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# **INTRODUCTION**

## **INTENT AND PURPOSE**

The Hamilton County Board recognizes and declares the necessity of providing the most efficient and highest quality services for the citizens of Hamilton County while providing a work environment which is both competitive within the community and equitable for its Employees.

This Hamilton County Handbook is designed to acquaint you with the County and provide you with information about working conditions, benefits, and some of the policies affecting your relationship with the County. It describes many of your responsibilities and outlines the programs developed by the County to benefit its Employees. Employees should familiarize themselves with the contents of this Hamilton County Handbook, as it will answer many common questions about your employment with the County.

It is also important to understand that this Hamilton County Handbook does not constitute a contract between the Board and the County Employees. The Board retains the right to modify or abolish these policies, procedures, and benefits and reserves the right to adopt new policies, procedures, and benefits. The policies, procedures, practices, and benefits described in this Hamilton County Handbook supersede all those written and unwritten at an earlier time. In other words, this Hamilton County Handbook and its contents replace any earlier written and unwritten versions of our policies, including any prior Hamilton County Handbooks.

Nothing contained in this Hamilton County Handbook or in any other statement of County policy, including statements made in the course of performance evaluations and wage reviews, should be taken as constituting an express or implied promise of continuing employment. The County, like the Employee, is free to terminate the employment relationship at any time for any lawful reason, as we are an “at will” employer. Also please understand that no one has the authority to alter this employment-at-will status through an oral employment contract on behalf of the County, and only the County Board Chairman and Department Head can enter into a written employment contract that changes the employment relationship from employment at will.

PLEASE READ THE HAMILTON COUNTY HANDBOOK CAREFULLY AND KEEP  
IT FOR FUTURE REFERENCE!

**STATE OR FEDERAL STATUTES, COLLECTIVE BARGAINING, AND  
INDIVIDUAL EMPLOYEE CONTRACTS**

If the provisions of this Hamilton County Handbook are in conflict with applicable Nebraska or Federal statutes, collective bargaining agreements, and/or any individual Employee contracts, the applicable statutes, collective bargaining agreements, and/or individual Employee contracts shall take precedence over the provisions of this Hamilton County Handbook.

## **CODE OF ETHICS FOR COUNTY EMPLOYEES**

1. Employees shall not hold financial interests that conflict with the performance of their official duties.
2. Employees shall not engage in financial transactions using non-public governmental information or allow the improper use of such information to further any private interest.
3. Employees shall not, except as may be otherwise provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the Employee's agency or Department, or whose interest may be substantially affected by the performance or non-performance of the Employee's duties.
4. Employees shall not use public office for private gain.
5. Employees shall act impartially and not give preferential treatment to any organization or individual.
6. Employees shall protect and preserve County property and shall not use it for other than authorized activities.
7. Employees are expected to disclose waste, fraud and corruption to appropriate authorities.
8. Employees shall adhere to all laws and regulations including those that mandate equal opportunity and treatment regardless of race, color, religion, sex, national origin, age, disability, marital status, pregnancy, military status, or any other prohibited basis of discrimination under applicable local, state, and federal law.

## **AMENDMENTS TO THE HAMILTON COUNTY HANDBOOK**

The County Board shall appoint a committee consisting of at least three Elected Officials and one Board member to review the Hamilton County Handbook on the odd numbered years. Committee members will sit on the committee for two (2) year terms. The committee shall meet at least once a year starting in June to review the Hamilton County Handbook or at the direction of the County Board.

The purpose of this committee will be to maintain the applicability of the Hamilton County Handbook and to update any portion or section as necessary. The committee shall recommend revisions, additions, or deletions to the County Board.

Amendments to the Hamilton County Handbook may also be suggested to these committee members or to the County Board by any County Employee.

New revisions, amendments or updates shall become effective upon adoption by the County Board. The County Clerk will provide a copy of the new revisions, amendments or updates to all of the Department Heads who shall distribute a copy to all Employees for their Hamilton County Handbook.

## EQUAL OPPORTUNITY

Hamilton County endorses the philosophy of equal opportunity; and the County does not discriminate among applicants or Employees on the basis of race, color, religion, sex, national origin, political affiliation, marital status, age or disability. Applicants or Employees capable of performing the essential functions of the job may not be discriminated against because of physical or mental disability, and in accordance with the Americans with Disabilities Act, as amended (ADA), we will provide reasonable accommodations to the extent required by law.

All recruitment and job advertising by Hamilton County shall reflect equal opportunity laws and requirements.

1. A job description shall be prepared and requirements listed in the job description which shall directly relate to the successful job performance.  
*i.e. skilled truck drivers or heavy equipment operators; heavy lifting; certified law enforcement; computer experience; legal background.*
2. It is recommended that each Elected or Appointed Official make public all jobs that become vacant to ensure a wide pool of applicants. The advertisement should list a brief job description and a closing date for applications.



## **DRUG-FREE WORKPLACE**

Hamilton County intends to provide a drug free environment for all its Employees. Alcohol and drug addiction are illnesses which, under many circumstances, can be successfully treated. The County encourages any Employee with an alcohol or drug dependence problem, to voluntarily enter a rehabilitation program.

It is not the County's intent to intrude into the private lives of Employees. However, the effect of drug and alcohol abuse on safety, work quality, increased medical expenses and lost productivity require a drug free workplace policy.

1. All persons being considered for employment with Hamilton County shall submit to drug testing prior to gaining employment with the County.
2. As required by Federal Laws, it is a condition of continued employment that: Any Employee who is convicted of any criminal drug statute violation for conduct in the workplace is required to notify the County Attorney of this fact no later than five (5) calendar days after such conviction. (A conviction means a finding of guilt, including a plea of nolo contendere – or the imposition of a sentence, or both by any judicial body charged with the responsibility of determining violations of federal or state drug statutes.)
3. Employees who use, attempt to possess or use, manufacture or participate in the transfer, sale, offering or possession of unauthorized alcohol, illegal drugs, prescription drugs, or other \*controlled substances\* while on the job or on County premises (including County parking lots) will be subject to severe disciplinary action which may include termination.

\*The term "Controlled Substance," as used in this policy, means a drug or other substance as defined in applicable federal law on drug abuse prevention. (41U.S.C §706(3), or other updated law, as applicable)

4. When there is reasonable cause to suspect possession, influence or use of alcohol or drugs on the job, Employees shall be required to submit to an alcohol or drug test. Refusal to submit to a search or test will be considered insubordination and subject to disciplinary action up to and including termination.

5. Employees who report for work or are at work under the influence of alcohol, illegal drugs or any controlled substance will be subject to severe disciplinary action up to and including termination.
6. An Employee, who under a Physician's care is taking medication which may affect the Employee's ability to work safely, is responsible for informing the Department Head of their condition before beginning work.
7. EMT's, Sheriff's and County Highway Department Employees who are off-duty and have been drinking or are under the influence of drugs are obligated to refuse any emergency calls.
8. Federal Law requires that Hamilton County notify the Federal Government of any convictions in violation of this Drug Free Workplace policy.
9. Hamilton County may require an Employee who violates this Drug Free Workplace Policy to successfully complete a rehabilitation program at Employee's expense as a condition of continued employment.
10. Employees are required to report any illegal activity immediately to their Department Head, who in turn shall report it to the County Board.

## **PHYSICAL EXAMINATIONS**

As a condition of continued employment with Hamilton County, Employees may be required to pass an annual physical examination. An Employee shall be notified in writing if their job classification requires the passing of physical examinations. The physical examination shall be paid for by the County and shall be performed by a Physician selected by the County. The attending Physician will review the job description and make a determination as to whether or not the Employee is able to perform the essential functions of their job classification. Failure to provide accurate or complete medical information to the Physician will result in disciplinary action up to and including termination.

Any job offer made in instances where a physical examination is required is contingent upon the applicant passing the physical. Failure to provide accurate or complete medical information to the Physician will disqualify the applicant from the hiring process.

## **INTRODUCTORY PERIOD**

The Introductory Period is used by the Department Head to observe the Employee's ability to satisfactorily perform assigned duties and responsibilities. During the introductory period, the Employee is expected to demonstrate the necessary skills and abilities to perform the duties for which he/she is employed. The Department Head, when assessing the Employee's performance and suitability for continued employment, will pay particular attention to punctuality, attendance, willingness to work with others, and positive response to supervision. Successful completion of an introductory period does not imply guaranteed continued employment with the County.

- A. New Hire (Including RE-HIRE): All new and re-hired full-time Employees and all new part-time Employees shall be required to serve an introductory period of six (6) months from date of hire and shall be so notified. An Employee shall be removed from this status on the day following the end of the introductory period, unless notified of an extension or termination by the Department Head.
  
- B. Introductory Period for Promotions: All Employees who are promoted shall be required to serve an introductory period of ninety (90) days in the new job classification before being confirmed in the new appointment.
  
- C. A Transfer During Introductory Period: An Employee who is transferred (promotion, demotion, lateral move, or move to a lower position) within a Department while serving an introductory period may have his/her introductory period extended, at the discretion of the Department Head.
  
- D. Completion of Introductory Periods: Completion of the introductory period in no way implies a contract of continued employment with the County nor does it create a property interest in employment with the County. The Employee and Employer relationship is for the mutual benefit of both parties and either party may sever the relationship at their will at any time. In case of personnel actions (lateral move, or move to a lower position), Employees may be required by the Department Head to serve an introductory period. The length of the introductory period is at the Department Head's discretion, but shall not exceed six (6) months beginning on the date of transfer.

If an Employee cannot or does not perform satisfactorily in the position to which he/she is transferred, the Department Head may transfer the Employee to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the Department Head may reassign the duties of the Employee, reclassify the Employees to a classification of a lower salary grade or terminate the Employee. (See performance evaluation form in Forms section in the back of this handbook.)

## **PAYDAY**

Payday for all County Employees will be the last working day of the month, with an automatic deposit made directly into (and up to two) accounts specified by the Employee. The County has twelve (12) pay periods per year. Pay period is the 20<sup>th</sup> of each month to 19<sup>th</sup> of the next month.

## **WORKWEEK**

Most County Employees work Monday through Friday from 8:00 a.m. to 5:00 p.m. Employees are normally given one-hour unpaid lunch periods at the discretion of Department Head. Employees may be given a morning and afternoon break (for 15 minutes) during each workday. Work Schedules at the Highway, Sheriff, and Ambulance Dept. will vary according to the Official's discretion.

## **JOB CLASSIFICATIONS**

Job Classifications have been evaluated according to the type of work performed and the amount of responsibility. Job descriptions are provided to all County Employees in order to ensure an equitable pay rate based on comparisons with jobs of similar duties and ability requirements.

