Converse County, Wyoming

Terms and Conditions of Employment

Important Notice: Read fully, initial each paragraph and sign and date below.

_____ I understand that, if I am hired by Converse County _____ _____(department/employer) my employment, compensation, and/or benefits can be terminated with or without cause, and with or without notice at the option of either my employer or myself.

_____ I recognize that my employer may change, depart from, or contradict any policies and procedures I may receive if I am hired. I understand that no policy or procedure of Converse County, including those in the personnel policy manual or in any departmental rules or procedures I receive, should be considered a promise on which I can rely to my detriment.

_____ I understand that no employee, supervisor, official, department head or Commissioner of Converse County has any authority to enter into any agreement or make any promises for employment for any specific period of time, or make any statements or promises contrary to this document.

_____ I understand that any promise or statement by the Board of County Commissioners, which contradicts this document, must be in writing and signed by the Chairman to be enforceable.

_____ I understand that no course of dealing, conduct, or statement, either verbal or written, which contradicts this document can constitute an express or implied contract regarding my employment and I should not rely on any such conduct or statements.

_____
Name

_____
Signature

_____
Date

_____
Employer: Converse County Department's Name

(Original of this completed form to be turned into the Converse County Clerk's Office, Payroll Division.)

Effective: 07.01.2003

ACKNOWLEDGEMENT OF RECEIPT OF MANUAL

_____ hereby acknowledges that he/she received from the Converse County Clerk's Office a copy of the Converse County Personnel Policy Manual on _____, inclusive of all amendments. He/she will be presumed to have read and understood the Manual.

Dated this _____ day of _____, 20_____.

_____
Signature of Employee

_____ _____
DEPARTMENT NAME OF EMPLOYEE

(Original of this completed form to be turned into the Converse County Clerk's Office, Payroll Division.)

Effective: 07.17.2008

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SCOPE OF CONVERSE COUNTY PERSONNEL POLICIES

These personnel policies have been approved and adopted by the Board of County Commissioners of Converse County. It is intended by the Board that these policies apply equally to all Converse County Employees, except to the extent that Wyoming laws govern the employment and term of office of the elected officials. It is requested by the Board that each department head adopt these personnel policies for application to each of the employees within his department. It is understood by the Board, that each department head has the authority, and is expected to operate his own department as he best sees fit, and decisions regarding an employee's position and duties, compensation, promotion, hiring and firing, and discipline are left to the discretion of each department head.

It is understood by the Board that each department head may feel the need to adopt and implement supplementary written policies which would deal specifically with the operation of an individual department, and which would not be inconsistent with the provisions of this manual. Such supplemental written policies are left to the discretion of each department head, and are not subject to the approval of the Board. The Board requests that each department head provide each of his employees with a copy of this manual, a copy of any amendments to this manual, as well as a copy of any supplemental written policies adopted by the department. A department head manifests his adoption of personnel policies by his signature below these policies, including this manual, to all employees within his department.

_____
Signature of Elected Official/Department Head

_____
Date

Effective: 07.01.2003

DEFINITIONS

1. The words "shall" or "will" are to be construed as mandatory and the word "may" as permissive.
2. The masculine gender should be construed to include the feminine gender.
3. "Department Head" means the individual who is the director of any County Department or office, and includes the supervisors of each of the County Departments and includes the six (6) elected officials, as to each of their offices and includes the Board of Commissioners of Converse County.
4. “Commission” means the Board of Commissioners of Converse County.
5. "Department" means the offices of the Converse County Clerk, County Treasurer, County Assessor, County Sheriff, County Attorney, Clerk of Court, Converse County Commissioners and includes the following departments: Special Projects, Road and Bridge, County Health, County Ambulance, County Maintenance, Emergency Management, University of Wyoming-Cooperative Extension Service and Natural Bridge Park.
6. A full time employee shall be considered as an employee who is hired by the County or any department head and works forty (40) hours per week or more on a continuing basis.
7. A half-time employee shall be considered as any employee who is hired by the County or any department head and works twenty (20) or more hours per week on a continuing basis.
8. A part-time employee shall be considered as any employee who is hired by the County or by any department head and who works less than twenty (20) hours per week and is paid by the hour.
9. Temporary employees shall be considered as those employees who are hired by the County or by a department head to work a specific task for a set period of time.
10. Exempt Employees. County employees exempt from overtime compensation include employees who serve in policy-making positions who have been appointed by an elected official; employees who serve as advisors on the constitutional or legal powers of an elected official's office; and employees who serve in executive, administrative, or professional capacities who have met the duties and salary requirements specified by law.
11. Non-exempt employees shall be all employees of the County who are not elected by popular vote of the people or appointed by the Board of County Commissioners or as identified above.
12. "This Manual" or "these policies" shall be considered to be the Converse County Personnel Policy Manual as it may be amended from time to time.

Effective: 07.01.2003

Policy No. 01.01.01

DISCLAIMER OF CONTRACT OR PROMISES

NOTHING IN THIS PERSONNEL MANUAL IS INTENDED BY CONVERSE COUNTY AS A CONTRACT OR A PROMISE OF ANY KIND. CONVERSE COUNTY AND ITS DEPARTMENT HEADS PROMISE NOTHING AND REMAIN FREE TO CHANGE WAGES, BENEFITS, AND ALL OTHER WORKING CONDITIONS WITHIN THE BOUNDS OF THEIR RESPECTIVE AUTHORITY. THE ELECTED OFFICIALS IN REGARD TO EACH OF THEIR RESPECTIVE OFFICES, AND THE OTHER DEPARTMENT HEADS IN REGARD TO EACH OF THEIR RESPECTIVE DEPARTMENTS HAVE THE ABSOLUTE POWER TO TERMINATE THE EMPLOYEES WORKING UNDER THEM, WITH OR WITHOUT GOOD CAUSE. THE CONVERSE COUNTY COMMISSIONERS HAVE THE ABSOLUTE POWER TO TERMINATE THE EMPLOYMENT OF APPOINTED DEPARTMENT HEADS, WITH OR WITHOUT GOOD CAUSE.

Effective: 07.01.2003

Policy No. 02.01.01

EMPLOYMENT AT WILL

In no event shall the hiring of any employee be considered as creating a contractual relationship between the employee and Converse County. **THE RELATIONSHIP SHALL BE EMPLOYMENT AT WILL, WHERE EITHER PARTY MAY DISSOLVE THE RELATIONSHIP AT ANY TIME, FOR ANY REASON, OR FOR NO REASON AT ALL.** An incoming department head shall have the right to retain or discharge any or all of the current employees in his office. Any employee retained shall continue to be an employee at will.

No County representative, including any department head, is authorized to modify this at will policy for any employee or to enter into any agreement contrary to this policy. Department heads shall not make any representations to employees or applicants concerning the terms or conditions of employment with the County which are not consistent with this policy. No department head is to make any representation to any employee regarding any employee's term or length of employment.

THIS AT WILL POLICY SHALL NOT BE MODIFIED BY ANY STATEMENTS CONTAINED IN EMPLOYMENT APPLICATIONS, COUNTY MEMORANDUMS, EMPLOYEE EVALUATIONS, OR OTHER MATERIALS PROVIDED TO THE EMPLOYEES IN CONNECTION WITH THEIR EMPLOYMENT. NO STATEMENT MADE TO, AND NO DOCUMENT PROVIDED TO A COUNTY EMPLOYEE SHALL CREATE AN EXPRESS OR IMPLIED CONTRACT OR EMPLOYMENT FOR A DEFINITE PERIOD.

The relationship between the Converse County Commissioners and each appointed Department Head shall also be employment at will, where either party may dissolve the relationship at any time, for any reason, or for no reason at all.

Effective: 07.01.2003

Policy No. 03.01.01

HIRING GENERALLY

It is the policy of Converse County to hire individuals who are qualified and trainable for employment as determined by the department head of the department for which the applicant is being considered. All decisions regarding the recruitment, selection, and placement of employees are made solely on the basis of job related criteria. Every effort will be made to hire new employees for positions that best utilize their abilities and in which they will be able to achieve both personal satisfaction and opportunity for growth. In no event shall the hiring of an employee be considered as creating a contractual relationship between the employee and County, and such relationship shall be defined as "employment at will", where either party may dissolve the relationship.

County departments will accept applications for employment at all times, even when no openings exist. When no openings exist, applicants will be so informed but will also be told that their applications will be kept on file for one year, after which they will have to re-apply. The County will not pay any employment agency fees for unsolicited referrals of individuals to fill job openings. However, for certain designated hard to fill professional or management jobs, the County may pay for recruiting assistance from selected employment agencies and professional recruiters.

It is the department head's responsibility to determine if an applicant is technically qualified for the position and if the applicant can work compatibly within the department. The decision whether to hire the applicant shall be made solely by the department head. The department head shall conduct orientation of the new employee. Training of the new employee is the responsibility of the department head or his deputy.

A former County employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than ninety (90) days, in which case the employee will be rehired at the wage the job description calls for and will retain all prior service benefits except that vacation and/or sick days and time in service shall not accumulate or accrue during the period of non-employment. An employee who is re-employed as a new employee, following a break in County employment of more than ninety (90) days, will not be entitled to carry over any time in service benefits which may have been previously earned by virtue of prior years of employment with the County.

Effective: 07.01.2003

Policy No. 03.02.01

HIRING AND EMPLOYMENT OF RELATIVES

For the purposes of this policy, relatives are defined to include spouses, parents, children, brothers and sisters, brothers and sisters-in-law, fathers and mothers-in-law, stepparents, stepbrothers, stepsisters, and stepchildren. This policy also applies to County employees who are not related (as defined above), but who reside with another County employee.

Relatives of persons currently employed by the County may not normally be hired if they will be working directly or indirectly in the supervision of a relative. County employees will not normally be transferred into such a reporting relationship. The department head will make the final decision.

In other cases where a conflict or the potential for conflict arises, even though there is not supervisory relationship involved, the parties may be separated by reassignment or termination of employment.

Employee Marriage

If two present employees of the same department marry each other, they may both be allowed to continue employment in that department with the approval of the department head and after providing written notification to the Commission.

Effective: 01.01.2004

Policy No. 04.01.01

EQUAL EMPLOYMENT OPPORTUNITY

Converse County is an equal opportunity employer. Discrimination on the basis of race, color, national origin, religion, handicap, disability, sex or age with respect to terms and conditions of employment, including but not limited to, recruitment, employment, appointment, reinstatement, termination, training or other personnel action is prohibited except where a bona fide occupational qualification or job requirement exists. These are personnel decisions and the final decision of the department head is binding on all parties.

