



**WASHINGTON COUNTY, IOWA**  
**Employee Information Handbook**

**Effective January 1, 2022**



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## SECTION ONE: INTRODUCTION

*The term “the County” has been used throughout this handbook to refer to the Employer, whether that be an elected official or governing body or agency.*

### **INTRODUCTION (Revised 8/7/18)**

**1.1**

The Board of Supervisors and other elected and management personnel of Washington County welcome you as you begin your employment with the County. Together we provide essential services to the citizens of the County. Each employee is expected to provide the most efficient and responsible service possible. The County depends upon your particular talents and ingenuity. Your efforts are supported by tax dollars and your conscientious performance can ensure the best possible results for each dollar spent. All County records and communications are subject to public disclosure under Chapter 22 of the Code of Iowa.

This handbook was developed by Washington County management personnel, including elected officials and appointed administrators, to describe some of the County's policies relating to your employment with the County. Some of the policies and benefits described in this handbook, such as the group health insurance plan, are covered in greater detail in official policy documents. You should refer to those documents for more information. The policies described in this handbook are presented as a matter of information only. The statements contained in this handbook are subject to change and may be revised from time to time without prior notice by the County. Any suggestions you may have for changes in the policies explained in the handbook are welcome.

Departments vary in the services they provide for the public. Not all policies and regulations can be covered in this handbook. Your department head or supervisor will answer questions for you that are not answered in the handbook. This handbook provides guidelines to department heads and allows them discretionary power to efficiently perform the duties of their offices.

All County employees are covered by these policies except:

1. Elected officials;
2. Members of boards and commissions;
3. Department heads who have been expressly excluded from coverage by the appropriate governing body;
4. Employees of independent governing bodies, unless otherwise provided by the appropriate governing body;
5. Persons appointed to serve without compensation;
6. Employees hired on a contractual basis; and
7. Employees covered by a collective bargaining agreement.\*

\*For employees whose employment is governed by a collective bargaining agreement, the specific provisions of the collective bargaining agreement shall take precedence over the provisions of the Employee Handbook. In any areas where the collective bargaining agreement does not conflict with this Employee Handbook, the provisions of the Employee Handbook shall apply.

**The policy prohibiting sexual harassment in county workplaces applies to all Washington County employees, elected officials and governing boards, even those otherwise excluded from coverage.**

## **DISCLAIMER**

This handbook is provided for informational purposes only. The policies, procedures, benefits, and plans described in the handbook may be revised by the County at any time without prior notice. The County retains the exclusive right to change, add to, eliminate, or modify any of the policies in the handbook at any time at its discretion, with or without notice.

Any promises, representations, or actions by a County official or employee which are contrary to this handbook are not the official policy of the County, and are of no force or effect. This handbook supersedes and cancels the effect of any previous versions of a County employee handbook.

This employee handbook is not intended to create any contractual rights in favor of you or the County. This handbook is not to be construed as an employment contract, express or implied, or as a promise that you will be employed for any specified period of time. Employees may resign their employment at any time and for any reason, and the County reserves the same right to terminate any individual's employment at any time and for any reason. Nothing in this handbook changes the at-will nature of your employment with the County.

## **SECTION TWO: EMPLOYMENT POLICIES**

### **EQUAL EMPLOYMENT OPPORTUNITY, HARASSMENT, AND ADA COMPLIANCE**

**2.1**

#### **Equal Employment Opportunity**

Washington County is dedicated to equal employment and advancement opportunities. It is the County's policy to hire and promote qualified individuals on the basis of their qualifications, interest and aptitude, without unlawful regard to race, religion, color, sex, age, national origin, sexual orientation, gender identity, disability, or any other characteristic protected by local, state, or federal law. This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruiting, hiring, training, transfers, promotions, benefits and separation from employment.

#### **Harassment**

The County prohibits harassment based on any of the following actual or perceived traits or characteristics, including but not limited to: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

Harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee's race, religion, color, sex, age, national origin, disability or any other characteristic protected by local, state, or federal law is strictly forbidden. The conduct in the workplace includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts or words; and written or printed materials that denigrate or show hostility to an individual or group made or posted in the workplace or in the course of employment for the County. Such conduct is a prohibited form of discrimination under state and federal employment laws and is also considered misconduct subject to disciplinary action. If you believe that you are being harassed or subjected to discrimination you may file a complaint using the same procedures for sexual harassment allegations as noted in the next section (see Section 2.2).

## **ADA Compliance**

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals on the basis of disability. It is the policy of Washington County to comply with the ADA. Washington County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of that person's physical or mental disability. In compliance with the ADA, the County will consider reasonable accommodations that do not pose undue hardship to the County to enable qualified applicants or employees with disabilities to perform the essential functions of the position. The County encourages applicants or employees to make suggestions regarding reasonable accommodations to their supervisors, department heads, or the County ADA Coordinator.

## **PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE**

**2.2**

**Purpose:** It is the policy of Washington County that all employees are responsible for maintaining a workplace free from sexual harassment. Submission to sexual harassment shall not be a condition of employment or advancement with the County. The County strongly disapproves of offensive or inappropriate sexual behavior in the workplace, and all employees must avoid any conduct which could be viewed as sexual harassment. This policy has been prepared in accordance with the Equal Employment Opportunity Commission's directives and reaffirms that sexual harassment in the workplace is an unlawful employment practice under Title VII of the Civil Rights Act of 1964.

**Definitions:** Sexual harassment is illegal discrimination on the basis of sex. It can consist of unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual or harassing nature by supervisors, managers, co-workers, or others in the workplace. Sexual harassment exists when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of your employment;
2. Submission to or rejection of the conduct is used as the basis for decisions affecting your employment; or
3. The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment may consist of a variety of behaviors, including, but not limited to the following examples:

1. Verbal conduct such as sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, or threats;
2. Non-verbal or visual materials such as derogatory posters, photography, graffiti, cartoons, drawings, or gestures;
3. Physical conduct such as unwelcome touching, hugging, kissing, coerced sexual contact or assault;
4. Threats or demands to submit to sexual requests in order to keep your job or receive some job-related benefit; or
5. Retaliation for reporting or threatening to report harassment.

### **Complaint Procedures:**

1. Employees are encouraged to express their objection to behaviors that could constitute sexual harassment to the person engaged in the behavior. Any employee who has a complaint of sexual harassment at work, by anyone, including supervisors, department heads, co-workers, or visitors to the workplace, should immediately bring the problem to the attention of a member of the Board of

Supervisors, a department head, or the County Attorney. Employees are assured that they will not be retaliated against as a result of reporting a complaint about sexual harassment.

2. The person receiving a complaint of sexual harassment shall immediately notify the Chairperson of the Board of Supervisors or appropriate governing body who shall promptly name an impartial investigator. Investigations will be conducted in a timely manner. Confidentiality will be maintained to the extent that is possible.
3. Investigation of a complaint normally will include conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint under this policy, participating in an investigation, or filing a complaint with a state or federal agency.
4. Any employee determined after investigation to have harassed another employee will be subject to appropriate disciplinary procedures depending on the severity of the behavior, up to and including termination. The County will take appropriate action intended to punish the offender and to prevent further harassment.
5. Sexual harassment of employees by non-employees in the workplace is not acceptable and should be reported as provided above. In the event a non-employee subjects an employee to sexual harassment in the workplace, the employee's department head will inform the non-employee of the County's policy against sexual harassment. Other action will be taken as appropriate.

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**PROOF OF EMPLOYABILITY****2.3**

To comply with the Immigration Reform and Control Act of 1986, the County requires all employees to present documented proof of identity and eligibility to work in the United States. You are required to complete Section 1 of the Form I-9 on the first day of employment and to submit proof of employability and identity within three days of hire.

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**MEDICAL EXAMINATIONS****2.4**

The County shall require you to submit to a job-related medical examination after you have been offered a position and before you begin work, if such examination is required of all entering employees in the classification. The County will provide an examination form and job description. The County will pay for the cost of the required examination.

You may also be required to submit to a job-related medical examination when necessary to determine if you are still able to perform the essential functions of your position, and to any fitness for duty examinations required by federal, state or local law or County policy.

All medical information collected by the County will be maintained in a confidential, locked file separate from other personnel files. Federal law requires drug and alcohol testing of certain employees required to have a commercial driver's license (CDL). Such drug testing will be conducted in accordance with applicable law and with the County's policy.

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**EMPLOYMENT OF RELATIVES****2.5**

Relatives of current employees are eligible for employment with the County, subject to limitations of Iowa Code Chapter 71 and the terms of this policy. To avoid the appearance of favoritism and difficulties in administering discipline, the County will not hire, appoint, transfer, promote, or otherwise place an individual in a position that involves the supervision of, or by, a family member. For purposes of this policy, "family member" includes the individual's mother, father, grandparent, spouse, daughter, son, grandchild,



great-grandchild, sister, brother, niece, nephew, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, or son-in-law.

If a supervisory relationship between family members is created by the marriage of two employees, one of the two employees must transfer, if possible, or will terminate employment within 90 days.

This policy applies to all County departments and all categories of employment.

## **PERSONNEL FILES AND REFERENCES**

**2.6**

The County maintains personnel files on each employee. These files contain job-related information including performance appraisals, disciplinary records, and some beneficiary designations. Any information contained in the files will be released only if required by law, or if you make a written request for the County to release the information for reference purposes. The County will release any information relating to the results of federally required drug tests in accordance with the applicable law.

If you are interested in reviewing the contents of your file, you may do so at a time mutually agreed upon by you and your department head, except you will not have access to or be able to review letters of reference received or furnished by the County or any reference check performed by the County. A representative of the County will be present during your review. You may, at your own expense, request and receive copies of the contents of your personnel file, except as provided above. The County may charge a reasonable fee to copy the requested items.

In addition to their own individual personnel file, the following individuals shall have access to personnel files of other employees:

- County Auditor or designee
- Human Resources Coordinator
- Department Head and/or immediate supervisor
- County Attorney or designee

Access to personnel files is limited to work-related review or inquiries. Employees, other than those listed above, who obtain access to personnel files other than their own individual personnel file may be subject to disciplinary action procedures (see Section 6.7).

Individuals listed in this policy who obtain access to personnel files may communicate with one another regarding matters contained in the personnel file. Communication with other individuals not listed in this policy shall only be upon the basis of a legal requirement.

To ensure that our records are current, you must notify the Benefits Administrator whenever there are any changes in your home address, telephone number, marital status, emergency contact, beneficiary designations, and number of dependents. You must also inform your department head of a current emergency contact.

These files also contain payroll and benefits information required to support income tax deductions, FICA, IPERS, Medicare and Fair Labor Standards Act provisions. All employees shall report to the department head the following information, if applicable, for each day within the pay period to certify salary and benefits due:

1. Hours worked.
2. Hours of overtime worked.
3. Hours of compensatory time to be credited in lieu of overtime.

4. Hours of vacation used.
5. Hours of sick leave used.
6. Hours of compensatory time used.

The statement copy of each employee's payroll warrant will contain a record of accrued vacation, sick leave, and compensatory time, accumulated to the date certified by the respective department head for the bi-weekly pay period covered by each pay warrant. In the event an employee disagrees with the record of accrued vacation, sick leave, and/or compensatory time, the employee must contact the department head for clarification of the reported benefit.

## **JOB POSTINGS**

**2.7**

Whenever a non-deputy position becomes available, a notice of such opening will be posted for at least ten calendar days before the deadline for filling the position. The notice will be posted near meeting agenda notices and will contain the position title, a brief job description, and minimum hiring specifications. Exceptions to the posting requirement include deputies, private secretaries, or other positions in a confidential relation to the appointing officer.

Application forms are available from the department advertising the position and shall be submitted to that department head. Applicants, including current employees, shall be considered on the basis of ability, performance, experience, training, aptitude, and other job-related qualifications. Military service may also be a factor in hiring decisions, as provided by Iowa's Veteran's Preference law.

## **REIMBURSABLE EXPENSES**

**2.8**

**Official Business Within the County:** If you are required to use your own vehicle to fulfill the requirements of your position, you will be reimbursed at the current mileage allowance. All mileage reimbursements must be approved by your department head.

**Official Business Outside the County:** The following expenses for County-approved meetings, training, and conventions will be considered for reimbursement:

- a. Registration fee (may be paid directly by the County).
- b. Lodging expenses at reasonable cost. Whenever possible, lodging will be reserved and the rate approved in advance by the department head. Charges for work-related internet and phone use is allowed when approved by the department head.
- c. Meal expenses that are reasonable and that do not exceed the rate established by the County. In addition, reimbursement for appropriate tips, not to exceed 15% of the cost of the meal may be reimbursed. Maximum allowable meal rates will be set by the Board of Supervisors. Out of state travel or other extenuating circumstances may require an alteration to the maximum amounts. Any alterations must have department head approval.

Meals are breakfast, lunch and dinner. Break or refreshment items purchased and consumed throughout the day are personal discretionary expenses and will not be reimbursed. *Receipts for meal reimbursement must be itemized, or they will not be reimbursed.*

**Breakfast:** If business travel requires leaving home prior to 6:00 a.m., or if business travel requires returning home where lodging was secured, reimbursement for breakfast expenses may be allowed.

Lunch: If travel begins after 6:00 a.m., but before normal lunch break, or if returning from business where lodging was secured, and arrival in the County is not possible before normal lunchtime, expenses for lunch will be reimbursed.

Dinner: If travel begins after normal lunch or if returning home from business where lodging was secured and arrival in the County is not possible before 7:00 p.m., expenses for dinner will be reimbursed.

