

**Prepared For:**

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**Contract Term:** 1 year paid in full.

**Contact Count:** 6000

**Valid Until:** 04 / 28 / 2023

## A. Product and Pricing Summary

Product	Fee Type	Price	Term (yrs)	Discount	Subtotal
Regroup Annual Subscription Messaging via landline, email, cell (voice and sms/txt), social media, RSS. Unlimited: support, training, templates and group creation.	Annual	\$2,500.00	1	\$0.00	\$2,500.00
					<b>\$2,500.00</b>
Included Subscription Features					
AlertManager Allows admins to send/receive messages from iOS and Android mobile devices and phones.	Included	\$0.00	1	\$0.00	\$0.00
AlertMe Allows recipients and non-administrative users to receive messages within native iOS and Android apps.	Included	\$0.00	1	\$0.00	\$0.00
AlertMe with Geofencing Allows recipients and non-administrative users to receive messages within native iOS and Android apps. Enables realtime location-based geofence messaging and push notifications to be sent from your network.	Included	\$1,000.00	1	-\$1,000.00	\$0.00
NOAA Enable alerts from the National Oceanic and Atmospheric Administration (NOAA) Weather Radio (NWEM)	Included	\$2,500.00	1	-\$2,500.00	\$0.00
IPAWS Allows users to post IPAWS EAS, NOAA, and WEA alerts to supported devices during a critical event.	Included	\$1,500.00	1	-\$1,500.00	\$0.00
Mapping - Geo Targeted Messaging Clients have the ability to send notifications based on the location of the recipients with our Geo-Targeting option based on their address and not on them having the mobile app.	Included	\$0.00	1	\$0.00	\$0.00
					<b>\$0.00</b>
Professional Services					

## Subscription Agreement

Product	Fee Type	Price	Term (yrs)	Discount	Subtotal
Implementation Fee	One Time	\$1,500.00	1	-\$1,500.00	\$0.00
Unlimited Support & Maintenance	Included	\$0.00	1	\$0.00	\$0.00
Unlimited Training	Included	\$0.00	1	\$0.00	\$0.00
					<b>\$0.00</b>
<b>Total</b>					<b>\$2,500.00</b>

## B. Terms

1. Initial Term: The Initial Term shall be one (1) year following the effective date.
2. Implementation Date: TBD
3. Start of Term / Effective Date: 7/01/2023
4. Invoice Date: 7/01/2023
5. Client in a proof of concept, client can opt out anytime before 7/01/2023

## Ba. Payment Terms

1. Cherry County Nebraska shall be invoiced for amounts due in respect to the Initial Term upon execution of this Subscription Agreement.
2. All initial and subsequent payments shall be due on Net 30 terms. Unless otherwise specified, all dollars (\$) are United States currency.
3. Late payments may incur a 1.5% penalty.

## Bc. Contacts & Messages

1. SMS and TTS messaging shall be limited to 250000 total messages annually.
2. With respect to total users, Regroup will charge for users added that are in excess of the number of total users included in your Membership. Regroup will notify you of usage overages prior to invoicing for the overage.

## C. Renewal Terms

1. At the end of the current agreement, Regroup will provide Cherry County Nebraska with an option to renew subscription on an annual basis at a mutually agreed upon cost. The notice will be provided 90 days prior to the expiration of the current agreement.

## D. Acceptance and Authorization

The terms and conditions of the Regroup [Terms of Use](#) and [Privacy Policy](#), which are incorporated herein by reference, apply in full to the services and products provided under this Subscription Agreement.

IN WITNESS WHEREOF, the parties hereto each acting with proper authority have executed this Subscription Agreement, under seal.

Accepted by Buyer: Cherry County Nebraska

Accepted by: Regroup Mass Notification

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: Chris Utah  
Title: COO  
Date: 04 / 03 / 2023

EMPLOYEE HANDBOOK

for

CHERRY COUNTY  
NEBRASKA



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## Welcome

Welcome to Cherry County, Nebraska (herein after referred to as the "County")! We hope that you enjoy your position with us and that it will prove beneficial to both you and the County. We offer our best wishes for your future success. We hope you will be just as proud to be a member of our organization as we are to have you.

### County Policy

Our goal is to provide consistent high quality, friendly, and competent service. We also strive to provide all employees with equal opportunities for advancement, good working conditions, fair wages, and foster employee well-being.

### Purpose of This Handbook

This handbook is for the information and use of all employees of the County. This handbook contains some of the County's policies relating to hours, wages, employee benefits, and conditions of employment. This handbook also provides a reference manual that should be followed by the County and its employees. County policies are operating practices and procedures of the County. These policies have been established for the benefit of the employees and management in order to provide the best working conditions possible.

THE LANGUAGE OF THIS HANDBOOK AND THE RULES AND POLICIES STATED WITHIN ARE NOT INTENDED TO CREATE, NOR DO THEY CONSTITUTE, A CONTRACT IMPLIED OR EXPRESS BETWEEN THE COUNTY AND ANY OF ITS EMPLOYEES. ~~THE COUNTY RETAINS THE RIGHT TO MODIFY OR ABOLISH THESE POLICIES, PROCEDURES, AND BENEFITS AND RESERVES THE RIGHT TO ADOPT NEW POLICIES, PROCEDURES, AND BENEFITS~~ THE POLICIES AND PROCEDURES ARE NOT UNCHANGEABLE. IF CIRCUMSTANCES ARISE THAT WARRANT CONSIDERATION OF A CHANGE IN THESE POLICIES OR PROCEDURES, EMPLOYEES SHOULD BRING SUCH CIRCUMSTANCES TO THE ATTENTION OF THE CHERRY COUNTY CLERK. ~~THIS HANDBOOK AND THE RULES AND POLICIES CONTAINED IN IT ARE SUBJECT TO CHANGE AT ANY TIME WITHIN THE SOLE DISCRETION OF MANAGEMENT.~~

The policies, procedures, practices, and benefits described in this employee handbook supersede all those written and unwritten at an earlier time. In other words, this handbook and its contents replace any earlier written and unwritten versions of our policies, including any prior handbooks.

