibited. Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized county representative. Belknap County computers and information technology is for business use by County personnel. Non-employees may not use County IT resources without permission from the appropriate department head.

Use of another employee's account, user name, or password, or accessing another's files without their consent (by anyone other than authorized representatives of the IT provider and/or Human Resources Department) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.

Passwords are required for many of the applications of the County's information technology and users may be required to change passwords periodically for security purposes. All passcodes and passwords are the property of the County. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the County or that is unknown to the County. Users of Belknap County's computers, network, and other IT resources must take reasonable precautions to prevent unauthorized access to the County's IT resources. Passwords should not be divulged to unauthorized persons, and should not be written down or sent over the Internet, Intranet, e-mail, dial-up modem, or any other communication line.

- K. **Snooping.** Probing or "snooping" into the County's information technology is prohibited. Accessing the County's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from your supervisor or another County representative. Observations of probing or "snooping" should be reported to the employee's Department Head.
- L. **Sabotage.** Destruction, theft, alteration, or any other form of sabotage of the County's information technology and/or IT resources, including, but not limited to, computers, programs, networks, web-sites, files, and data is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- M. **Hacking.** Hacking, the breaking into and corrupting of information technology, is prohibited. Hacking into third party computer systems using the County's IT resources is prohibited, and may be reported to the local authorities. Vulnerability in the County's IT resources should be reported to the employee's Department Head.
- N. **Viruses:** Use of virus, worm, or Trojan horse programs is prohibited. If a virus, worm or

Trojan horse is identified, it should be immediately reported to the employee's Department Head.

- O. Confidential Information. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work.

When sending e-mail messages concerning confidential and/or proprietary information, employees are expected to exercise significant caution because of the ability of others to "crack" the system. Questions regarding what level of security is needed for particular information should be directed to the appropriate department head.

- P. Software. The County's computers, software, and other IT Resources are important assets of the County and are to be used only in full compliance with the laws and only for the purposes required by the County. Copyright laws protect a copyright owner's property rights in its software and provide substantial civil and criminal penalties for any violations. Software publishers have become increasingly aggressive in protecting their software; therefore, properly utilizing these resources is more important than ever.

The guidelines listed below are to be observed by all County employees whether or not their computers or other IT Resources are located on County property.

- No employee may install or store any software (even if the software is free or has been paid for by another party) on the hard drive of any County computer or other IT Resource without prior written clearance from the employee's Department Head.
- No employee may move or copy any software acquired for use by the County (except copies may be made as are reasonably required for backup or archival purposes).  
No employee of the County may lend the original or any copy of any software to other departments or other parties without first receiving written approval from the employee's Department Head.
- No employee may remove any software diskettes, documentation or user manuals acquired for use by the County from the company premises, to run on a personal computer or device or other non-County computer or device, without first receiving written permission from the employee's Department Head.
- No employee may bring on to County premises, or run on a County computer or other IT resource, any software acquired for use on a personal or other non-County computer without first receiving written approval from the employee's Department Head.
- No employee may access or attempt to gain access to a computer or other IT Resource or to a file or other information stored on a computer or other IT Resource which that employee is not authorized.

- Q. Discipline. Any violation of the above standards may result in corrective disciplinary action, including but not limited to termination of employment and prosecution to the fullest extent permitted by law.

#### 14-6 NEPOTISM

- A. Purpose - The purpose of this policy is to reduce the potential for conflict of interest, impairment of judgment, and favoritism among related employees and to facilitate an open, competitive hiring selection environment. Generally, employee's relatives will be eligible for employment with the County as long as no conflicts in supervision, safety, security, morale, or potential conflicts of interest exist.
- B. Applicants for employment at Belknap County shall be selected without regard to a relationship by affinity or a relationship by consanguinity which they may have with a current employee of Belknap County. However, to avoid possible conflicts of interest which may result from employment procedures, an employee who is related to another employee or applicant shall not participate in any decision to hire, retain, promote, evaluate, or determine the salary of that person.
- C. Definition - For the purposes of this Policy, a "relationship by consanguinity" is defined as one that includes, but is not limited to, a relationship an individual has with their child, parent, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, or cousin. For the purposes of this Policy, a "relationship by affinity" is defined as one that includes, but is not limited to, a relationship which an individual has with his or her spouse, party to a civil union, domestic partnership, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law; or the father, mother, brother, sister, son or daughter of a civil union partner.
- D. Procedure. Should a Belknap County employee be called upon to participate in a decision to hire, retain, promote, evaluate or determine the salary of a person related to him or her as defined above, the employee shall recuse himself/herself from such decision and shall notify his/her supervisor and the Human Resources Director or County Administrator.
- E. Employees Becoming Related After Employment. If employees become related after employment and a conflict of interest or management problems of supervision, safety, security or morale result, reasonable time may be provided to resolve the matter. If resolution is not possible, the County may require one or both of those employees to transfer to alternative positions.
- F. Employees are required to notify the County of any relationships as defined in this policy. Willful concealment of a relationship in violation of this policy shall be grounds for disciplinary action up to and including termination.