Meals within Washington County are not reimbursed, except when the meal is a necessary and integral part of a meeting, conference, retreat or special event and prior approval is obtained from the department head.

- d. Auto mileage will be reimbursed at the Federal rate per mile when using a personal vehicle. If available, a county vehicle should be used for travel purposes. Upon approval by the department head, a personal vehicle may be used.
- e. Employees driving a County vehicle are expected to abide by the policy for Use of County Vehicles & Seat Belts (see Section 6.8) and any additional applicable departmental guidelines.

Travel expense reports and receipts are to be submitted to the department head within 30 days after the employee returns from the event. Payment for attending required in-service meetings, conventions, or schools will be in accordance with the Fair Labor Standards Act.

Employees shall use the current "Personal Expense Reimbursement Voucher Form" for reimbursement.

## **RE-EMPLOYMENT 2.9**

Employees of Washington County who have terminated employment and are subsequently rehired are considered new hires and have no accumulated benefits from previous employment. Transfer of one employee from one County department to another shall not be considered re-employment, and the employee shall retain accumulated benefits. If the transferring employee has banked compensatory time, it will be paid to the employee prior to the transfer to the new department. For purposes of this section, Communications is considered a County department.

## **TERMINATION OF EMPLOYMENT 2.10**

As you know, your employment may be terminated at any time by either the County or yourself. The employment relationship will be broken and terminated if you resign, retire, or are discharged. In the event you decide to terminate employment, the County expects you to provide written notice of resignation to your department head at least two (2) weeks prior to the effective date of your resignation (not a holiday or vacation day). Department heads will notify the Auditor immediately so that the appropriate forms may be completed.

For purposes of determining your final paycheck and benefits, including ending date of health insurance coverage, the last date worked shall be the date employment ceases. Any accrued, but unused vacation and/or compensatory time will be paid out to the employee on their final paycheck.

## **REDUCTION IN FORCE 2.11**

If it becomes necessary to reduce the number of employees, layoffs will be made on the basis of status, qualifications, length of service and performance evaluations. Employees will be given two (2) weeks' notice prior to the effective date of the reduction.

If the period of layoff is less than six (6) months, no benefits shall accrue during the layoff; however, the employee(s) shall retain accrued vacation, seniority, and sick leave as of the date of layoff. Employees may elect to be paid for any accrued vacation at the time of layoff. Employment of employees who are not called back to work within six (6) months will be terminated and any accumulated vacation and/or compensatory time will be paid out to the employee on their final paycheck.

Employees must return to work within three (3) workdays of the notification to report to work, or his/her employment will be terminated, unless other arrangements are made with the department head.

Employees on layoff are not eligible for holidays, vacation, sick leave or County group insurance programs (see Section 5.3, Continuation of Medical Coverage).

### **INCLEMENT WEATHER**

**2.12**

If County offices are closed by the Board of Supervisors, then regular full-time and regular part-time employees will be paid for hours lost due to the closing of the office. In case of a severe snowstorm or other severe weather conditions, such as a tornado or flooding conditions, the following policy will be in effect for non-exempt employees:

1. If an employee is unable to get to work, s/he will be allowed to charge such an absence to vacation, personal or compensatory time provided s/he has the time accumulated. If no paid time is available, the employee may choose to take the time off without pay with department head approval.
2. An employee may request to leave work early because of blizzard conditions or other severe weather conditions. If the request is approved, the employee may use accumulated vacation, personal or compensatory time. If no paid time is available, the employee may choose to take the time off without pay with department head approval.
3. Benefit accumulation and eligibility will not be affected if an employee chooses to take the time off without pay.
4. Employees in departments that serve the public during severe weather (including departments that provide snow removal and law enforcement services) are expected to report to work during severe weather conditions.

### **CREDIT CARD POLICY**

**2.13**

It is County policy that whenever possible, county purchases should be made using direct billing or reimbursement. There may be times, however, when it is necessary to make a purchase using a credit card.

Credit card purchases are allowed for County business expense only. *Use of a County credit card for personal use is strictly prohibited.* Violations may result in disciplinary action, collection proceedings, and possible criminal actions.

County credit cards may NOT be used for:

- Cash advances
- Alcoholic beverages
- Tobacco products

Charges on Washington County credit cards are limited to the following procedures:

- Hotel/Motel rooms and guarantee of reservations
- County vehicle expenses

- Registration fees
- Airline reservations
- Pre-approved car rental
- Departmental expenses **requiring** a governmental credit card for purchase
- Prisoner meal expense during transport
- Meals or food (Department Head approval required)

All credit card statements must be immediately submitted for payment to avoid finance charges. All credit card statements must be accompanied by the original, detailed itemized receipt for each charge on the statement. Charges not accompanied with a receipt will be the responsibility of the employee and may be withheld from the employee's wages.

All employees who currently have a county credit card and any new employees receiving a county credit card after the effective date of this policy, will abide by all obligations under this policy.

### **SECTION THREE: HOURS OF WORK AND COMPENSATION**

#### **DEFINITION OF EMPLOYEE STATUS**

**3.1**

**“Full-time employee”** means an employee hired to work the County's normal full-time 40-hour work week on a regular basis. Such employees may be exempt or non-exempt under the Fair Labor Standards Act (FLSA) as defined in this section.

**“Regular part-time employee”** means an employee hired to work an average of 20 or more but fewer than 40 hours per week on a regular basis. Such employees may be exempt or non-exempt under the Fair Labor Standards Act (FLSA) as defined in this section. A regular part-time employee may be eligible for pro-rated benefits after a waiting period of six (6) months. At that time, a proration amount is able to be calculated, and will be figured July 1 each year thereafter.

**“Temporary employee”** means an employee hired with the understanding that his or her employment will be terminated no later than upon completion of a specific assignment; or hired for a temporary period of six months or less. Such employees may be exempt or non-exempt under the Fair Labor Standards Act (FLSA) as defined in this section. Temporary employees are not eligible for the benefits described in this handbook, unless otherwise indicated.

**“Casual part-time employee”** means an employee hired to work an average of less than 20 hours per week. Such employees may be exempt or non-exempt under the Fair Labor Standards Act (FLSA) as defined in this section. Casual part-time employees are not eligible for the benefits described in this handbook, unless otherwise indicated.

**“On-call employee”** means an employee who is on-call to perform work when required to fill in for other employees who may be absent for vacation, sick leave, or other temporary absence. Such employees may be exempt or non-exempt under the Fair Labor Standards Act (FLSA) as defined in this section. On-call employees are not eligible for the benefits described in this handbook, unless otherwise indicated.

**“Exempt employee”** means an employee who is not required to receive overtime compensation for work performed beyond 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA).

**“Non-exempt employee”** means an employee who is required to be paid at the rate of

time and one-half (1 1/2) their regular rate for all hours worked beyond 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA).

**“Retired employee”** means an employee who has applied for and is receiving a retirement allowance from the Iowa Public Employees’ Retirement System (IPERS).

### **Calculating benefits for regular part-time employees**

The following factors are used to determine prorated benefits for regular part-time employees: A **year** is 2080 hours of paid compensation. The **annual pro rata factor** is the number of hours paid compensation in a fiscal year divided by 2080 to equal a percentage of benefits to be earned by the regular part-time employee. **Paid compensation** includes payment for hours worked, sick time, vacation time and holiday time.

### **Change in status**

Regular part-time employees who have a change of employment to full-time status and have earned benefits as a regular part-time employee will carry forward the balance of benefits accrued to the new full-time status. Full-time employees who change employment status to regular part-time employee status and who have earned benefits as a full-time employee will carry forward the balance of benefits accrued to the regular part-time status. No benefits accrued may carry forward to temporary and casual part-time employee status.

**Nothing in this or any other section of this handbook shall be construed as a guarantee of the number of hours an employee will be scheduled to work.**

## **EARNINGS AND HOURS OF WORK: GENERAL PROVISIONS**

**3.2**

### **Work Schedules**

Department heads shall determine the work schedule, including meal periods and interruptible rest periods, for all employees in their department. Each employee shall receive a paid 15-minute rest period for every four (4) hours worked in a shift. These 15-minute rest periods may be used consecutively with an employee’s unpaid thirty (30) minute lunch break. *If a rest period is not taken, the paid time is forfeited.*

Daily and weekly work schedules may be changed at the discretion of each department head to meet varying conditions and workload.

### **Recording Work Hours**

All non-exempt employees must accurately record their hours worked for each pay period on a form provided by their department head.

### **Payday and Salary Deductions**

Washington County employees are normally paid by the end of the working day every other Wednesday. All required deductions, including those for state and federal taxes and all authorized voluntary deductions, including health insurance contributions, will automatically be withheld from your paycheck.

### **Work Period**

The work period for payroll purposes and for computing overtime for non-exempt employees begins at 12:01 a.m. on Thursday and ends at 12:00 midnight the following Wednesday.

### **Overtime**

Overtime work may be necessary to maintain County operations. The department head shall determine whether it is necessary for employees to work overtime. Except for

emergencies, all overtime hours must be approved in advance by the department head. All non-exempt employees who work in excess of 40 hours in any work week shall be paid at the rate of time and one-half (1 1/2) the employee's straight time hourly wage rate for each hour of overtime worked. The department head may grant compensatory (comp) time in lieu of payment for overtime hours (see Section 3.3).

All paid time (**except Compensatory time**) shall count toward hours worked for purposes of computing overtime, unless otherwise indicated in this handbook.

Non-exempt regular part-time, casual part-time, on-call, or temporary employees become eligible for overtime pay hours worked in excess of 40 hours in a given work week.

### **Call Back Time**

Any employee that is called in to work hours that *are not* contiguous with their normal work schedule, as determined by their department head, will receive a minimum of two (2) hours pay. This call back time will be paid at their regular hourly rate. Any hours determined to be call back time (the minimum of two (2) hours) shall be counted as worked hours in determining whether an employee is entitled to overtime. An employee that is called in to work hours that *are* contiguous with the normal work schedule shall be paid at their regularly hourly rate.

Secondary Roads Department employees will be expected to work overtime when offered by the employer for situations including, but not exclusive of, pavement blow ups, snow removal, storm damage, etc.

**Employees should check with their department head to determine if additional departmental restrictions or guidelines apply to their work schedule.**

## **COMPENSATORY (COMP) TIME**

**3.3**

The department head may grant compensatory (comp) time in lieu of payment for overtime hours, granted at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. Accrued comp time cannot revert to overtime hours for pay except for purposes of end-of-year payout by the Payroll Department.

Comp time will be accrued in an amount directly comparable to the amount which the employee would have been paid. If an employee is entitled to one (1) hour of overtime at the rate of one and one-half (1 1/2) times the regular rate of pay, but chooses to receive comp time, the employee will be credited with one and one-half (1 1/2) hours of such time.

If an employee is entitled to one (1) hour of straight pay for having total hours in excess of 40 hours in a workweek and these hours are not eligible for overtime, but the employee chooses to receive comp time, the employee will be credited with one (1) hour of such time.

If a department head chooses to grant comp time, the total amount of comp time accumulated in a given year may not exceed 80 hours. A maximum of 40 hours of comp time may be carried over into the next calendar year. Any of the 80 hours of comp time accumulated but not carried over will be paid at the end of each calendar year. Requests to use comp time must be made to the department head and will be granted only if use of the time will not unduly disrupt the department's operations. More restrictive guidelines may be imposed by the department head.

An employee may request to have all comp time paid out (if requested in writing and approved by your department head) by the end of the calendar year. Comp time will be

paid out on the last paycheck of the calendar year.

## SECTION FOUR: TIME OFF BENEFITS

### HOLIDAYS

4.1

Washington County recognizes certain days of importance as holidays and pays employees for time off on these days in accordance with eligibility rules explained in this section. The County observes the following holidays:

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

An additional Christmas holiday may be added either the day before or the day after Christmas Day. The decision to add an additional day will be determined on an annual basis by a consensus of all department heads.

Holiday pay as defined in this section will be granted to an individual only after completion of 30 calendar days of employment.

#### Pay For Holidays Not Worked

Employees should refer to specific departmental policy on this issue, if applicable.

**Full-time employees** who do not work on a holiday listed above will receive holiday pay computed at one time their hourly wage rate. Holidays are based on a standard eight (8) hour work day.

**Regular part-time employees** who do not work on a holiday listed above are eligible for prorated holiday after six (6) months of employment. Holiday pay is based on the ratio of the employee's normal hours of work and the regular full-time schedule.

If an employee does not work on a holiday, then they are paid the appropriate holiday hours (up to eight (8) hours) and those hours shall count as time worked for purposes of computing overtime.

#### Pay For Holidays Worked

Depending on the services provided by your department or office, you may be required to work on a holiday. Employees should also refer to specific departmental policy on this issue, if applicable.

Holiday hours worked are paid at two and one-half (2 ½) times the employee's hourly wage for the first eight (8) hours worked. The remaining hours worked are paid at one and one-half (1 ½) times the employee's hourly wage.

To determine overtime for weeks when an employee works on a holiday, only regularly scheduled shift hours should be included as hours worked in the computation of overtime, not both holiday pay and the scheduled shift hours.

For example: if an employee receives eight (8) hours of holiday pay, and works two (2) hours on the holiday, the employee will use the higher value to compute overtime – eight (8) hours (not both holiday pay and the two (2) hours worked). If



an employee receives eight (8) hours of holiday pay and works twenty-four (24) hours on the holiday, the employee will use the higher value to compute overtime – twenty-four (24) hours (not both holiday pay and the twenty-four (24) hours worked).