NOTHING CONTAINED IN THIS HANDBOOK OR IN ANY OTHER STATEMENT OF COUNTY PHILOSOPHY, INCLUDING STATEMENTS MADE IN THE COURSE OF PERFORMANCE EVALUATIONS AND WAGE REVIEWS, SHOULD BE TAKEN AS CONSTITUTING AN EXPRESS OR IMPLIED PROMISE OF CONTINUING EMPLOYMENT. EMPLOYMENT AT THE COUNTY IS ON AN "AT WILL" BASIS AND MAY BE TERMINATED BY THE COUNTY OR THE EMPLOYEE AT ANY TIME WITHOUT NOTICE. PLEASE UNDERSTAND THAT NO ONE HAS THE AUTHORITY TO ALTER THIS EMPLOYMENT-AT-WILL STATUS THROUGH AN ORAL EMPLOYMENT CONTRACT ON BEHALF OF THE COUNTY, AND ONLY THE COUNTY BOARD CAN ENTER INTO A WRITTEN EMPLOYMENT CONTRACT THAT CHANGES THE EMPLOYMENT RELATIONSHIP FROM EMPLOYMENT AT-WILL.

It is the duty of the management to administer these policies fairly, without discrimination. All employees are expected to abide by and follow these policies. In the event you have any questions concerning the application of any procedure or policy, you should first ask your supervisor or Department Head. Any employee who feels that a policy has not been administered in accordance with this handbook should refer the problem directly

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to his/her supervisor or to the Cherry County Clerk. No employee shall be penalized or discriminated against in any way for having requested consideration of the application of these policies or questioning the application of a policy in any situation. Management intends that justice and fair dealing be the practice as well as the policy of the County. Every employee should feel free to discuss his/her problems and any policies contained in this handbook with members of management. Management welcomes suggestions from you that will aid in maintaining constructive and harmonious relationships throughout the County.

Please read this handbook carefully. If you have any questions, please bring them to the Cherry County Clerk's Office. When you have completed your review, please sign the form at the end of the handbook stating that you have reviewed the handbook, understand its contents, and agree to abide by it. Please return the form to the Cherry County Clerk's Office.

### **State Statutes, Collective Bargaining Agreements, and Individual Employee Contracts**

If the provisions of this handbook are in conflict with applicable Nebraska statutes, collective bargaining agreements, and/or any individual employee contracts, the applicable statutes, collective bargaining agreements, and/or individual employee contracts shall take precedence over the provisions of this handbook.

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## What You Can Expect ~~From~~from the County

### County Policies

#### Labor Policy

~~The Labor Policy of the County~~ has an open shop-open door policy. Each employee has the right to deal with members of management with reference to all working conditions. No employee is required to obtain any other person or organization to represent him/her in the presentation of problems or questions regarding the application of the County's working policies. No employee needs to ~~pay to~~ any person or ~~to~~ any organization ~~any contribution or assessment~~ for the right to work here. Management does not and will not discriminate against any employee because of membership or non-membership in any organization, whether it is religious, fraternal, professional, or social. Each employee has the right to bring any problems s to the attention of his/her supervisor or to any member of management. It is the duty of management to aid and assist whenever possible, in the solution of any problems or in the working out ~~implementation~~ of suggestions. ~~It is by~~ solving our problems and capitalizing on suggestions ~~that~~ progress is made. ~~The m~~Management has attempted to provide the best conditions of employment, the most satisfactory tools, and equal the most opportunity for advancement ~~for each employee. It is the policy of t~~ The County ~~to~~ compensates each employee in accordance with his/her ability and skill and ~~to provide s him/her with every~~ opportunity for training and development.

#### Hiring Policy

The County hires individuals on the basis of their qualifications and ability to complete the responsibilities and tasks of the job to be filled. Employment with the County is considered to be at will, so that either party may terminate the relationship at any time.

The Hiring Policy of this County includes the following:

#### Equal Employment Policy

The County is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practices laws. ~~It is our policy to~~ We grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, transgender status, pregnancy, marital status, age, veteran or military status, genetic information, or non-job physical or mental handicap or disability, or other classification protected by applicable federal, state or local laws, ~~except where there is a bona fide occupational disability. We make all employment decisions consistent with this principle of equal opportunity. This policy applies to all terms and conditions of employment.~~ The County will provide equal opportunities in employment, promotion, wages, benefits, and all other privileges, terms, and conditions of employment. All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, religion, sex, age, or national origin except when a bona fide occupational qualification exists. All decisions on employment are made to further the principle of equal employment. All promotion decisions will continue to be made in accordance with Equal Employment Opportunity principles and only valid job requirements will be used. The County's full Nondiscrimination Policy and Procedures document is located in the addendums section of this handbook.

The County will also provide reasonable accommodations due to disability; pregnancy, childbirth, or related medical conditions; and bona fide religious beliefs of applicants and employees to the extent required by law,

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unless undue hardship to the County would result. Any applicant or employee who needs an accommodation must contact the County Clerk and request one.

We want our commitment to equal employment opportunity to be a success. If you feel we are failing in our duty and promise of equal opportunity to all applicants or employees, please report your concerns at once to your supervisor or other management personnel (e.g., department head or board member) with whom you feel comfortable discussing the matter. We will take every reasonable measure to correct any unfairness and promise that you will not be subjected to retaliation for bringing such matters to our attention in good faith. We will treat all such concerns with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

### Conflict of Interest

Employees having any interest, financial or otherwise, direct or indirect, or engaging in any business transaction or professional activity or incurring any obligation of any nature, are prohibited from the following if it is in conflict with the proper discharge of their duties:

1. Using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
2. Giving the impression that any person can improperly influence them in the performance of their official duties or that they are improperly affected by the kinship, rank, position, or influence of any party or person.
3. Accepting gifts of value or loans from persons doing business with the County, which are intended or appear to influence the official relationship between the donor and recipient.