# **BENEFITS**

## **EMPLOYEE LEAVE**

The County Official or Department Head may grant their Employees: Sick Leave, Holidays, Funeral Leave, Personal Leave, Maternity Leave, Military Leave, Jury Duty, Medical Leave, Election Leave, and Voluntary Leaves of Absence. The nature of the leave request and how such request would affect the Department shall be taken into consideration.

A “working day” shall be defined as the number of hours worked during a twenty-four (24) hour period by that Department or office.

**A. SICK LEAVE** – Sick leave is provided to benefit those eligible County Employees who are unable to attend work due to illness or injury for reasons other than illness or injury arising out of, and in the course of County employment (which would fall under the Workers’ Comp Policy) or the bona fide illness or injury of a spouse, child, parent or spouse’s parent that requires the Employee’s personal care and/or attention.

1. Regular Full-time Employees will accrue sick pay benefits at a rate of ninety-six (96) hours per year, to be used only after completing six (6) months of continuous service.
2. Regular part-time Employees, working at least sixteen (16) hours per week will accrue sick leave benefits at a rate of 2/5, 3/5 or 4/5 based on their fractional work week status pro rated on ninety-six (96) hours per year.
3. Sick leave shall not be accrued by temporary Employees.
4. Sick pay benefits may be accumulated by an Employee up to a maximum of 480 hours.
5. Employees not using any paid sick days from their anniversary date to their next anniversary date may be granted one paid personal leave day. This day must be used within the next anniversary year.

6. When unable to report to work, the Employee must notify the Department Head as soon as possible. The Employee shall notify the Department Head of their progress and expected return date.
7. Employees shall be entitled to utilize earned sick leave for treatment of drug or alcohol addiction, injury, sickness, or pregnancy which renders an Employee incapable of performing the required job duties, for medical and dental care or for exposure to contagious disease under circumstances in which the health of other Employees or the public would be at risk.
8. Sick pay will be paid only for approved absences and for time when the Employee would normally be scheduled to work. In the event that the Employee has depleted all of their earned sick days, the Employee shall use either vacation or comp time OR take an unpaid leave of absence. An Employee shall NOT be eligible to use unearned sick leave, vacation or comp time.
9. Employees on sick leave may be required to submit a Physician's certificate, at their own expense, if requested by the official prior to returning to work.
10. Sick leave shall not be used as vacation leave; however, upon request that is approved by the Department Head, vacation pay may be used to continue compensation during illness when all sick pay has been exhausted.
11. Upon termination of employment with the County, an Employee shall not be compensated for any accrued sick leave.
12. If an Employee leaves County employment, in good standing, and returns to employment, with the County, within one (1) year, the accrual rates for sick leave shall relate back to the original date of employment, less the months the Employee was not with the County.

**B. HOLIDAYS** - The following is a list of court Holidays per Neb.R.R.S. 25-2221 that shall be observed by Hamilton County:

New Year's Day	January 1
Martin Luther King Jr. Day	3 <sup>rd</sup> Monday in January
Presidents Day	3 <sup>rd</sup> Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	4 <sup>th</sup> Friday in November
Christmas Day	December 25

Also to be observed at the discretion of the County Board will be Good Friday, Christmas Eve, and New Year's Eve; those closing times are to be set by the County Board at their re-organization meeting each year in January. Also to be observed are Federally Mandated Holidays.

NOTE: The sheriff's office and ambulance departments, while observing all of the above Holidays will observe the Holiday on the day it occurs and not on the court observed day.

For other Department Employees:

A. If the Holiday falls on a Sunday, the following Monday shall be observed as the Holiday. If the Holiday falls on a Saturday, the preceding Friday shall be observed as the Holiday.

B. To be eligible for Holiday Pay, an Employee must have worked the **last full scheduled work day** immediately before, and the **first full scheduled work day** immediately after, each Holiday. If the Employee is absent on the last scheduled work day before or the first scheduled work day after the Holiday, the Employee may be required to provide evidence to qualify for Holiday Pay.



C. Regular Part-Time Employees working over 16 hours per week shall be eligible for paid Holidays on a pro-rated basis, provided that the Holiday falls on a day the Employee would normally have been scheduled to work subject to the approval of the County Board.

D. Temporary Employees shall not be eligible for paid Holidays. An Employee on leave of absence or layoff is not eligible for Holiday Pay.

E. If a Holiday falls during an Employees approved leave time that day shall not be charged against the Employee's leave.

**C. FUNERAL LEAVE** – Regular Full time Employees will be granted pay for time lost from work in the event of the death of an immediate family member in accordance with the following schedule:

Spouse, Child or Parent up to five (5) days

Sibling, In-laws, Grandparents, Grandchild up to three (3) days

1. Non-paid Funeral leave for non-immediate family members may be granted at the discretion of the Department Head not to exceed one day.

2. Department Heads shall be notified as soon as possible when funeral leave is needed.

3. The Department Heads reserve the right to request proof of death.

**D. PERSONAL LEAVE** – An unpaid personal leave day may be requested by an Employee who has a compelling need to be absent from work and other means are not available or not appropriate. The granting of personal leave is at the discretion of the Department Head. A paid personal leave day is only available to those Employees who have earned such through the non use of their sick leave as stated in that policy.

**E. MATERNITY LEAVE** – A pregnant Employee may request maternity leave at such time as she feels she is unable to perform her normal duties or when her Physician advised her to do so. Such leave is solely for purposes of permitting the mother to recuperate from the experience of child bearing and shall be without pay after accrued vacation and sick leave have been expended. If it is anticipated that the leave will exceed sixty (60) calendar days, an extension will only be granted at the direction of the Employee’s Physician.

An Employee on maternity leave is expected to return to work after childbirth, miscarriage, or abortion as soon as she can be reasonably expected to perform her normal duties. Failure to report at the end of the leave shall be considered to be a resignation unless a time extension has been approved by the Employee’s Department Head.

**F. NURSING MOTHERS** – The County shall provide a room in the Courthouse, other than a bathroom, to allow Employees who are nursing a baby, privacy and reasonable break time, so that the Employee can express breast milk every time she needs to for her nursing child for one year after the date of birth of the child. The County is not required to compensate the Employee for the break time taken to express the breast milk.

**G. MILITARY LEAVE** – All Employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve shall be entitled to a leave of absence from their respective duties without loss of pay, on all days during which they are employed with or without pay under the orders of authorization of competent authority in the active service of the state or of the United States, not to exceed 15 work days in any one calendar year.

The County shall adhere to the Nebraska revised statutes and any applicable Federal law with regard to Military Leave. See Chapter 55, revised statutes of the State of Nebraska 1943.

**H. JURY DUTY** – An Employee who is selected for jury duty shall receive a paid leave of absence for the time the Employee spends on jury duty. The Employee shall receive regular pay and shall turn over to the County any fees for jury service, less any mileage reimbursement. If an Employee is excused early, they must return to work immediately and complete their shift since they are being paid for their time. Regular part-time Employees receive pay for the hours they normally would have been at work

**I. VOTING** – Registered voters are encouraged to exercise their right to vote. If there is a two (2) hour block of time available for an Employee to vote prior to or after scheduled work hours on Election Day, the Employee must vote during that period. If there is not a two-hour block of time available, the County will permit such time off from work as may be necessary for the Employee to have a two-hour block of time to vote, provided the Employee requests such time off prior to the day of the election.

**J. MEDICAL LEAVE** – When an Employee has a temporary disability for which family and medical leave, sick leave or worker’s comp is not appropriate or available, the Employee may request an unpaid medical leave of absence. As soon as an Employee becomes aware of the need for leave, the Employee shall inform their Department Head of the approximate date and length of leave. When the Employee can no longer work, the Employee must provide a Physician’s note stating the nature of the disability or reason for the leave and estimated return date. The Employee shall keep their Department Head informed of any changes that occur during the leave. For example, if the Employee is able to return earlier or later than expected, the Employee shall contact their Department Head. On the date an Employee returns, they must provide a note from the Physician with a full release to work. If light duty is required by the Physician, the County will attempt to accommodate the Employee. However, if nothing is available, the Employee may be placed on lay-off. All temporarily disabled Employees have the option of terminating their employment during their leave by notifying the Department Head.

**K. ELECTION LEAVE** – An Employee may, upon written application and approval of the Department Head, be granted up to thirty (30) days leave without compensation, if the Employee is a candidate for a paid partisan elective office. Leave may be granted for a primary, general, or partisan special election.

**L. CATASTROPHIC LEAVE POLICY** – The provisions of this section are non-grievable. Employees may contribute accrued vacation leave or compensatory time to benefit another County Employee suffering from a catastrophic illness.

Vacation/Compensatory leave shall be donated in no less than four (4) hour increments. The contributing employee must identify the specific amount of time donated and name of the recipient of the donated vacation/compensatory leave on forms provided by the County for this purpose. The Department Heads of the donating and receiving Employees shall transfer donated leave to the recipient's account on an as needed basis, on a first received, and first donated order.

Donated leave will be available only to Employees who have exhausted their own paid leave through bona fide serious illness or accident. Donating Employees must sign an authorization, including specifying the specific Employee to be a recipient of the donation. Leave transferred will be converted to a dollar value based on the donor's hourly rate and then converted to donated hours of leave based on the recipient's hourly rate.

Eligibility of Recipient:

1. Must be suffering a serious illness or injury resulting in a prolonged a at least thirty (30) work days during the past six (6) months.
2. Must produce satisfactory medical verification.
3. Must have completed original introductory period.
4. Must have exhausted all earned paid leave time including compensatory time off, sick leave and vacation leave.
5. Must not have offered anything of value in exchange for the donation.

Eligibility of Donor:

1. Must not have solicited nor accepted anything of value in exchange for the donation.
2. Must have remaining to his/her credit at least forty (40) hours of accrued vacation leave, after donating vacation leave.

### Catastrophic Illness Donation:

1. Each situation needs to be considered individually and an eligibility determination made based on the circumstances of the request.
2. As a general guide, illnesses or injuries which qualify as a “serious health condition” under the Family and Medical Leave Act would qualify as a “serious illness or injury” under the program.
3. Satisfactory medical verification must be provided.

Many illnesses or conditions could be considered eligible as long as the Employee meets the eligibility criteria of having a prolonged absence of at least thirty (30) work days, related to this illness or condition, during the previous six (6) months, produces satisfactory medical verification, has completed original introductory period and has exhausted all paid leave time.

### Catastrophic Leave Process:

The Department Head of the receiving Employee does the following:

Step 1: Receives a request from an Employee to participate in the Catastrophic Illness Donation Program.

Step 2: Determines if an Employee is eligible for catastrophic leave according to the recipient eligibility requirements.