### **When a Holiday Falls on a Saturday or Sunday**

Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. However, employees whose normal schedule includes weekends will observe the actual holiday.

### **Eligibility for Holiday Pay**

To be eligible for holiday pay, you must work your regularly scheduled hours the workday preceding and the workday following the holiday, unless prior approval to the contrary is granted by the department head. If you are absent due to illness or jury service on the day before or after a holiday, you must present proof of illness or jury service satisfactory to the department head in order to be eligible for holiday pay.

### **Holidays During Paid Leave**

If a holiday falls during your vacation or any period of approved paid sick leave, it will be counted as a holiday and will not be deducted from your accumulated vacation or sick leave.

### **Holidays During Unpaid Leave**

Employees on an unpaid leave of absence at the time a holiday occurs will not be paid for the holiday.

## **PERSONAL DAY**

**4.2**

**Full-time employees** will be granted one personal day each calendar year, to be scheduled with the department head's approval. **Regular part-time employees** will be granted one personal day on a pro rata basis each fiscal year, to be scheduled with the department head's approval. The personal day will be granted to an individual only after completion of 30 calendar days of employment. It must be used within the year in which it is earned and cannot be carried forward. Eligible employees may request to be paid in lieu of taking the time off with department head approval.

## **VACATION**

**4.3**

Washington County grants annual, paid vacations to employees according to the following eligibility and accrual rules. The amount of vacation to which you are entitled depends upon how many hours you work and your length of service.

### **Eligibility**

**Full-time employees** who are actively employed earn paid vacation based upon their anniversary date of hire according to the following schedule:

#### **Years of Continuous Service**

#### **Hours of Vacation/Pay Period (Year)**

During 1<sup>st</sup> through 4th  
years of employment

3.08 hours per pay period (80 hours per year)

During 5th through 11th  
years of employment

4.62 hours per pay period (120 hours per year)

During 12th or more  
years of employment

6.15 hours per pay period (160 hours per year)

**Regular part-time employees** will begin to earn vacation leave following the employee's first six calendar months of employment. A regular part-time employee will earn vacation leave pro rata based on the employee's average hours of work per week during the preceding six calendar months compared to a 40-hour work week. The amount of paid leave to be received shall be reviewed and revised on July 1 of each year thereafter based on hours of work during the preceding 12 calendar months (or lesser period if the employee has not worked a full 12 calendar months) compared to 2,080 hours.

### **Regular Part-time to Full-time Schedule**

A regular part-time employee who changes to full-time status will be credited with all paid hours for each year of continuous service for purposes of computing vacation eligibility under the full-time vacation schedule. For purposes of this policy, "**length of continuous service**" shall mean an employee's length of continuous service with Washington County since the employee's most recent date of hire.

In determining increases in vacation earned, 2,080 hours of work constitutes one year.

### **Scheduling and Carryover**

Employees may use vacation as it is earned, subject to notice, scheduling and staffing requirements as determined by the County. Vacation requests must be submitted in writing and in advance to your department head for approval. Full-time employees may accumulate a maximum of 200 hours of vacation. Regular part-time employees may accumulate a maximum of 120 hours of vacation.

### **Vacation Pay**

Vacation pay will be computed by multiplying your straight time hourly rate by the appropriate number of hours. Vacation hours are not counted as hours worked for purposes of computing overtime.

### **Vacation Pay Upon Termination of Employment**

For any reason in which the employment relationship is terminated, the employee will be paid for any accrued, but unused vacation hours.

### **Leaves of Absence**

Vacation will accrue during the period of time you are actively at work and during paid leaves of absence. Vacation will not accrue during any unpaid leaves of absence.

### **If You Are Hospitalized During Vacation**

If you are hospitalized during your vacation, the time you spend as a patient in the hospital and any period of physician-authorized recuperation immediately following hospitalization will not be considered part of your vacation. Unused sick leave or unused Family Medical Leave, or a combination thereof, may be used. To make sure that your vacation record is accurate, you must provide your department head with a document from your physician indicating the recuperation period and request that your record be changed.

## **SICK LEAVE**

**4.4**

Washington County's sick leave program provides eligible employees with protection against loss of income due to absences because of illness, including pregnancy, or injury not covered by workers' compensation. The County encourages you to save as much sick leave as possible for situations involving serious illness. Sick leave may also be used for medical, dental or optical appointments, whether routine or non-routine, during working hours; however, the timing of the use of sick leave for these purposes shall be with the approval of the department head. It is the responsibility of the employee to schedule medical, dental or optical appointments during a time which is least disruptive to the work

schedule of the department. It is expected that employees try to schedule such appointments during non-work hours or at a time of day that results in the employee being gone the least amount of time possible.

### **Eligibility and Accrual**

Beginning with their first day of work, **full-time employees** shall accumulate paid sick leave at the rate of six (6) hours per pay period, up to a maximum accumulation of 960 hours.

**Regular part-time employees** will begin to earn sick leave after six (6) months of continuous employment. These employees will earn paid sick leave based on the ratio of the employee's average hours of work per week during the preceding six months to the normal 40-hour work week. The amount of paid sick leave to be received shall be reviewed and revised on July 1 of each year thereafter based on the hours worked during the preceding 12 months (or lesser period if the employee has not worked 12 months) compared to 2,080 hours. Regular part-time employees can accumulate a maximum of 480 hours of sick leave.

### **Use of Sick Leave**

When eligible, you may use sick leave for any non-work-related illness or injury or temporary disability, including pregnancy, which prevents you from performing your job duties. Your department head may require you to provide medical certification supporting absences due to non-work-related illness or injury, and will require medical certification supporting absences due to temporary disabilities. Sick leave is not automatic and your department head has the discretion to approve or not approve sick leave pay. Eligible employees may use sick leave for work-related injuries or illness (see Section 4.5). Sick leave will not be allowed if any employee is injured while gainfully employed by a different employer who is or should be providing worker compensation coverage to its employees.

If you exhaust all accumulated sick leave, you may use earned vacation time. If all sick leave and vacation time is exhausted and you are unable to work, as verified by your attending physician, you may use accrued compensatory time or apply for an unpaid leave of absence.

### **Use of Sick Leave for Family Illness**

In the event a spouse, child or parent is ill or injured and requires care, a regular full-time employee may request to use up to five (5) days of sick leave per calendar year for such absences. This benefit may also be used for medical, dental, or optical appointments, whether routine or non-routine, during working hours for the employee's spouse, child or parent. This benefit for regular part-time employees will be figured on a prorated basis. Such requests shall be made to and approved by your department head.

### **Notice**

In the event you must use sick leave, you must notify your department head or supervisor on duty at least one hour before your scheduled reporting time, and indicate the nature of the illness and the expected duration of your absence.

### **Holidays During Sick Leave**

If a holiday falls while you are on a paid sick leave day, you will be paid holiday pay and the day will not be deducted from your accumulated sick leave.

### **Conversion of Sick Leave Upon Termination**

You will not be paid for any unused accumulated sick leave should your employment relationship with the County be terminated for any reason.

**Coverage**

To provide for payment of your medical expenses and partial salary continuation in the event of a work-related injury or illness, you are covered by workers' compensation insurance. The workers' compensation laws of the State of Iowa determine how employees receive medical care and how they are paid for lost work time as a result of a work-related injury or illness.

**Employee's Reporting Requirement**

An employee must report a work-related injury or illness to his or her immediate supervisor immediately following the injury, or as soon as the employee has knowledge of the injury or illness. Immediately after notifying your supervisor, you must call the workers' compensation injury hotline (Company Nurse), as outlined in the General Safety Manual for Washington County. ***Employees are required to use a County-designated medical clinic for all work-related injuries.*** Your failure to report a job-related injury or illness or to call the injury hotline may result in the appropriate workers' compensation report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness.

**Income Replacement**

Generally, an employee who is eligible for workers' compensation may use sick leave for scheduled work days lost during the first three days following the injury or illness. If the employee continues to be eligible for workers' compensation, the employee will be paid at the State of Iowa workers' compensation rate of pay starting on the fourth day of the disability. If the employee is off work for more than 14 calendar days, the insurance carrier will then pay for the first three days following the illness or injury. The County will then deduct the pay for those first three days from the employee's next regular payroll check.

An employee may supplement workers' compensation benefits with accumulated sick leave, vacation or comp time if the employee requests the supplement in writing. Written requests to supplement workers' compensation benefits shall be submitted to the County Auditor's Office. An employee may also verbally notify their Department Head of their request. The County will then compensate the employee for the difference between his or her workers' compensation payment and the available sick leave, vacation or comp time payment. The employee's accumulated sick leave, vacation, or comp time will be reduced accordingly.

**Workers' Compensation and FMLA**

A workers' compensation absence may constitute a leave covered by the Family and Medical Leave Act (FMLA). Workers' compensation leaves will run concurrently with applicable Family and Medical Leave Act leaves in cases where a temporary modified assignment is not available, or where the employee has refused a temporary modified assignment.

**Return to Work**

Before returning to work, an employee who has been receiving workers' compensation benefits must submit evidence satisfactory to the County that the employee is safely able to return to work. Please refer to Section 4.6 and Appendix D for more information on the County's Return to Work Program.

**TEMPORARY MODIFIED ASSIGNMENT**

It is the policy of Washington County to provide temporary modified work, if available, at the earliest possible date following an injury or illness, for employees who are unable to return to their regular job classifications. This policy is to complement the procedures

applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Inquiries about the ADA and FMLA should be directed to the Human Resources Coordinator or designee.

### **Eligibility**

Whenever an employee becomes unable to temporarily perform his/her regular job duties, Washington County may offer a temporary modified assignment. When possible, temporary modified assignments will be made available to injured workers to minimize or eliminate lost time from work. Washington County cannot guarantee temporary modified assignments, and is under no obligation to offer, create or burden any specific position for the purpose of offering placement to such position. Whether Washington County offers temporary modified work is always dependent upon the individual circumstances.

### **Modified Duty**

Modified duty is defined as a temporary work assignment that is within the worker's physical abilities, knowledge, and skill (also known as light duty or transitional duty). Modified duty assignments must be accompanied with a Patient Status Report (PSR) if work-related, or a medical provider's certification.

### **Duration of Temporary Modified Duty Assignments**

Assignment of modified duty tasks within an employee's medical restrictions is intended to be for a temporary duration. Modified duty assignments will be documented with a list of the functions assigned and the duration of the assignment. *Temporary modified duty assignments are not intended to become regular assignments.*

### **Medical Certification**

Before assigning a temporary modified assignment, the County will require medical certification from the employee's physician or other healthcare provider that the employee is unable to perform his/her regular job duties within medical restrictions, and that the employee is able to perform the proposed temporary modified assignment within medical restrictions. At the conclusion of the temporary modified assignment, the County will require medical certification to determine whether the employee is able to return to his/her regular job duties.

### **Returning to Work After Temporary Modified Assignment**

If, at the end of the temporary modified duty assignment, the employee is able to perform his/her regular job duties with or without reasonable accommodations, then the employee may return to his/ her regular position. If, at the end of the temporary modified duty assignment, the employee is not able to perform his/her regular job duties with or without reasonable accommodations, the County will review the employee's medical condition and determine whether the individual is a qualified individual with a disability and whether the employee's work restrictions can be reasonably accommodated to allow the employee to return to work in some capacity. If no reasonable accommodation is available to return the employee to the previous or other position, the County will then consider placing the employee on a time-limited unpaid leave of absence or ending the employment. Please see Appendix C for more details on the County's Return-to-Work program.

### **Refusal of Temporary Modified Assignment**

In the event an employee refuses a temporary modified assignment, which is within the restrictions identified by the designated medical provider, workers compensation benefits could be affected. In such cases, Washington County will notify the insurance carrier of the

employee's refusal of the temporary modified assignment.

For an employee covered by FMLA (if the condition qualifies as a serious health condition and the employee meets the eligibility requirements), an employee may refuse a light duty or modified work assignment, but it may have an adverse effect on the employee's worker's compensation benefits. Washington County may require the employee to substitute accrued paid leave from the date the worker's compensation benefits cease.

## **FAMILY AND MEDICAL LEAVE (FMLA)**

**4.7**

It is the policy of the County to provide unpaid family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) of 1993. Whether or not a particular situation is covered by FMLA depends on whether the law's requirements have been met, not on whether an employee actually requests FMLA leave. The County will designate leave as FMLA leave if the employee is eligible for FMLA leave and if the law's other requirements are satisfied, even if the employee has not requested FMLA leave.

### **General Provisions**

For purposes of this policy:

**"Child"** means son or daughter under 18 years of age, or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster or step-child.

**"Parent"** means the employee's biological parent, or an individual who stood in place of the parent of the employee. "Parent" does not include parents-in-law.

**"Serious health condition"** means an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential medical care facility;
- a period of incapacity that requires absence from work for more than three consecutive calendar days AND involves either two or more treatments by a health care provider, or at least one treatment by a health care provider plus a regimen of continuing treatment;
- any period of incapacity due to pregnancy or for prenatal care;
- a chronic serious health condition;
- long-term conditions for which treatment may not be effective; or
- multiple treatments and recovery.

**"Spouse"** does not include an unmarried domestic partner.

The **"twelve-month period"** during which the leave entitlement occurs is designated as the twelve (12) month period measured forward from the first date of leave.