~~All persons employed by the County owe a duty of fidelity to the County. Employees must never place themselves in a position where their self-interest may conflict with this duty. Any employee who breaches this policy is subject to disciplinary action, up to and including discharge.~~

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### **Moonlighting**

Employees may engage in other employment, provided it does not interfere with your duties as an employee of the County or impair your ability to perform County duties. You must advise your supervisor if you have or want a second job. All outside employment shall be subject to departmental rules and regulations.

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### **Introductory Period**

Introductory periods vary by department. The first 30-180 days of your job at the County are considered an introductory period and will be used to verify your skills, capabilities, and suitability for your assignment at the County. Likewise, this gives new employees the opportunity to evaluate the County as a place to work. During this time, you will receive retirement participation and are eligible for other benefits on the first day of the month after employment commences. Successful completion of an introductory period does not guarantee continued employment with the County. Employees and the County both retain the right to end the employment relationship for any lawful reason, as we are an at-will employer. ~~During the introductory period, as at any time during employment, your job may be terminated at any time without notice.~~

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### **Standards of Conduct**

~~It is anticipated that the~~ County employees will be expected to apply themselves fully to their work, including ~~-Included in this assumption is that employees will~~ reporting to work punctually as scheduled, performing their work assignments in a timely and professional manner, and following all the County policies, procedures, and practices. Conduct that interferes with operations will not be tolerated. Unacceptable behaviors are cumbersome—difficult on management and sometimes a burden for coworkers. Some examples of unacceptable behaviors are sleeping while on duty, excessive time away from work area, insubordination, and other acts too many to list individually. For the most part, the County follows the principle of progressive discipline (i.e., warnings followed by increasing discipline, depending on the type and frequency of offenses).

Any discipline under the Standards of Conduct will not be based on race, color, religion, gender, age, national origin, disability, or political affiliation any characteristic protected under federal or state law. ~~These~~ Sstandards protect the well-being and rights of all employees and are intended to be illustrative but not all-inclusive. Accordingly, an offense which, in the judgment of management, although not listed in policies, seriously undermines the effectiveness of the County's activities or the employee's performance, is to be treated consistently.

### **Employee Background Check**

The County may perform a background investigation-check to evaluate the qualifications and character of a job candidate and to identify potential hiring risks for safety and security reasons. A background investigation ~~This~~ may include contacting references, driving history, criminal history, fingerprinting, social security number trace, past employment verification, credit score, and criminal history. This background check would be secondary and in addition to any State or Federal new hire reporting will be conducted in accordance with state and federal law.

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### **Health Examinations and Drug Testing**

Some County departments may require periodic physical examinations and/or tests to certify an employee's continued ability to perform job duties ~~or to serve as a measure of disease control.~~ The costs of these examinations and/or tests are the responsibility of the County. If immunizations are required for your position, your supervisor will advise you of details. The cost of any required immunizations is the responsibility of the County.

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Drug testing policies vary by department. Check with your immediate supervisor regarding your department's specific drug testing policy. All drug testing will be conducted ~~within in accordance with~~ all applicable governing laws.

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### Immigration Law Compliance

The County does not unlawfully discriminate on the basis of citizenship or national origin. At the same time is committed to employing only United States citizens and aliens who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. The Form I-9 is in addition to any State or Federal new hire reporting.

### Internet Policy

The purpose of this policy is to ensure the proper use of the County's Internet system and make employees and users aware of what the County deems as acceptable and unacceptable use of its Internet system. ~~This policy also provides for sanctions in the event of a breach or violation of the policy terms hereunder.~~ This ~~Policy-policy~~ applies to all users of County technology, including employees, contractors, vendors, partners, associates, and any other parties accessing or using the County's system through on-site or remote terminals or devices.

~~Use of the Internet is to be limited to business use, except employees may access the Internet for appropriate personal reasons during non-working time. However, The County is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these prohibited from accessing any internet sites/-pages include that contain offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even an innocuous search may lead to sites with highly offensive content. In addition, having an email address on the Internet may lead to receipt of unsolicited email containing offensive content. Users accessing the Internet do so at their own risk.~~

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing online games, streaming audio or video files, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. ~~Because audio, video, and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.~~

~~In addition, the County prohibits the downloading or installation of any application software from the Internet onto County computers at any time, including games or other entertainment (e.g., wallpaper, screen savers, etc.). This software could contain embedded viruses or be incompatible with our computer operations.~~

The computers and any computer logins or accounts given to employees are the exclusive property of the County. No individual should have any expectation of privacy in any communication over or on the County

computers or systems. ~~The County computers and systems are to be used solely for County-related business and are not to be used for personal business or pleasure.~~

The County reserves the right to monitor, intercept, and/or review all data transmitted, received, or downloaded over or on County computers or systems. Any individual who is given access to County computers or systems is hereby given notice that the County will exercise this right periodically, without prior notice and without the prior consent of the employee. The County's interests in monitoring and intercepting data include, but are not limited to: protection of County proprietary and classified data; managing the use of the County's computer system; preventing the transmission or receipt of inappropriate materials by employees; and/or assisting the employee in the management of electronic data during periods of absence. No individual should interpret the use of password protection as creating a right or expectation of privacy. In order to protect everyone involved, no one can have a right or expectation of privacy with regards to the receipt, transmissions, or storage of data on any of the County's computers, phone systems, cell phones, data systems, Internet connections, networks, servers, or any other County system.

~~The County may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by the County. In the event you nonetheless encounter inappropriate or sexually explicit material while on the Internet, immediately disconnect from the site, regardless of whether the site was subject to County blocking software.~~

Material that is fraudulent, harassing, ~~embarrassing,~~ sexually explicit, profane, obscene, ~~intimidating,~~ defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or in violation of County's equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet- or displayed on or stored in County's computers. Employees encountering, witnessing, or receiving this kind of material should immediately report the incident to their supervisor or the Cherry County Clerk's Office.