Step 3: Provides the Catastrophic leave donation memo with top portion completed to County Clerk. The Clerk distributes the memo to all County Employees.

Step 4: Coordinate with the donating Employee’s Department Head the computed hourly value and exchange of leave.

Step 5: Process donations according to the requirements of the County Handbook.

**M. UNPAID LEAVE OF ABSENCE** – Employees must utilize all available paid leave time (Sick, Vacation, Personal, and Comp Time) prior to requesting an unpaid leave of absence. All benefits, including seniority, shall cease or be pro-rated; which ever is deemed appropriate by the official during unpaid leave with the exception of FMLA. (See FMLA Policy page) Arrangements may be made to continue insurance benefits on a limited basis by paying for them in advance. The County will attempt to hold open the position of an Employee on an approved unpaid leave of absence, but it retains the right to fill the position should it become necessary. In that case, the Employee on leave will be notified and offered the opportunity to return early. If unable to return, the County will attempt to secure a suitable position for the Employee when he/she is available to return to work. Each request for leave must include the date the Employee will return to work. Failure to report on the designated date without approval will be grounds for dismissal.

**N. FAMILY AND MEDICAL LEAVE ACT** - Hamilton County will comply with the provisions of the Federal Family and Medical Leave Act of 1993 and the Federal Regulations as amended by law pertaining thereto.

1. Employees who have been employed for at least one (1) year and for at least 1250 hours during the preceding twelve (12) month period, and who work in an office or work site which employs fifty (50) or more Employees, (excluding Elected Officials) or there are fifty (50) or more Employees within seventy-five (75) miles of the office or work site are eligible for a total of twelve (12) weeks of family and medical leave.

For Employees not eligible for family and medical leave, the County of Hamilton will review business considerations and the individual circumstances involved to determine if leave is available. Employees will be returned to the same or to an equivalent position upon their return from leave.

2. If leave is required for an Employee's own serious health condition, other than pregnancy, the Employee must use all of his or her sick leave, vacation leave and comp time. An Employee may then request unpaid medical leave. All leave paid or unpaid shall count toward an Employee's FMLA period (12 weeks) as the Employee's paid leave time does run concurrent with FMLA Leave.

3. In the event both husband and wife are employed by the County and both are eligible for family and medical leave, each Employee will be permitted to take only a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken:

- (1) For the birth of a child or the care for the child after birth,
- (2) For the placement of a child with the Employees for adoption or foster care,

or

- (3) To care for a parent, but not parent-in-law with a serious health condition.

If one spouse is ineligible for Family and Medical Leave, the other spouse shall be entitled to a full twelve (12) weeks of Family and Medical Leave. In the event the husband and wife both use a portion of their total twelve (12) week family and medical leave entitlement for one of the purposes enumerated above, the husband and wife would each be entitled to the difference between the amount he or she had actually taken individually and twelve (12) weeks for any purpose other than those enumerated above as allowed by the Family and Medical Leave Act. For example, if each spouse took six (6) weeks of leave for the birth of a child, each could later use an additional six (6) weeks for a purpose allowed by the Family and Medical Leave Act.

4. All Employees who meet the applicable time of service requirements set forth in paragraph 2 herein above may be granted a total of twelve (12) weeks of unpaid family leave during any twelve (12) month period. The twelve (12) month period shall be measured from the first day of the fiscal year and will expire twelve (12) months thereafter. The twelve (12) weeks of family and medical leave may be granted for the following reasons.

- A. The birth of the Employee's child and in order to care for the child.
- B. The placement of a child with the Employee for adoption or foster care.
- C. To care for a spouse, child, parent, or spouse's parent who has a serious health condition.
- D. A serious health condition that renders the Employee incapable of performing the functions of his or her job.

NOTE: The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

Spouse does not include unmarried domestic partners. Child may include step-children, foster children, or certain other children having more than a short-term residence in the Employee's home such as legal wards of the Employee. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the Employee.

NOTE: "Serious health conditions" are defined as illness, injury, impairment, or physical or mental conditions that involve:

- A. Inpatient Care.
- B. Absence from work for three (3) consecutive days and require continued treatment by a health care provider.
- C. Continued treatment or supervision by a health care provider for a chronic or long-term health condition that is incurable or so serious that if not treated, would result in a period of incapacity of more than three (3) days or prenatal care.

5. NOTICE OF LEAVE – An Employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, the Employee must give notice to his or her Department Head as soon as the necessity for the leave arises. If the Employee is unable to notify the Department Head personally, it may be done by a representative of the Employee.

6. APPLICATION FOR LEAVE – In all cases, an Employee requesting leave must complete the attached "Application for Family or Medical Leave" (see Forms section at the end of this handbook) and return it to the Employee's Department Head. The completed application must state the reasons for the leave, the duration of the leave, and the starting and ending dates of the leave.



NOTE: If the Employee does not specifically request FMLA leave, the Department Head may designate any leave time, paid or unpaid, as FMLA leave based upon the qualifying reason given for the leave. Once the Department Head has acquired knowledge that leave is being taken for an FMLA qualifying reason, the Department Head shall within two business days notify the Employee that the leave is designated and will be counted towards the Employee's twelve week FMLA periods. The Department Head's notice that the leave has been designated as FMLA leave may be made orally or in writing to the Employee. If the notice is made orally, the Department Head shall confirm it in writing, no later than the following payday.

7. **MEDICAL CERTIFICATION OF LEAVE** – An application for leave based on the serious health condition of the Employee or the Employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. Copies of the Medical Certification Statement forms can be obtained from the Department Head. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriated medical facts regarding the condition. If the Employee is needed to care for a spouse, child, or parent, the certification must so state along with an estimate of the amount of time the Employee will be needed.

If the Employee has a serious health condition the certification must state that the Employee cannot perform the functions of his or her job. The County may require a second opinion at a health care provider selected and paid for by the County, if the second opinion differs from the original certification, the County may require a third opinion from a medical provider selected jointly by the County and the Employee, again at County expense. The results of the third opinion are final.

8. **BENEFITS COVERAGE DURING LEAVE** – During a period of family or medical leave, an Employee will be retained on the County's health care plan (or other applicable health insurance plan) under the same conditions that applied before leave commenced. To continue health coverage, the Employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the Employee to pay his or her share of the health care monthly cost may result in loss of coverage.

If the Employee fails to return to work after the expiration of the leave, the Employee will be required to reimburse the County of Hamilton for payment of health care monthly costs incurred during the family medical leave, unless the reason the Employee fails to return is the presence of a serious health condition which prevents the Employee from performing his or her job.

An Employee is not entitled to the accrual of any seniority or Employee benefits that would have accrued if not for the taking of leave. An Employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began. However, an Employee's seniority will be lost relative to other Employees as their seniority accrues

9. RESTORATION TO EMPLOYMENT – An Employee eligible for family and medical leave will be restored to his or her previous position or to a position with equivalent pay, benefits, and other terms and conditions of employment. Employees who may be exempted will be informed of this status when they request leave. Hamilton County cannot guarantee that an Employee will be returned to his or her original job. A determination as to whether a position is an “Equivalent Position” will be made by Hamilton County.

10. RETURN FROM LEAVE – An Employee must complete a “Notice of Intention to Return from Family or Medical Leave” form before he or she can be returned to active status. These forms may be obtained from the Department Head. If an Employee wishes to return to work prior to the expiration of a Family or Medical Leave of absence, notification must be given to the Employee's Department Head at least 5 working days prior to the Employee's planned return.

11. FAILURE TO RETURN FROM LEAVE – The failure of an Employee to return to work upon the expiration of a Family or Medical Leave of Absence will be considered a resignation unless an extension is granted. An Employee who has requested less than 12 weeks of family and medical leave and who then requests an extension of family leave or medical leave due to the continuation, recurrence, or onset of his or her own serious health condition, or of the serious health condition of the Employee's spouse, child or parent must submit a request for an extension in writing, setting forth the reason from the extension, along with a current “Medical Certificate Statement” prepared pursuant to paragraph 6, to the Employee's Department Head. This written request should be made as soon as the Employee realizes that he or she will not be able to return at the expiration of the leave period. In no circumstances will an extension beyond the 12 week period authorized pursuant to the Family and Medical Leave Act Hamilton County's Policy as outlined herein be granted.

## **RETIREMENT BENEFITS**

Hamilton County Employees are enrolled in the State Retirement Plan as Per R.S. 23-2301 - 23-2334 of the Nebraska revised Statues.

Mandatory participation is required of:

1. All Regular Full Time Employees and all Full Time Elected Officials.
2. All Regular Part Time Employees who have obtained the age of twenty (20) years and exercise the option to begin participation in the retirement system.
3. All Part Time Elected Officials may exercise the option to begin participation in the retirement system.
4. For an Employee who leaves the County and subsequently returns to County employment shall participate in the retirement system if he/she participated in the retirement system during their initial employment.
5. An Employee who exercises the option to begin the participation in the retirement system shall remain in the system until termination or retirement, regardless of any change in status as a permanent or temporary Employee.

Voluntary participation is available to an Employee:

1. Who is over the age of 20.

Upon hiring, the Employee should present two (2) types of identification to the County Clerk and complete the retirement enrollment card, Beneficiary designation and familiarize themselves with the retirement benefits, termination benefits and death benefits described in the plan booklet.

Upon retiring each Employee should report to the County Clerk's Office. For Employees hired prior to January 1, 1987, the original employment date will be verified and prior service benefits will be determined based on the number of years the Employee was employed by the County prior to and including 1986. The number of year's times \$1.00 will be the monthly retirement benefit, with the maximum payment being \$25.00, payable to that Employee by the County provided:

1. The retired Employee has reached age 65.
2. The retired Employee is not contributing to the retirement plan when working seasonal or part time hours.

## INSURANCE

**A. HEALTH INSURANCE** - All Regular Full Time Employees and Regular Part Time Employees (who are employed 32 or more hours per week) are eligible for health insurance benefits. Upon their first full calendar month of employment, the County will pay the “single” cost coverage for Health insurance. Upon completing three (3) months of employment, the County will pay the “single” cost coverage for Dental insurance. All benefit plans are subject to change from time to time.

1. Insurance may be obtained for dependents by the Employee signing up for payroll deductions.
2. If an Employee leaves County employment, the health and dental insurance provided by the county will be terminated, however, coverage shall be offered to that Employee as necessitated by the enactment of public law 99-272. (COBRA) for eighteen (18) months, or as otherwise provided by the law, **at the expense of the former Employee.**

## OTHER INSURANCE

All Regular Full Time Employees will have the benefit of the County’s Insurance carrier for the following:

1. A \$25,000.00 Life Insurance and Long term Disability policy.
2. It shall be the responsibility of each Department Head to inform the new Employees to report to the County Clerk’s office to complete the necessary paperwork for Insurance Benefits.