### **Leaves Available**

An eligible employee will be granted up to twelve (12) work weeks of unpaid, job-protected leave each twelve-month period for any of the following qualifying reasons:

1. The birth of and/or need to care for your newborn child;
2. The placement of a child with you for adoption or foster care;
3. The need to care for your spouse, child, or parent with a "serious health condition"
4. A "serious health condition" that makes you unable to perform the functions of your job; or

5. Because of any qualifying exigency (urgent need) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. Qualifying exigencies may include attending certain military events, arrangement for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

### **Service Member Leave**

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the service member with a serious injury or illness. The 26 workweeks is a combined total with other reasons for FMLA leave. For example, if an employee had used 6 weeks of FMLA leave for his/her own serious health condition, 20 weeks would be available during that 12-month period for service member leave.

### **Eligibility Requirements**

To be eligible for family and medical leave, you must have worked for the County for at least twelve (12) months, and for at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave.

### **Married employees**

If you and your spouse are both employed by the County, and are both eligible for family and medical leave, you and your spouse will be limited to a combined total of twelve (12) weeks of family and medical leave a year taken for any one or all of the following reasons:

- birth of a child or to care for the child after birth; or
- placement of a child with you for adoption or foster care, or to care for the child after placement; or
- to care for your parent with a serious health condition.
- This limitation does not apply in cases of leave to care for the serious health condition of your spouse or child, or because of your own serious health condition.

### **How and When Leave May Be Taken**

Family and medical leave is taken either in consecutive workweeks, intermittently in separate blocks of time, or by reducing the number of days you work per week, or hours per day.

**Intermittent or reduced schedule** leave may be taken when medically necessary to care for your spouse, child, or parent with a serious health condition, or because of your own serious health condition. You must provide the County with medical certification of the need for intermittent or reduced schedule leave, and must attempt to schedule your intermittent or reduced schedule leave so as not to disrupt County operations. You may be transferred temporarily to an alternative position or schedule, with equivalent pay and benefits, which better accommodates the intermittent leave or reduced schedule.

Leave for childbirth, adoption or foster care may be taken intermittently or on a reduced leave schedule only if the employee's department head agrees to the proposed intermittent or reduced leave schedule.

Leave for the birth of a child or placement of a child for adoption or foster care must be taken within twelve (12) months of the birth, adoption or placement.

### **Notice and Planning Requirements**

If you know in advance that you will be taking leave because of birth, adoption or placement of a foster child in your home, or because of planned medical treatment for you or a covered family member, you must notify your supervisor in writing using a "Request for Family/Medical Leave" form at least thirty (30) days in advance.

When the need for leave is foreseeable based on planned medical treatment for you or your covered family member, the County expects you to consult with your supervisor and/or department head and to make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

In the event the timing of the leave is not foreseeable, you are required to give notice of the need for leave as soon as practicable, generally within no more than one or two working days of learning of the need for leave.

### **Medical Certification**

The County reserves the right to require written medical certification from the appropriate health care provider when leave is requested to care for a child, spouse, or parent with a serious health condition, or because of your own serious health condition. Medical certification forms are available from your department head or the County Auditor's Office, as well as online on the County's website. Certification will include the date of onset, the probable duration, type of treatment, and other appropriate medical facts concerning the condition. If you are seeking leave for your own health condition, the certification must also state that you are unable to perform the functions of your position. For leave to care for a family member, the certification must state that you are needed to care for the family member, and an estimate of the amount of time you will be needed. Other certification requirements apply in the case of intermittent or reduced schedule leave.

In lieu of medical certification, a notice from a health care provider or legal documentation shall be accepted for birth, or placement for adoption or foster care. The County may require re-certification and periodic reports from employees during leave.

### **Use of Paid Leave**

By law, leave under FMLA is unpaid leave, but an employee may ask to have accrued paid leave substitute unpaid leave. The County will allow you to use paid leave as part of your family and medical leave under the following circumstances:

1. Where the FMLA leave is for the birth, adoption, foster placement, or to care for a child, spouse, or parent with a serious health condition, you may use any accrued vacation or applicable sick leave for any portion of the twelve (12) week leave (see "Use of Sick Leave for Family Illness" in Section 4.4).
2. Where the FMLA leave is to care for your own serious health condition, you must use any accrued sick leave before using accrued vacation leave for any portion of the twelve (12) weeks. Any situations in which you use paid sick leave because you are unable to work due to a condition that qualifies as a serious health condition under this policy will be counted against your twelve (12) week FMLA entitlement.

When you have used all required paid leave for any portion of a FMLA leave, the balance of the leave will be without pay.

### **Rights and Benefits During Leave**

Seniority will accrue only during periods of paid leave. Vacation and sick leave will accrue during paid leave. Eligible employees will be paid for any holidays occurring during paid



FMLA leave. Holiday pay will not be paid during any unpaid FMLA leave.

All benefits which you had accrued before taking leave will be retained after returning from an approved FMLA leave, if not depleted during the leave.

While you are on family or medical leave, paid or unpaid, the County will continue your group health insurance coverage at the same level and under the same conditions that coverage would have been provided had you continued working. The employee will be required to pay the same cost of coverage as if he or she were actively at work. Employee contributions to the premium will be required either through payroll deduction or by direct payment to the County Auditor's Office by the end of the month for the following month's coverage. The employee will be informed of the amount and method of payment at the beginning of the leave. Loss of insurance coverage may result if the premium amount is more than thirty days late. If the employee misses a premium payment and the County pays the employee's contribution, the employee will be required to reimburse the County for the delinquent payment upon return from leave.

Under certain circumstances, if you fail to return to work after an approved FMLA leave, the County may require you to reimburse it for the amount the County paid for your health insurance premium during the leave.

### **Returning to Work**

At the conclusion of your FMLA leave, you will be restored to your former position, if that position is vacant, or one with equivalent pay, benefits, and conditions of employment, provided you have complied with the requirements of this policy. Upon returning to work from leave due to your own serious health condition, you will be required to provide certification from your health care provider that you are able to resume work and are fit for duty.

If you fail to return to work after your approved FMLA request has expired, and you have not contacted the County, the County shall regard this as your resignation.

## **UNPAID LEAVES OF ABSENCE**

**4.8**

Unpaid leaves of absence may be granted in certain circumstances. If you have exhausted all applicable sick leave, vacation, comp time, and FMLA leave, you may request an unpaid leave of absence. Applications for unpaid leave must be made in writing and shall state the reasons for the leave and inclusive dates, and shall be submitted to your department head. In some cases, medical certification of the expected duration of the leave may be required. Approval of unpaid leave is at the discretion of the County.

Employees who are disabled because of pregnancy, childbirth or related medical conditions who are not eligible for leave under the County's sick leave or FMLA policies or who do not have sufficient leave under those policies may apply for an unpaid leave for the period of the disability, or up to eight (8) weeks, whichever is less, as provided in Iowa Code section 216.6(2)(e). Medical certification stating that the employee is not able to perform the duties of employment may be required by the County.

During an unpaid leave granted under this section, employees missing a full paycheck will not receive compensation, will not accrue length of service and will not be eligible for paid holidays. Vacation and sick leave do not accrue during an unpaid leave.

The County does not make contributions to retirement programs for the duration of the leave. You may continue in the group health or life insurance programs during an unpaid leave under this section by paying the full cost of the premiums by the end of the month for

the following month's coverage. Failure to pay the premium on time will result in termination of coverage. Once coverage is terminated, re-enrollment for the employee and/or eligible dependents will not be allowed unless you have a "qualifying event" or during the annual open enrollment period.

### **Returning to Work**

If you plan to return to work following an unpaid leave taken under this section, you must notify your department head before the end of your leave. If the leave was for anything other than medical reasons, the County will attempt to restore you to the position you held at the start of the leave, or in a comparable position, if possible. If no such position is available, your employment will be terminated.

If the unpaid leave was for medical reasons, you may be required to submit to fitness-for-duty testing before returning to work. If, at the end of the unpaid leave of absence, the employee is not able to perform his or her normal job duties without posing significant risk of harm to his or her health or the safety or health of others, the County will review the employee's medical condition and determine whether the individual is a qualified individual with a disability and whether the employee's work restrictions can be reasonably accommodated to allow the employee to return to work.

Requests for extension of an unpaid leave must be submitted in writing to the County. Approval of the extension is at the discretion of the County.

### **MILITARY LEAVE**

**4.9**

The County will grant leaves of absence for military service to full-time and part-time regular employees in accordance with applicable state and federal law. A full-time or part-time regular employee, who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service.

The first 30 calendar days of military leave each calendar year shall be without loss of pay. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one (1) day toward the 30 calendar days without loss of pay. If the leave is for a period of less than 30 days, only those days the employee normally works will count toward the 30 days of leave. Absences required for military service that exceed 30 calendar days shall be granted in accordance with the County's policies on vacation, personal, compensatory time, or unpaid leave, and with applicable state and federal law.

Employees must submit their written military orders to their department head prior to the commencement of the military leave.

### **Re-employment Rights - Eligibility**

Your eligibility for re-employment with the County after you complete military service will be determined in accordance with applicable state and federal law. Conditions for re-employment are briefly explained as follows:

1. You, or an appropriate officer of the uniformed service in which you serve, must give advance written or verbal notice of your service to your immediate supervisor, unless military necessity prevents you from giving notice or if it is otherwise impossible or unreasonable;

2. The cumulative length of the absence and all previous absences from your employment with the County for reason of military service must not exceed five (5) years;
3. Your discharge from military service must be honorable; and
4. When you return from military service, you must report to work or submit a timely application for re-employment according to the following schedule:

For service of less than 30 days you must report to work by the beginning of your first regularly scheduled work day that would fall eight (8) hours after you return home.

For service of 31 to 180 days you must apply for re-employment within 14 days after completing service.

For service of 181 days or more you must apply for re-employment no later than 90 days after completing service.

### **Continuation of Benefits During Military Service**

Employees on leave for military service and any of their dependents entitled to coverage under the County's health insurance plan are entitled to coverage as follows:

1. An employee that leaves employment for less than 31 days is entitled to continued health insurance coverage, and will not be required to pay more than what an active employee would pay for coverage.
2. An employee that leaves employment for more than 30 days is allowed to elect to receive continued coverage under the County's health insurance plan for up to 18 months following separation from employment or until the employee's re-employment rights expire, whichever event occurs first. The County may require the employee to pay up to 102% of the premium.

### **BEREAVEMENT LEAVE**

**4.10**

A full-time employee will be granted a paid leave of five (5) working days in the event of a death of the employee's spouse, child or parent. A full-time employee will be granted a paid leave of three (3) working days in the event of a death of the employee's grandparent, sister, brother, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-brother or step-sister. A full-time employee will be granted a paid leave of one (1) working day in the event of the death of the employee's aunt, uncle, niece or nephew. Regular part-time employees will be granted prorated bereavement leave in accordance with the standards previously set forth in this handbook. Additional unpaid days, vacation leave, or comp time may be granted with department head approval.

Payment will be made only for those days which you would have worked. If a death in your family occurs, please notify your supervisor or department head as to the expected length of your absence. An employee must attend the funeral to be eligible for paid funeral leave.

Any employee may request to use vacation or earned comp time, or an unpaid leave to attend the funeral of a relative or friend, subject to the approval of the department head.

### **JURY AND WITNESS DUTY**

**4.11**

Any full-time or regular part-time employee required to report for jury duty shall receive a

paid leave of absence for the time spent on duty subject to the requirements of this policy. All other employees shall receive an unpaid leave for jury duty. While on paid jury leave, the County will continue your regular salary, but you must submit certification of the number of hours spent in such service and assign any compensation you receive in connection with the duty, less any reimbursement for travel or meal expenses, to the County. Employees on unpaid leave for jury duty will retain compensation received for jury service.

Any employee subpoenaed to appear as a witness in a civil or criminal proceeding may use earned vacation or accrued compensatory time (if applicable) with department head approval or may apply for an unpaid leave of absence (see Section 4.8).

All employees summoned to jury duty or witness duty must submit a copy of the summons to their supervisor within one working day after receiving the summons. Employees on jury or witness duty are expected to promptly return to work when released from service, either permanently or temporarily.

Hours spent by any employee appearing as a witness in any job-related legal proceeding at the direction of the County shall be considered to be work time.

## **DONATED LEAVE**

**4.12**

Washington County offers employees the ability to receive and donate accrued vacation leave and/or a personal day due to a personal or immediate family member's catastrophic illness or injury.

### **Definitions:**

**"Employee"** means a full-time or regular part-time employee as defined in Section 3.1.

**"Recipient"** means an employee who is receiving donated leave.

**"Donor"** means an employee who is donating leave to a recipient.

**"Immediate family member"** means the employee's child, parent, or spouse, as defined by the Family and Medical Leave Act (see Section 4.7).

**"Catastrophic illness"** means a physical or mental illness or injury, as certified by a licensed physician, or an employee or an immediate family member that will result in the inability of the employee to report to work on their normal schedule for more than 30 work days due to the need to attend to themselves or the immediate family member on a consecutive or intermittent basis.

**"Donated leave"** means a donor's personal day or vacation leave donated to a recipient.

### **Program Eligibility:**

In order to receive donated leave, a recipient must:

1. Have a catastrophic illness or injury or have an immediate family member with a catastrophic illness, and the employee is providing care, which may include transportation or other necessary services.
2. Have exhausted, or will exhaust within 2 weeks, all paid leave for which they are eligible.
3. Not be receiving Federal or State disability benefits.
4. Be approved for and using or have exhausted Family and Medical Leave Act

(FMLA) leave.

5. Submit a completed Donated Leave Request form to their Department Head. All employees, exempt or non-exempt, are eligible to request donated leave.