#### 14-7 POLITICAL ACTIVITIES.

The fact of County employment should not be construed to infringe in any way upon the rights of County employees guaranteed to them by the Constitutions of the United States and the State of New Hampshire. However, employees may not:

- A. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office;
- B. Use official authority or influence to coerce or attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to any political party, committee, organization, agency or person for political purposes; and
- C. At no time shall any employee act contrary to the laws of the United States and/or the

laws of New Hampshire.

- D. A violation of this section shall be grounds for the discharge of any employee guilty of such a violation.

#### 14-8 WORKPLACE VIOLENCE.

Belknap County has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect Belknap County employees or which occur on Belknap County property will not be tolerated.

- A. Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at Belknap County or to create a hostile, abusive, or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:
1. All threats or acts of violence occurring on Belknap County's premises, regardless of the relationship between Belknap County and the parties involved.
  2. All threats or acts of violence occurring off Belknap County's premises involving someone who is acting in the capacity of a representative of Belknap County.
  3. All threats or acts of violence between County employees off County's premises that reasonably result in the creation of a hostile work environment for one or more Belknap County employees in the workplace.
- B. Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:
1. Hitting or shoving an individual.
  2. Directly or indirectly threatening an employee or his/her family, friends, associates, or property with harm, including behavior or remarks that could reasonably be construed as threatening, e.g. having literature about assault weapons in the workplace.
  3. Intentional destruction or threatening to destruct the County's property.
  4. Making harassing or threatening phone calls from or to any County facilities or to a Belknap County employee.
  5. Harassing surveillance or stalking (following or watching) a County employee or family member.
  6. Unauthorized possession or inappropriate use of firearms or weapons.
- C. Belknap County's prohibition against threats and acts of violence applies to all persons involved in the County's operation, including but not limited to personnel, contract, temporary workers, and anyone else on Belknap County property. Violations of this policy by any individual on Belknap County property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.
- D. Every employee is required to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to the employee's supervisor, department head or the Human Resources Director immediately. If the risk of danger is

imminent, the police should be contacted directly, and then the employee's supervisor or the Human Resources Director should be contacted as quickly as practicable.

- E. Retaliation will not be tolerated. Belknap County requires employees to report violations of this policy and will not tolerate any form of retaliation against an employee who makes a report or participates in an investigation of a report under this policy. All incidents of retaliation must be immediately reported using the Reporting Procedure.

#### 14-9 TOBACCO USE & SMOKING POLICY

- F. **PURPOSE:** To establish a policy for controlling smoking and other tobacco products within and immediately adjacent to County facilities and County vehicles.
- G. **POLICY:** No person shall smoke in any County facility or County vehicle. This policy covers the smoking and chewing of any tobacco product and applies to employees, customers, and visitors.
- H. **IMPLEMENTATION AND COMPLIANCE:** The person in charge of County facilities or the individual facility's use, whether leased or owned, shall be responsible for the implementation and enforcement of this policy. Department heads shall be responsible for the enforcement of this policy within County facilities and County vehicles under the control of their department. This responsibility shall extend to:
  - 1. Insuring that County-supplied signs are displayed indicating that the facility is a no-smoking facility.
  - 2. Insuring that individuals refrain from smoking within the facility, around the immediate entrance of each facility, or in the immediate vicinity of windows, air handling system intakes, or other similar opening.. Each Department has developed its own policy identifying any designated smoking-permitted areas outside of County facilities. None of these "designated smoking" areas shall be in located within 25 feet from any doors or structural openings, such as windows.
  - 3. Insuring that access to, and egress from, facilities are not hindered by persons smoking such that: "Exits and the way of approach and travel from exits shall be maintained so that they are unobstructed and are accessible at all times."
  - 4. Insuring that individuals do not smoke in County vehicles.
  - 5. The review of complaints.
- I. **INSURING COMPLIANCE:** The person(s) in charge of facilities, facility use, or the designated meeting host shall:
  - 1. Orient all appropriate staff and others who use the facility as to the smoking requirements of the facility.
  - 2. Instruct appropriate personnel to assist in insuring compliance.
- J. **NON-COMPLIANCE:** Any person who feels that either this policy or the RSA 155:64-