Effective: 07.01.2003

Policy No. 05.01.01

SEXUAL HARRASSMENT IN THE WORKPLACE

It is the policy of the Commissioners that the working environment of every employee shall be free from verbal or physical sexual harassment by other employees. The County will neither permit nor condone sexual harassment in the working environment and any employee who violates the policy will be subject to disciplinary action; including termination.

Sexual harassment is defined as unwanted conduct or communications of a sexual nature, which adversely affects the person's employment or working environment. Such conduct shall include, but not be limited to, an act of, request for, or threat of sexual relations or bodily contact. Such communications shall include, but not be limited to, words or actions, which are sexually degrading or demeaning to the person or persons of that sex.

Such conduct or communication must negatively affect the person's employment, wages, advancement, tenure, and assignment of duties or shifts, conditions of employment or working environment. The recipient of such behavior must assume responsibility for informing the alleged harasser that it's unwelcome and will IMMEDIATELY report the incident(s) to his/her Supervisor, or any Converse County Commissioner. In each case, the complaint will be promptly and thoroughly investigated. To the extent possible, the confidentiality of the parties involved will be kept confidential. After an investigation of the complaint, appropriate discipline, if warranted, will follow. An employee who reports alleged sexual harassment will not be subject to reprisals, recriminations or any detriment by any person because of having made such a report.

Many sexual harassment allegations arise out of a once consensual romantic, non-platonic dating relationship which later sours or ends on less than congenial grounds between one or both parties. These dating relationships seldom begin with this thought in mind; but may often end in acrimony. One party may attempt to continue the relationship without the other's consent. Or, one party may use the workplace assignment to negatively impact the other employee's daily job performance or work environment. These potential harms and outcomes are neither fair nor acceptable to either this organization or any of its employees.

It is not the intent of the Commissioners to invade the privacy rights of employees. However, our County does have a legitimate interest in protecting our employees and organization from situations in which potential claims of sexual harassment, sexual discrimination, appearance of favoritism, conflict-of-interest, interpersonal friction, resentment by co-workers, possible workplace violence and disruption of productivity can occur.

Again, it is neither the intent nor policy of the County to prohibit personal relationships between employees of the County nor to invade their individual right of privacy. But, the County does have a legitimate business interest in protecting its staff and organization from situations, which hold a potential for civil liability, negatively impacting other employees, or degenerating the efficient and effective accomplishment of our organizational mission.

Therefore, it is the policy of the Commissioners that whenever any employee of the County begins a "dating relationship" with another County employee within his/her own department, ***each involved employee*** **shall IMMEDIATELY REPORT** that fact in writing to his or her Department Head or a County Commissioner. Upon receiving such notification, the Department Head or County Commissioner will make such confidential inquiries and take such action as he deems necessary, e.g. employee transfer within or outside the employee's office, reassignment of duties, etc. to ameliorate any potential negative workplace impact upon the employees and the organization.

A Dating Relationship is any non-marital, non-platonic, romantic relationship between employees of the same department.

A violation of any portion of this Sexual Harassment policy shall be considered misconduct and subject to discipline; including termination of employment.

Effective: 01.01.2004

Policy No. 06.01.01

DRUG FREE WORKPLACE

Converse County and the citizens of this County have a vital interest in maintaining a safe, healthy, effective and efficient workplace for County employees in maintaining the integrity, trustworthiness and reputation of the individual offices. An employee being under the influence of a drug or alcohol on the job can pose safety and health risks, not only to the user, but also to all of those who work with the user.

The illegal possession, use, abuse or sale of any legal or illegal drug, controlled substance or alcohol in the workplace poses an unacceptable risk to the safe, healthful and efficient performance of our mutual job responsibilities and the integrity and report of an office. Such misconduct is expressly prohibited. Likewise, the illegal possession, use, abuse or sale of any legal or illegal drug, controlled substance or alcohol outside the workplace is a violation of law and is expressly prohibited. Any such misconduct by an employee of the County diminishes the efficiency, effectiveness, integrity, public trust and reputation of both our organization and its employees. It will not be tolerated. A violation of this policy may result in discipline, including termination of employment.

Additionally, any employee who, in the evaluation of his department head, has indicated by behavior, job performance or other relevant indicators or evidence, a violation this policy, may be required by the department head to IMMEDIATELY submit to a drug and/or alcohol-screening test. Participation in testing under this policy is a condition of initial and continued employment. Failure to immediately submit to such a test (when directed by the department head) shall be considered misconduct and is subject to discipline, including termination.

Converse County recognizes that the physical and psychological health of its employees is critical to its success. Accordingly, it is the right, obligation and intent of the County to maintain a drug free, safe, healthful and efficient working environment for all of its employees and to protect the County's and employees' reputation, integrity, property, equipment and operations.

Effective: 01.01.2004

Policy No. 07.01.01

SALARY ADMINISTRATION AND COMPENSATION

Regular Compensation

Except for County employees who are paid hourly, all employees shall be paid on the last working day of the month for regular wages earned during that month. Employees on hourly pay shall be paid on the last working day of the month for wages earned from the sixteenth of the preceding month through the fifteenth day of the current month.

Employees will receive a statement showing gross pay, deductions, and net pay. Federal and Social Security (FICA) taxes and employee contributions to the County's benefit plans will be deducted automatically. Deductions for other Commission approved payroll plans will be made if the employee submits a request in writing to the County Clerk's Office.

Overtime – Authorization and Compensation

Department heads may authorize employees to work overtime when unforeseen work circumstances arise, the circumstances are immediate and unavoidable, and the work to be done must be done outside the normal working hours.

The employee's department head must approve all overtime. All authorized overtime must be itemized on the attendance records by the hour before payment for such overtime will be paid.

With the approval of the department head, overtime will be paid to non-exempt employees who work in excess of forty (40) hours during the work week at one and a half-times (1.5) the regular hourly rate. The employee's regular hourly rate is calculated by multiplying the employee's monthly salary by twelve and dividing by 2080. Law Enforcement and Emergency personnel are exempt from this paragraph as they are on a 171 hours within a 28-day schedule.

A non-exempt employee shall be allowed to accrue up to twenty (20) hours of compensatory time before the employee must be paid for any additional overtime. A non-exempt employee must use any compensatory time within sixty (60) days of its accrual. Any compensatory time not used within sixty (60) days of its accrual will be paid to the employee at the overtime rate for the period during which the compensatory time was earned. Compensatory time cannot be carried forward into the next calendar year. Accumulation limits of compensatory time will be compliance with the Fair Labor Standard Act.

Upon termination, an exempt employee shall be paid for any accrued compensatory time. The rate of pay for compensatory time shall be one and a half (1.5) times the employee's regular hourly rate.

Holiday - Compensation

Non-exempt employees who are required to work on official County holidays shall be paid at their regular rate of pay in addition to the compensation they would have received had they not worked the holiday.

Effective: 07.01.2003

Policy No. 08.01.01

OFFICIAL COUNTY WORKWEEK

Each workweek shall begin at 12:01 A.M. Saturday, continue through for seven (7) consecutive days (168 hours) and shall end at 12:00 mid-night on Friday. The Commission shall approve exceptions to this workweek.

Workweek Standard. A workweek is a fixed and regularly recurring period of 168 hours - seven (7) consecutive twenty-four (24) hour periods. Each workweek stands alone for purposes of hours worked. There can be no averaging of two (2) or more workweeks. There is no prohibition against work in excess of eight (8) hours per day without payment of overtime so long as the forty (40) hours per week maximum is not exceeded.

Exception to the Workweek Standard. Those departments primarily engaged in the care of the sick, aged or mentally disabled may adopt, with the agreement of the employee, a workweek period of fourteen (14) consecutive days for purposes of computing overtime. If adopted, the employee shall be paid at one and one-half times the compensation rate for all hours worked in excess of eight (8) in any workday or eighty (80) in a fourteen (14) consecutive day work period, whichever computes to the greatest number of overtime hours worked. Adoption of this standard shall not be authorized until the Commission has approved and provided written notification to the department head. Department heads shall be responsible for notifying all affected employees.

(A) Law Enforcement/Fire Protection Exceptions. Agencies who employ personnel primarily engaged in the following activities may establish a special overtime standard:

(I) Law Enforcement, including employees defined as Peace Officers pursuant to W.S. 7-2-101 through 7-2-103;

(II) Fire Protection, including employees who are engaged in or concerned with the prevention, control and extinguishment of fires;

(III) Security in correctional institutions including employees who have responsibility for controlling and maintaining custody of inmates or for supervising such functions.

Adoption of this standard shall not be authorized until the Commission has approved and provided written notification to the department head. Department heads shall be responsible for notifying affected employees.

Effective: 07.01.2003

Policy No. 09.01.01

HOURS OF WORK

The normal workweek of County employees (excluding elected officials) shall consist of forty (40) hours per week of work, which shall not include any time taken for lunch or other meal breaks. The department head shall determine his department's individual work schedules for the employees. The department head may make changes in an employee's work schedule, as working situations and conditions require from time to time.

Employees may be required to work overtime whenever it is deemed necessary by their department head. No employee shall be permitted to work overtime without prior approval of the department head. For the purposes of overtime compensation, only hours worked in excess of forty (40) during the workweek will be counted.

All elected officials shall keep attendance records for all employees in his department. Those records shall be a record of days worked, hours off for authorized leaves, holiday hours, days off, and overtime worked.

All appointed department heads shall keep their own daily attendance records, as well as attendance records for all employees in their department. Those records shall be a record of days worked, hours off for authorized leaves, holiday hours, days off, and overtime worked. Appointed department heads shall turn their individual attendance records in monthly to the Commission.

All overtime must be itemized by the hour on the attendance records. The County Clerk's Office shall keep a record of all employee related payroll information.

Effective: 01.01.2004

Policy No. 10.01.01

MEAL BREAKS

Converse County will provide meal breaks during the course of each workday.

Each full-time employee shall be allowed a meal period near the middle of the workday. The meal period shall not be more than sixty (60) minutes. Part-time employees scheduled to work more than five (5) consecutive hours during any workday shall receive a meal break of the same duration as full-time employees in the department.