The County's equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline, up to and including discharge.

~~Employees may not use the County's Internet connection to download games or other entertainment software, including wallpaper and screen savers, or to play games over the Internet.~~

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining express permission of your supervisor.

To ensure security and to avoid the spread of viruses, employees accessing the Internet through a computer attached in any way to the County's network must do so through an approved Internet firewall. Accessing the Internet directly by modem is strictly prohibited unless the computer you are using is not connected to the County's network.

Files obtained from sources outside the County, including portable drives or disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to email;

and files provided by customers or vendors may contain dangerous computer viruses that may damage the County's systems and/or networks. Employees should never download files from the Internet, accept email attachments from outsiders, or use drives or disks from non-County sources without first scanning the material with County-approved virus checking software. If you suspect that a virus has been introduced into the County's network, notify your supervisor immediately.

Any employee who abuses the privilege of access to the County's voicemail, email, networks, or the Internet systems will be subject to corrective action, up to and including discharge. If necessary, the County also will advise law enforcement officials of any illegal conduct.

Use of the Internet ~~via-through the~~ County's computer system constitutes consent by the user to all of the terms and conditions of this policy. Questions concerning the use of the County networks and/or systems and the improper use of the systems should be directed to Cherry County Clerk's Office.

### Email Policy

The purpose of this policy is to ensure the proper use of the County's email system and make the users (as defined below) aware of what the County deems as acceptable and unacceptable use of its email system. ~~This policy also provides for sanctions in cases of breach of violation of the policy terms.~~

This policy applies to the use of the County's email services by the users at the County's offices, as well as remote locations, including, but not limited to, the user's homes, airports, hotels, and other offices. All County employees, full-time or part-time, contractors, interns, consultants, clients, and other third parties who have been granted the right to use the County's email services are defined as the users for the purpose of this policy and any use of the system is implied agreement to understanding and acceptance of this policy.

All email accounts maintained on the County's email systems are property of the County. The County has the right to read and keep a record of any emails that users transmit via the County's email system. The County allows email access for business purposes and allows the reasonable use of email for personal use. Email users may use the County's email system for personal use only in accordance with this policy, including:-

- Personal use of email should not interfere with work.
- Personal emails must also adhere to the guidelines in this policy.
- Personal emails are to be kept in a separate folder, named "Private." The emails in this folder should be deleted often so as not to clog up the system.
- The forwarding of chain letters, junk mail, jokes, and executable files is strictly forbidden.

Without the express permission of their supervisors, employees may not send unsolicited email to any persons with whom they do not have a prior relationship. ~~The County email policy includes but is not limited to the following policies and guidelines contained herein.~~ There should be no expectation of privacy regarding any email on the County systems. ~~Some personal email usage guidelines are provided here:~~

- ~~Personal use of email should not interfere with work.~~
- ~~Personal emails must also adhere to the guidelines in this policy.~~



- ~~Personal emails are to be kept in a separate folder, named "Private." The emails in this folder should be deleted often so as not to clog up the system.~~
- ~~The forwarding of chain letters, junk mail, jokes, and executable files is strictly forbidden.~~

The following acts shall constitute unacceptable use of the email system of the County:

- Use of the County's communications systems for a personal business or to send chain letters.
- Forwarding of the County's confidential messages to external locations.
- Distributing, disseminating, or storing images, text or materials that might be considered indecent, pornographic, obscene, or illegal.
- Distributing, disseminating, or storing images, text, or materials that might be considered discriminatory, offensive, or abusive, in that the context is a personal attack, sexist, racist, or might be considered as harassment.
- Breaking into any County or another organization's email account or system; or unauthorized use of a password/mailbox. If a mailbox is not yours, do not use it.
- Broadcasting personal views on social, political, religious or other non-business-related matters.
- Using email to operate another business, conduct a job search, or solicit money for any reason.
- Transmitting unsolicited commercial or advertising material.
- Undertaking deliberate activities that waste staff effort or resources.
- Introducing any form of computer virus or malware into any County computer or system.

Email is a business communication tool, and the users are obligated to use this tool in a responsible, effective, and lawful manner. Although ~~by its nature~~ email seems to be less formal than other written communication, similar laws apply. Therefore, it is important that users are aware of the following legal risks of email. Both the user and the County can be held liable for:

- sending emails with any libelous, defamatory, offensive, ~~racist~~discriminatory, or obscene remarks;
- forwarding emails with any libelous, defamatory, offensive, ~~racist~~discriminatory or, obscene remarks;
- unlawfully forwarding confidential information of others;
- copyright infringement for unlawfully forwarding or copying messages without permission; and sending an attachment that contains a virus.

The above list does not enumerate all the legal risks involved. However, by following the guidelines provided in this policy, the users can minimize the legal risks involved in the use of email. If any user disregards the rules set out in this email policy, the County can take corrective action, up to and including discharge.

The County considers email an important means of communication and recognizes the importance of appropriate email content, prompt replies in conveying a professional image, and delivering good service. Therefore, the County institutes the following guidelines for users to adhere to.

Provided are some guidelines for writing emails while representing the County:

- Emails should always be professional in manner and clean in format and content.
- All email messages sent on County equipment should be professional and appropriate.
- Write well-structured emails and use short, descriptive subjects.