**Program Requirements:**

- A. Vacation hours and personal days will be donated on an hour for hour basis. A personal day will be considered to be 8 hours.
- B. Recipients will continue to have their life insurance premium paid by the county while on donated leave.
- C. The county will pay the “county portion” of one (1) additional month’s health insurance premium after FMLA and/or paid leave has been exhausted. The recipient may remain on the county health insurance policy until donated leave is exhausted, but is responsible for paying the full premium.
- D. Recipients will not be eligible to receive paid holidays, accrue vacation, accrue sick leave, or accrue longevity based on donated leave hours.
- E. A donor may donate a maximum of forty (40) hours of donated leave per recipient in each fiscal year.
- F. Interdepartmental donations will be funded by the Recipient’s department.
- G. A recipient may receive up to 960 hours of donated leave. The recipient may work intermittently to extend their period of donated leave if approved by their department head. Any unused donated leave will expire and be returned to the donor not more than twelve (12) months after the date the recipient first uses donated leave.
- H. Donations shall be used in the order they were donated according to the date and time the Donated Leave Contribution Form is submitted to donor’s department head.

A donation of leave may not be revoked once the recipient accepts the donation and it is credited to the recipient. A donation of leave may be revoked at any time prior to being accepted by the recipient and credited. Donated leave hours not used will not be deducted from the donor.

**Procedure:**

The Donated Leave Request form can be obtained from the employee’s department head or in the Auditor’s Office. Upon the submission of a completed Donated Leave Request, the Auditor’s Office will distribute a notice to all departments indicating that an employee is eligible to receive donated leave. Donors may submit Donated Leave Contribution forms to their department head for a period of two (2) weeks following the date the notice of a recipient’s eligibility is posted.

When a recipient nears the end of their initial donated leave, the Auditor’s Office shall send a notice to all departments to notify employees that the recipient is near the end of their donated leave. For a period of two (2) weeks after this notice, donors may submit additional Donated Leave Contribution forms to the donor’s department head. After this period, no additional donations will be allowed.

Confidentiality of donors will be maintained to the extent possible.

In the event of the death, resignation, or termination of a recipient, all unused donated leave will be returned to the donor.

This is a leave policy only and will not alter Washington County's Return to Work policy (see Section 4.6 & Appendix C).

## **SECTION FIVE: INSURANCE BENEFITS**

### **GROUP HEALTH INSURANCE AND RELATED BENEFITS**

**5.1**

#### **Eligibility**

Washington County provides a group health insurance program for all eligible regular full-time employees. Washington County will pay a portion of the premium cost for each eligible full-time employee. The County's contribution toward the health insurance premium will be reviewed annually by the Board of Supervisors. Employees will be notified of the amount of the County's contribution annually during open enrollment meetings or as requested.

Regular part-time employees shall receive at least one-half (1/2) of the benefit amount established by the Board of Supervisors. Regular part-time employees are eligible for and may request group medical insurance coverage after the employee has worked for six (6) months. If coverage is elected, the County will pay a pro rata share of the amount for single coverage or family coverage, and the regular part-time employee will pay the remaining amount. The pro rata share will be based on the employee's average hours of work per week during the preceding six (6) months compared to a 40-hour work week. This pro rata share will be recomputed on July 1 of each year thereafter based on the hours worked during the preceding 12 months (or shorter period if the employee has not worked a full 12 months) compared to 2,080 hours.

Eligible dependents of full-time employees may also participate in the County's group health insurance program. Employees wishing to cover their dependents under the plan are responsible for paying a portion of the dependent premium costs.

#### **Enrollment**

Upon employment, you will receive an application form to enroll yourself and to indicate whether you wish to enroll your eligible dependents in the County's health insurance program. If you do not elect plan coverage for yourself or your dependents within 30 days of employment but wish to enroll at a later date, you may do so only if there is a qualifying event (for example, marriage, birth of a child, etc.) or annually during open enrollment. For purposes of this section, an increase in your spouse's health insurance premium is not considered to be a qualifying event.

#### **When Coverage Begins**

Insurance coverage will be effective on the first of the month following the date of employment. The insurance program, coverage and eligibility are subject to all terms and conditions of the plan as explained in the County's group health insurance plan booklet.

#### **When Coverage Ends**

If you resign or retire, insurance coverage terminates at 11:59 p.m. on the last day worked, which is the date of termination. Any employee premium withheld from your paycheck during the month of your termination will not be refunded. For instance, if you terminate on the 25th of the month, your coverage ends on the 25th of that month; however, any insurance premiums deducted from your paycheck(s) during that month prior to the 25th

will not be refunded. If your employment is terminated by the County, insurance coverage will terminate at 11:59 p.m. on the last day worked, however you may be eligible for a partial refund of your share of the premium. Please review the policy (see Section 5.3) regarding continuing health insurance benefits after termination of employment.

## **LIFE INSURANCE**

**5.2**

Washington County will provide each full-time employee with a life and accidental death and dismemberment insurance policy in an amount to be determined by the Board of Supervisors. The program, coverage and eligibility will be subject to all terms and conditions of the contract with the insurance carrier selected by the County. Coverage will be effective the first day of the month following the date of employment. Coverage terminates on the 1st day of the month following the date of employment termination.

An employee may be eligible to continue coverage by converting to an individual policy through the life insurance carrier at the time of termination. Please refer to the plan booklet for details concerning your conversion options.

## **CONTINUATION OF MEDICAL COVERAGE**

**5.3**

### **COBRA Continuation Rights and Obligations**

If you resign or your employment is otherwise terminated, or if your work hours are reduced, and consequently you or your dependents are no longer eligible to participate in the group health insurance plan offered by the County, you and your eligible dependents may have the right to continue to participate for up to 18 months at your (or your dependents') expense. The 18-month continuation coverage period provided in the event of your termination or reduction in working hours may be extended to 36 months for your spouse and dependent children, if, within that 18-month period, you die or become divorced or legally separated, or if a child ceases to have dependent status. In addition, if you enroll for Medicare during the 18-month period, your spouse and dependent children may be entitled to extend their continuation period to 36 months, starting on the date you become eligible for Medicare.

If you are determined to be disabled under the Social Security Act at the time of your termination or reduction in hours, you may be entitled to continuation coverage for up to 29 months.

While you are an employee with the County, your eligible dependents may extend coverage, at their expense, for up to 36 months in our group health insurance plans in the event of your death, divorce, legal separation, or enrollment for Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan.

If you or your eligible dependents elect to continue in the group health insurance plan, you will be charged the applicable premium plus an additional two (2) percent. Failure to make timely payments may result in termination of coverage.

The Benefits Administrator will contact you concerning continuation options at the time termination occurs or your work hours are reduced. The Benefits Administrator will contact your qualified beneficiaries in the event of your death or enrollment for Medicare benefits.

However, in the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plan, you or your dependent is responsible for contacting the Benefits Administrator within 60 days to discuss continuation/conversion rights. You and your qualified beneficiaries are also responsible for notifying the County Auditor within 60 days of qualifying for social security disability benefits.

### **Continuation of Coverage under Iowa Code Chapter 509A**

Employees who retire from County employment before age 65 are eligible to continue enrollment for themselves and eligible family members in the County's group health insurance plan up to age 65. Coverage must be continuous; that is, the employee must elect the same coverage at retirement, and the retired employee must pay the full cost of the premium. For purposes of this section, a retired employee is one who has applied for and is receiving an IPERS retirement allowance.

### **FLEXIBLE BENEFITS PLAN**

**5.4**

Full-time employees are eligible to participate in the County's flexible benefits plan. Regular part-time employees are eligible to participate in the plan after completing six (6) months of employment. The plan allows employees to pay qualifying premiums with pre-tax dollars and to annually contribute tax-free dollars through payroll deductions to reimbursement accounts related to eligible medical and dependent care expenses. Re-enrollment is required annually.

## **SECTION SIX: WORK REGULATIONS AND DISCIPLINE**

### **ATTENDANCE AND PUNCTUALITY**

**6.1**

Your position with the County exists because it is necessary to ensure the smooth and efficient handling of daily County operations. The County expects all employees to assume responsibility for their attendance and promptness. You are expected to be at work on time each business day. In the event you are absent or late due to illness, accident, or other reason, inform your department head well in advance of your scheduled start time, so that your department can make other arrangements while you are absent.

Absenteeism or tardiness that is unexcused or excessive in the judgment of the department head or supervising authority is grounds for disciplinary action, up to and including an unpaid suspension or termination.

### **GENERAL EMPLOYEE OBLIGATIONS**

**6.2**

Employees are expected to maintain good work habits including regular attendance and punctuality, and to conduct their job duties in an ethical fashion. Employees must avoid any activity outside of their employment with the County that would adversely affect their performance on the job or involve a possible conflict of interest. Employees must maintain the confidentiality of any protected information revealed to them during the course of their employment with the County.

### **OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

**6.3**

Employees shall not engage in any outside employment activity or enterprise that is inconsistent, incompatible with, or interferes with the employee's ability to effectively perform assigned duties for the County. The County expects full-time employees to consider County work as their primary employment. Any other employment must be compatible, without conflict of interest, or schedule.

Employees may not engage in outside employment or self-employment activities that:

- prevent an employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is an expectation of the employee's job;
- involve so much of the employee's time that it impairs the employee's attendance or efficiency in the performance of duties assigned by the County; or



- may reasonably be perceived by members of the public to constitute a conflict of interest or otherwise discredit public service.

Employees who engage in any outside employment or self-employment must notify their department head in writing of such activities.

## **DRESS AND GROOMING**

**6.4**

Because you may be in daily contact with the public, the public will remember you as a representative of the County. We expect that you dress and groom yourself during working hours in a manner that reflects favorably on the County. Dress appropriately when considering the demands of your particular position.

Any prescribed and issued uniform or approved attire must be worn in its entirety while on duty. Uniforms must be clean, pressed and neatly maintained at all times. Uniforms may be worn only while on duty or while traveling to and from work. Washington County will provide uniforms for the Secondary Roads Department Shop Foreman and Mechanic, and will pay for the uniform service, which includes cleaning the uniforms.

### **Safety Allowance**

Secondary Roads Department employees are provided a reimbursement limit per calendar year to be used for the purchase of Personal Protective Equipment (PPE) not provided by the County. This safety allowance will be set by Secondary Roads departmental policy and will be reviewed as needed. Any items purchased from the Safety Allowance will be expected to be available as needed during working hours. Employees will be required to submit receipts for approval to the Secondary Roads Department Office Manager for reimbursement.

Secondary Roads Department employees are required to wear steel-toed safety shoes at all times while at work. Office staff will be excluded from this requirement to wear safety foot protection as determined by the Engineer. PPE items that are approved for reimbursement are as follows:

- Safety boots – steel-toed or equivalent
- Safety glasses – prescription and non-prescription
- Safety apparel – t-shirts, coats, etc. that comply with the Manual on Uniform Traffic Control Devices (MUTCD) requirements
- Ear Muffs
- Gloves (leather, winter, etc.)

Other County departments may provide PPE items as necessary for specific positions. A safety allowance may be set for other County Departments per the Department Head, for PPE items that are not otherwise provided by the County.

## **SOLICITING ON COUNTY PREMISES**

**6.5**

County policy prohibits solicitation, buying or selling of any kind, electronically or in person, during working hours. These activities should be conducted during non-working hours. This policy applies to any form of solicitation including seeking contributions to charities, selling tickets, or memberships in service clubs or other organizations. Solicitation by one employee of another is prohibited during the time either employee is required to be performing job duties. Distribution of leaflets, pamphlets, or any other materials is also forbidden during working time. For purposes of this policy, working time does not include breaks or meal times. Distribution of leaflets, pamphlets, or other materials is forbidden in working areas at any time.

## **EMPLOYEE LICENSES AND CERTIFICATIONS**

**6.6**

It is the employee's responsibility to keep licenses and/or certifications current. All required licenses and certificates shall be brought to the appropriate department head to be copied for the employee's personnel file. Failure to keep required licenses and certifications current may result in disciplinary action, up to and including termination.

## **GUIDELINES FOR EMPLOYEE CONDUCT AND DISCIPLINE**

**6.7**

In order to maintain safe, efficient and harmonious operations, and to continue to provide the highest standard of public service, the County has adopted the following rules outlining examples of unacceptable employee conduct. Each rule reflects a common understanding of what behavior is acceptable in the workplace.

These rules can be modified by the County as changing conditions warrant. The County may take whatever disciplinary action it deems appropriate in response to an offense, even if it is not included in the following list. You must understand that any offense, whether or not it is included in these work rules, may result in disciplinary action, up to and including immediate termination, without prior warning.

The County expects your complete cooperation in observing these rules which have been designed for our common protection and benefit.

### **Employee Conduct**

While it is not possible to list all the offenses for which you will be disciplined, the following are examples of inappropriate, unacceptable conduct:

1. Unsatisfactory work performance.
2. Falsifying employment or other job-related records.
3. Violating the County's policy against workplace harassment of any kind.
4. Establishing an unacceptable pattern of tardiness or absenteeism, or failing to report for work without notification to the County.
5. Unauthorized failure to return from a leave of absence.
6. Engaging in unnecessary, or unauthorized use of County property or supplies, particularly for personal use.
7. Reporting to work intoxicated or under the influence of non-prescribed drugs, alcohol, or other substances.
8. Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs.
9. Bringing or using alcoholic beverages to or in County workplaces or using alcoholic beverages while engaged in County business off of County premises.
10. Fighting or using obscene, abusive, or threatening language, or any other behavior the County believes jeopardizes the safety of the public or other County employees.
11. Stealing property of coworkers, customers, clients, or the County.
12. Having unauthorized weapons on County premises or while performing duties associated with County employment.
13. Disregarding smoking, safety or security regulations.
14. Engaging in insubordination or failing to cooperate with assigned employees, co-workers, supervisors, or managers.
15. Failing to follow County job instructions or to perform work requested by a supervisor or manager.
16. Violating a County safety rule or practice or creating or contributing to unsafe, unhealthy, or unsanitary conditions.
17. Failing to maintain confidentiality of County, client, patient, or customer information.