Employees required to work more than ten (10) hours in any one- (1) workday shall be allowed a second meal period six (6) hours after returning from their first meal break.

Employees shall not be compensated for their meal breaks unless they are required to remain at their workstations while eating.

Whenever necessary, the duration and time of meal periods may be changed at the discretion of the department head.

Effective: 07.01.2003

Policy No. 11.01.01

REST BREAKS

Converse County will provide rest breaks during the course of each workday.

Effective: 07.01.2003

Policy No. 12.01.01

TEMPORARY, PART TIME AND HALF-TIME EMPLOYEES

Temporary employees may be hired whenever the department head determines that his department has more work than it can handle with its current employees and that the situation is short term in nature.

Temporary employees will not be included under the County's health insurance program or be eligible for vacation or sick leave benefits.

Part-time employees will be paid by the hour. Part-time employees will not be included in the County's health insurance program or be eligible for vacation or sick leave benefits.

Half-time employees (those who work twenty (20) or more hours per week on a continuing basis) are eligible to participate in the County's medical insurance plan and deferred compensation program and are eligible for vacation and sick leave benefits on a pro-rata basis.

Effective: 07.01.2004

Policy No. 13.01.01

DISCLOSURE OF BENEFITS

Converse County will provide its employees with various benefits. Information and summary communications intended to explain these benefit plans are furnished to all plan participants and beneficiaries on a timely and continuing basis.

All benefits provided by this Policy are described in official documents, which are kept on file in the County Clerk's Office and are available for examination by any plan participant or beneficiary. These documents are the only official and binding documents concerning the County's benefits and all summaries and communications, both written and verbal, must refer to them as binding in cases of questions or disputes. The County, by and through its Board of Commissioners, reserves the right to modify, amend, or terminate its benefits at any time, without there being any resulting liability to Converse County.

All of the County's benefit programs (i.e. Health Insurance, Dental Insurance, Deferred Compensation, etc.) are administered for the County by the agent that sold the County the program. Any questions concerning these programs should be directed to the agency that is responsible for the administration of that particular benefit program.

The County Clerk shall maintain a list of the County's benefit programs and the agents for each of those programs. New employees or current employees who wish to enroll in the County's benefit programs or wish to make changes concerning their participation in those programs shall do so with the County Clerk's Office.

Under certain of the County's insurance and retirement programs, employees are requested to designate a beneficiary in the event of the employee's death. Such designation must be made in writing to the Administrator. Under certain benefit plans of the County, a married employee's spouse may be automatically designated as the employee's beneficiary. Employees may change a beneficiary designation by giving the Administrator written notice. It is the employee's responsibility to maintain the proper beneficiary designation.

All full-time employees of the County are eligible for coverage under the County's Health and Dental Benefit Plans from the initial day of hiring. The County shall pay a portion of the health insurance premium for an employee and, if elected, a portion of an employee's family health coverage. The employee's portion of the premium shall be deducted from the employee's paycheck.

Half-time employees of the County are eligible for <u>employee coverage only</u> under the County's medical, vision and dental benefit plan. The County may pay a portion of the insurance premium for an employee. The employee's portion of the premium shall be deducted from the employee's paycheck. Half-time employees may <u>elect</u> to have the same coverage as afforded to full-time employees on the

Effective: 05.05.2007

County's medical, vision, and dental benefit plan; however, the half-time employee must pay the premium for that coverage minus the premium paid by the County on behalf of an employee for single coverage.

The County shall pay all premiums for the dental insurance plan for its eligible employees who subscribe to the plan and also pay all premiums for family coverage under its dental plan. The employee will be responsible for what the County does not pay. It is the employee's responsibility to inquire as to when a particular coverage goes into effect.

A current, Converse County employee who is called to active duty in the uniformed services of the United States and who is currently enrolled in the County's Family Employees' Group Health Insurance Plan, shall continue to receive coverage for the employee and all eligible family members currently enrolled in the Plan. The County's employer (department) shall pay the entire premium for the employee's family coverage for a period not to exceed eighteen (18) months.

This benefit ends upon the employee's return to fulltime employment with Converse County, termination of employment with Converse County, termination of the active duty status in the uniformed services, or at the end of 18 months, unless the employee has made a written request to the Board of Commissioners of Converse County for an extension of coverage. The Board of Commissioners, if the request is approved, shall submit the approval in writing to the Converse County Clerk's Office for payroll input.

The County may allow other entities to subscribe to the County's benefit plans. Entities wishing to subscribe to the County's plans must first receive authorization from the Commission. The County shall not pay any portion of a premium for benefits available to employees of other entities.

All elected officials, full-time and half-time employees of the County (excluding the Sheriff, Deputy County Sheriffs, Detention Officers, Dispatchers, and Law Enforcement Investigator) are eligible to participate in the County's Deferred Compensation Program. For specifics on the program, see the Deferred Compensation Program Booklet, available from the County Clerk's Office.

The Sheriff, Deputy County Sheriffs, Detention Officers, Dispatchers and Law Enforcement Investigator are required to participate in the Law Enforcement Retirement Program administered by the Wyoming Retirement System.

The Board of County Commissioners shall review the medical insurance premium each year prior to April 1st and shall set the rate effective April 1st of each year.

Effective: 05.05.2007

Policy No. 14.01.01

AUTOMOBILE USAGE

Converse County will own and maintain automobiles for use by authorized County and non-County employees while they are engaged in County business. An employee may use his own car for County business, if necessary in accordance with the guidelines below.

Automobiles are permanently assigned to those departments, which have demonstrated a continuing need for them. Additional automobiles are maintained in a motor pool for use by individual employees as needed.

Employees shall not use a County automobile for private purposes.

No employee using a County automobile shall allow non-County employees (with the exception of the Converse County Sheriff's Office) to travel in a County vehicle. Any such passenger will be considered to be an unauthorized passenger of that vehicle.

No county or non-county employees will be allowed to operate County vehicles if they are under the influence of alcohol, controlled substances or prescription drugs that come with warnings not to operate a vehicle.

Employees whose duties require the operation of an automobile on County business shall be required to possess a valid driver's license. The employee shall pay any fines incurred as a result of driving or parking violations.

Employees required to travel by automobile in the course of their daily work assignments may be assigned County vehicles for their use while on County business. All other County employees shall use automobiles assigned to their department or those drawn from the motor pool. Any non-county employee of the UW Extension Office or Public Health Department must verify insurance coverage through their individual departments prior to operation of a County vehicle. Non-county employees shall submit a written statement to the Commission addressing the necessary insurance coverage. Employees may use their own car for County business only with the prior approval of their department head.

If a County vehicle, or personal vehicle used on County business is involved in any accident, regardless of the extent of damage or the lack of injuries, a report must be made to the County Attorney's Office and the County Clerk's Office as soon as practicable, or within forty-eight (48) hours of the accident. A report may also have to be made to the State of Wyoming as required by State law.

In the event of an accident, employees are expected to cooperate fully with the authorities. However, employees should make no voluntary statements other than in reply to the questions of investigating officers.

The cost of gasoline or other expense directly related to a County owned vehicle paid for by the employee will be reimbursed by the County. Employees, who use their own cars for County business, shall be reimbursed a mileage allowance not to exceed the maximum nontaxable rates allowed by the Internal Revenue Service at the time of travel. Expenditures for parking and tolls may be claimed in addition to the mileage allowance. The employee's department head must approve claims for reimbursement. Employee insurance coverage must be adequate to meet minimum state law.

Time spent by an employee in driving a County or personal automobile on County business shall be considered hours worked for pay purposes. Time spent by an employee traveling to and from work, regardless of the means of transportation or the ownership of any vehicle used, shall not be considered to be work time, and during such time the employee shall not be considered to be working within the scope of his duties for the County.

An employee using a County car pool vehicle is responsible for reporting malfunctions or maintenance requirements. Any malfunctions or maintenance requirements on car pool vehicles must be reported to the County Commissioners. Permanently assigned vehicles are to be returned to the car pool when not in use.

County employees driving a County vehicle to and from work may be required to report that travel as income in accordance with Internal Revenue Service Regulations. All County employees meeting this requirement must turn in their County vehicle usage quarterly to the County Clerk's Office.

Effective: 01.01.2004

Policy No. 15.01.01

TRAVEL

Converse County will reimburse employees for the expense of travel, including the cost of transportation, meals, lodging and any other expenses incurred when such travel is performed in the course of conducting County business. In order for an employee to be reimbursed, the request for reimbursement must be itemized and conform to applicable Federal (IRS) and State laws governing employee expenses.

Activities, which justify the reimbursement of travel expenses, include the attendance at business meetings, conventions, and seminars or other selected educational functions related to the employee's job. Prior approval of such travel, however, must be obtained from the employee's department head.

Common carrier transportation shall be utilized for trips of four hundred (400) miles or more, provided such transportation is available and suitable scheduling is available. Employees are expected to exercise prudence in the selection of local transportation at their destination. For trips of shorter distance, employees shall use the County vehicle or their own vehicle. If employees wish to use their own vehicle for a trip four hundred (400) miles or more, the amount reimbursed shall not exceed the amount the trip would have cost had air transportation been used. All employees shall normally travel coach or economy class and stay and eat in moderately priced establishments while traveling on County business.

Any County employee required to travel in the performance of the duties of his office is entitled to receive reimbursement for all actual and necessary transportation expenses incurred as long as those expenses conform to IRS Regulations, and State Regulations and Law. If a private vehicle is used for transportation while doing County business, reimbursement shall be determined by the Board of County Commissioners based on a mileage allowance not to exceed the maximum nontaxable rates allowed by the Internal Revenue Service at the time of travel. Before any claim for transportation expenses is paid, the employee shall present an itemized, properly dated claim for each expense.

For business trips commonly known as one-day trips (a duration of twenty (24) hours or less as defined by the IRS), employees are required to pay all meal charges with their personal funds or personal credit cards and the meal expenses may be reimbursed according to IRS Regulations and that reimbursement may appear as compensation on the employee’s W-2. Per IRS regulations, there are

Effective: 10.07.2015

very few exceptions to this rule. If an employee believes there is a qualifying event, the employee may contact the County Clerk's Office for guidance prior to the event if a request will be submitted for reimbursement.

All requests for reimbursement of travel expenses must be itemized (per WSS 18-3-510) before a claim will be allowed. Employees will not be reimbursed for expenses for alcoholic beverages.