For additional information on insurance, refer to your summary plan description (SPD). And discrepancies between this manual and the applicable SPD are governed by the terms of the SPD.

## VACATION LEAVE

Regular full-time (40 hours) Employees are entitled to vacation leave and begin earning vacation leave on the first day of employment, to be used only after completing six (6) months of continuous service. (Vacation leave will be accrued monthly to the Employee based on their completed years of employment.) The following table will be used to determine an Employee's annual vacation leave at the Employee's anniversary date:

1 year = 40 hours
2 years = 80 hours
5 years = 96 hours
10 years = 136 hours
20 years = 200 hours

1. The actual hours of vacation to be taken shall be based on the time of service and the hours listed above and further, based on the number of hours worked in a working day at the time vacation is taken.
2. Vacation leave can be taken after it is earned, and arrangements should be made well in advance with the Department Head. In order to encourage the use of vacation, Employees may not carry more than eighty (80) hours over from one year to the next. In no event shall Employees carry over from one year to the next more than eighty (80) hours total vacation time, unless the Department Head encounters scheduling difficulty.
3. The Department Head can schedule vacation time that is unused by the Employee over the eighty (80) hours carry over allowed when the Department Head deems it necessary.
4. Employees who leave County government, for any reason, will be paid for any vacation leave earned and not used, pro rated from their anniversary date, provided they have satisfactorily completed twelve (12) months of employment. In the event a County Employee becomes an Elected Official of the County, said Employee shall be treated as if leaving employment of the County and shall apply for vacation time accrued as a County Employee upon becoming an Elected Official and shall apply for said vacation time at the County Employee's rate of pay and not the Elected Official's rate of pay.

5. Paid vacation leave shall not be granted to seasonal, on call, temporary or per diem Employees.
6. If an Employee leaves County employment in good standing and returns to employment with the County within one (1) year, the accrual rates, for vacation time, shall relate back to the original date of employment less the months not employed.
7. An Employee's unused earned vacation leave pro-rated to the time of in-service death shall be paid to the deceased's next of kin based on the Employee's salary.
8. Regular part-time Employees earn vacation leave in proportion to the time that they work. For example, an Employee who works  $\frac{2}{5}$ ,  $\frac{3}{5}$ , or  $\frac{4}{5}$  of the week would earn their vacation leave based on  $\frac{2}{5}$ ,  $\frac{3}{5}$ , or  $\frac{4}{5}$  of the vacation table. The Department Head shall determine if vacation leave is to be granted to part time Employees on a fractional basis. The Department Head shall treat all Employees, in their office or division, the same in determining the amount of vacation time.
9. Any disputes arising relating to the calculation of vacation leave will be resolved using the "Grievance Procedure" contained in this manual.

## **MISCELLANEOUS OFFICE GUIDELINES**

All Employees shall be entitled to:

1. Mileage to and from County Business meetings at the prescribed state rate.
2. Meal expense reimbursement if County Business dictates an overnight stay by the Employee. \$9.00-Breakfast, \$12.00-Lunch, and \$20.00-Dinners shall not be exceeded. Employee shall be reimbursed for the actual cost of the meal up to the limits stated in this paragraph. Receipts shall be attached to the pay claim in order for the Employee to be reimbursed.
3. Overnight stays will not be reimbursed in Hamilton County or any adjoining counties, listed as Merrick, Polk, York, Fillmore, Clay, Adams and Hall. Lodging will be reimbursed at a rate deemed acceptable by the County Board. Rates unacceptable by the County Board will become the responsibility of the Employee.
4. Out of state travel expense reimbursement, only if approved prior to the trip by the County Board or Department Head.
5. Memorials, gifts, flowers, coffees, holiday or retirement parties shall not be purchased with County funds.

# **COMPENSATION**

## **WORKERS' COMPENSATION**

Employees may receive Workers' Comp Benefits if injured on the job. Workers' Comp Benefits shall not be received if the Employee was willfully negligent at the time of injury or under the influence of drugs or alcohol.

1. Employees shall report all incidents of any work related injuries to their Department Head immediately. A written detailed account, on a form provided by the Department Head, must be filed no later than (5) five working days after the injury in order to obtain proper medical treatment. Required Workers' Comp forms will then need to be completed. Eligibility for Workers' Comp benefits is determined on the basis of an accurate report of the incident as well as the time frame in which it is reported.
2. Any Employee who is found to be disabled and unable to work due to a work related injury will be compensated at an amount determined by the Workers' Comp laws in effect at the time of injury or disability. Medical expenses incurred in the treatment of an injury or illness determined to be work related, will be paid according to and abiding by Nebraska Workers' Compensation Statutes upon receipt of documented medical statements supporting the claim.
3. Other benefits available under Workers' Comp are rehabilitation, total and partial disability allowances and death benefits.
4. Employees with further questions may contact their Department Head.



## COMPENSATORY TIME

Employees that are deemed not exempt under the Fair Labor Standards Act (FLSA) and who work in excess of forty (40) hours per work week, shall receive compensatory time at a rate of time and one-half for all hours worked over forty (40) hours per week. The FLSA provides certain exemptions to these overtime provisions when it comes to public agency law enforcement personnel. In particular, the FLSA provides a complete overtime exemption for any Employee of a public agency who in any given week engages in law enforcement and including security personnel in correctional institutions if that public agency employs fewer than five such Employees during the work week. The County Board may, at their discretion convert Compensatory time to a monetary payment. See 29 U.S.C. 213 (B) (20); 29 C.F.R. 553.200 ET SEQ.

A “working day” shall be defined as the number of hours worked during a twenty-four (24) hour period by that Department or office.

Salaried Employees of the Sheriff’s office and jail are exempt from overtime and have established their work week to be Tuesday morning through Monday night. For all other Employees the work week shall commence at 12:01 a.m. Saturday and end at 12:00 midnight on Friday. Days off, such as Vacation, Sick Leave and Holidays, shall not be included in the accumulation of hours worked.

Adjustments may be made to an Employee’s hours in an effort to maintain the hours worked by an Employee at or below forty (40) in a week. Such adjustments must be made prior to the time that an Employee works forty (40) hours in a week. Once an Employee has worked over forty (40) hours, payment for time in excess of forty (40) hours must be at time and one half (1½) or given in compensatory time at time and one half (1½). The Department Head and the Employee shall agree to the method in which payment is to be made prior to working the overtime hours.

### Regulations:

1. Authorization to work over forty (40) hours per work week shall be obtained from the Employee’s Department Head prior to working any additional hours.
2. Failure to obtain authorization before working over forty (40) hours per work week may subject the Employee to disciplinary action, at the discretion of the Department Head.
3. Employees working more than forty (40) hours per work week must be credited compensatory time during the work week in which it was earned and paid during the same pay period, if possible; or no later than the subsequent pay period.

# **GENERAL PERSONNEL POLICIES**

## **PREFORMANCE EVALUATIONS**

An Employee shall receive a written evaluation after completing the introductory period and annually thereafter as set forth in this handbook. The evaluation shall include:

1. The quality of work performed as compared to other similar workers.
2. The quantity of work, where applicable.
3. General employment record of absenteeism, etc.

Performance reports shall be completed on official County evaluation forms approved by the Board.

After completion of the evaluation, the report will be discussed with the Employee, who shall have the right to add their comments. The signing of the performance evaluation by the Employee does not signify the Employee's agreement with the content, but only that they have seen the performance evaluation, that it has been discussed with the Employee and that the Employee has been given an opportunity to comment. The evaluator should sign and date the performance evaluation. If the Employee refuses to sign, the Department Head and witness shall document the Employee's refusal on the Employee's performance evaluation form. The Employee may attach written comments regarding the evaluation if they desire. These comments shall be submitted within thirty (30) calendar days of the evaluation.

Each Employee shall receive a copy of their performance evaluation and a copy of each performance evaluation shall be included in the Employee's personnel file.

## CONFLICTS OF INTEREST

An Employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, professional activity or incur any obligation of any nature which is in conflict with the proper discharge of their duties in the public interest.

1. An Employee is prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
2. Employees shall not give the impression that any person can improperly influence them in the performance of their official duties, or that they are improperly affected by the kinship, rank, position or influence of any party or person.
3. Employees shall not accept gifts of value or loans from persons doing business with the County which are intended to or which appear to influence the donor and recipient.

**A. OUTSIDE EMPLOYMENT** - Employees may be entitled to engage in outside employment, provided that the duties of the outside employment do not constitute a conflict of interest or conflict with an Employee's job performance with the County. Prior to engaging in outside employment, it is recommended the Employee notify and submit a request to the Department Head outlining the place of employment, the duties required, and the hours of work.

**B. POLITICAL ACTIVITY** - No Employee shall use their official authority or influence to further the cause of any political party, or candidate for nomination or election to public office. In addition, no Employee shall use their job to distribute or receive political favors.

1. If an Employee wishes to take part in political activities (other than voting), during normal scheduled work hours, they must use vacation leave or leave without pay.
2. All Employees have the right of protection from political coercion of any type from any person. Employees may not be interrupted during duty hours by political activities.

**C. RESIGN TO RUN** – No County Official (whether elected or appointed) may qualify as a candidate for another public office, whether state, federal, district, county, or municipal, if the terms or any part thereof run concurrently with each another, without resigning from the office he or she presently holds. The resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek. The resignation is irrevocable.

No individual who is a subordinate personnel, deputy sheriff, or police officer need resign pursuant to the above provisions, unless such individual is seeking to qualify for a public office which is currently held by an individual who has the authority to appoint, employ, promote, otherwise supervise that subordinate personnel, deputy sheriff, or police officer and who has qualified as a candidate for reelection to that public office. However, any such personnel, deputy sheriff, police officer, or other such individual shall seek a leave of absence without pay from his employment during the period in which he is seeking election to public office, which will be addressed according to the Election Leave policy.

## **PERSONNEL RECORDS**

The County is responsible for maintaining a personnel file for each Employee. These files are confidential and are available only to the Employee to whom they pertain, to the Department Head and to the County Clerk's office.

An Employee's personnel file contains important information pertaining to employment history including but not limited to job classification, Employee benefits, performance evaluations, salary and leave history.

Personnel records are the property of the County and no information can be taken from the personnel records by any person including the person about which the record is concerned. Such conduct could result in severe disciplinary or corrective action up to and including termination. Employees shall make an appointment to review their personnel file and are allowed to make copies at their expense.