- The County's email style is informal. This means that sentences can be short and to the point.
- However, the use of Internet abbreviations and characters (such as "smileys") is not encouraged.
- Signatures must include your name, job title and County name. The County disclaimer is required to be added underneath your signature (see disclaimer on next page).
- Use spell check before you send out an email.
- Do not send unnecessary attachments. Compress larger attachments before sending them.
- Do not write emails in capitals.
- If you forward an email, state clearly what action you would like the recipient to take.
- Only send emails of which the content could be displayed on a public notice board. If they cannot be displayed publicly in their current state, consider rephrasing the email, using other means of communication, or protecting information by using a password.
- Only mark emails as important if they really are important.
- Emails that require a reply should be answered as soon as possible.
- Prioritize emails appropriately.
- When replying to an email, use the same standards as used in writing emails.

Subscribe to a newsletter or newsgroup only if it directly relates to the nature of your job. Unsubscribe from any newsletter or newsgroup that is not directly related to the nature of your duties.

Email passwords should not be given to other people and should be changed periodically. Inactive and unused email accounts will be deleted on a regular basis. Users should delete unneeded messages and the email client should be set to automatically empty your deleted items on closing. Email messages are written business records and are subject to the County's rules and policies relating to retaining and deleting business records.

Avoid sending any confidential information by email. Unless authorized to do so, users are prohibited from using email to transmit confidential information to outside parties. Users may not access, send, receive, solicit, print, copy, or reply to confidential or proprietary information about the County, its employees, clients, and other business associates. ~~Avoid sending information that reveals passwords, is not public record, or could embarrass the County. Not all County information is public record, especially personal information and health information. Remember that emails sent/received may be subject to disclosure through public records requests.~~

The following disclaimer is required to be added to each outgoing email at the end of your email signature:

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Cherry County. The recipient should check this email and any attachments for the presence of viruses. Cherry County accepts no liability for any damage caused by any virus transmitted via email.

Email messages created and transmitted via the County's email system are the property of the County. The County reserves the right to monitor all email transmitted via the County's email system. Employees have no reasonable expectation of privacy when it comes to business and/or personal use of the County's email system.

If an employee is found to violate any of this email policy, the County could take disciplinary action, up to and including discharge. The actual penalty applied will depend on factors such as the seriousness of the breach,

the employee's disciplinary record, and any other factors the County deems necessary to consider. If an employee witnesses email policy abuse, he/she is required to report the incident immediately to Cherry County Clerk's Office. If you have any questions or comments about this email policy, please contact Cherry County Clerk's Office. If you do not have any questions, the County presumes that you understand and are aware of the rules and guidelines in this email policy and will adhere to them.

### Telephone Policy

Any County telephone (land line, fax line, or cell phone) should ~~never-not~~ be used for any purpose that violates any County policy. Telephones, including cell phones, smart phones, or any other phone-based PDA, are now a very important business communication tool and users are obligated to use this tool in a responsible, effective, and lawful manner.

Personal cell phones being used for personal calls, texting, and/or Internet use should be used sparingly in the workplace. Office phone lines should not be tied up with excessive personal phone calls.

Any cell phone, personal or business, should ~~never-not~~ be used in such a way to create an unsafe work situation (e.g., at construction or work sites, in or near heavy machinery, etc.). Further, the County requires the use of a hands-free device while an employee is driving and using cell phone, whether personal or County-issued, when driving on County-related business (in a County vehicle or otherwise). Texting, emailing, Internet usage, or any other activity that diverts attention from your responsibilities of driving safely is prohibited at all times while driving on County-related business (in a County vehicle or otherwise). Distracted driving is extremely unsafe and unacceptable. Any employee who breaches this policy is subject to immediate discharge.

County-owned cell phones are specifically meant for business use only. Some personal use is expected and accepted, as long as the use is responsible, legal, and additional charges are not incurred. County-owned cell phones are to be protected by the employee and returned when employment ends.

Like other technology policies, there should be no expectation of privacy. County phones are the exclusive property of the County. No individual should have any expectation of privacy in any communication over County telephone systems or cell phones. The County reserves the right to monitor and review usage, monthly charges, phone storage, inserted cards, and the phone equipment itself.

### Social Media Policy

The County knows that online social platforms, including blogs, wikis, message boards, video and photo sharing websites, and social networking services, are constantly transforming the way we interact. We also recognize the importance of the Internet in shaping the public view of our County. The County is committed to supporting your right to interact responsibly and knowledgeably on the Internet through blogging and interaction in social media. We want our employees to share and learn from others in order to build a valuable online community. The purpose of these guidelines is two-fold. First, the County has an aim to protect its interests, including, but not limited to, the privacy of our employees and all confidential matters. Second, these guidelines will help you make respectful and appropriate decisions about your work-related interactions with people on the Internet.

Your personal online activity is your business. However, any activity in or outside of work that affects your performance, the performance of others at the County, or the County's interests are a proper focus for this

Social Media Policy. You must always assume that your ~~work-related~~ social media activity is visible to the County as well as current and potential employees, clients, partners, and vendors. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including discharge. The County reserves the right to direct its employees to avoid certain subjects and remove inappropriate comments and posts.

You are not authorized to speak on behalf of the County without express permission from management in the applicable department. If you are granted permission to discuss the County, our current and potential business, activities, employees, partners, or vendors, please follow these guidelines:

- Honor the privacy rights of our current staff members and partners by seeking their permission before writing about or displaying internal County information that could be considered a breach of their privacy and confidentiality.
- Ensure that your social networking conduct is consistent with all policies contained in the County's Employee Handbook.
- Respect the law, including those laws governing defamation, discrimination, harassment, copyright, and fair use.
- Identify yourself. Include your name, and when appropriate, state your role or title within the County.
- Use a disclaimer that the views you express on the particular website are yours alone and do not represent the views of the County.
- Support any statements made online with factual evidence.
- Let your supervisor know about the content you plan to publish. Your supervisor may want to visit the website to understand your point of view.

You may not share information that is confidential. Not all County information is public record. Examples of confidential information may include information related to pending criminal investigations in the Sheriff's Department and potential prosecution by the County Attorney's Office.

Any County logo or markings may not be used without explicit permission in writing from the County. This is to prevent the appearance that you speak for or officially represent the County.