Advanced expenses for approved County travel may be reimbursed before the employee travels. Expenses for advanced airline reservations, tuition and other fees, which must be paid in advance, may be reimbursed by the County before the employee travels. An employee wishing to get reimbursed for advanced expenses must submit a signed voucher along with itemized receipts for the expenses to the County Clerk's Office.

The County will have selected credit cards issued to those employees who are required to travel extensively on business. These credit cards are to be used only for the payment of transportation, meals where an overnight stay is required, lodging, gasoline, and other legitimate business expenses. Before payment will be made, all charges must be accounted for on expense vouchers and approved by the employee's department head. All credit cards are the property of the County and may not be used for personal charges. Any improper personal charges are the employee's personal financial obligation. All cards must be returned upon the employee's termination of employment or upon a request by the department head.

Employees will not be reimbursed for the expenses of entertainment while on a business trip unless the entertainment was a bona fide business expense. Employees will not be reimbursed for the travel expenses of their spouse unless the presence of the spouse on the business trip is deemed by the Board of Commissioners to have a bona fide business purpose. All expenses of the spouse, while traveling with an employee, must be paid separately with the employee's personal funds and shall not be put on the County's credit card or billed to the County. The County will pay for the cost of hotels on a single occupancy basis.

Time spent by an employee in traveling away from home on County business shall be considered as time worked for pay purposes.

Effective: 10.07.2015

Policy No. 16.01.01

HOLIDAYS

Converse County will observe holidays each year as set by the Converse County Board of Commissioners. A schedule of holidays to be observed during each calendar year shall be published each year by the County Clerk's Office.

All employees shall receive their regular rate of pay for each holiday. Half-time employees will receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours. Temporary employees and employees on unpaid leaves of absence are not eligible to receive holiday pay.

Some County departments may have to schedule employees to work on a holiday. Employees required to work on holidays will receive double pay or may receive a different day off. Failure to work a scheduled day immediately prior to or after the holiday will disqualify the employee from receiving the double pay benefit. Taking a scheduled workday off immediately prior to or after the holiday will be deemed as choosing the option for a different day off. Use of sick leave immediately prior to or following the holiday will likewise disqualify the employee from receiving the holiday option.

The County recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days, which are not included in the County's holiday schedule. Accordingly, an employee who desires to take a day off for such reason shall be permitted to do so, upon giving prior notice to his department head and provided that the employee's absence from work does not result in an undue hardship on the conduct of the County's business. Employees may use accumulated days of vacation leave on such occasions, or they may take such time off as an unpaid, excused absence.

Effective: 01.01.2004

Policy No. 17.01.01

VACATION LEAVE

Converse County will grant annual vacation leave with pay to full-time and half time employees in accordance with the guidelines established below, as these guidelines may be amended from time to time.

Full-time employees will accrue monthly paid vacation according to the following schedule:

Length of Service	**Paid Vacation**
0 through 5 years of service	96 hours per year (12 days)
6 through 10 years of service	120 hours per year (15 days per year)
11 and over years of service	162 hours per year (20.25 days)

Half-time employees who work at least twenty (20) hours per week or 1,040 hours per year will accrue monthly paid vacation according to the following schedule.

Length of Service	**Paid Vacation**
0 through 5 years of service	48 hours per year (6 days)
6 through 10 years of service	60 hours per year (7.5 days per year)
11 and over years of service	81 hours per year (approx.10 days per year)

As of January 1 of each year, the maximum annual vacation leave accrual allowed will be one hundred sixty hours (20 days). If the maximum is exceeded, the excess amount of annual vacation leave time will be forfeited by the employee, without compensation. The days credited to an employee for annual vacation leave time shall be working days. An employee may not receive vacation pay in lieu of time off. This provision may be waived upon the submission of a written request by the employee’s department head to the Commission. If the Commission grants approval, the request for payment will be forwarded to the County Clerk’s Office for processing.

If death occurs during an employee's term of employment, pay for the accrued and unused vacation leave will be paid in a lump sum to the employee's beneficiary. If no beneficiary is named, the lump sum will be paid to the estate of the employee.

An employee, when reasonably possible, shall provide his department head with at least two weeks notice of an intended vacation. Whether a requested vacation will be allowed, and when vacations will be allowed, will be within the

discretion of the department head, who shall allow the vacations to be taken when requested except if that department head determines that it would be too disruptive to the operation of the office.

Effective: 07.01.2003

Policy No. 18.01.01

SICK LEAVE

Converse County will provide its employees with sick leave benefit. This benefit is to be used only in the event of illness or injury resulting in the employee's temporary disability or illness or an injury to a member of the employee's immediate family, which makes it necessary for the employee to remain away from work.

For purposes of this provision, the term "immediate family" means the employee's spouse, parents, stepparents, parents-in-law, child, stepchild, sibling, sibling-in-law, half-sibling, stepsibling, grandparent, step-grandparents, grand parents-in-law and grandchildren.

Abuse of sick leave benefits are not in the best interests of the County and its employees. If patterns of sick leave usage by an employee indicate such abuse, the department head shall have the authority to request such employee to provide the department head with medical verification that usage of sick leave was necessary and the employee's absence from work was medically necessary or advisable. In the event the department head determines that an employee has used sick leave benefits for purposes other than those for which it is allowed the department head shall have the authority to charge the employee's absence from work to an equal number of the employee's accrued vacation benefits and, also, against the employee's accrued sick leave benefits.

All full time employees will accrue eight (8) hours of sick leave for each month that the employee works and may accumulate unused days of sick leave up to a maximum of ninety (90) days.

Half time employees will accrue four (4) hours of sick leave and may accumulate unused days of sick leave up to a maximum of forty-five (45) days.

The department head of each office shall maintain records of each employee's absences and the number of sick leave days that each employee has used and the number of sick leave days that each employee has accrued.

Unused accrued days of sick leave are not convertible into cash or vacation. Upon termination of employment with the County, an employee will not be paid for any of his accrued and unused sick leave days.

Effective: 09.01.2005

Policy No. 19.01.01

MATERNITY LEAVE

Employees affected by pregnancy, childbirth and related medical conditions shall be treated the same as persons affected by other medical conditions. Those employees may be entitled to days off work pursuant to the policies relating to vacation leave, sick leave and a leave of absence without pay.

Under the Family and Medical Leave Act of 1993, unpaid leave up to 12 weeks will be granted for any employee with a serious health condition or after the birth, or placement for adoption or foster care or serious health condition of any employees children or spouse, if that employee has worked for at least one year, and for 1,250 hours over the previous 12 months.

Effective: 07.01.2003

Policy No. 20.01.01

FAMILY MEDICAL LEAVE ACT

For purposes of this section of the policy the following rules apply:

Eligible employee: one who has regular status, has been employed minimally for twelve (12) months and worked 1,250 hours during the twelve (12) months immediately preceding the leave. An eligible employee who takes a leave under this policy is guaranteed to return to the job that they left if the leave time does not exceed twelve (12) weeks in any twelve (12) month period, measured backward from the date the leave began.

Family member: a spouse, child or parent of the employee.

Serious health condition: an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility; or continuing treatment by a health care provider.

Purpose of leave: Unpaid leave may be granted for any of the following reasons:

1. To care for the employee's child after birth or placement for adoption or foster care.
2. To care of the employee's spouse, son, daughter or parent who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the duties of his job.

Notice and duration:

1. Advance notice: When the need for leave is foreseeable, employees are expected to provide thirty (30) days advance notice. When the need for the leave is not foreseeable, employees are required to provide notice of the need for leave as soon as practicable. When leave is needed for planned medical treatment, employees must attempt to schedule treatment so as not to unduly disrupt the County's operations. Failure to provide appropriate notice may result in the denial of leave.
2. Family leave period: Leave for a newborn or newly placed child may be taken only within twelve (12) months from the date of birth or placement and may only be taken continuously. If both parents are employed by the County, they may take a combined total of twelve (12) weeks of leave, not twenty-four (24) weeks.
3. Intermittent leave: When medically necessary, leave to care for a family member or for the employee's own serious health condition may be taken on an intermittent basis or by arranging for a reduced

work schedule. An employee may be required to transfer temporarily to a position that can better accommodate an intermittent or reduced hours' leave. All time taken will count towards the employee's twelve (12) week annual entitlement for family and medical leave.

4. Notice upon return from leave: If an employee returns from any period of absence which has not been designated as FMLA leave, and the employee wishes to have the leave counted as FMLA leave, the employee must notify the County within two (2) business days of returning to work that the leave was for FMLA reasons. Failure to provide the necessary notice will prevent any subsequent assertion of FMLA protection for that absence.

Leave Certification:

1. Medical certification:
   a. Medical certification is required to support the request for a leave because of a serious health condition. A second or third opinion (at the County's expense) may also be required. When leave is required for a serious health condition, the employee should provide the medical certification as soon as possible, but not later than fifteen (15) calendar days from the date the request for leave is made. Failure to provide the necessary certification will prevent any assertion of FMLA protection for that absence.
   b. The medical certification must include the first anticipated date(s) of absence from service, duration, and the expected date of return. The physician must state the employee is unable to perform the essential functions of the employee's job. The medical certification to support a leave for family medical reasons must include a statement indicating the employee's presence is necessary or would be beneficial for the care of the family member and the period of time care or presence is needed. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced work schedule.
2. Recertification:
   a. Employees will be required, unless the County waives the requirement, to recertify the need for the leave at least every thirty (30) days unless the original certification stated 60 days. Employees on leave must call in and report to their supervisor on a periodic basis (at least every two [2] weeks) with respect to their status, the status of their parent, spouse, child and their anticipated date for return to work.

3. Fitness to Return to Work:

a. Upon return to work from a leave due to the employee's serious health condition, the employee will be required to provide certification of their fitness for duty.

4. Certification for New Child Leave:
Employees will be required to provide reasonable documentation or statement of family relationship. This document may be a statement from the employee, or a child's birth certificate, a court document, etc.

The county is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

Wages and Benefits:

1. Leave will be unpaid except as covered by any accrued sick leave, vacation leave, personal time, disability, or workers' compensation benefits, if applicable.
2. For up to twelve (12) weeks the County will maintain the employee's benefit coverage under any group plan. Any employee contributions to the plan must be maintained during the leave to maintain coverage. If the employee fails to make such contributions, the County may elect to either cancel the health plan coverage (after 30 days) or to pay for the coverage and to obtain reimbursement by payroll deduction when the employee returns to work. The employee will be given notice of potential cancellation at least fifteen (15) days prior to the effective date of cancellation.
3. Employees who fail to return from a leave will be obligated to reimburse the County for the cost of county-paid health coverage, except when the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition which would entitle the employee to medical or family leave, or other circumstances beyond the employee's control.