Documentation which reflects unfavorably on an Employee or former Employee shall not be placed in their personnel file without their knowledge. Any such documentation shall be signed by the Employee prior to it being placed in the file. If the Employee refuses to sign the documentation, the Department Head shall so note on the report and shall then submit it to the personnel file.

Any records generated as a result of post-employment medical testing or medical records such as work comp reports shall be kept in a locked confidential file separate from all personnel records.

## **NEPOTISM**

It is the policy of Hamilton County to hire the most qualified applicants available for job openings. Hiring of relatives is at the discretion of each Department Head as outlined in Nebraska Stat.49-1499.01.

## **CONSENSUAL RELATIONSHIPS**

Consensual romantic and/or sexual relationships among Employees create an appearance of impropriety, and can lead to other more serious problems in the workplace. Employees are prohibited from engaging in consensual relationships in which either partner has explicit or implicit authority over, or the power to reward or punish, the other partner who is subordinate, or has lesser power. Any Employee involved in such a consensual relationship, or, who is not involved but has knowledge that such a consensual relationship exists, is responsible for reporting the same to the Department Head, or other supervisor if the Department Head is one of the partners involved in the consensual relationship at issue.

## **VACANCIES – PROMOTIONAL**

1. All approved vacant Full-Time County Positions which shall be filled through the promotional process may have a job announcement posted in the courthouse for a minimum of fourteen (14) calendar days.
2. Job announcements shall specify the title and may include the salary range of the position being announced, the nature of the work to be performed, the experience and training required, the time, place and manner of making application, and other pertinent information related to the position.
3. All applicants for a vacancy to be filled through the promotional process must complete a job application.
4. All applications shall be filed with the appropriate Department Head or their designated representative on or before the closing date specified in the job announcement.
5. The promotional process shall be open to all persons who meet the qualifications and other requirements for the position as set forth in the job announcement.
6. An Employee who is promoted shall advance to the appropriate promotional pay grade.

## **RESIGNATION / EXIT INTERVIEWS**

Upon the decision of an Employee to resign, a written resignation shall be submitted to their Department Head stating the reason for resigning and termination date. The County encourages all Employees to submit this written notice at least fourteen (14) calendar days in advance of the final work day in order to provide the Department Head with adequate time to fill the position. All compensation and fringe benefits accrued up to the resignation and termination date will be paid to the Employee as outlined in this manual. An exit interview can be given at the discretion of the Department Head.

## **REEMPLOYMENT POLICY**

Former Employees of the County shall not be eligible for re-hire without prior approval of the County Board.

## **SEVERE WEATHER POLICY**

It is the policy of the County to keep the courthouse open to the public, even in the event of bad weather. Normal courthouse hours are Monday-Friday 8:00 a.m. to 5:00 p.m. At the discretion of the Department Head, Employees may be excused from duty on severe weather days; Department Heads may require their Employees to use comp time or vacation.

### **IN THE EVENT OF A WINTER WEATHER EMERGENCY:**

The County Board Chair and County Clerk will make the decision to close or to adjust the business hours at the Court House.

This decision will be based on recommendation from the Hamilton County Emergency Manager. The County Clerk will notify the Department Heads.

## **NO SMOKING / TOBACCO POLICY**

All Hamilton County Buildings, Vehicles and Equipment have been designated as Tobacco Free.

## **HORSEPLAY**

Horseplay may be intended as harmless fun or humor. However, humor is in the eye and ear of the beholder and horseplay is not always harmless. There is a significant chance for injury even if unintended. Therefore, horseplay by members of staff during working hours is prohibited. Horseplay is defined as rough or rowdy play, and/or unauthorized interference with County issued property or personal property of another, to include mischievous pranks and practical jokes. This may involve physical contact, dangerous vehicle operation, placing or using items with the intent to harass or harm another in the workplace, and unauthorized contests.

## **USE OF COUNTY VEHICLES**

The following rules and regulations govern the general operation of all County vehicles. Each Department has specific guidelines for the use of vehicles assigned to that Department. Employees shall comply with both the general rules and the departmental rules when operating any County owned vehicle.

1. An Employee must have the appropriate valid driver's license for the vehicle or equipment to be operated and must be in compliance with any restrictions listed on the license in order to operate any County vehicle or equipment.
2. An Employee, who drives a County vehicle, even on an occasional basis, must notify their Department Head immediately if their driver's license is suspended or in any other way restricted.
3. County vehicles may not be operated at work by an Employee without prior authorization of the Employee's Department Head.
4. County vehicles shall be used for County business only and not for any personal use or gain. A county vehicle shall not be taken home by an Employee except within the guidelines as established by the County Board.
5. A County vehicle shall not be operated by anyone other than the Employee it is assigned to.
6. During the time the vehicle is under the Employee's control, it shall be the responsibility of the Employee to operate the vehicle safely, comply with all traffic and parking rules and regulations and to secure the vehicle when leaving it unattended.



7. An Employee must call for a local law enforcement agency to come to the scene of any work related vehicular accident immediately, even if there is no apparent damage. Every accident shall also be immediately reported to the Employee's Department Head.
8. An Employee may be held personally responsible for damage to a County vehicle if an investigation disclosed negligence, carelessness or misuse.
9. It is the responsibility of the Employee to wear seat belts, while operating and/or riding in County vehicles or their own vehicle while conducting County business.
10. Employees shall immediately report to their Department Head any hazardous or unsafe conditions of the vehicle which may result in injury to themselves or others.
11. Employees shall not attempt to make any mechanical repairs to the vehicle unless properly authorized by the Employee's Department Head or unless assigned to such duties.
12. Employees shall keep all County vehicles free of objects that might lodge under the brake pedal or interfere with the safe operation of the vehicle.
13. It is the responsibility of the Employee operating a County vehicle or equipment to ensure that all supplies, equipment, machines and vehicles being hauled or transported are properly secured to the transporting vehicle or trailer.
14. Any vehicle or equipment that has been tagged "unsafe" to use shall not be used by any Employee until such tag has been removed due to repairs.
15. Operators of County vehicles, equipment and machinery shall comply with all Federal, State and local Statutes and Ordinances with regard to the use of cell phones, smart phones and other personal wireless communication devices while operating any of said vehicles, equipment or machinery.

## **COMPUTER AND ELECTRONIC TECHNOLOGY USAGE**

The County's computer system and equipment and all County owned, leased, or controlled computers and electronic technology, equipment or devices are the sole property of the County. This shall include computer or other electronic technology equipment or devices loaned to the County from another public agency, a grantor, or a private agency. The County retains the right, at its sole discretion, to select, maintain, replace, upgrade, assign, or authorize or rescind authorizations for use of County computers, the computer system, and/or electronic technology and devices.

"Computers" and "computer system" includes, but is not limited to, computers and all computer components, such as computer processing units and contents; hardware and drives; laptop computers; computer screens and keyboards; software programs; networks, cables, or wires; switches; printers; scanners; and/or speakers.

"Other electronic technology or devices" includes, but is not limited to, electronic mail (e-mail); Internet/Intranet; telephones including voice mail; cellular phones; facsimile (fax) machines; County web page(s); diskettes; security, storage and/or back-up media; video teleconferencing; electronic subscriptions services; electronic documents; personal data assistants (PDAs); pagers; or other hard wired or wireless communication devices, including dial-in access to the County's computer system from off-site locations.

The County expressly prohibits unauthorized use of its computers, computer system, and other electronic technology or devices. Unauthorized use includes, but is not limited to: soliciting others for personal or financial ventures or gain; religious activities; political causes, campaigns or issues; disruptive use; illegal use; use that is offensive to others such as accessing, displaying, transmitting, downloading, or printing sexually explicit images, messages, web sites, jokes, or cartoons; use that includes foul or demeaning language, threats, personal or ethnic slurs, or racial comments.

The illegal or unauthorized duplication of software and its related documentation owned by the County or any copyrighted, trademarked, or patented material is prohibited.

Employees shall not remove or take any County property from County premises without express authorization from their Department Head or his/her designee in the event of a need for County business.

To the extent that any Employee has access to confidential or secure information, such as legal documents or medical records, each Employee must maintain confidentiality of information obtained directly or indirectly through County employment, and shall not divulge information to unauthorized third parties that may be considered private, secure, or confidential.

The internet may be used during working hours for work purposes only. The use of social networking sites, such as Facebook, MySpace, or Twitter, including the games or applications available from such sites, or any others, is prohibited during working hours, except when an Employee is on an authorized break from work. Other incidental personal, non-work related use of the County's computer system is allowable on authorized breaks, and only to the extent that it takes place within reasonable limits and does not otherwise interfere or conflict with this policy or the completion of job duties, and does not result in any additional expense to the County.

In the event that the employer develops its own social media site, Employees may be disciplined for posting of any misinformation or negative comments on such site.

Employees have no expectation of privacy in electronic communications including but not limited to e-mails, voice mails, text messages, pager messages, which they send or receive on the County's computer system or other electronic technology or devices.

The employer reserves the right to monitor or review any browsing history, hard drive content, and/or communications sent or received on its computer system or other electronic technology or devices by a current or former Employee, without notice or consent by the Employee.

## **REDUCTION IN WORK FORCE**

1. Employees may be laid off from any Department because of lack of funds or lack of work.
2. Department Heads shall consider an Employee's job performance rather than seniority in determining the order of layoff. Layoffs shall not be considered disciplinary actions.
3. Employees subject to layoff shall be given written notification at least ten (10) working days prior to the last effective date of employment. Such notice shall be mailed to their last known address shown on the official departmental records. The time limit provided in this section may be extended if the affected Employee did not have reasonable opportunity to receive the notice.
4. The names of Employees who have been laid off shall be placed on a layoff list maintained by the Department Head and such Employees shall be given consideration for re-employment for a period of sixty days.

## **FURLOUGH**

1. The "Reduction in Force" provisions above do not apply to voluntary or involuntary furloughs of less than a total of thirty (30) work days, within a six (6) month period. Furlough is defined as placing an Employee in a temporary non-duty, no-pay status because of the lack of funds. An intermittent furlough is a furlough action in which the non-duty, non-pay status occurs discontinuously over a period of time (e.g. one work day per month for a six month period) rather than consecutively.
2. In cases of involuntary furlough, the order of Employees to be selected is within the Department Head's discretion, but will be based upon job performance rather than seniority within the affected Department or work unit.
3. Furloughs shall not adversely affect an Employee's health insurance premium contributions and service anniversary date, nor shall leave earnings be prorated as a result of the furlough.

## **DISCIPLINE & DISCHARGE**

At any time, an Employee has the right to terminate employment with the County for any reason or for no reason, and the County has the same right to terminate an Employee for any reason or for no reason.