18. Failing to maintain necessary licenses and/or certifications.
19. Failing to maintain motor vehicle insurability.
20. Engaging in activity outside of employment with the County that would adversely affect your performance on the job or involve a possible conflict of interest.

### **Discipline**

The County reserves the right to use whatever discipline it decides is appropriate in any situation, up to and including immediate termination, without regard to the progressive discipline guidelines explained below.

The County may determine that an offense may be corrected using progressive discipline. Situations that the County believes will respond to corrective discipline may be handled as follows:

**Counseling:** The employee's supervisor may give the employee a verbal warning.

**Written warning:** If the unsatisfactory conduct continues, the employee's department head may issue a written warning.

**Suspension:** If sufficient improvement has not been made, or if the conduct continues, the employee may be suspended without pay.

**Termination:** If the conduct continues, the County may terminate the employment of the employee.

Unpaid disciplinary suspensions of exempt employees shall be for one or more complete work weeks in accordance with the Fair Labor Standards Act (FLSA).

Employees are free to resign their employment with the County at any time and for any reason, and the County retains the same right regarding termination of employment.

### **USE OF COUNTY VEHICLES & SEAT BELTS**

**6.8**

If an employee is required to travel on County business, including travel to County approved training sessions, employees must use a County owned vehicle, if available. At the discretion of the department head, if a County vehicle is available and an employee chooses to drive his or her own vehicle, mileage reimbursement may be allowed with approval from the Department Head. If an employee is driving his or her own vehicle while performing official County business, the Department Head will require proof of insurance for that employee's vehicle.

Non-employees may ride in County-owned vehicles only with prior authorization from the department head or governing body or when necessary for County business.

Employees driving County vehicles must have a valid driver's license. Employees using County vehicles will not be reimbursed for mileage or related vehicle expenses, except for necessary gas purchases or repairs while on County business. The employee will be reimbursed after submitting an expense report with an official receipt that includes the name of the service station or repair agency, date, and amount. Use of a County vehicle for out-of-state travel must be approved in advance by the department head.

Unless permission is otherwise granted, vehicles will be kept on County property when not in official use. Keys will be signed out by the respective department heads to an assigned user. If applicable, employees who have primary use of a vehicle will sign an agreement outlining additional responsibilities.

If equipment is found to be faulty, users should immediately inform their supervisors, who in turn should inform appropriate departmental or Buildings and Grounds staff to authorize

repairs.

County identification signs must be visible on the vehicle at all times (excluding certain law enforcement vehicles). Smoking is **not** allowed in County vehicles. Food is allowed, but employees are responsible for cleaning up their own spills and garbage before returning the vehicle.

Employees must submit requests to use a County vehicle to their department heads. Three (3) days' notice prior to the anticipated date of use should be given when possible. The department head will immediately inform Buildings and Grounds personnel if assistance is needed for fueling.

As a matter of safety and common sense, employees may not use portable communication devices while driving. The Sheriff's office and Engineer's office may have exceptions to this policy and employees should check with their department head on rules governing use of communication devices while driving. If a phone call or text, etc. is necessary, the driver must pull off the road at a convenient and safe location. Employees who are charged with a traffic violation(s) resulting from the use of a phone or other portable communication devices while driving will be personally responsible for the payment of any fines resulting from the violation(s).

Employees should check with their immediate supervisor to determine if other departmental restrictions or guidelines apply to operation and maintenance of a County vehicle.

### **Seat Belts**

It is the policy of Washington County that all employees and their passengers shall use seat belts and shoulder restraints while operating official vehicles, equipment, personal vehicles, and rental vehicles while performing official County business.

Employees operating equipment with a Rollover Protective Structure (ROPS) shall use seatbelts when operating the equipment.

Employees are also prohibited from riding in or on parts of a vehicle not designed for human occupancy. This includes, but is not limited to pick-up and truck boxes, fenders, steps and bumpers. This also applies to trailers, ATV dump boxes and lift buckets.

Failure to comply with these rules is a violation of Washington County's safety policies, which is cause for disciplinary action, up to and including immediate termination. The Sheriff's office and Engineer's office may have exceptions to this policy. Employees should check with their immediate supervisor or department head for clarification.

### **PHONE CALLS**

**6.9**

The County's telephone lines must be kept free for business calls. You are required to limit the personal use of the County's phone, your personal cell phone and any other personal communication devices to essential calls. If possible, make such calls either before or after business hours, or during scheduled break times, meal periods, or for emergency purposes when necessary. Ask your friends and relatives not to call during working hours, except for emergency messages. Calls to other employees during the working hours should be confined to County business. Excessive or improper use of County telephones or improper or excessive use of your personal cell phone or any other personal communication devices during working hours is cause for disciplinary action, up to and including termination.

In addition to telephone service, many cell phones and providers offer additional functions

and/or services, including text messaging, e-mail, and digital photography. It is impossible to list all services currently offered by providers or that may be offered in the future. Whether enumerated or not, employees are prohibited from using any of these services while at work, unless the use has been specifically authorized by the official or department head. Unauthorized use of such services may result in disciplinary action, up to and including termination of employment.

## **INVESTIGATIONS**

**6.10**

All employees are required to fully cooperate with any member of management who is conducting a work-related investigation. Employees will be disciplined for lying to any member of management, or providing information to any member of management that is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any member of management. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by management, and discouraging other individuals who may be contacted by management from responding to or cooperating with management. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by management, and providing information, documents or materials to management that are dishonest, misleading, inaccurate or incomplete.

## **WORKPLACE PRIVACY AND SEARCHES**

**6.11**

The County attempts to maintain equipment and supplies that permit work to be accomplished in the most efficient and effective manner possible. While employees are encouraged to use these items, it is important to understand that they are County property and are to be used to conduct County business.

As part of your employment, a desk or work space may be made available to you. The desk and work space are County property. Because the desk and work space are County property, not your personal property, the desk and work space are subject to being inspected by the County at any time, with or without notice to you.

The County assumes no responsibility or liability for any items of personal property which are placed in the desk or work space that is assigned to you.

If the County conducts an examination or inspection under the terms of this policy, there will be at least two (2) individuals present at the time of the examination or inspection.

## **USE OF WORKPLACE TECHNOLOGY (Including email and the internet)**

**6.12**

The County may provide electronic mail systems, computers, telephone systems, voice mail, fax machines and other technology to employees at the County's expense for their use in performing their duties for the County. The purpose of this policy is to prevent misuse of the County's workplace technology and to ensure appropriate, efficient and effective use of such technology. These machines and systems are business equipment owned by the County to be used for business purposes. Exceptions are limited to necessary personal phone calls, and authorized personal use of the internet and email systems during non-working time as approved by department heads.

Employees shall maintain the highest professional ethics and conduct while on the County's electronic communication systems. Employees must restrict personal use to occasional use that does not interfere with the County business. Occasional, incidental personal use of County technology must not interfere with job activities nor result in any

expense to the County.

Obscene, demeaning, defamatory, or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the County's policies concerning workplace harassment and sexual harassment. Any use of the internet or other technology to obtain, transfer, download, or send sexually explicit material for personal use is expressly prohibited.

All communications over and activity conducted on the County-owned systems are property of the County. The County may access, review, audit, and disclose all matters sent over its systems or placed into their storage.

Employees should have no expectation or right of privacy when using the County-owned systems. The internet is an open, unsecured network. Also, some electronic communications such as electronic mail and computer files may exist on back-up tapes after the user deletes them. Simply deleting a message or file may not fully eliminate the message from the system. The use of personal passwords or access codes does not restrict the County's ability to access electronic communications or files.

The County may retrieve an employee's voice and electronic mail messages and computer files for non-investigative reasons (such as to retrieve a needed computer file or message) and as part of a valid investigative search relating to workplace misconduct.

The County may review a record of an employee's Internet usage. An employee's use of the electronic mail, internet, voicemail or other computer systems constitutes consent to the County's review of the employee's electronically stored email, files or messages. *All messages should be composed with the expectation that they will be made public.*

Employees must inform their department heads of voicemail, email and computer passwords or access codes. Employees shall not use unauthorized codes, passwords, or other means to gain access to others' files.

Loading, copying or installing any software, including commercial software, shareware, freeware, games, screen savers, or any other type of software, is prohibited without authorization from the appropriate department head. Employees who are authorized to download information from the internet must comply with disk scanning procedures established by the County to minimize the risk of contracting a computer virus. Employees are prohibited from deactivating software designed to detect and destroy computer viruses.

Use of the electronic communication system to copy and/or transmit any documents, images, software or other information protected by a copyright owned by someone other than the County, without proper authorization from the copyright owner, is prohibited. Copyright protection applies to any document, image, software or information unless it is specifically marked as public, not copyrighted, or freeware. In the absence of any specific copyright markings, material or information should be considered copyright protected. The County assumes no responsibility for reviewing, ascertaining or policing copyright material that may be transmitted to or from the electronic communication system by employees.

**Employees will be disciplined, up to and including termination, for violating the County's technology policy. Employees who are terminated, laid off, or on extended leave of absence have no right to access email or other County electronic communications systems.**

All Washington County employees will be issued a Salamander Identification badge within their first week of employment with the County. An information form is included with the new hire packet and can be returned to Washington County Emergency Management Agency (EMA) via email or in the mailbox located in the Auditor's office. Human Resources or EMA will set up a time with the employee to take a passport style photo. ID badges will have an expiration date set two years after issuance. At the time of expiration, employees will need to check in with EMA to ensure that information is still correct, update photo if needed, and to get a new badge issued. If a badge is lost or stolen, please report this to your supervisor or Department Head, who can contact EMA as soon as possible for a replacement.

Washington County policy deems that employees must have their ID badge visible on their person at all times during work hours. Employees will have the option to wear it on a lanyard around their neck or on a clip at their lapel, pocket, or waist. If wearing on a lanyard, it is recommended and encouraged that a break-away lanyard is utilized. One of these options will be issued to the employee with their badge; however, employees are welcome to utilize their own lanyard or clip at the Department Head's discretion. Employees who are representing Washington County at outside functions such as training or conferences are allowed to wear their badge in this setting, but should not wear them during non-work hours or outside of the work function.

In the event of a disaster striking Washington County, the Salamander ID badges will be utilized to account for employees who are on-scene or in the Emergency Operations Center, and it will be required during those situations that badges are visible on the employee. It will be necessary to present this ID to gain access to any restricted area during disaster response and recovery.

## **SECTION SEVEN: DRUGS AND ALCOHOL IN THE WORKPLACE**

### **DRUGS AND ALCOHOL IN THE WORKPLACE**

**7.1**

The County requires all employees to report to work on time and in the appropriate mental and physical condition for work. Employees using alcohol or drugs without medical authorization in the workplace or in the course of their employment are subject to discipline up to and including termination. This policy applies to all Washington County employees covered under this handbook.

The County recognizes that drug and alcohol dependency and abuse pose major health, safety and security problems. Employees needing help with such problems are encouraged to use resources available through the Iowa Substance Abuse Information Center at (319) 398-5133 or on the web at <http://www.drugfreeinfo.org>, or to contact the agencies located in the community who provide substance abuse assistance programs.

The County also offers an Employee Assistance Program available for all employees. Contact Human Resources for more information.

### **DRUG-FREE WORKPLACE**

**7.2**

It is the policy of the County to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, threatens the County's ability to function effectively and efficiently, and undermines the public's trust in our operations. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in County business off the

County's premises is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that in the opinion of the County, it impairs an employee's ability to perform the essential functions of the job or threatens the reputation or integrity of the County.

Employees directly engaged in work performed pursuant to a federal grant or contract are required to report within five (5) days any conviction under a criminal drug statute for violations occurring on or off the employer's premises while conducting County business. Report of the conviction should be made to the employee's supervisor or other appropriate County official. Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, the County may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

## **DRUG TESTING**

**7.3**

The County acknowledges that drug and alcohol use creates a variety of workplace problems, including decreased productivity, decreased employee morale, increased workplace theft, increased liability, and a decline in the quality of services. Therefore, the County concludes that fair and accurate testing for drugs and alcohol in the workplace can help ensure a positive and productive work environment for employees and the public. The County's Drug and Alcohol Policy (see Appendix B) outlines when testing will be required, the approved testing procedures, and confidentiality requirements mandated by law.

Drug testing of employees required to have a commercial driver's license (CDL) shall be conducted in accordance with applicable state and federal law.

## **SECTION EIGHT: COMPLAINT RESOLUTION PROCEDURE**

### **COMPLAINT RESOLUTION PROCEDURE**

**8.1**

Misunderstandings, conflicts, problems, or other questions about your job can arise in any workplace. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. If your concern relates to any type of workplace harassment, follow the complaint procedures outlined in the sexual harassment policy (see Section 2.2) contained in this handbook. Also, complaints from certain employees may fall under resolution procedures established by state law. For other complaints, the County has adopted the following procedures to respond to your concerns.

**Step One:** See your immediate supervisor. S/he is in the best position to resolve your problems or concerns. In an effort to resolve the problem, your immediate supervisor will consider the facts and conduct an investigation, if necessary. You will normally receive a response regarding your problem within five (5) days of meeting with your supervisor or department head. If you are not satisfied with the response of your immediate supervisor, or if the supervisor fails to respond to your complaint within five (5) business days, you may proceed to Step Two.