Coordination With Other Forms of Leave and Paid Time Off:

FMLA leave is coordinated with other existing forms of leave and paid time off as follows:

1. Work-related serious medical condition: When FMLA leave is used for the employee's serious health condition, which is covered by the workers' compensation act, the provisions of that act will apply.

2. Other serious medical conditions of employee: When FMLA leave is used for a serious medical condition of the employee, the employee may use sick leave, personal leave, and vacation leave, in that order, with the approval of his supervisor. For disability insurance to cover any period of the leave, all accumulated sick leave must be used first.

3. Serious medical condition of child, spouse, or parent: When FMLA leave is used to care for a family member with a serious medical condition, the employee may use sick leave, personal leave and vacation leave in that order, with the approval of his supervisor.

4. Birth, adoption, and foster care of a child: When FMLA leave is taken for purposes for child care, the employee may use sick leave, personal leave and vacation leave in that order, with the approval of their supervisor.

5. All time off work, which meets the definitions under FMLA, will be charged against the yearly FMLA allowance. For example, whenever workers' compensation leave, a disability leave, or any other sick leave is due to a serious medical condition, all time taken will be charged against the employee's FMLA allowance. This applies even when the employee makes no reference to FMLA at the time the employee requests or takes time off.

Return to Work:

1. Upon return from FMLA leave, employees will be restored to their original or equivalent position with equivalent pay, benefits and other employment terms. The employee will not lose any employment benefit that accrued prior to the start of the leave.
2. Periods of unpaid leave will not necessarily be treated as credited service for purposes of benefit accrual, vesting or eligibility to participate in a benefit plan.
3. An employee who is off work because of his own serious health condition must provide a fitness for duty certificate verifying that he is able to perform the essential functions of their job. Failure to provide that certificate will result in the delay of the restoration of that employee's job.

Eligibility Year:

The amount of FMLA leave available to an employee will be based on the 12-month period immediately preceding the date the employee uses any FMLA leave. The available leave will be the balance of the 12-week allowance, which has not been used during the preceding 12 months.

Termination of FMLA Leave:

An employee's FMLA leave and accompanying benefits will cease under the following circumstances:

1. The employment relationship would have terminated if the employee had not taken FMLA leave;
2. The employee informs the County of his intent not to return from leave; or

3. The employee fails to return from leave or continues on leave after exhausting his FMLA leave entitlement.

In all respects, leaves of absence under this policy shall be administered and provided for in a manner consistent with the Family and Medical Leave Act of 1993 and its published regulations.

Effective: 07.01.2003

Policy No. 21.01.01

DONATION OF ACCRUED SICK LEAVE

Converse County will allow an employee to donate accrued sick leave to other Converse County Employees.

After an employee has expended all of his accrued sick leave and vacation leave, he may accept donated sick leave from other Converse County employees provided the employee has an immediate and reasonable need for such assistance and the employee's department head has approved the need is there.

An employee may only donate accrued sick leave if the donor has at least twelve (12) days of sick leave accrued, and the donor has the approval of his department head.

Any one employee may donate up to five days of accrued sick leave to any one employee for use during one continuous sickness leave. An employee may donate only ten (10) days of sick leave in any one calendar year. The donor and the donor's department head must both sign the Donation Request Form, which is to be submitted by the recipient’s department head. A copy of the form is to be kept by donor's department head and a copy is to be given to the recipient's department head.

Effective: 10.05.2005

Policy No. 22.01.01

INJURY LEAVE

Converse County will grant injury leave to an employee who is involved in an on-the-job injury and requires medical attention. Injury leave is granted when an employee receives medical treatment for an on-the-job injury. An injury leave is considered to be an unpaid period of leave, except to the extent an injured employee may be eligible for worker's compensation insurance benefits as described herein.

All employees involved in extra hazardous work shall be carried under the benefits of the Worker's Compensation Act of the State of Wyoming. The County's liability insurance provider covers all other County employees.

An employee must report the injury within twenty-four (24) hours of the occurrence of the accident to his department head to be eligible for an injury leave. The department head must then file an Employer's Report with the State Compensation Insurance Fund if the employee is covered by Wyoming Worker's Compensation Act. Employees should refer to the County's Employee Insurance Plan for other exclusions or conditions which may apply.

An employee will be considered to be on injury leave until the time that the attending physician certifies that the employee can return to work.

Any additional time taken by the employee to seek additional medical treatment for the injury, without the referral of the initial attending physician, shall be charged against the employee's accrued sick leave.

A temporarily disabled employee shall return to limited duty or revised duties and responsibilities, if such are available, and if the employee is determined by his attending physician to be physically and mentally able to return to such limited duty.

Any employee who is unable to work due to an off the job injury or an on the job injury not covered by Workman's Compensation Insurance, may use his available sick leave days or vacation leave days in accordance with those policies.

Effective: 07.01.2003

Policy No. 23.01.01

COURT LEAVE

Converse County will grant court leave to an employee when he is subpoenaed.

Court leave shall be granted to an employee who, in obedience to a subpoena or at the direction of a proper authority must appear in court as a witness for the Federal Government, the State of Wyoming, or a political subdivision thereof, or subpoenaed to testify in some private litigation.

An employee on court leave shall be paid the difference between his regular salary and any compensation or fees that he may receive as a witness, not including travel expenses. In this case, an employee's paycheck will reflect the decrease in taxes and benefits subscribed to as applicable.

As an alternative, an employee may turn over the payment for court leave to the County Clerk's Office. This will allow the employee to receive a regular paycheck with a full payment towards benefits as applicable.

Under no circumstances may an employee receive their full regular salary <u>and</u> retain the payment for court leave/duty.

Effective: 07.01.2003

Policy No. 24.01.01

JURY LEAVE

Converse County will grant jury leave to an employee who is subpoenaed for jury duty.

A County employee shall be granted jury leave for required jury duty. An employee shall present to his department head the summons from the court activating him for jury duty.

An employee on jury leave shall be paid the difference between his regular salary and any compensation or fees that he may receive as a jurist, not including travel expenses. In this case, an employee's paycheck will reflect the decrease in taxes and benefits subscribed to as applicable.

As an alternative, an employee may turn over the payment for court leave to the County Clerk's Office. This will allow the employee to receive a regular paycheck with a full payment towards benefits as applicable.

Under no circumstances may an employee receive their full regular salary <u>and</u> retain the payment for jury leave/duty.

Effective: 07.01.2003

Policy No. 25.01.01

VOTING LEAVE

Converse County will allow each employee up to one hour paid time off to vote in all elections.

Any County employees entitled to vote at any primary or general election or special election, is, on the day of such election, entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of one (1) hour, other than meal hours, the hour being at the convenience of the department head, between the time of the opening and closing of the polls. Such elector shall not, because of so absenting himself, lose any pay, providing he actually casts his legal vote.

Effective: 01.01.2004

Policy No. 26.01.01

BEREAVEMENT LEAVE

Converse County will grant bereavement leave to full time or half time employees in addition to all other leaves granted. Full time and half time employees will be allowed up to three (3) working days leave with pay upon the death of a member of their immediate family. Additional days taken by an employee in excess of the three (3) day allowances shall be charged against the employee's accrued vacation and sick leave days.

The term "immediate family" shall mean those same categories of persons set forth in the provisions pertaining to Sick Leave.

Effective: 07.01.2003

Policy No. 27.01.01

MILITARY LEAVE OF ABSENCE

A military leave of absence will be granted to fulltime employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and Wyoming Statutes 19-11-108. Leave of absence for state, city or county officers and employees; training programs. (a) Any member of the Wyoming national guard or United States military forces reserve who is an officer or employee of this state or any political subdivision, municipal corporation or any public agency or entity of the state, shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to attend duly authorized encampments, training cruises and similar training programs in addition to any other leave or vacation time to which the person is otherwise entitled, through (e) **.**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA.

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

USERRA covers all employees except those serving in positions where there is "no reasonable expectation that employment will continue indefinitely or for a significant period." USERRA applies to virtually all U.S. employers, regardless of size.

Basic Provisions/Requirements

The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:

- The person must have held a civilian job;
- The person must have given notice to the employer that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
- The period of service must not have exceeded five years;
- The person must not have been released from service under dishonorable or other punitive conditions; and
- The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment.

USERRA establishes a five-year cumulative total on military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills and annually scheduled active duty for training. USERRA also allows an employee to complete an initial period of active duty that exceeds five years.

Employee Rights

Under USERRA, restoration rights are based on the duration of military service. The time limits for returning to work are as follows:

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

W.S.S. 19-11-109 provides health benefits continuation for service members and their families during military service. Employment discrimination is prohibited against a person on the basis of past military service, current military obligations, or an intent to serve.

A current Converse County employee who is called to active duty in the uniformed services of the United States and who is currently enrolled in the County Employees' Group Health Insurance Plan, shall continue to receive coverage for the employee and all eligible family members currently enrolled in the Plan. The County employee's department shall pay the entire premium for the employee's family coverage for a period not to exceed eighteen (18) months.

This benefit ends upon the employee's return to fulltime employment with Converse County, termination of employment with Converse County, termination of the active duty status in the uniformed services, or at the end of 18 months maximum, unless the employee has made a written request to the Board of Commissioners of Converse County for an extension of coverage. The Board of Commissioners, if the request is approved, shall submit the approval in writing to the Converse County Clerk's Office for payroll input.

Benefit accruals, such as vacation, sick leave, or holiday benefits will be suspended during the leave and will resume upon the employee's return to active employment.

Upon satisfactory completion of an employee's military service and timely notice of intent to return to work, the employee will be reinstated to a job comparable to the one left, provided the employee is qualified and the County's circumstances have not changed to the extent that it would be impossible or unreasonable to provide re-employment.

All full time regular employees will be protected from loss of income as a result of participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. If the military pay received for military service/training exceeds that which would be earned by the employee through the County, the leave shall be granted without pay. If the military pay is less than that which would be earned through the County, the County shall pay the employee the difference between County earnings and military pay. This difference will be paid for up to seventeen (17) days of military encampment in a calendar year.