It is however, Hamilton County's Policy to treat all Employees fairly, with dignity and respect. When appropriate, Progressive Discipline will be used. This means that Employees who are not performing their jobs up to expectations, who break rules or exhibit improper behavior may be subject to discipline. For minor problems a verbal admonishment may be all that is needed to solve the problem. If there is not significant improvement or if the action is more serious, the Employee could receive a written reprimand, suspension without pay or termination.

When disciplining an Employee, the importance of documentation cannot be emphasized enough. All disciplinary action should be documented in writing. A disciplinary action form is provided here (see Forms section pages 71-72). There is a space provided on the form for the Employee's signature. A signature is evidence that the Employee was notified of and given the opportunity to discuss and review the disciplinary action.

### **ADMONISHMENT**

For purposes of this section on Discipline and Discharge, the County Board as a whole, shall be the Supervisor of any Department that does not have an elected official. The County Board may act on a majority vote by the entire County Board when acting on any discipline matter.

An admonishment to an Employee may be given either orally or in writing by their Supervisor. The admonishment shall be documented in writing by the Supervisor. When the admonishment is documented, the Employee shall receive a copy.

A verbal warning without written support and documentation are strongly discouraged. In more serious cases where discharge is imminent, documentation should be quite extensive in order to prepare for potential grievance hearings, or legal challenges, which may not take place until several months after the incident.

If the event which led to the discipline is not documented, it will be extremely difficult to prove that the discipline was administered in a fair manner or that the Employee was actually guilty of misconduct.

## **WRITTEN REPRIMAND**

A written reprimand is a documented written correspondence issued by the County Board, Department Head or Supervisor. The reprimand will state the action that caused the reprimand to be issued and what corrective action must be taken by the Employee to ensure the violation does not reoccur. The Employee will receive a copy of the written reprimand. A copy of the written reprimand, signed by the Employee, will be submitted to the Employee's personnel file. A written reprimand is not subject to the "Grievance Procedure".

## **SUSPENSION WITH PAY**

The County Board, Department Head or Supervisor may suspend any Employee with pay for a period of time pending the outcome of an investigation into a complaint. The County Board, Department Head or Supervisor shall notify the Employee in writing of the reasons for the action and the number of days of suspension. An Employee who is suspended has the option to file a Grievance, following the procedure outlined in the section entitled, "Grievance Procedure," and will proceed to Step 3 of that process in the event that the suspension is for more than five (5) working days.

## **SUSPENSION WITHOUT PAY**

The County Board, Department Head or Supervisor may suspend any Employee without pay for a period not exceeding sixty (60) calendar days during any twelve (12) month period. However, no single suspension shall be for more than thirty (30) calendar days. The County Board, Department Head or Supervisor shall notify the Employee in writing of the reasons for the action and the number of days of suspension. An Employee who is suspended has the option to file a Grievance, following the procedure outlined in the section entitled, "Grievance Procedure," and will proceed to Step 3 of that process in the event that the suspension is for more than five (5) working days.

## **DEMOTION**

The County Board, Department Head or Supervisor may demote an Employee to a lower salary and/or position as a disciplinary action. The County Board, Department Head or Supervisor may set the new salary which may be reduced no lower than the hiring rate.

## TERMINATION

The County Board, Department Head or Supervisor may dismiss any Employee under their jurisdiction by delivering a written statement to the Employee concerned. The written communication shall indicate the reason(s) a dismissal is effective. If the County Board, Department Head or Supervisor wishes to make the action immediate, the Employee may be placed on leave with pay pending upon delivery to the Employee of the written communication addressing the Dismissal. Prior to the termination taking effect, the Employee shall be provided with an opportunity to present facts and or explain circumstances which he or she believes will refute the charges to the County Board, Department Head or Supervisor. An Employee who is dismissed has the option to file a Grievance, following the procedure outlined in the section entitled, "Grievance Procedure," and, more specifically, will proceed to Step 3 of that process.

To give some idea what the County considers improper behavior, see the following examples. This is not a complete list and the County reserves the right to investigate, make judgments and take appropriate disciplinary action in each individual incident. The level of severity of any infraction and the disciplinary action to be taken is solely at the discretion of the Department Head. Infractions include but are not limited to:

1. Working under the influence of alcohol or any illicit/illegal drug(s)
2. Conviction of a felony.
3. Misconduct proven to be sexual harassment.
4. Violation of a safety rule that would endanger a person or County Property.
5. Theft including and not limited to either County Property or another person's property.
6. Possession, distribution or use of drugs or alcohol on County Property.
7. Falsifying time keeping records including vacation, sick and comp time with intent to defraud. Improper recording of time worked.

8. Willful damage or destruction of County Property.
9. Fighting, verbal threats or attempting bodily injury to another person on County Property.
10. Insubordination or willful refusal to follow an order.
11. Loafing, loitering or sleeping during work time.
12. Failure to report on-the-job injuries.
13. Abuse of Sick Leave Policy.
14. Neglect of duty or incompetence.
15. Habitual or excessive tardiness.
16. Absenteeism determined to be excessive by the County Board, Department Head or Supervisor.
17. Work performance which is below the standards of performance required by the Department.
18. Distribution or posting of written or printed matter that is not authorized by management.
19. Excessive use of County phones for personal use as determined by the Department Head or Supervisor. Excessive use of personal cell/smart phones as determined by the Department Head or Supervisor on County time.
20. Excessive and/or improper use of County computers and using computers for personal use. There shall be not be any games on County computers.
21. As per Nebraska Statute, there shall be no campaigning on County Property.



## **EMERGENCY & EVACUATION POLICY**

### **IN THE EVENT OF A BOMB THREAT:**

1. The Employee receiving information of the threat should attempt to ask the designated questions.
2. At the completion of the call advise your Department Head and call 911 with the information.
3. Begin the notification system.
4. Evaluate your office for any foreign objects.
5. Secure and evacuate your office.
6. Employees will assist in directing private citizens out of the building to the designated area.
7. Employees will assist handicapped individuals to safety.
8. The Department Head or Deputy in charge will take a head count to insure that Department's personnel have evacuated.
9. The County Attorney is designated as the County Spokesperson for releasing information to the media regarding emergency evacuations.
10. All occupants upon evacuation should proceed to the designated meeting place so as not to interfere with the arrival of emergency response units.

**NOTE:** Courthouse Employees are to proceed to the Heritage Bank South Parking Lot at the southwest corner of the square.

Employees of other Departments at different worksites will receive instructions from their Department Head.

11. Officials may be asked to accompany the on-scene commander back into the building to determine any suspicious items.

### **IN THE EVENT OF A FIRE:**

1. The Employee receiving information about a fire in the building shall immediately call 911 advising the Employee's name, Department, location of the fire, what's burning, if possible, and activate the closest fire alarm pull switch.
2. Determine if the fire extinguisher will control the flames, if not secure and evacuate your office.
3. Close all windows and doors.

4. Employees will assist in directing private citizens out of the building to the designated area.
5. Employees will assist Handicapped individuals to safety.
6. The Department Head or Deputy in charge will take a head count to insure that Department's personnel have evacuated. Report any missing person to emergency response units.
7. The County Attorney is designated as the County Spokesperson for releasing information to the media regarding emergency evacuations.
8. All occupants upon evacuation should proceed to the designated meeting place so as not to interfere with the arrival of emergency response units.

**NOTE:** Courthouse Employees are to proceed to the Heritage Bank South Parking Lot at the southwest corner of the square.

Employees of other Departments at different worksites will receive instructions from their Department Head.

#### **IN THE EVENT OF A MEDICAL EMERGENCY:**

1. Employees who become ill shall notify their Department Head or co-worker of their symptoms.
2. Upon finding a co-worker unconscious, disoriented, or with other debilitating conditions, call 911.
3. If a member of the public needs medical assistance, call 911.
4. If appropriately trained, respond with first aid or CPR as deemed necessary.

#### **IN THE EVENT OF TERRORISTIC THREATS:**

By Mail: Do not handle the material, contact 911 and await instructions for proceeding.

By Phone: Immediately write down all information: Voice, accent, age, sex, background noise, (TV, machinery and etc.) wording of phrases, phone type, long distance, cellular. Contact 911 and await instructions.

**IN THE EVENT OF A TORNADO:**

1. Employees receiving word of a tornado warning by radio, sirens or person to person shall begin the notification system.
2. Immediately secure and evacuate your office.
3. Proceed to the lower level south lobby, near the elevator. (**DO NOT USE THE ELEVATOR.**)
4. Assist private citizens and handicapped individuals to safety.
5. If evacuation is necessary after the storm, remember to assemble in the designated area for a head count and stay clear of the property until deemed safe by emergency personnel.

# **SAFETY POLICIES**

## **SAFETY AND INJURY PREVENTION**

Safety is important to the County and to all Employees. The County's Safety Committee shall meet at least once per quarter or four (4) times per year.

It is the County's intent to provide a safe workplace for an Employee's protection. Accidents cost the County money through property loss, lost time from work and increased insurance costs. All Employees are expected to participate in safety programs and meetings, promote safety awareness, bring forth safety suggestions, wear protective equipment as provided and follow safety rules. Safe work practices protect Employees, their families, fellow Employees and the County.

Each Employee will be evaluated on safety activities which will be recorded in their performance review. Failure to follow safety rules or using poor safety judgment can result in disciplinary action, up to and including termination of employment.

## **BUILDING AND GROUNDS**

**A. FIRE EXTINGUISHERS:** All County offices, buildings, and motorized equipment shall have adequate fire protection equipment. Each Department Head is responsible for informing their staff of fire protection equipment location. Fire extinguishers shall be conspicuously located and immediately available. All Employees shall be instructed in their use. Fire Extinguishers shall be located along normal paths of travel. A normal path of travel is defined as an aisle kept clear from one end of the building to the other. Extinguishers, having a gross weight of forty (40) pounds or less, shall be installed so that the top of the extinguisher is not more than five feet above the floor. Extinguishers shall be securely mounted on a wall bracket. Dry chemical extinguishers shall be equipped with a pressure gauge or an indicator which is easily visible without removing the extinguisher from its bracket. Extinguishers shall have a durable tag securely attached to show the inspection date and initials or signature of the person who performed this service.

Extinguishers shall be inspected monthly by the Buildings and Grounds Superintendent, to insure that they are in their designated places, that they have not been activated, or tampered with, and to detect any obvious damage, corrosion, or other impairments. An extinguisher showing defects shall receive a complete maintenance check. Extinguishers shall be thoroughly examined annually and if necessary, recharged, repaired or replaced. Extinguishers removed for maintenance shall be replaced by spare extinguishers during the period that they are gone.