**Step Two:** You may prepare a written summary of your concerns and request that the matter be reviewed by the appropriate Elected Official, Board of Supervisors, or other appropriate governing body.

For employees falling under the Washington County Board of Health, Washington County Conservation Board, or Washington Communications Board, you may submit a complaint to those governing bodies.



Employees covered by union are encouraged to speak with their representative and refer to their union rules.

After a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned, and a further investigation, if necessary), the Elected Official, Board of Supervisors, or other appropriate governing body will normally advise you of its decision within fifteen (15) days. The decision of the Elected Official, Board of Supervisors, or governing body shall then be final.

## **Appendix A: Employee Acknowledgements**

### Employee Acknowledgment of Receipt of Handbook

I have received a copy of the Washington County Employee Information Handbook (also located on the County's website). I understand that the handbook has been provided to me for informational purposes only, and that the County may change or withdraw any policies, procedures, or benefit programs at any time. I acknowledge that this handbook is not a contract of employment, express or implied, and that I am not guaranteed employment for any specific duration. Either the County or I may terminate my employment at any time with or without notice or cause.

### Drug-Free Workplace Policy Acknowledgment

Section Seven of the Employee Information Handbook is the County's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on this employer's premises or while conducting the employer's business. A violation of this policy can subject me to discipline up to and including termination. I realize I must abide by the terms of this policy and that if I am directly engaged in work performed pursuant to a federal grant or contract, as a condition of employment, I must notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction. I further realize that federal law mandates that the employer communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise for conveying this information to the federal agency. This policy applies to ALL employees covered under this handbook.

### Acknowledgment of Receipt of Workplace Technology Policy

Section 6.12 of the Employee Information Handbook is the County's policy regarding use of workplace technology. I fully understand the terms of this policy and agree to abide by them. I understand that the County's computer and electronic communications systems are to be used for business purposes only, with limited exceptions and only as approved by my department head, and that all information stored in, transmitted, or received through the County's systems is the property of the County. I acknowledge that I have no expectation of privacy in connection with the use of this equipment. I acknowledge and consent to the County monitoring my use of this equipment at any time at its discretion. Such monitoring may include, but is not limited to, printing and reading email entering, leaving, or stored in these systems; listening to my voicemail messages; recording the internet address of any site that I visit; and recording any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive may be recorded and stored in an archive file for management use. I know that any violation of this policy could lead to discipline, up to and including termination.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

**APPENDIX B: DRUG AND ALCOHOL POLICY**  
**(This policy applies to ALL Washington County employees covered by this Employee Information Handbook)**

**Statement of Policy**

In order to foster an appropriate environment for the provision of services to citizens and to protect the health and safety of employees, it is the policy of the County that the following conduct is prohibited:

- a. the use, sale, offering for sale or possession of illegal drugs, controlled substances, imitation controlled substances, or counterfeit controlled substances, on the job, on the County's premises, or in County vehicles;
- b. any improper use of "legal" or health care provider-prescribed drugs on the job, on the County's premises, or in County vehicles;
- c. the use, sale, offering for sale, or possession of alcoholic liquor (beer, wine, or other alcohol) on the job, on the County's premises, or in County vehicles;
- d. being under the influence of illegal drugs or controlled substances, alcoholic liquor (beer, wine, or other alcohol) or improperly used prescription drugs on the job, on the County's premises, or in County vehicles; or
- e. Substituting or adulterating a urine or saliva sample in order to alter the outcome of the drug test.

**Prescription Drugs/Over-The-Counter Medications**

Employees should use both prescription and over-the-counter medications in the prescribed manner. Employees are encouraged to discuss their job functions/duties with their medical provider prior to the medical provider prescribing medications that may have potential adverse effects posing a safety risk to the employee or others. Employees using prescriptions that may cause side effects should advise their manager of that fact before reporting to work.

If a potential side effect could cause an unsafe condition in the workplace, the County may determine that the employee cannot work. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Use of over-the-counter medication during work hours is allowed only if it is used for its intended purposes and in accordance with package directions.

**Application**

Unless otherwise specified, this policy applies to all County employees, including part-time, full-time, and temporary employees.

This policy applies while employees are on the job, on the County's premises, in County vehicles, and to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on County premises and will not be permitted to conduct business if found to be in violation of this policy.

**Safety-Sensitive Positions (CDL Drivers)**

A driver is considered to be performing a safety-sensitive function when he/she begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibilities for performing work. Safety-sensitive functions include six (6) specific items found in §382.107 of the Federal Motor Carrier Safety Regulations.

### **Pre-employment Testing**

Applicants for all County positions will be required to undergo drug and/or alcohol testing as part of the physical requirements prior to commencement of their duties for employment. If the test of an individual results in a Medical Review Officer (MRO) – verified positive test for the use of controlled substances, or an alcohol concentration of .02 or greater, the applicant will not be eligible for employment. A pre-employment drug and/or alcohol test, at the County's expense, shall be required only after an applicant is conditionally offered County employment. A County employee who transfers from one County job to another is not subject to pre-employment testing.

### **Reasonable Suspicion Testing**

The County has a strong interest in prohibiting harm that could result from illicit use of drugs or alcohol on the job, to include maintaining integrity and sound judgment, protecting sensitive information, and enhancing public safety.

Employees may be subject to testing when there is reason to believe that an employee is using or has used alcohol or other drugs in violation of the County's written policy drawn from specific objective and articulable facts and reasonable inferences may be based upon, but are not limited to, any of the following:

- a. observable phenomena while at work such as direct observation of alcohol or drug use or abuse, or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use;
- b. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- c. a report of alcohol or other drug use provided by a reliable and credible source;
- d. evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the County; or
- e. evidence that the employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working or while on the County's premises or while operating the County's vehicles, machinery, or equipment.

Employees who are reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol shall be either suspended from their job duties pending an investigation and verification of their condition, or, if drug-testing facilities are not available (see After Hours Testing Protocol), ordered to immediately discontinue all work activities and be removed from the County's premises.

Employees who are reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol will not be permitted to driver a motor vehicle after they have been suspended. If the employee has driven a motor vehicle to work, the employee must either make arrangements with another individual to driver their vehicle or must make arrangements for alternative transportation. The employee will remain suspended until the confirmed test results are received by the County. If the confirmed test results are negative, the employee will be reimbursed for the suspended days off. If the confirmed test results are positive, the employee will be subject to disciplinary action, up to and including immediate termination.

Documentation of the observed behavior will be completed.

The need for testing shall be determined by the employee's supervisor, if the supervisor is the department head, or by the employee's supervisor and the department head.

### **Testing in the Event of a Workplace Injury**

A drug or alcohol test may be administered at the direction of a person providing treatment or care to an employee involved in an accident at work, or when a reasonable suspicion situation exists, and results of such a test may be provided to the County. The County shall take action upon the results of any drug or alcohol test that has been conducted by, and legally obtained from, a hospital or healthcare provider who treats an employee involved in a workplace accident.

### **Post-Accident Testing**

As soon as practicable following an accident involving an official Washington County vehicle, equipment, or personal or rental car being used for official Washington County business, the County employee driving shall be tested for alcohol and/or drugs if:

- a) the accident results in any human fatality or injury with treatment, regardless of fault or whom was injured;
- b) the employee receives a citation at the site under state or local law for a moving traffic violation arising from the accident;
- c) any vehicle involved in the accident needs to be towed from the scene; or
- d) reasonable suspicion exists.

Following an incident that requires alcohol and/or drug testing, the employee shall make himself/herself readily accessible for testing. Employees shall not consume any alcohol for eight (8) hours following an accident or until they have received post-accident testing. Being unavailable for testing will be treated the same as a refusal to test and shall subject the employee to disciplinary action, up to and including termination.

The results of a breath test for the use of alcohol or a urine test for the use of drugs conducted by federal, state or local officials having independent authority for the tests shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state or local requirements, and that the results of the tests are obtained by the County.

If an employee fails to produce a sufficient amount of breath to properly administer a breath alcohol test, then the employee shall be referred to a medical provider. If this happens during regular business hours, the employee will be taken to the designated physician's clinic for testing. If this happens after hours, the Department Head or designee will follow the After Hours Testing Protocol.

The doctor will review the employee's pulmonary health and provide the County a written report concerning the employee's ability to produce an adequate amount of breath for testing. Failure to provide an adequate amount of breath may be regarded as a refusal to submit to testing and may be treated as a positive test.

Post-Accident Testing Flow Chart (This applies to ALL employees covered under the Washington County Employee Information Handbook)



Alcohol testing must be performed within two (2) hours of an accident. If the test cannot be performed within two (2) hours, the County will prepare a record stating why the test wasn't given. If the test cannot be performed within 8 hours, the County will not give the test and will prepare a record stating why the test could not be given within that time.

Drug testing must be performed within 32 hours of an accident. If the test cannot be performed within 32 hours, the County will not give the test and will prepare a record stating why the test could not be given within that time.

A driver subject to post-accident alcohol testing must remain available for testing. Not remaining available for testing is considered a refusal to test. Drivers shall not consume any alcohol for eight (8) hours following an accident or until they have received post-accident testing.

Any employee who refuses or fails a post-accident alcohol or drug test may receive disciplinary action, up to and including immediate termination. The County retains the absolute right to determine whether the specific circumstances of a refusal or a positive test result warrant termination or lesser disciplinary action.

### **DOT – Random Drug Testing**

Regulated employees are subject to unannounced random drug and alcohol testing. Random selection must ensure every employee will have an equal chance of being selected each time. Random testing for alcohol must be completed just before, during, or immediately after performing a safety-sensitive or work-related function. Random testing for drugs can be done any time you are at work for the County.

Just prior to the testing event, you will be notified of your selection and be provided enough time to stop performing your safety-sensitive function and report to the testing location. Failure to show up for a test or interfering with the testing process may be considered a refusal.

### **Return-to-Duty and Follow-Up Testing**

Return-to-duty testing is required for any employee who has tested positive for drugs, failed an alcohol test, or refused to take a drug and/or alcohol test. In order to return to performing any job duties, an alcohol concentration of less than 0.02 and/or a negative drug test is required. There are also referral, evaluation, and treatment requirements that must be met.

Follow-up testing is required for any employee who tested positive for drugs, failed an alcohol test, or refused to take a drug or alcohol test. (see "*What are the Consequences of Violating the Alcohol or Drug Policy?*").

Only the Substance Abuse Professional (SAP) treating the employee can set the number, frequency, and length of time that follow-up testing is required. Should the County choose to retain the employee, all Return-to-Duty and Follow-up testing, as well as any other costs associated with the substance abuse evaluation and treatment, will be paid as provided by Iowa Code § 730.5(9)(g).2020.

An employee who has been under a SAP's care may be subject to follow-up and random drug testing for up to five (5) years.

The County also offers an Employee Assistance Program available for all employees. Contact Human Resources for more information.

### **What Happens If I Refuse to Be Tested?**

As part of the County's drug-free workplace policy, you must submit to alcohol and drug testing. A refusal to test is treated the same as a positive test. If you refuse to be tested, you cannot continue to perform work-related functions and are subject to disciplinary action, up to and including termination.

The following situations may be considered as a positive test result:

#### **Drug Testing:**

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine sample for any test required.
- **(DOT)** Failure to permit the observation or monitoring of you providing a urine sample (Please note: tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private).
- Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.

- Failure to undergo a medical evaluation as part of “shy bladder” procedures.
- Providing a specimen that is verified as adulterated or substituted.
- Failure to cooperate with any part of the testing process.
- Failure to follow the observer’s instructions.
- Possessing or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admitting to the collector or Medical Review Officer (MRO) that you adulterated or substituted the specimen.

**Alcohol Testing:**

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to sign Step #2 of the alcohol testing form.
- Failure to provide a breath sample for any test required.
- Failure to provide a sufficient breath sample when directed, and it has been determined through a required medical evaluation that there was not adequate medical explanation for the failure.
- Failure to undergo a medical evaluation as part of “shy lung” procedures.
- Failure to cooperate with any part of the testing process.

A verified adulterated or substituted drug test is also considered a refusal to test.

**What are the Consequences of Violating the Alcohol or Drug Policy?**

If you fail an alcohol test:

- You must be removed from all work-related job functions.
- If your alcohol test is .04 or greater, you will not return to your position until an evaluation by a substance abuse professional (SAP) has been done, you have complied with prescribed treatment, and you pass a return-to-duty test. You are then subject to six (6) follow-up tests in the first 12 months after your return to duty and will be subject to follow-up testing for up to five (5) years.
- You will not return to work-related job functions for at least 24 hours if alcohol concentration is determined to be between 0.02 and .039.
- If you fail an alcohol breath test you may be subject to disciplinary action, up to and including termination.

If you test positive for drug(s), or have a verified adulterated or substituted test result:

- You must be removed from all work-related job functions.
- You will not return to your position until an evaluation by a substance abuse professional (SAP) has been done, you have complied with prescribed treatment, and you pass a return-to-duty test. You are then subject to six (6) follow-up tests in the first 12 months after your return to duty and will be subject to follow-up testing for up to five (5) years.
- If you fail a drug test you may be subject to disciplinary action, up to and including termination.

**Drug Testing Procedures**

Drug testing will be performed using a urine sample, and will include, but is not necessarily limited to, testing for marijuana (THC), cocaine, opioids, amphetamines, methamphetamines, benzodiazepines, barbiturates, MDMA, oxycodone, and phencyclidine. Testing will be done by a



certified collector and SAMHSA-certified laboratory chosen by the County. If an initial drug screen is positive, a confirmation test will be performed on the same specimen using appropriate testing equipment. If an initial drug screen is negative, there shall be no confirmation drug test.