Use common sense and follow the rules of the social media sites you use. You should always speak respectfully ~~about the County and our~~ regarding current and potential employees, clients, partners, and vendors. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex/gender (including pregnancy, childbirth, or related medical condition), disability, religion, age, gender identity, transgender status, sexual orientation, or any other status protected by law.

Write knowledgeably, accurately, and with appropriate professionalism. Despite disclaimers, your web interaction can result in members of the public forming opinions about the County and its employees, partners, and interests.

~~Refrain from publishing anything that could reflect negatively on the County's reputation or otherwise embarrass the County, including posts about drug or alcohol use or abuse, profanity, off-color or sexual~~

~~humor, and other inappropriate conduct. Do not use ethnic slurs, personal insults, obscenity, or engage in any other such conduct that would not be acceptable in the County's workplace. Please also show respect for all topics that may be considered objectionable or inflammatory.~~

All media inquiries for information about our County and our current and potential projects, employees, partners, clients, and vendors should be referred to the Cherry County Clerk's Office.

The County complies with all federal and state laws that apply to our operations and activities. Since you are involved in the County's operations and activities, you are responsible for understanding and observing these policies. Note that the breach of privacy and confidentiality, use of copyrighted materials, unfounded or derogatory statements, or misrepresentation may be considered illegal and is not accepted by the County. Each employee at the County is personally responsible, and may be legally liable, for the content he/she publishes online. ~~You can be sued for not disclosing your relationship to the County or for purposely spreading false information. You can also be sued by other County employees and any individual that views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous, or creating a hostile work environment.~~ In addition to any legal action, your activity can result in disciplinary action, up to and including discharge.

If you have any questions, please ask the Cherry County Clerk's Office or the Cherry County Attorney's Office for guidance and referral on compliance with the laws.

#### Harassment-Free Workplace Policy Statement

The County is committed to providing an environment for our employees, officers, volunteers, and all persons served by the County ("Covered Persons") that is comfortable, safe and free from harassment of any kind. Any type of harassment is a violation of this policy, is grounds for immediate discharge, and may be illegal.

Harassment is unlawful when it: (1) is based on age, race, color, sex/gender, religion, national origin, disability, pregnancy, genetic information, gender identity, transgender status, sexual orientation, or any other characteristics protected by law; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Harassment does not have to be sexual in nature. Harassment can take many forms. It may be, but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Sexual harassment may include unwelcome sexual advances; requests for sexual favors; or other verbal or physical contact of a sexual nature ~~when such conduct creates an intimidating environment or prevents an individual from effectively performing the duties of his/her position, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.~~ It is not the intent of the behavior by the offender that determines if harassment has occurred but whether the behavior is welcome by the receiver.

All County employees are responsible for helping to keep our work environments free of harassment. If you become aware of an incident of harassment, whether by witnessing the incident or being told of it, you must report it, as soon as possible, to the Cherry County Clerk's Office or [Name Alternative Position]. When the County becomes aware of harassment, it is obligated by law to take prompt and appropriate action, ~~regardless of whether or not the victim wants the County to do so.~~ Any covered person, who believes that he/she has suffered harassment in violation of the Harassment Policy, should immediately report the claim to the Cherry County Clerk's Office.

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The County, including all persons to whom a violation of this Harassment Policy has been reported and persons who have become aware of a complaint, must maintain confidentiality, to the extent possible given the need to investigate. All complaints shall be considered confidential to the maximum extent possible. The County and County employees may not retaliate against any victim or anyone who reports a violation of this Harassment Policy. Any person who believes that he/she has been retaliated against should consult the Cherry County Clerk's Office or the Cherry County Attorney's Office.

#### **Reasonable Accommodations**

The County will make reasonable accommodations to individuals with disabilities, bona fide religious beliefs, or limitations related to pregnancy, childbirth, or related medical conditions to the extent required by law, unless undue hardship to the County would result. If any applicant or employee believes in good faith that he/she needs a reasonable accommodation, he/she must contact the County Clerk and request an accommodation. Requests for accommodations are not to be made to any supervisor. If any supervisor receives what he/she believes may be a request for an accommodation, he/she should contact or refer the employee to the County Clerk.

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The County is committed to participating in an interactive accommodation process with the employee. An individual who requests a reasonable accommodation will normally be required to meet with the County Clerk to discuss the need for accommodation and to complete a written request for accommodation. The written request for accommodation will include information regarding the nature of the employee's limitation or religious belief, how it affects the employee's ability to perform all essential job duties or access to benefits, the employee's suggestions for reasonable accommodation, and other relevant information. For example, the County may require information regarding medical treatment of a disability or impairment and information regarding the health care provider who has provided such treatment. The County may also contact the individual's health care provider or other third parties (such as rehabilitation counselors) to verify the existence of the disability or impairment, obtain relevant medical information and/or records, and suggestions for accommodation.

Requests for accommodation will be processed as quickly as reasonably practicable under the circumstances. Any individual who requests an accommodation is required to fully cooperate in the process, including providing relevant information and providing any required HIPAA consent in order for the County to contact and obtain information from the employee's health care provider. If the individual fails or refuses to provide any needed HIPAA consent, the County will terminate its processing of the individual's request for accommodation. If the individual is an employee, he/she will be expected to fully perform all essential functions of his/her job without accommodation and may be subject to disciplinary or performance-related actions, up to and including discharge, if he/she is unable to perform all essential functions of the job. If the individual is an applicant, his or her application for employment will be withdrawn from consideration.

While a request for accommodation is being processed, an employee may be placed on paid or unpaid leave of absence, assigned to a different job, or provided with light or modified duty, as determined by the County. An employee's base rate of pay will not normally be changed while the employee's request for accommodation is being processed.