Effective: 08.31.07

Policy No. 28.01.01

Inclement Weather Leave and Courthouse Closure

The Chairman of the Board of County Commissioners may, in consultation with the Emergency Management Agency, declare County offices closed due to dangerous weather conditions.

The Chairman, or his designee in his absence, shall direct the Emergency Management Agency or Sheriff's Office to activate the Code Red Text notification.

(a) All Elected Officials and department heads are required to sign up for the Code Red Text notification.

(b) Local media will also be advised of the closing by a Commissioner or designee.

(c) Elected Officials and department heads may require their employees to sign up for the notice. Elected Officials and department heads shall be responsible for notifying any of their employees who are not signed up for the Code Red Text notification.

(d) Non-essential full time and half-time employees shall be paid for Inclement Weather Leave declared by the County Commissioners at their regular rate of pay for those hours they were scheduled to work.

(e) If Inclement Weather Leave occurs during other authorized leave, Inclement Weather Leave may not be substituted for, or in addition to, other leave taken.

(f) When the County is officially open for business, employees who are unable to report for work due to weather conditions must request other leave according to policy, as Inclement Weather Leave is not applicable.

(g) Essential, designated employees of the Converse County Road and Bridge Department will receive additional compensation for <u>actual</u> hours worked at their normal hourly rate of pay. This pay is in addition to their normal hourly rate.

Any County employee designated as non-exempt, essential personnel whose work time during inclement weather puts them into an overtime situation, will be paid at the overtime rate. Exempt personnel are not paid any premium hours, even if they work more than 40 hours during a week including inclement weather work duties.

Effective: 03.09.2017

Policy No. 29.01.01

OBSERVANCES UPON DEATH OF A COUNTY EMPLOYEE

The Converse County Courthouse will be closed in observance of the death of a county employee on the day of the funeral. The hours of closure shall not exceed two hours without the express permission of the Converse County Commissioners and shall be observed beginning ½ hour prior to the start of the service.

Department heads may, after notification to the Commission, allow their employees to attend other such observances for deaths.

The Maintenance Supervisor or his designee will lower the flags to half-staff on the day of the funeral in observance of the death of any elected official currently serving at the federal, state, county and municipality level.

Effective: 07.01.2003

Policy No. 30.01.01

LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay for acceptable reasons other than employment elsewhere, including, but not limited to those reasons referenced below, may be granted by an employee's department head, provided that the employee has been in the continuous employ of the County for at least one (1) year, if such leave is not in conflict with the best interest of the County, and is consistent with the policy as hereinafter described. Whether a request for a leave of absence in excess of thirty (30) days without pay is granted, is within the discretion of the Commission.

An extended sick leave of absence may be granted to an employee whose illness or disability continues beyond the coverage afforded in the sick leave policy, except as provided by the Family Medical Leave Act. If an employee requests a leave of absence without pay pursuant to this provision, the County reserves the right to have that employee examined by a physician selected by the County.

A personal leave of absence may be granted an employee in cases where an extended period of time away from the job is considered by the department head to be in the best interest of the County and the employee.

An educational leave of absence may be granted an employee who desires to continue his education in order to prepare himself for added responsibilities in his employment.

A public service leave of absence may be granted an employee who desires to accept temporary employment in federal, state, or local government, or with an organization devoted to community betterment. An employee who desires to serve in the state's legislature is eligible to request a public leave of absence.

A military leave of absence will be granted to fulltime employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

A family leave of absence may be granted an employee who demonstrates a need to temporarily remain home in order to care for or attend to a member of his immediate family.

If an employee is granted a leave of absence without pay of less than thirty (30) days, the employee is eligible to return to his previously assigned position with no loss in grade, step or other benefits. Time of service is frozen during the leave period. During this leave period the County will continue to carry the employee on its health insurance policy, and will pay the employee's premiums.

When an employee is granted a leave of absence of more than twenty-nine (29) days, but less than sixty (60) days, the employee may return to the employ of the County at no loss in pay grade, step pay or other benefits, but may be assigned other duties by his department head. After thirty (30) days, the County will continue to carry the employee on its health insurance policy, but the employee must reimburse the County for the individual premium expense. Time of service will be frozen during this leave period.

If an employee is granted a leave of absence without pay for more than fifty-nine (59) days, the employee is eligible to return to the employ of the County but may be reassigned and paid the rate of a newly hired employee. After thirty (30) days, the County will continue to carry the employee on its health insurance policy, but the employee must reimburse the County for his individual premium expense. Time of service will be frozen during this leave period.

An employee who is unable to report to work because of an arrest and incarceration shall be placed on leave of absence without pay. If the employee is unable to secure bail, the leave of absence shall continue as described above, until final disposition of the charges. If the employee is freed on bail, resumption of active employment pending the disposition of the charges will be decided after consultation between the employee and his department head.

Effective: 01.01.2004

Policy No. 31.01.01

Buildings and Equipment

Non-Smoking Policy

All buildings and vehicles owned, leased or rented by Converse County are non-smoking unless the Commission has granted, in writing, a variance.

Effective: 01.01.2004

Policy No. 31.02.01

Buildings and Equipment

Computer Policies and Procedures

Converse County makes its computer network available to its employees for conducting official business. Using the system is a privilege, not a right. The records created through the use of this system are the property of this organization and not its employees. All computer records, emails, information, files and images are subject to disclosure under the Wyoming Public Records Act unless specifically exempted by law. The County reserves the right to monitor the operation of the system, to access all of the records within it, and to retain or dispose of those records as it deems necessary. The employees who use this system may make occasional and incidental personal use of it. However, in doing so, they accept the organization's rights to and ownership of this system and acknowledge that they have no personal rights of privacy to any messages or information placed in or received from the system.

The following policies shall be adhered to concerning all computer equipment placed in individual offices and workstations:

1. Each employee is responsible for the use of his own equipment. Use of other employee's computer equipment is prohibited without the permission of that person or designated management person.
2. The use of any outside software is prohibited, unless express written permission has been received from the department head or his designee. Disks that contain office work created on a personal, home computer may be loaded on to a County computer. No games, screen savers, or other programs, except those provided or approved by the department head or his designee, may be loaded onto a County computer.
3. All documents and information placed on computers in this office are the property of this office. Personal documents may be placed on each individual computer, but all files are subject to analysis at the discretion of department head.
4. All employees shall delete documents that are no longer needed. Deleting of unnecessary files and purging is necessary in order to keep the system operating at peak efficiency.
5. Most employees have access to E-mail and the Internet for the purposes of communicating for business reasons. The system should not be used regularly for personal messages or purposes: Any personal E-mail/Internet usage should be brief in length and consist of appropriate language and subject matter for public purview. The use of the E-mail/Internet systems is also a privilege, not a right, and should be used accordingly. All E-mail/Internet documents and files are the property of the County. Department heads have the discretion of monitoring E-mail/Internet usage, files and documents, and the

printing of same. No County employee has a privacy right with regard to E-mail/Internet usage and content. Misuse of E-mail/Internet system, profanity, and threats will not be allowed. Any perceived misuse of this system should be immediately reported to your supervisor.

6. The County Mail/E-mail system shall not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin or physical attributes shall be transmitted. No abusive profane or offensive language is to be transmitted through the E-mail/internet system. The E- mail/Internet system shall not be used for any other purpose, which is illegal, or against County policy or which is contrary to the best interests of the Converse County. Solicitation or personal business or the use of County Internet access or E-mail for personal gain is expressly prohibited.

Each County employee is responsible for the content of all text, audio or images that they place, receive or send over the Internet/E-mail system. No communications may be sent which hide the identity of the sender or represent the sender as someone else or someone from another organization. All messages communicated on the Internet/E-mail system shall contain the employee/sender's actual name.

Any messages or information sent by an employee to another individual outside of the County via an electronic network (e.g. bulletin board, on-line service or Internet) are statements that reflect on Converse County. The use of a "personal disclaimer" in messages will not preclude a connection to the County and may be viewed as representing our organization.

Effective: 01.01.2004

Policy No. 32.01.01

PERSONAL APPEARANCE

All County employees are expected to use good taste and common sense in their appearance and dress, in a manner appropriate to the setting in which they are employed. Employees meeting and assisting the public must present a neat, positive and professional appearance. The final decision on what is an appropriate appearance and attire rests with the department head or his designee.

Effective: 07.01.2003

Policy No. 33.01.01

TERMINATION OF EMPLOYMENT

Under the COBRA plan, which is federally mandated, all terminated employees shall be given an opportunity to remain on the County Group Health and Dental Plan for up to eighteen (18) months, at the same premium rate. This premium shall be paid by the employees plus two percent (2%) administration cost. A dependent of the employee (child, widow, etc.,) shall be allowed to remain on the plan for a period of up to thirty-six (36) months. At the end of the COBRA requirement continuation of either the group health plan or the dental group plan shall be at the discretion of the Board of County Commissioners.

A terminated employee will be paid for up to twenty (20) unused, accrued vacation days. The terminated employee will not be paid for any unused accrued sick leave days.

Department heads will inform the County Clerk's Office immediately upon learning of the termination of any employee within his office, or immediately upon learning of the anticipated termination of any employee.

The department head, when reasonably possible, should conduct a termination or exit interview not later than the employee's last working day. The individual conducting the interview should:

1. Attempt, if the termination is voluntary, to determine the real reason or reasons that the employee is leaving, so that, where appropriate, action can be taken to correct any problems that come to light;

2. Explain the conversion benefits under the County's group insurance plans and any other benefits available to the employee under the County's benefit plan;

3. Obtain the employee's correct address for mailing Internal Revenue Service form W-2; and

A written report of the terminating interview will be prepared and placed in the employee's personnel file.

A terminated employee shall return all County property in his or her possession including, but not limited to, all keys providing access to County buildings, and property to the department head who shall, in turn, acknowledge

Effective: 10.07.2015

receipt of such property in writing, and notify the County Clerk's Office of the receipt of such property. In the event the terminated employee fails to return such property or if such property is lost or damaged while in the said employee's possession, the department head shall so notify the County Clerk's Office and the reasonable cost of replacement or repair shall be deducted from the terminated employee's final paycheck.