77 is not being complied with may register a written complaint with the appropriate department head. Such complaint shall pertain to a currently perceived and existing violation. If the complaint is from a County employee, the department head response and any appeal to that response shall be in accordance with the County's grievance procedure or the appropriate bargaining contract, as applicable.

#### K. DEFINITIONS:

1. "Smoking" means having in one's possession a lighted cigarette, cigar, pipe, or any device designed to produce the effect of smoking; and or, having in one's mouth "chewing tobacco" or any substance designed to produce the effect of chewing tobacco.
2. "County Facility" means any enclosed places or portions of such places owned or controlled by the County or supported by tax revenues including, but not limited to, public conveyances (County vehicles), offices and other work areas, waiting areas, elevators, hallways, restrooms, auditoriums, arenas, polling places, and rooms in which a public meeting, hearing, or other official proceeding open to the public is in progress.
3. "Public Conveyance" means any air, land, or water vehicle of public access, which has enclosed sections, used for the transportation of persons in the state of New Hampshire, whether or not for compensation, including, but not limited to, airplanes, trains, buses, boats, vans, or taxis. This definition shall not include privately owned vehicles when used for private purposes, but shall include all vehicles owned by the County.
4. "Person in Charge" means the person responsible for the operation of the building and the person responsible for the agency or organization occupying the building, or that person designated to act in the absence of the person in charge. Within County facilities, this shall include department heads and the Director of Maintenance.

#### 14-10 DISCIPLINE.

This policy describes the procedure for administering discipline.

A. Overview: The effective operation of the County requires that all employees perform their assigned tasks to the satisfaction of the County, comply with the County's Rules of Conduct, policies and procedures, and generally accepted standards of conduct, and maintain a satisfactory record of attendance and punctuality. Employees who fail to satisfy these requirements will be subject to disciplinary action, which will normally be handled in the following manner: (a) verbal warning, (b) written warning, (c) suspension, (d) discharge, or (e) other appropriate remedial measure; provided however, that the appropriate level of disciplinary action is determined by all the facts of the situation, including the severity of the conduct and the employee's work history, at the County's sole discretion and subject to RSA 28:10-a (see Appendix A, RSA 28:10-a). The levels need not be followed in order, as some conduct merits higher levels of discipline up to and including termination. At other times, conduct will merit progressively greater discipline up to and including termination.

All disciplinary action taken shall become a part of the employee's personnel file. All disciplinary action is subject to the grievance procedure as indicated herein, except for actions for employees during their probationary period or employees whose discipline is subject to RSA 28:10-a.

Copies of all disciplinary documentation shall be forwarded to the Director of Human Resources for inclusion in the employee's personnel file.

B. Employees and/or Disciplinary Action Not Subject to RSA:28:10-a: Employees who have worked for the County for less than one year, or who are otherwise not covered by the protections of RSA 28:10-a or a collective bargaining agreement, may be subject to discipline as outlined above at the County's sole discretion, on the basis of the particular facts or circumstances and even a first offense may result in termination, depending upon the circumstances.

C. Employees and Disciplinary Action Subject to RSA 28:10-a: It is the policy of Belknap County as adopted by the Belknap County Commissioners to discharge, remove or suspend employees if the County's Rules are violated and/or for dishonesty, intoxication, immoral behavior and other misconduct and neglect of duty, negligence, willful insubordination, lack of cooperation, inefficiency, incapacity or unfitness to perform the employee's duties, or for the good of the institution to which the employee is assigned or as otherwise permitted by RSA 28:10-a. Regular employees who have worked for the County for at least one year shall not be discharged, removed or suspended except as provided by RSA 28:10-a and the rules and procedures as adopted and established by the County Commissioners and set forth herein.