Although it is not possible to make a comprehensive list of all possible accommodations that might be reasonable, the following are among the accommodations that might be reasonable (depending on the circumstances): modifications to the job application process, modifications to the work environment,

modifications to the methods by which a job is performed, providing special equipment or devices to perform a job, reassignment to an open job for which an employee is qualified and for which the employee can perform the essential job duties, providing a part-time or modified work schedule, modifying training methods and/or materials, providing readers or interpreters, and/or placing an employee on short-term leave of absence.

Employees should understand that not all possible accommodations are reasonable in nature. For example, the County is not required to lower its performance or behavior standards, eliminate essential job duties, bump another employee from a job, maintain an employee's compensation rate, or permit unscheduled (or erratic, unpredictable, intermittent) or excessive absenteeism or tardiness as a reasonable accommodation. In addition, working from home, obtaining regular assistance from another employee to perform essential job duties, and eliminating certain duties in a job rotation are generally not reasonable accommodations except in extraordinary circumstances. The ability of an employee to perform essential duties with the use of mitigating measures or devices (such as medication or special equipment) may be taken into account if determining whether an accommodation is needed or reasonable. For example, if an employee can control an impairment with medication or assistive devices and thereby perform essential job duties, no reasonable accommodation would normally be needed or reasonable.

The County will determine if a reasonable accommodation is available. If more than one reasonable accommodation is available, the County may take into account the employee's preference of accommodation, but the County has the right to make the final selection of the accommodation to offer to the employee. An employee has the right to refuse any accommodation that is offered by the County under this policy. However, the employee will be expected to fully perform all essential functions of the job without accommodation and may be subject to disciplinary and/or performance-related actions, up to and including discharge, if the employee is not able to perform all essential functions in a manner acceptable to the County and as expected from other employees who hold the same job.

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### Workplace Dating

The County believes that a work environment where employees maintain clear boundaries between employees' personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment. Due to the nature of the County work environments, this policy includes non-County employed coworkers, where applicable.

During work time and in work areas, employees are expected to conduct themselves in an appropriate manner that does not interfere with others or with productivity. At all times and in all areas, employees engaging in personal exchanges should observe appropriate workplace manners to avoid offending others or putting others in an uncomfortable position. At all times, working or not, employees are strictly prohibited from engaging in physical contact that would be deemed, in any way, inappropriate by a reasonable person while anywhere on County premises.

Employees who allow personal relationships with coworkers to adversely affect the work environment will be subject to the appropriate provisions of the County disciplinary policy. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to the principle, however, is romantic or sexual relationships between supervisors and subordinates. Any County supervisor, manager, foreman, appointed or elected official, or any

other employee in a sensitive or influential position must disclose the existence of a romantic or sexual relationship with another coworker. Disclosure may be made to the immediate supervisor or to the Cherry County Clerk's Office. This disclosure will enable the County to determine whether a conflict of interest exists. The initial solution to such a relationship is to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other (e.g., hiring, firing, promotions, performance management, compensation decisions, and financial transactions). If reallocation of duties is not possible, a transfer will be considered. If parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.

Failure to cooperate with the County to resolve a conflict or problem caused by a romantic or sexual relationship between coworkers or among authority figures in a mutually agreeable fashion may be deemed as insubordination and cause for immediate discharge. The County discipline policy will be followed to ensure fairness and consistency before extreme measures are undertaken. ~~The provisions of this policy apply regardless of the sexual orientation of the parties involved.~~

#### Reimbursement Policy

The Cherry County Board of Commissioners (Board) meets twice monthly and approves all claims (e.g., invoices and bills) to be paid by the County. Board meetings are held on the second and last Tuesday of each month. All departments must have all of their claims turned into the Cherry County Clerk's Office no later than the Wednesday preceding the meeting. The last Tuesday's meeting is dedicated to payroll and claims related to payroll. Clock cards (timecards/sheets) are considered claims. Meeting dates are subject to change for special circumstances, emergencies, and/or holidays.

~~Vendors do not need to be preapproved but must be willing to complete a form W-9, Request for Taxpayer ID Number and Certification.~~

Mileage reimbursement is repaid at the current rate set by the IRS. Receipts are not required for mileage reimbursement, but an explanation of travel should be listed on the claim for with the amount requested. The explanation should be short and include the reason for travel, dates of travel, to and from points, and total number of miles driven.

More specific policies may exist and may differ by department. Be sure to check with your supervisor to verify what is allowed for reimbursement and what is not. All reimbursements are subject to review of the statement, sales receipt, or invoice, which is required to be attached to the claim sheet. All reimbursements need to be coded with account numbers and approved by the appropriate person who is responsible for the budget of the department being charged. Credit Card statements alone are insufficient claims. All credit card claims must have either the statement or an invoice or preferably both. See Addendum #4 for the Travel Reimbursement Policy.

#### How Your Job Is Classified

~~Exempt status is determined by federal and state law. In general, exempt employees are those engaged in executive, managerial, high level administrative, and professional jobs that are paid a fixed salary and perform certain duties. In addition, certain commissioned sales employees and highly paid computer professionals are exempt. Exempt employees are not subject to the minimum wage and overtime laws. Exempt employees are also referred to as "salaried."~~

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~~All employees who are covered by the federal or state minimum wage and overtime laws are considered nonexempt. Employees working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and a premium for overtime. Nonexempt employees are also referred to as "hourly" or "non-salaried."~~

Regular, full-time employees are scheduled for more than 30 hours per week. If an employee's hours drop below [Number] for [Number] consecutive pay periods, he or she will be reclassified as a part-time employee.

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Regular, part-time employees are regularly scheduled to work less than 30 hours per week.

Temporary employees are hired for a limited period of time and/or for a specific project. Temporary employees may, however, be terminated prior to completion of the project or designated time when the County deems termination to be in its best interests. These employees may be scheduled to work full or part-time and are not eligible for any benefits, except those required by law. These employees may be paid via claim from either the payroll system or accounts payable system and will be issued either a W-2 or a 1099 tax form at the end of the calendar year.