The best time to stop a fire is before it starts. Even though buildings are properly designed and constructed with fire-safety features, periodic inspections are required. Department Heads shall include periodic self-inspections in their fire safety program. Grounds and Maintenance personnel shall be responsible to insure that walks, walkways, inside and outside steps, hallways and corridors are kept clean and cleared. Ice and snow on walkways, inside and outside steps shall be reported to the janitor as should wet floors, due to ice, snow, rain, spilling, cleaning or leaking plumbing to insure that every attempt possible be made in the area of loss prevention.

No open flames including candles shall be used inside all County buildings.

**B. FIRST AID KITS:** First aid kits shall be conspicuously located in all areas designated as break areas. All Employees shall be instructed as to their location. First aid kits shall have a durable tag securely attached to show the inspections date and initials or signature of the person who performed this service. First aid kits shall be inspected monthly to insure that they are in their designated place and completely stocked with necessary items.

**C. MATERIAL SAFETY DATA SHEETS (MSDS) MANUAL:** See your Department Head for location in your work area.

**NOTE:** The courthouse MSDS Manual is located in the Break Room on the ground floor.

## **GENERAL SAFETY**

Employees using carts, furniture dollies, or hand carts shall not park them unattended in passageways. When it is necessary to park them in the halls, they shall be parked close to the walls but never close to a doorway or hall intersection.

Employees using ladders shall take precaution to insure the ladder is properly placed, solidly positioned and within reach of the desired position without standing on the top rung. Employees should not use ladders while alone in the office areas. Care should be taken to avoid contact with light fixtures, furniture, wood work and walls. Upon completing the task, ladders should be folded up and returned promptly to the proper storage area.

Employees shall report for correction, to their Department Head, any broken, cracked, or humped tiles on floors or turned-up corners, tears, or ripped seams on carpets which constitute a hazard. The report shall be made to the Buildings and Ground Superintendent and documented. Employees shall report any non-working lights, electrical outlets or cords to the Buildings and Ground Superintendent.

Any broken glass or sharp objects shall be wrapped in heavy paper, appropriately marked and placed beside the waste basket.

Employees shall not use razor blades for cutting paper or pins to fasten papers. Hand operated paper trimmers or “guillotine” type paper cutters shall be used with utmost caution and when finished always depress the blade and use the safety lock.

Employees shall approach and open closed doors with caution to avoid having the open door strike someone. Always keep to the right in corridors and corners.

Employees shall use handrails when ascending or descending stairs. Stairways shall be kept clean and clear.

All chemicals and cleaning solutions shall be properly stored according to hazardous material requirements and checked periodically to maintain proper storage and avoid leakage.

**A. OFFICE MACHINES, FURNITURE AND EQUIPMENT:**

Employees shall not operate a machine until they have been thoroughly trained to operate it safely. Department Heads shall insure that all machine guards are kept in place and that Employees follow the safety instruction for the machine being operated.

1. Disconnect electrical equipment before repair or maintenance. Electrical machines shall always be shut off and the electrical circuit disconnected before attempting to adjust or clean the machine. Only qualified personnel shall make the adjustments. Small electrical heaters used in individual offices shall be turned off or disconnected from the power source at the end of each shift to avoid overheating or possible short circuits.
2. File drawers shall not be left open while unattended. The heaviest drawers shall be at the bottom to avoid tipping the files. Employees should avoid opening more than one file drawer at a time.
3. Telephone and power cords shall not be left loose on the floor or in any other position where they could cause someone to trip, arrange to have them shortened or anchored to a desk or wall.
4. Glass desk-tops shall be free of breaks or sharp edges. Broken veneer surfaces on desks or chairs shall be repaired at once.
5. Swivel chairs, file drawers, and other unstable office equipment shall not be used as a means of climbing or reaching. If it is necessary to move office equipment or furniture which you might not be able to handle alone, ask for help.
6. Area rugs used over cords or at entryways shall be free of loose threads and properly positioned to avoid catching on heels or tripping persons.

**B. BREAK AREAS:** Adequate ventilation shall be provided in all break areas, either natural or forced. Care shall be taken when working with cleaning or using all electrical appliances including coffee makers and microwaves. Special attention is given to avoid any overloading of power sources. Sharp kitchen utensils shall be stored properly to avoid accidental cuts.

1. Any broken cups or glass, and spills shall immediately be cleaned up by the responsible party with the assistance of the janitor if necessary.
2. Special care shall be given to keeping the food area clean and sanitary. Open packages shall be folded back, covered, temporarily sealed or transferred to sealed containers.

# GRIEVANCE

## GRIEVANCE PROCEDURE

The County has adopted procedures designed to provide a just and equitable method for the resolution of grievances without discrimination, coercion or reprisal against any Employee who may submit or be involved in a grievance.

A grievance is defined as any dispute concerning corrective action or written policy or procedure interpretation between an Employee and the County. The grievance procedure shall not be used to change, but rather to clarify expressed provisions of County and/or Department policies and procedures.

Discrimination, for purposes of this policy, shall be defined as prejudice against race, color, religion, sex, national origin, age, disability, or marital status. An appeal of a termination or suspension for more than five (5) working days shall proceed to Step 3 of this procedure. If the grievance is a complaint of unlawful harassment or retaliation for reporting or supporting a claim of harassment, the Employee must follow the complaint procedure in the Harassment in Employment policy instead of the grievance procedure.

Any of the time periods set forth below may be extended at the mutual agreement of the Employee and the decision maker.

**Step 1:** In the event the Employee feels the County has violated a written policy or procedure, the Employee may request to meet with his/her immediate supervisor within five (5) working days from the date the alleged violation took place. The immediate supervisor shall review the Employee's concerns and advise the Employee in writing of their decision regarding the grievance within five (5) working days of the receipt of the grievance. Should the Employee be unsatisfied with the immediate supervisor's response, the Employee may appeal the grievance to the Department Head within five (5) working days from the date of the immediate supervisor's response, as provided in Step 2, below.



**Step 2:** In submitting the grievance to the Department Head, the grievance must be submitted in writing and must contain the following information.

- A. Name of person filing the grievance.
- B. Details of the alleged grievance.
- C. Names of person(s) violating County policy.
- D. Dates and events of alleged violation.
- E. Names of witnesses.
- F. Citation of the County policy(ies) or procedure(s) that allegedly have been violated.
- G. Requested remedy to the grievance.

The Department Head may meet with the Employee to discuss the grievance, but must respond to the grievance in writing within ten (10) working days from the date of receipt of the grievance. Should the Employee not be satisfied with the response of the Department Head, the Employee may request a review of this decision by the Grievance Board, as provided in Step 3, below.

**Step 3:** The Employee shall submit a written request to the County Clerk indicating their desire to appeal the decision of the Department Head (or to directly appeal a corrective action) to the Grievance Board within ten (10) working days of receipt of the Department Head's response. The written request to the County Clerk shall include all information as indicated in Step 2 and in addition the written response of the Department Head.

A Grievance Board will be established which shall consist of five (5) people. The County Clerk will maintain a predestinated list of prospective Grievance Board members, which shall include all Department Heads and their Chief Deputies. The Department Head and Employee involved in the grievance will each select two (2) people from the predestinated list. The four people selected will then select a fifth member from the predestinated list. Then the group of five (5) will then select a Chairperson.

The Grievance Board shall conduct a hearing concerning the grievance within ten (10) working days from the County Clerk's receipt of the request for appeal. The Board may adopt rules under which to hold the hearing, such as the Nebraska Rules of Evidence. If disciplinary action is reversed, all correspondence related to the incident shall become a part of the Employee's permanent personnel record, but shall be kept confidential. The Board's decision is final.

## HARRASSMENT IN EMPLOYMENT

It is the policy of Hamilton County to provide a businesslike work environment free from all forms of Employee discrimination including incidents of sexual harassment. No Employee or member of the public shall be subjected to unsolicited and unwelcome sexual materials, overtures, or conduct, verbal, written or physical. Severe penalties shall include all penalties as set forth in this handbook under the Discipline & Discharge section. These penalties will be imposed against those individuals who participate in incidents of sexual harassment.

Sexual harassment is the deliberate or repeated behavior of a sexual nature by one individual to another that is unwelcome, unasked for or rebuked by the other Employee. The behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but are not limited to, the following:

1. Sexual comments of a provocative or suggestive nature.
2. Jokes or innuendoes of a sexual nature.
3. Suggestive or demeaning looks or leering.
4. Creating an intimidating, hostile or offensive working environment.
5. Making acceptance of unwelcome sexual conduct or advances of requests for sexual favors of any nature a condition of employment.
6. Physical contact such as patting, pinching, hugging or brushing up against another body.
7. Materials or photographs of a sexual nature in the work place.
  - a) Submission to the conduct is either an explicit or implicit term or condition of employment.
  - b) Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved.
  - c) The conduct has the purpose or effect of substantially interfering with an individual's work performance environment.

## **REPORTING PROCEDURE**

1. Should an instance of unlawful or sexual harassment occur, both the Employee and County play a role in correcting the harassment.
2. An Employee is responsible for pointing out the harassment. Any Employee who believes he/she is being harassed is encouraged to:
  - a) Point out the offensive behavior to the person responsible for the behavior.
  - b) Request that the offensive behavior stop.
3. Any Employee who is not comfortable approaching the person responsible for the offensive behavior, or whose request to stop was unsuccessful should notify any or all of the following:
  - a) The Employee's Department Head
  - b) The Department Head of the person responsible for the offensive behavior.
4. Any Employee who believes he/she is being harassed by a Department Head should notify the County Attorney.
5. No Employee will be retaliated against for complaining of harassment.
6. Hamilton County is responsible for promptly correcting any harassment. When one of the County Attorney is notified or becomes aware of possible harassment he/she shall promptly investigate the situation. Corrective action shall promptly be taken whenever:
  - a) Any harassment or inappropriate behavior has occurred
  - b) A Department Head has tolerated the harassment or inappropriate behavior.