Suspension – The County may suspend regular employees without pay for disciplinary reasons and without prior notice for a period not to exceed ten days.

Discharge/Removal – Prior to the discharge of any regular employee subject to RSA 28:10-a, a statement of the grounds and reasons for the discharge shall be prepared by the county commissioners and signed by a majority of the county commissioners. Notice of the grounds and reasons shall be given to said employee not less than 10 days nor more than 30 days prior to the effective date of such discharge or removal.

Hearings on Suspension, Discharge or Removal pursuant to RSA 28:10-a: Within 30 days of receipt of the notice of removal or discharge, or within 10 days of the first day of a 10 day suspension without pay, the employee may request in writing a public hearing on such notice or suspension before the county personnel committee, except if said employee is covered by a collective bargaining agreement, in which case the employee's hearing and discharge, removal or suspension proceedings shall be held pursuant to the provisions of the agreement. If upon such hearing the personnel committee finds good cause for discharge, removal or suspension of the employee, they shall approve his discharge, removal or suspension as ordered or approved by the county commissioners.

This paragraph shall not apply to County employees laid off by reason of abolition of a position, change in organization, lack of work or insufficient funds.

D. Nothing in this policy alters the at-will status of employees who are not subject to the protections of RSA 28:10-a.

## **CHAPTER 15 GRIEVANCE PROCEDURE**

### **15-1 PURPOSE:**

The purpose of the policy and procedure is to provide a formalized process for the resolution of disputes or disagreements arising from the interpretation or implementation of the policies and disciplinary actions of the County. An employee may not file a grievance concerning disciplinary actions subject to RSA 28:10-a. Only regular status employees may utilize this grievance procedure.

### **15-2 PROCEDURE:**

The most effective accomplishment of the work of the County requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the County to adjust grievances informally, and department heads, supervisors, and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established and should generally be followed:

Step 1. A regular employee shall first present the grievance in writing to the employee's immediate supervisor within five (5) working days of when the employee knew, or should have been aware of having a grievance. If the supervisor is the subject of the grievance, then the grievance shall be presented to the next higher supervisor.

The supervisor shall make a careful and discreet inquiry into the facts and circumstances of the grievance complaint. The supervisor shall then attempt to resolve the problem promptly and fairly within seven (7) working days after receiving the grievance.

Step 2. An employee who is dissatisfied with the decision of the supervisor, or has not received a reply within the time limit, may submit the grievance in writing to the department head within three (3) working days of the receipt of the supervisor's decision or the date when that decision should have been rendered.

The department head shall make an investigation and inform the employee in writing of the decision and the reason therefore, within seven (7) working days after the receipt of the employee's grievance.

Step 3. An employee who is dissatisfied with the decision of the department head may, within three (3) working days following the receipt of that decision or the date when such decision should have been rendered, submit the grievance in writing to the Human Resources Director.

The Human Resources Director shall make a separate investigation and inform the employee and the department head in writing of the decision and the reason therefore, within ten (10) working days after the receipt of the grievance.

Step 4. If the employee or the department head is dissatisfied with the decision of the Human Resources Director, either one may appeal for further review by the Commissioners and County Administrator by submitting a written request for a determinate review to the County Administrator's Office within three (3) working days following the receipt of the decision of the Human Resources Director or the date when such a decision should have been rendered.

In conducting a determinate review, the Commissioners and County Administrator shall investigate the complaints made in writing by the employee, and review the decisions of the employee's supervisor, the department head, and the Human Resources Director and the basis therefore. The Commissioners and County Administrator shall prepare a report within fifteen (15) working days after conducting its determinate review.

The County Administrator may further make such investigation and conduct such meetings as deemed necessary and shall, within fifteen (15) working days after the receipt of the recommendations of the Commissioners, inform the employee, department head, and Human Resources Director in writing of the findings and final decision.  
Finality.

Failure to forward a grievance within the specified time period shall be cause for the grievance to be considered settled upon the basis of the last decision rendered.

**Exceptions.** Time limits at any stage of the grievance procedure may be extended by written mutual agreement of the parties involved at that step.  
A department head may substitute a higher ranking employee to assist or to act instead of the supervisor to investigate and give a response to a grievance at Step 1.