Per W.S.S. 27-4-104(a), final payment of wages for employees who are laid off, discharged or who have quit shall be made no later than the employer's usual practice on regularly scheduled payroll dates. The County Clerk's Office shall deliver the terminated employee's final paycheck to the terminating employee's department. The department shall not deliver the final paycheck until the department has satisfactory evidence that the terminated employee has returned all County property, or, if applicable, the reasonable costs of replacement or repair if lost or damaged property has been properly deducted from the final paycheck.

In the case of non-exempt employees, the amount deducted from the final paycheck shall not reduce the earnings for the final pay period to an amount less than the current federal minimum hourly wage.

Effective: 10.07.2015

Policy No. 34.01.01

RETIREMENT

All County employees are eligible for retirement on the first day of the month following the month in which they reach age 65; however, there is no mandatory retirement age.

All employees who are members of the State of Wyoming Deferred Compensation program, County's Deferred Compensation Plan or the Wyoming Retirement System will have the options pertaining to the disbursement of their funds in those programs explained to them by the County's program administrator.

The Social Security Office will explain all of the employee's benefits, under the Social Security Program, to the employee as the program is a federal program and not a County program.

A retiring employee will be paid for up to twenty (20) unused, accrued vacation days. A retiring employee will not be paid for any unused accrued sick leave days.

Effective: 07.01.2003

Policy No. 35.01.01

BEHAVIOR OF EMPLOYEES

All employees are asked to conduct themselves in a manner, which is conducive to efficient operation of the County. Such conduct includes, but is not limited to, reporting to work punctually as scheduled and being at the workstation and ready for work at the assigned starting time. Notifying the department head when the employee will be absent from work, or is unable to report for work on time; complying with all County safety and health regulations; wearing clothing appropriate for work being performed; eating meals only during breaks and meal periods, and only in designated areas; maintaining work place and area cleanliness and orderliness; treating all customers and visitors as guests of the County; refraining from behavior or conduct deemed offensive or undesirable to customers or co-employees; and cooperating with customer, co-employees, supervisors, and department heads. The above is not intended to communicate in any fashion conduct for which an employee can be terminated. The relationship between an employee and Converse County is an employment at will relationship, where either party may dissolve the relationship at any time, for any reason, or for no reason at all.

Effective: 07.01.2003

Policy No. 36.01.01

CUSTOMER RELATIONS

Converse County will provide its customers with the best possible service. Employees are expected to treat customers in a courteous, respectful manner at all times.

Employees should always remember that the customer comes first and is entitled to the thoughtful treatment that the employee would like to receive. Customers should not be treated in a condescending or impolite manner and should never be kept waiting an unreasonable amount of time.

When a customer approaches an employee with a question or a complaint, the employee will give the matter his immediate attention. If the customer becomes abusive or argumentative and the employee cannot properly handle the situation, the customer should be referred to the employee's department head.

Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone.

Effective: 07.01.2003

Policy No. 37.01.01

ATTENDANCE AND PUNCTUALITY

Employees are expected to report to work whenever scheduled. They should notify their department head in advance whenever they are unable to report. As much advance notice as possible should be given to permit a replacement to be scheduled.

Employees are to be compensated during authorized absences in accordance with the various leave policies contained in this manual. Authorized absences in excess of the number of annual vacation or sick leave days accrued may be granted, but will be done so in accordance with the leave of absence without pay policy.

An employee must be at his workstation at the starting hour and at the prescribed time after coffee and lunch breaks. Employees who for any reason will be delayed more than a few minutes in reporting to work are required to call their department head promptly to explain the circumstances.

Effective: 07.01.2003

Policy No. 38.01.01

PERSONAL TELEPHONE CALLS AND MAIL

The telephone and mail facilities of Converse County shall be available during working hours for effective communication with the County's customers and business associates. Accordingly, the County's facilities should not be used for unnecessary personal telephone calls or for personal mail.

Use of the County's telephone lines should be confined to business calls. Personal calls should be limited to those that are reasonably necessary. When necessity requires that an employee make a personal long distance call, the call should be placed through the telephone company operator and charged to the employee's home phone, placed collect, or charged to the employee's personal calling card.

In order to avoid adding to the increasing volume of mail, employees should not use the County's address in receiving personal mail.

County stationery should not be used for personal correspondence because any communication sent out on County stationery might be considered an official communication.

Effective: 07.01.2003

Policy No. 39.01.01

CONFLICTS OF INTEREST

Converse County prohibits its employees from engaging in any activity or practice, which conflicts with the interests of the County or its customers. Examples of conflicts of interests, which should always be avoided, are set forth below.

If any employee or a member of his immediate family has a financial interest in a firm, which does business with the County, and the interest is sufficient to affect the employee's decisions or actions, the employee must not represent the County in such transactions.

No employee shall accept gifts from any person or firm doing or seeking to do business with the County under any circumstances from which it might reasonably be inferred that the purpose of the gift is to influence the employee in the conduct of the County business with the donor. Such gifts should be returned with a note of explanation. However, employees are not prohibited from accepting advertising, novelties such as pens, pencils, and calendars, or other gifts of nominal value when the circumstances clearly show that the gifts are offered for reasons of personal esteem and affection.

No employee shall directly or indirectly, give, offer, or promise anything of value to any representative of any financial institution or any other business in connection with any transaction or business that the County may have with such financial institution or business.

In the course of performing their duties employees may receive information about the County which, if known to the public, might affect the decisions of a reasonable investor to buy, sell, or hold land or other securities that may either grow or diminish in value depending on the decisions made by the County. Employees are prohibited from misusing such material inside information, prior to public disclosure, for their own personal gain or the gain of their immediate family members, or friends.

It is difficult if not impossible to describe all of the situations, which may arise involving conflicts of interest. When any employee has a question concerning a possible conflict of interest, it is expected that he will request advice from his department head.

Effective: 07.01.2003

Policy No. 40.01.01

GARNISHMENT

Whenever the County is served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service or other taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee, department heads must immediately refer the matter to the County Clerk's Office for appropriate action. Failure to act promptly may render the County legally liable.

In the case that garnishment or similar proceedings are instituted against an employee, the County will deduct the required amount from the employee's payment. The amount deducted from an employee's disposable earnings will not exceed that permitted by law.

Compliance with writs of garnishment and similar orders imposes an administrative and financial burden on the County. In addition, the failure of an employee to meet his financial obligations does not reflect favorably on the County and frequently has an adverse effect on the employee's job performance. No employee however will be terminated by reason of the fact that his earnings have been subjected to garnishment.

Effective: 07.01.2003

Policy No. 41.01.01

PERFORMANCE APPRAISALS

The job performance of a County employee may be evaluated periodically by the employee's department head. If and when a performance evaluation is performed is at the discretion of the department head. No evaluation should be interpreted by an employee to entitle that employee to additional benefits, increased salary, promotion, or employment for a guaranteed or definite period of time. No evaluation should be interpreted by an employee as altering his employment at-will status.

The performance evaluation may consist of a written evaluation of the employee's job performance, the department head's comment and recommendations, an action plan for both the employee and the department head, and performance goals for the next evaluation period. Information derived from the performance appraisal may be used to identify the training needs of the employee to determine the employee's eligibility for consideration of merit salary increases and promotion.

After the department head has completed the written evaluation, the department head and the employee may meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set goals and objectives for the evaluation period ahead. The employee should be given the opportunity to examine the written evaluation and make written comment about any aspect of it. The employee and the department head should then place the evaluation in the employee's personnel file.

If the written evaluation contains an unfavorable comment or rating which the employee believes is unfair or unjustified, and the matter has not been resolved to the employee's satisfaction during the discussion with the department head, the employee may take further action by using the grievance procedure. Nothing in this policy should be construed to prohibit or discourage department heads from discussing an employee's job performance on an information basis whenever the need to do so arises.

Effective: 01.01.2004

Policy No. 42.01.01

GRIEVANCE PROCEDURE

Converse County wishes to encourage its employees to bring to the attention of the management their complaints about work related situations. Employees will be provided with an opportunity to present their complaint through a grievance procedure. The Grievance Procedure shall not apply to the elected officials.

The purpose of a sound grievance procedure is to provide a method to resolve material grievances without discrimination, restraint or reprisal against an employee who may be involved in a grievance. Employees should be encouraged to use the Grievance Procedure and must not, under any circumstances, be penalized for doing so. Department heads are responsible for insuring that the grievance is fully processed.

Examples of actions which may be causes of grievances include, but are not limited to the following:

a. Treatment considered unfair by an employee, such as coercion, reprisal, harassment, (including sexual harassment) or intimidation.

b. Discrimination because of race, color, sex, age, religion, national origin, marital status, handicap, disability or any other nonmerit factor.

c. Improper or unfair administration of employee benefits or conditions of employment such as vacation leave sick leave, fringe benefits, promotions, retirement, holidays, or performance appraisals.

The involuntary termination of a County employee shall not be an action, which entitles the terminated employee access to this Grievance Procedure. All County employees and department heads (not including elected officials) are employees at will, and a decision to terminate such a person shall not be reviewable pursuant to this Grievance Procedure.

Salary disputes are also not covered under this Grievance Procedure. All salary disputes are to be resolved between the employee and his department head or between the employee and the Board of County Commissioners if the employee feels that the rate of pay for a specific position as determined by the Board of County Commissioners is in question.

Informal discussions between the employee and his department head are initially required when reasonably possible. The employee is responsible for the presenting of the informal complaint to his department head. The department head is responsible for evaluating the employee's complaint in compliance with existing personnel policies of his department. If the informal complaint is not satisfactorily resolved at the information discussion level, the employee may file a formal written grievance with the employee's department head.

Formal written grievances must be filed within thirty (30) calendar days from the date of occurrence of the alleged incident upon which the complaint is based. The employee shall submit the original copy of the grievance to his department head. An employee filing a formal grievance shall send the grievance registered mail to the department head or if the grievance is hand delivered, have the grievance signed and dated by the department head when the grievance is delivered. A copy of the grievance is to be submitted by the department head to the County Attorney's Office, another copy is to be submitted by the department head to the Board of County Commissioners and the employee shall retain a copy for himself. Within fifteen (15) business days from the date the department head receives the written grievance, the department head shall investigate the matter and give a decision in writing to the employee. The department head shall send a copy of his decision to the County Attorney and the Board of County Commissioners.