## **INVESTIGATION PROCEDURE**

The County Attorney will ensure that a thorough investigation is carried out respecting the rights and dignity of all individuals concerned. The investigation will be conducted quickly, thoroughly and confidentially, and every effort shall be made to protect the rights of the accuser, as well as the accused. The following procedures will be followed in the investigation of a complaint of harassment:

1. If at all possible, the investigation shall begin the day the conduct is reported or discovered.
2. The Employee shall put the complaint in writing.
3. The complainant will be interviewed in a private area by the County Attorney, and Department Head or neutral 3<sup>rd</sup> party, if applicable. The interview will be thoroughly documented and reviewed for accuracy with the complainant at the end of the interview.
4. The alleged harasser will be interviewed in a private area by the County Attorney, and Department Head or neutral 3<sup>rd</sup> party, if applicable. The interview will be thoroughly documented and reviewed for accuracy with the harasser at the end of the interview.
5. Witnesses and others with relevant information will be interviewed in a private area by the County Attorney, and Department Head or neutral 3<sup>rd</sup> party, if applicable. The interviews will be thoroughly documented and reviewed for accuracy with the witnesses or other individuals interviewed.
6. Upon completion of a thorough investigation, the investigators will determine whether the complaint is substantiated or unsubstantiated.
  - a) Substantiated Complaint: If it is determined that there is evidence to substantiate the complaint, disciplinary action will be taken. The disciplinary action taken will depend upon the severity of the harassment; however the disciplinary procedure outlined in this Handbook will be followed in all cases. A record of disciplinary action taken will become a part of the harasser's personnel file.  
Once disciplinary action is taken, the County Attorney or Department Head, if applicable, will ensure its effectiveness by continuing to monitor the situation.

b) Unsubstantiated or inconclusive complaint: If it is determined that the complaint is unsubstantiated or if investigators are unable to conclude whether sexual harassment did or did not occur, both the complainant and the alleged harasser will be informed of the findings. The County's policy against harassment will continue to be enforced and the complainant will be encouraged to come forward again if he/she perceived harassment.

7. Whether substantiated or unsubstantiated, the investigators will meet with both the complainant and alleged harasser to notify them of the results of the investigation and any disciplinary measures that will be taken.

8. An investigation report will be prepared summarizing interviews, conclusions and discipline taken, if any. This report, along with notes, written complaints, statements and copies of relative documents will be maintained in a separate, confidential file by the County Clerk or County Board.

**ACKNOWLEDGMENT OF HAMILTON COUNTY HANDBOOK**

I, \_\_\_\_\_ of

Hamilton County, Nebraska, do hereby certify that I have read the Hamilton County Handbook for Hamilton County and agree to abide by these guidelines in the Administration of my Office or Department.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

EMPLOYEE SIGNATURE \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE \_\_\_\_\_

This signed Acknowledgement will be placed in your personnel file at the County Clerk's office.

Upon dismissal or termination, you will return this book to your Department Head and your County photo ID badge must also be surrendered.

**CATASTROPHIC LEAVE REQUEST FORM**  
(To be completed by requesting Employee)

I, \_\_\_\_\_, have been an Employee of Hamilton County for at least six months. I have exhausted all types of leave available to me, and either I am suffering from a medical condition which requires that I be absent from work. Therefore, I respectfully request annual leave and/or sick leave donations under our Catastrophic Leave Policy.

\_\_\_\_\_  
Employees Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
To be completed by County Commissioners or Employee's Department Head:

\_\_\_\_\_ meets the conditions of  
the Hamilton County Catastrophic Leave Policy.

Approved: \_\_\_\_\_  
County Board Chairman/Department Head Date

\_\_\_\_\_  
Upon completion of this form, please forward immediately to the County Clerk's Office so County Employees can be notified of the request and given the opportunity to make a donation.

**DONATION OF HOURS FOR CATASTROPHIC LEAVE**

(To be completed by donating Employee)

I, \_\_\_\_\_, have been an Employee of Hamilton County for at least six months. I would like to donate vacation time and or compensatory time in the amount of \_\_\_\_\_ hours (must be in increments of 4 hours) under our Catastrophic Leave Policy to

\_\_\_\_\_.

\_\_\_\_\_  
Employees Signature

\_\_\_\_\_  
Date

\_\_\_\_\_

To be completed by Employee's Department Head:

\_\_\_\_\_ meets the conditions of  
the Hamilton County Catastrophic Leave Policy for the donation of \_\_\_\_\_ hours.

Approved: \_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

\_\_\_\_\_

Upon completion of this form, please forward immediately to the County Clerk's Office so County Employees can be notified of the request and given the opportunity to make a donation.



Request for Leave of Absence

**HAMILTON COUNTY**

Name of Employee: \_\_\_\_\_

Name of Office: \_\_\_\_\_

Job Title: \_\_\_\_\_

Supervisor: \_\_\_\_\_

A. I am hereby requesting the following type of leave.

- \_\_\_\_\_ 1. FMLA Leave (Family and Medical Leave)
  - \_\_\_\_\_ a. On a continuous basis (full-time leave for a period of time.)
  - \_\_\_\_\_ b. On a part-time basis (temporary reduced work schedule).
  - \_\_\_\_\_ c. On an intermittent basis (occasional, sporadic absences).
- \_\_\_\_\_ 2. Other Leave (if not for FMLA leave).

B. Date Leave to Begin: \_\_\_\_\_ Date Leave to End: \_\_\_\_\_

C. For the following reason:

- \_\_\_\_\_ 1. The birth, adoption, or foster care placement of a child  
 \_\_\_\_\_ Due Date or Projected Date of Adoption/Foster Placement
- \_\_\_\_\_ 2. Because of my own serious health condition  
 (Diagnosis \_\_\_\_\_).
- \_\_\_\_\_ 3. Because of the serious health condition of my:  
 \_\_\_\_\_ Spouse (diagnosis \_\_\_\_\_).  
 \_\_\_\_\_ Son or Daughter (age \_\_\_\_; diagnosis \_\_\_\_\_).  
 \_\_\_\_\_ Parent (diagnosis \_\_\_\_\_).
- \_\_\_\_\_ 4. Other (please specify): \_\_\_\_\_.

D. Medical Consent

Medical Consent and Authorization (for Self and Dependent Child)

If my leave is related to a **medical condition of my own or of my dependent child**, I authorize Hamilton County to have direct communications with all health care providers who have evaluated or treated me or my child in connection with said medical condition for the purpose of verifying the condition and the medical necessity of my leave, clarifying information provided by the health care provider, and to obtain such other information or records as Hamilton County needs or requests.

Notice to Obtain Medical Consent (from Spouse, Parent, or Non-Dependent Child)

If my leave is related to a **medical condition of my spouse, my parent, or a non-dependent child**, I agree to have my spouse, parent, or child complete the attached Medical Consent Form to authorize Hamilton County to have direct communications with my spouse's or child's health care provider.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**MEDICAL CONSENT**  
(TO BE COMPLETED BY SPOUSE, PARENT, OR ADULT CHILD)

**TO: Name of Health Care Provider:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

I, \_\_\_\_\_, Social Security No. \_\_\_\_\_, am being treated by you for the following medical condition: \_\_\_\_\_. In connection with this condition, my spouse/son or daughter/parent has asked his/her employer (“Employer”) for a Family and Medical Act (“FMLA”) leave of absence from work in order to care for me because of said condition.

If said Employer needs additional information, clarification of, or verification of said condition from you in order to process the above-referenced leave of absence request, I hereby authorize you to discuss my medical condition directly with representative(s) of said Employer and to provide said Employer with any additional relevant information (including medical records) it may need to verify that my condition qualifies as a “serious health condition” under the FMLA and to evaluate the leave of absence request made by my spouse/son or daughter/parent.

Name of Employer: \_\_\_\_\_

Name of Representative(s): \_\_\_\_\_

Title of Representative(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Record of Disciplinary Action**

**Hamilton County**

Employee Name: \_\_\_\_\_

Job Classification: \_\_\_\_\_

Department: \_\_\_\_\_

Department Head: \_\_\_\_\_

Type of Disciplinary Action (Check One):

- Verbal Warning
- Written Warning
- Suspension With Pay      From \_\_\_/\_\_\_/\_\_\_      To \_\_\_/\_\_\_/\_\_\_
- Suspension Without Pay      From \_\_\_/\_\_\_/\_\_\_      To \_\_\_/\_\_\_/\_\_\_
- Termination

**History of Warnings (See Attached):**

_____	_____	_____
<b>Date</b>	<b>Nature of Discipline</b>	<b>Nature of Violation</b>
_____	_____	_____
<b>Date</b>	<b>Nature of Discipline</b>	<b>Nature of Violation</b>
_____	_____	_____
<b>Date</b>	<b>Nature of Discipline</b>	<b>Nature of Violation</b>
_____	_____	_____
<b>Date</b>	<b>Nature of Discipline</b>	<b>Nature of Violation</b>

**Nature of Misconduct Resulting in Disciplinary Action:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Problems listed above must be resolved immediately. If these problems are not resolved immediately, or if additional performance issues arise, further disciplinary action will be taken, up to and including termination.

**Employee Remarks: (Note to Employee: If you do not include your remarks below, it will be understood that you agree with this report as written.)**

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**Corrective Action to be taken by Employee:**

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Your signature below acknowledges receipt of this Disciplinary Action Form, not necessarily your agreement with this action. This Disciplinary Action Form will be part of your permanent Employee record.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Head's Signature

\_\_\_\_\_  
Witness's Signature

\_\_\_\_\_  
Date

**Performance Evaluation**

**HAMILTON COUNTY**

**Employee Name:** \_\_\_\_\_

**Job Classification:** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Reason for Review:**     Annual     Promotion     Unsatisfactory Performance  
                                  Merit     End of Introductory Period     Other

**Date Employee Began Present Position:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Date of Last Appraisal:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_    **Scheduled Appraisal Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Instructions:** Carefully evaluate Employee’s work performance in relation to current job requirements, as outlined below. Check rating box to indicate the Employee’s performance.

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**STATEMENT OF DUTIES AND RESPONSIBILITIES**

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(Information to be taken from the approved job description)

**Characteristic Duties and Responsibilities:** Compared to attached job description.

Duties and Responsibilities	Unsatisfactory	Some Improvement Needed	Satisfactory	Exceeds Performance Requirements	Outstanding Performance

**Job-Related Areas:** Attendance, dress, behavior, or other items that impact the work environment.

Duties and Responsibilities	Unsatisfactory	Some Improvement Needed	Satisfactory	Exceeds Performance Requirements	Outstanding Performance
Attendance					
Application of Supervisory Techniques					
Completion of Assigned Work					
Adherence to Dress Code					
Ability to Engage in Safe Work Practices					
Asks questions when job task is unclear/confusing					

**Supervisor Comments:** Comments must be included to address each duty given a rating of “unsatisfactory” or “some improvement needed.”

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**SUMMARY OF PERFORMANCE**

**Comments on Principal Strengths:** \_\_\_\_\_

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**Comments on Areas for Improvement:** \_\_\_\_\_

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**Goals:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Overall Evaluation Rating (Check One)**

- Unsatisfactory     Some Improvement Needed     Satisfactory Performance  
 Exceeds Performance Requirements     Outstanding Performance

**EMPLOYEE COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMPLOYEE SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
(Employee signature does not indicate an agreement with this evaluation.)

**EVALUATED BY:**

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**APPROVED BY BOARD CHAIRMAN:**

**NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_