**DOT** – The Department of Transportation (49 CFR Part 40) is harmonizing with HHS guidelines and will test for the following drugs (5 panels with expanded opioids):

- 1) Marijuana metabolite
- 2) Cocaine
- 3) Phencyclidine - PCP
- 4) Amphetamines (includes Methamphetamines, MDMA, MDA)
- 5) Opioids - Codeine/Morphine, 6-AM (Heroin), Hydrocodone/Hydromorphone, Oxycodone/Oxymorphone

### **How is a urine drug test administered?**

**DOT** - The drug testing process always consists of three (3) components:

- 1) The collection. A split specimen (2 vials) will be collected and sent to the lab.
- 2) Testing at the lab. Positive or negative results will go to the Medical Review Officer (MRO).
- 3) Review by the MRO. Confirmed results will be provided to the County.

The drug screening process consists of:

- 1) The Collection. A 10-panel rapid drug screen administered by a certified collector in a private setting.
- 2) If the result is negative, it will be reported to the County. If the drug screen is non-negative, the split specimen will be sent to a SAMHSA-certified lab for confirmation.
- 3) Lab results will be reviewed by the MRO.

### **Alcohol Testing Procedures**

If there is reasonable suspicion of alcohol use, the employee shall submit to a breath test. Upon notification that an alcohol test is required, an employee will be transported by a designated County employee for alcohol testing at the site specified by the County. Since delay can adversely affect the outcome of a test result, the time allowed for employees to take the test after receiving notice will be travel time to the testing site plus 30 minutes. If screening/testing is required after hours a certified collector will come on-site to conduct the alcohol screening/testing. All alcohol screening/testing will be conducted with an approved evidential breath testing device (EBT) and be conducted by a certified breath alcohol technician.

Disciplinary action will take place if the alcohol test results are .02 or higher. If an employee is regulated by the DOT, further disciplinary action will take place if the alcohol test results are 0.04 or higher, and the employee will be required to go to a Substance Abuse Professional (SAP) for treatment.

### **How is an alcohol test administered?**

All alcohol testing is conducted by a trained technician in a private setting using an evidential breath testing device (EBT).

### **Review and Reporting of Results**

An MRO will provide qualitative and quantitative aspects of any confirmed positive drug test result to the employer. The EBT is the confirmation of an alcohol test. The employee will be

informed promptly by certified letter of the results of a positive drug test. An employee shall be accorded a reasonable opportunity to rebut or explain the results of a positive drug or alcohol test. The employee also may request confirmatory re-testing of the initial sample or breath test per Iowa Code. This re-testing process will be at the employee's expense.

If the MRO reports a confirmed positive test result for a prospective employee (during a post-offer/pre-employment test), the prospective employee will be informed promptly of the results of the test, of the name and address of the MRO who made the report and the prospective employee's right to request records under Iowa Code.

### **After Hours Testing Protocol**

If the need for drug and/or alcohol testing arises outside of normal business hours (hours that the County's Designated Physician's office is closed) the Department Head or designee will contact CJ Cooper & Associates, Inc. (CJC) to provide the testing. The after-hours phone number is (319) 491-4602.

The Department Head or designee will provide CJC the location of where the employee is working, and of where the collection will take place, and the Department Head or designee will stay with the employee until CJC arrives. CJC will arrive at the location, secure a restroom for the screening/testing, fill out appropriate Chain of Custody paperwork, and will provide the test results directly to the Human Resources Coordinator.

### **Information and Training**

#### **Positions affected by this policy**

Pre-employment drug screening is required for all employees. Reasonable suspicion and post-accident testing applies to all departments and positions. Additionally, Return-to-Duty and Follow-Up testing will apply to all departments and positions. Random testing applies to DOT-regulated employees only.

#### **Reasonable Suspicion Training**

Every supervisor who will determine whether an employee must submit to a reasonable suspicion drug or alcohol test will receive at least two (2) hours of initial training, and subsequent training of at least one (1) hour per year, on the specific, contemporaneous physical, behavioral, speech and performance indicators of probable drug and alcohol abuse.

Questions about this policy should be directed to Human Resources.

### **Confidentiality**

All information, interviews, reports, statements, memoranda, and test results - written or otherwise - received by the County through its drug and alcohol testing program are confidential communications under Iowa law and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this policy.

The County may use and disclose information concerning the results of a drug or alcohol test conducted pursuant to this policy under any of the circumstances listed in Iowa Code. In addition, positive drug or alcohol test results shall **not** be provided to any law enforcement agency and shall **not** be used as evidence in any criminal action against an employee or prospective employee.

Any written information obtained by the County pursuant to this policy shall be the property of the County.

### **Warranted Disclosure to Law Enforcement**

Pursuant to the Employee Information Handbook infra, law enforcement personnel may be called to investigate an employee for criminal charges if the circumstances warrant. The opinions and observations of a department head, supervisor, or other individual as to an employee's state of intoxication or impairment are **not** confidential under Iowa Code, and such opinions and observations may be disclosed to law enforcement personnel. Other information collected pursuant to an administrative investigation under this policy is confidential and shall **not** be provided to law enforcement personnel.

Notwithstanding the "Confidentiality" section of the County's drug and alcohol policy, examples where law enforcement may be called, include, but are not limited to, when an employee:

- a) appears in an intoxicated or impaired condition in a public place, including a public workplace;
- b) becomes combative or assaultive in the workplace or while on County business;  
or
- c) drives, or attempts to drive a motor vehicle while in an apparent intoxicated or impaired condition.

### **Employee Assistance Program**

Complete information on all substance abuse programs offered in Iowa, including Employee Assistance Programs can be obtained, at no cost, from:

Iowa Substance Abuse Information Center  
2600 Edgewood Road SW, Suite 330  
Cedar Rapids, IA 52404  
Phone: (319) 398-5133  
Web: <http://www.drugfreeinfo.org>

The County also offers an Employee Assistance Program available for all employees. Contact Human Resources for more information.

### **DOT – FMCSA Clearinghouse**

The FMCSA Clearinghouse is an electronic database that will contain information about commercial motor vehicle drivers' drug and alcohol program violations. FMCSA regulations require the County to inform drivers and driver-applicants that the following information will be reported to the Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a drug or alcohol test;
- An employer's report of actual knowledge, as defined at 49 CFR § 382.107;
- On-duty alcohol use pursuant to 49 CFR § 382.205;
- Pre-duty alcohol use pursuant to 49 CFR § 382.207;
- Alcohol use following an accident pursuant to 49 CFR § 382.209;
- Drug use pursuant to 49 CFR § 382.213;
- A SAP's report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and

- An employer's report of completion of follow-up testing.
- FMCSA requires motor carrier employers to:
- Query the system for information on driver applicants (full query), and
  - Search the database annually for current employees (limited query).

**Employer Immunity**

A cause of action shall not arise against the County if the County, in good faith, initiates drug or alcohol testing per provisions of this policy. Further, the County will be indemnified if positive test results lead to a refusal to hire a potential employee or result in disciplinary action against an employee.

## **APPENDIX C: Return to Work Program**

### **PURPOSE**

It is the purpose of this program to provide guidelines for employees who are injured on the job who are unable to return to his/her regular job classification upon returning to work. Please note: if an employee is injured on the job, they must go to the County's designated physician for initial treatment, as well as follow-up appointments, until the Worker's Compensation case is resolved.

### **POLICY**

- A. It is the policy of Washington County to provide temporary modified work for employees who are injured on the job, who are unable to temporarily or permanently return to his/her regular job classification. Regular modified and alternative work may be provided as available in compliance with the Americans with Disabilities Act (ADA) and Iowa Worker's Compensation Act.
- B. For employees who become disabled, Washington County will make reasonable accommodations for a disability unless the accommodations would impose an undue hardship on the employer. The disabled employee must be able to perform the essential functions of the job with or without reasonable accommodation. Injury or illness do not automatically mean the employee is disabled.
- C. The feasibility of reasonable accommodations shall be determined on a case-by-case basis, taking into consideration the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the ability to provide accommodations.
- D. Objectives:
  - 1. To provide procedures for administering temporary modified return-to-work assignments;
  - 2. When possible, temporary modified assignments will be made available to injured workers to minimize or eliminate lost time from work;
  - 3. To promote a speedy recovery and rehabilitate employees back to work as effectively and quickly as possible while keeping the employee's work patterns and income consistent;
  - 4. To complete the essential tasks of the employee's regular job functions; and
  - 5. To maintain effective communication among all parties to ensure quality medical care and to manage claim costs.
- E. Department Budgets

No department head or elected official shall be required to create a position solely to provide a temporary modified assignment. A department head or elected official may, but is not required to, accept an employee from another department who is on a temporary modified assignment. In the event that there is a temporary position available in another department, the Board of Supervisors shall ensure that both the department providing the position and the original department will have sufficient funds available for

the position.

It is the intent that the Board of Supervisors shall consult with the department who has an injured employee and the department who accepts an employee from another department for a temporary modified assignment position, to ensure that sufficient staffing and funding are available so that neither department is penalized. However, the decision on whether to offer a temporary modified assignment to an employee or to accept a temporary employee will be left to the departments affected.

The options include:

- 1) The temporary position is paid out of the original department's budget;
- 2) The temporary position is paid out of the department's budget providing the position;
- 3) Shared cost out of each department budget; or
- 4) Budget amendment to the affected budget(s) to cover the increased costs, if it appears sufficient funding is not available.

RETURN TO WORK AGREEMENT

Date

Employee Name  
Employee Address  
Employee Address

I understand a temporary modified assignment that complies with my temporary work restrictions, as identified by the designated medical provider, is being offered to me.

I understand that if I am eligible for leave under the Family Medical Leave Act (FMLA) I cannot be forced to return to work. I also understand that I may lose my eligibility for certain worker's compensation benefits for rejection of the modified assignment.

I understand this offer is for a temporary period of time.

I agree to follow the work restrictions as prescribed by the designated medical provider and understand that I need to adhere to the agreed upon temporary restrictions and accommodations. Pursuant to the healthcare provider, these restrictions may apply both at work and at non-work locations. I also understand that I am asked to perform any work assignments or activities that exceed my work restrictions, I will immediately report the situation to my direct supervisor and that I will not perform these activities. Furthermore, I will immediately report to my direct supervisor if any of the work restriction(s)/accommodation(s) cause me discomfort or make my medical condition worse.

I understand that I should try to schedule any medical appointments during non-work time. If I am unable to do so, I understand that I need to inform my supervisor in advance of the appointment date. I understand that these appointments may fall under the Family Medical Leave Act (FMLA) and it is my responsibility to apply for FMLA leave according to my employer's policy if I cannot schedule appointments outside my work time. I understand that the time off for any appointments will be unpaid, unless otherwise covered by a paid leave policy.

I also understand that it is my responsibility to provide my supervisor with current work status reports from my physician.

I understand that my temporary modified duty assignment will be periodically reviewed, if necessary, and will not normally exceed 90 calendar days. This does not imply entitlement to a permanently modified position.

Washington County follows the provisions of the Americans with Disabilities Act (ADA) and the Iowa Civil Rights Act (ICRA). If the employee believes he or she is disabled within the meaning of the ADA or ICRA, then he/she should discuss that belief with the Human Resources Coordinator or designee. Washington County will engage in an interactive process with the employee to determine whether the County can reasonably accommodate the employee. If Washington County agrees that the law applies, it will, when appropriate, consider reasonable accommodations to the employee's regular job. If such accommodations are not reasonable or constitute an undue hardship, then other reasonable accommodations such as placement in vacant jobs where the employee is qualified or an appropriate leave of absence may be considered.

Employee Signature	Date
Human Resources Coordinator Signature	Date
Department Head/Supervisor Signature	Date

TEMPORARY MODIFIED ASSIGNMENT AGREEMENT FORM

Employee Name: \_\_\_\_\_ Date/Onset of Injury/Illness: \_\_\_\_\_
Job Title: \_\_\_\_\_ Supervisor Name: \_\_\_\_\_
Department: \_\_\_\_\_ Date Assigned to Modified Assignment by Physician: \_\_\_\_\_
Temporary Assignment Start Date: \_\_\_\_\_ Temporary Assignment End Date: \_\_\_\_\_

Description of work restrictions per treating physician: (List specifically what is stated in medical documentation).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Assignment Type (circle one): Modified Alternate\* (temporary work in another position/location)

If Alternative location, Supervisor's Name: \_\_\_\_\_ Department: \_\_\_\_\_

Description of accommodation(s) offered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work schedule (circle one): Unchanged Changed Work hours: \_\_\_\_\_

Work days (circle): Sunday Monday Tuesday Wednesday Thursday Friday Saturday

Wage Rate: \_\_\_\_\_

If a modified assignment is not available, what is the reason/discussion points:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FMLA Eligible (circle): Yes No

I understand that I am required to report directly to: \_\_\_\_\_

For job duty on \_\_\_\_\_ at \_\_\_\_\_ am/pm at \_\_\_\_\_ .

The work restrictions and accommodations were reviewed with the employee on: \_\_\_\_\_ .

\_\_\_\_\_ Yes, I understand this agreement and I accept this work. I will comply with the restrictions as prescribed by my treating physician.

\_\_\_\_\_ No, I understand this agreement and I do not accept this temporary modified assignment. I understand that refusal of this return to work offer may adversely affect my worker's compensation benefits. I refuse this offer because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources Coordinator Signature \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date: \_\_\_\_\_