If the grievance is not satisfactorily resolved by the department head, then within five (5) business days from the employee's receipt of the department head's decision, the employee may appeal the decision to the Converse County Board of Commissioners. The employee shall accomplish an appeal by mailing by certified mail, return receipt requested, or by hand delivering a notice of appeal to any of the three County Commissioners, or to the County Clerk. The notice of appeal should describe the department head upon the grievance. Upon receipt of the notice of appeal, the Board of Commissioners shall convene a Grievance Board to hear and decide the appeal. Within thirty (30) business days of the mailing or and delivery of the notice of appeal, as described above, the Grievance Board shall conduct a hearing upon due notice, and hear unsworn statements from witnesses to all sides of the allegations. Upon completion of the hearing, the Grievance Board shall arrive at a decision as expeditiously as possible, but not later than thirty (30) calendar days after the conclusion of the hearing. The decision of the Grievance Board shall be in writing, and shall be mailed by the Grievance Board as soon as possible to each party, or to his attorney, if represented.

If the Commission does not consider any grievance filed by an employee to be material, it shall notify the employee and the department head in writing of its decision, after receiving the employee's notice of appeal. In such instances, the employee will not be provided a grievance hearing. The Commission at its sole discretion makes the determination as to whether a grievance is material.

The Grievance Board shall consist of three (3) members. The first member of the Grievance Board shall be a member of the Board of Converse County Commissioners and shall be chosen by the Board of Commissioners. This Commissioner shall be designated as the head of the Grievance Board. The acts of the appointed commissioner undertaking in his role as Grievance Board member shall not be considered to be acts of the other commissioners or acts of the Board of County Commissioners. The second member of the Grievance Board shall be chosen from the County department heads. This member is to be chosen by the head of the department in which the grieving employee is employed. The third member of the Grievance Board shall be chosen from the full time employees of Converse County. The employee who has filed the grievance shall choose this member.

The members of the Grievance Board shall serve on the board only as long as is required to resolve the current grievance in their charge. There is no limit to the number of times that an employee may serve on a grievance board.

The decision of the Grievance Board shall be in the form of a recommendation of action for the effective resolution of the dispute, and shall not be binding upon either party, and shall not affect any party's right to pursue his judicial remedies outside of the grievance procedure.

All information concerning an employee grievance will be received in strict confidence. Department heads, Grievance Board Members, Commissioners and others who are involved with the grievance process, will discuss a grievance only with those individuals who are necessarily involved in processing the grievance.

Time spent by aggrieved employees in grievance discussions with their department head or other officials involved in processing the grievance, during their normal working hours, will be considered as time worked for pay purposes.

Whenever two or more employees have a common or similar complaint, the group of employees shall select one of the groups to represent the group. The final decision on the Grievance Board will be binding on all members of the group.

Effective: 07.01.2003

Policy No. 43.01.01

SEVERABILITY

If any provision of this manual is found to be invalid or inapplicable by a court of competent jurisdiction, such determination shall not effect the remaining provisions.

Effective: 07.01.2003

Policy No. 44.01.01

DRUG AND ALCOHOL TESTING POLICY

Effective: 07.01.2003

Note: This policy applies only to holders of Commercial Driver's Licenses (CDLs) where that license is a job requirement.

CONVERSE COUNTY DRUG AND ALCOHOL TESTING POLICY AS PER C.F.R. PARTS 382, 391, 392 & 395

POLICY

The County of Converse is dedicated to providing safe, dependable and efficient public services to the citizens of Converse County. County employees are our most valuable resource and it is our goal to provide a safe, healthful and satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is County policy to:

(1) Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;

(2) Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;

(3) Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and

(4) Encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

PURPOSE

The purpose of this policy is to:

(1) Assure worker fitness for duty.

(2) Protect our employees and the public from the risks posed by on-the-job misuse of alcohol and use of prohibited drugs.

(3) Comply with all applicable Federal Regulations governing workplace anti-drug and alcohol programs established for those employees holding commercial driver's licenses.

The Federal Highway Administration (FHWA) of the United States Department of Transportation (DOT) has published 49 C.F.R. Parts 382, 391, 392 & 395, which mandate urine drug testing and breath alcohol testing for those whom holding a Commercial Driver's License (CDL) is a job requirement. The DOT also published 49 C.F.R. Part 40, as amended, which sets forth standards for the collection and testing of urine and breath specimens.

In addition, the Federal Government published 49 C.F.R. Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses by employees to their employer.

APPLICABILITY

This policy applies to all County employees for whom a CDL is a job requirement. This policy applies when employees are on County property or when performing any job-related duties. This policy also applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, independent contractors and their employees are governed by this policy while on County property or while conducting County business. They will not be permitted to conduct County business if they violate this policy.

PROHIBITED SUBSTANCES

"Prohibited Substances" addressed by this policy include the following:

ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS

Any illegal drug or substance identified in Schedules I through V o Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 C.F.R. 1300.11 through 1300.15 and the Wyoming Controlled Substances Act.

This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

LEGAL DRUGS

The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, the use of any substance, which carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected, must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug is a drug for which an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. A prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited.

ALCOHOL

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing County business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

PROHIBITED CONDUCT:

MANUFACTURE, TRAFFICKING, POSSESSION AND USE

County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on County property, in County vehicles, in uniform, or while on County business. Employees who violate this provision will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

INTOXICATION/UNDER THE INFLUENCE

Any County employee with a CDL who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty, shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination.

ALCOHOL USE

A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 C.F.R. Part 40, as amended.

No employee will be allowed to report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol on duty or in uniform. No employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call. Violation of these

provisions is prohibited and punishable by disciplinary action up to and including termination.

COMPLIANCE WITH TESTING REQUIREMENT

All employees for whom a CDL is a job requirement will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing may be removed from duty, subject to disciplinary action and their employment may be terminated.

Any employee suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal from duty and termination.

A refusal to be tested can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in an inability to conduct the test.

TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with County requirements for treatment, after care or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or his/her insurance provider. Employees will be allowed to take accumulated sick leave and vacation time to participate in the prescribed rehabilitation program.

NOTIFYING THE COUNTY OF CRIMINAL DRUG CONVICTION

All employees are required to notify the County of any criminal drug statute conviction for a violation occurring in the workplace within five days of such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

PROPER APPLICATION OF THE POLICY

The County is dedicated to assuring the fair and equitable application of this substance abuse policy. Therefore, Department/Division Heads are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Department/Division Head who knowingly disregards the requirements of this policy,

or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal Regulations. All County employees holding a CDL shall be tested for a reasonable suspicion and following an accident as outlined in "REASONABLE SUSPICION TESTING" and "POST-ACCIDENT TESTING" of this policy. Additionally, all County employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Further, all County employees holding CDL's will be tested pre-employment and at random.

Those employees who return to work after failing a drug test shall be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 C.F.R. Part 40, as amended.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 40 C.F.R. Part 40, as amended.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves the right to test for additional drugs under the County's own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration (BAC) will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)- approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration or greater than 0.02, but less than 0.04 will be removed from duty unless a retest results in a concentration of less than 0.02.

The inability to perform job duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused absence from work subject to County disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 C.F.R. Part 382.201.

Any employee who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of education and rehabilitation programs available, and will be referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

EMPLOYEE REQUESTED TESTING

Any employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 or this policy may request that an additional test be conducted. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample. The employee pays all costs for such testing unless the result of the split sample invalidates the result of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 C.F.R. Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample's verified positive test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

PRE-EMPLOYMENT TESTING

All applicants for positions requiring a CDL shall undergo urine drug testing immediately following an offer of employment or a transfer into a position requiring a CDL. Receipt by the County of a negative drug test result is required prior to employment.

Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of the County and negative pre-employment drug tests will be required prior to further consideration for employment.

The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual. The pre-employment test will be the responsibility of the County.

REASONABLE SUSPICION TESTING

All County employees with a CDL may be subject to a fitness for duty evaluation and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.

2. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, or other prohibited substances, or the possession or use of alcohol on County property or during County business or in manner that affects job performance.

3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.

4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security or other operating procedures. (These acts are grounds for immediate termination pursuant to the personnel manual.)

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

POST-ACCIDENT TESTING

All employees will be required to undergo urine and breath testing if they are involved in an accident with a County vehicle that results in a fatality. This includes all employees with CDL's that are on-duty, in the vehicle and any other "safety sensitive" employees, as defined by the DOT, whose performance could have contributed to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or, accidents in which one or more vehicles incurs disabling damage that requires towing from the site; and if the employee receives a citation under State or local law for a moving traffic violation arising from the accident. If no citation is given, the County's employees may still be tested if they could have contributed to the accident. This determination is at the sole discretion of the County.

Following such an accident, the employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only their personnel with CDL's, but also any other covered employee whose performance could have contributed to the accident.

RANDOM TESTING

Employees with a CDL will be subjected to random, unannounced testing. The selection of employees for random alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. All tested employees will be placed back into the pool and therefore subject to repeat testing.

RETURN-TO-DUTY TESTING

All employees who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol) and be evaluated and released to duty by a Substance Abuse Professional (SAP) before returning to work.

FOLLOW-UP TESTING

Employees will be required to undergo frequent unannounced random urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.

EMPLOYMENT ASSESSMENT

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 C.F.R. part 40, as amended, will be referred for evaluation by a Substance Abuse professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a SAP or participation in an approved Employee Assistance Program does not shield an employee from disciplinary action or guarantee

employment or reinstatement with the County. The County Personnel Rules and Regulations should be consulted to determine the penalty for performance-based infractions and violations of drug and alcohol policy provisions.

If an employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider.

Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

RE-ENTRY CONTRACTS

Employees who re-enter the work force must agree to a re-entry contract. That contract may include, but is not limited to:

1. A release to work statement from the Substance Abuse Professional;

2. A negative test for drugs and/or alcohol;

3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year;

4. A statement of expected work-related behaviors; and

5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

SYSTEM CONTRACTS

Any employee with questions regarding this policy or any other aspect of the drug-free workplace act should contact the County Commissioners.

TESTING SERVICES CONTRACT/CONTRACTOR

Converse County will contract with the appropriate personnel/company for testing services.

RECORDS

All required records shall be kept in the office of the Department Head pertaining to their particular Department and maintained as prescribed by Sec. 382.401 RETENTION OF RECORDS, and the Converse County Commissioners.

REPORTING

The Road & Bridge Supervisor shall be responsible for reporting of results per Sec. 382.403 of Part 382, CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING. Copies of all reports, testing, and other requirements, shall be made available to the Converse County Commissioners in the required time limits, for their review.