## **CHAPTER 16 RECORDKEEPING**

### **16-1 PERSONNEL DATA CHANGES.**

The County requests that employees keep supervisors and the Human Resources Department informed of any changes in important information. An employee's present address and phone number are essential for many purposes, including mailings from the County to an employee's home. Employees are responsible to notify the Human Resources Department immediately of any changes such as marital status, exemptions claimed for income tax withholding purposes, health insurance plan information, or other personnel administration information. The County also needs to have information about who to contact in case of an emergency.

### **16-2 PERSONNEL FILE & RECORDS.**

Belknap County maintains a personnel file on each employee. Personnel files contain basic personal information (name, address, phone, etc) as well as employment related information such as job title, status, salary information, and performance appraisals. Documentation concerning formal disciplinary actions issued will also be included within an employee's personnel files. An employee's personnel file is his/her official employment record with Belknap County.

If an employee wishes to review his/her personnel file, please contact the Human Resources Department who will arrange a time for an employee to review his/her file during normal work hours. An employee may request copies of any documents in his/her file. Employees may be charged a reasonable fee related to the cost of supplying the requested documents. An employee also has the opportunity to include a written statement concerning the content of an element of their personnel file they wish to clarify or contest. All requests for viewing or copying of an employee's personnel file must be done in writing with advance notice.

Personnel files are the property of Belknap County and therefore, cannot be removed from the Human Resources Department.

Belknap County will restrict disclosure of an employee's file only to authorized personnel (supervisors, managers, administrators, Human Resources, Attorneys representing the County, medical professionals as appropriate) within the County. Disclosure to outside sources will be limited and will generally only be disclosed to authorized representatives of the County; when so requested by the employee or as otherwise required by law.

#### 16-3 MEDICAL RECORDS.

Employee medical records are confidential. Belknap County does not release medical records without the employee's written consent or unless legally compelled or authorized to do so. In compliance with federal law, all medical files will be segregated and stored separately from the employee's personnel files in the Human Resources Department.

### **CHAPTER 17 SAFETY & HEALTH**

#### 17-1 ACCIDENT REPORTING & INVESTIGATION.

Most accidents are caused by a failure of people, equipment, or the environment. Accident investigations are conducted to determine how and why these failures occurred. By using information found during an investigation, a similar or perhaps more serious accident may be prevented in the future. Accident investigations are targeted toward accident prevention and are not conducted to place blame. All employees who are witnesses or are otherwise involved in the accident are required to fully cooperate with all aspects of the investigation. Each Department shall initiate the investigation of all accidents. Internal department policies will be followed.

Employees shall report all accidents, injuries, and property damage immediately to a supervisor – regardless of the extent of damage. The supervisor, upon report of injury, will immediately ensure the injured person receives necessary medical attention. The supervisor shall assure that the area and/or equipment and environment where an accident has occurred is properly secured until an accident investigation has been completed. See corresponding procedures relative to worker compensation injuries, property/liability, and motor vehicle accident reporting as issued by the County Joint Loss Management Committee as approved.

17-2 TEMPORARY ALTERNATIVE DUTY (TAD) POLICY.

In compliance with RSA 281-A: 23-b, Belknap County will endeavor to provide temporary alternative / transitional work opportunities to all employees temporarily disabled by a work-related injury or illness. Policies regarding the application of TAD will be issued by the Joint Loss Management Committee and approved by County Administrator.

The County adopts the principle that it is important to provide meaningful work during the time of healing and strengthening following a work-related illness or injury; to retain the knowledge and expertise of the employee and maintain the dignity and respect of the employee associated with their respective positions.

Temporary Alternative/Transitional Duty is meant to be temporary and transitional in nature to return the employee back to full duty. Alternative duty will be provided to eligible employees for as long as the illness/injury requires, provided that the employee continues to transition back to full duty work by increasing work capacity during this time and provided that alternative duties are available. Although the period of time for alternative duty will be dictated by the employee's medical condition and work capacity, in no event will alternative duty last longer than four (4) months, except in rare circumstances with the prior approval of the Director of Human Resources. Once the transition stops, the department head, or his/her designee, will reevaluate the temporary/transitional program the employee is participating in.

This program is not intended to address those situations in which an employee has been deemed to be permanently disabled and unable to resume their previous position.