In addition to the above classifications, you will be classified as either nonexempt or exempt. Exempt status is determined by federal and state law. In general, exempt employees are those engaged in executive, high level administrative, and professional jobs that are paid a fixed salary and perform certain duties. Exempt employees are not subject to the minimum wage and overtime laws. Deductions from salary for time off work will only be made when allowed by applicable state or federal law. Any exempt employee who believes that improper salary deductions have been made should immediately contact the County Clerk. If an error is brought to our attention, we will promptly investigate and, if appropriate, take corrective action.

All employees who are covered by the federal or state minimum wage and overtime laws are considered nonexempt. Employees working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and a premium for overtime.

Each employee will be advised of his or her status at the time of hire and any change in status. If you have any questions about your work classification, please ask your department head.

Regardless of the employee's status, the employee is employed at will and the employment relationship can be terminated by the County or the employee at any time.

The County abides by all Federal and State reporting laws, regulations, and procedures.

## Hours and Payroll Practices

The County's paydays are the last business day of each month. All employees are paid by check or direct deposit on the above-mentioned payday. The County is required by federal law to make certain deductions from your wages. Such deductions include Social Security taxes, as well as federal, state, and any local

withholding taxes. Additionally, all voluntary deductions authorized in writing will be made as directed by the employee. Voluntary deductions may include the employee's share of the insurance premium.

If you have any questions about your paycheck or believe a mistake has been made on your paycheck (underpayment or overpayment), tell the County Clerk immediately. We want you to receive everything you have earned.

Each nonexempt employee ~~may be~~ provided a personal clock card. This "clock card" may be in the form of a physical timecard, electronic software-based timecard system, or other County approved time tracking method. Clock cards are also referred to as timesheets or timecards. If you are an hourly employee, your clock card is your record of employment from which your pay is computed. ~~To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable), it is necessary for each employee to~~ must "clock in" at the start of work and "clock out" when he/she leaves. No employee is permitted to work "off the clock," that is, work without recording the hours worked. No supervisor is permitted to ask any employee to work off the clock.

In the event that an employee fails to "clock in" or "clock out," a supervisor's approval and signature must be received prior to the submission to Payroll. Repeated failure to accurately log hours may result in disciplinary action. If any employee fails to submit a time log, as required, that employee's pay may be delayed.

#### **Overtime**

Employees who are deemed nonexempt under the Fair Labor Standards Act (FLSA) and who work in excess of forty (40) hours per week will receive overtime pay or compensatory time at a rate of time and one-half (1 ½) for all hours worked over forty (40) in a work week. Certain jobs, primarily law enforcement, may be subject to different overtime calculation rules. If so, they will be notified by their department head of any special overtime rules.

~~Situations frequently arise which require overtime work.~~ In order to meet requirements and for efficient utilization of equipment, overtime work may be essential. In such cases, your supervisor will give you as much advance notice as possible. We will cooperate in every case with you in attempting to accommodate your abilities and preferences regarding overtime work. However, we reserve the right to require that any such work be performed. ~~Overtime will not be paid until more than forty (40) hours has accrued during the particular week.~~

For the purpose of computing overtime, the work week will commence at 12:01 a.m. Saturday and end at 12:00 midnight on Friday. Days off (with or without pay), such as vacation, sick leave, and holidays, will not be included in the accumulation of hours worked for purposes of computing overtime.

Adjustments may be made to an employee's hours in an effort to maintain the hours worked by an employee at or below forty (40) hours in a week. Such adjustments must be made prior to the time that an employee works over forty (40) hours in a week. Once an employee has worked over forty (40) hours, payment for time in excess of forty (40) hours must be at time and one-half (1 ½) or given in compensatory time at time and one-half (1 ½). The department head and the employee shall agree to the method in which payment is to be made prior to working the overtime hours.

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Authorization to work overtime must be obtained from the employee's immediate supervisor prior to working overtime hours. Failure to obtain this authorization before working overtime may subject the employee to

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disciplinary action. Employees working more than forty (40) hours per week must be credited overtime during the week in which it was earned and paid for it during the same pay period, if possible, or no later than the subsequent pay period, except in cases where compensatory time has been previously agreed upon in lieu of overtime payment.

#### **Wage and Performance Review**

At least once a year, your immediate supervisor should conduct a formal performance evaluation. The evaluation will consist of a review of performance, attitude, attendance, progress, and ability. The information required to review your job performance is collected continuously by your supervisor and other management personnel. Evaluations will weigh heavily in determining promotions and merit pay increases. An employee may at any time, take the opportunity to ask questions, make suggestions, or discuss any matters relating to his/her job or the County in regard to this evaluation. Evaluation dates vary by department.

#### **Promotion**

It is the County's policy to promote employees from within the County, ~~insofar as possible~~when appropriate, to all jobs in which vacancies arise. Factors considered in making promotions are employee knowledge, training, skill, efficiency, compatibility with fellow employees, and the ability to perform the job which is available, with due consideration of the employee's length of continuous service with the County.

#### **Layoff**

There may be a time when there is a need to reduce the County's ~~work force~~workforce. It is the County's policy to transfer employees, when possible, to ~~and maintain continuity in the event of a reduction in the work force~~. The County will retain those employees who, in management's judgment and discretion, have shown the greatest ability for the jobs available. In the event that two or more employees are judged to be equal in ability for the jobs available, the greater length of continuous service shall govern retention.

The names of regular employees who have been laid off will be placed on a layoff list maintained by the department head, and such employees will have priority for re-employment for a period of sixty (60) days. Thereafter, such employees' employment with the County will be terminated and they will need to reapply with the County.

## Benefits Offered by the County

Cherry County is proud of the excellent benefit package it offers to you. The County adds substantially to your compensation by offering these benefits!

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This section of our handbook is meant to highlight some features of our benefit programs. Our group health, and any related programs, are described more fully in Summary Plan Description booklets, which are provided to you once you are eligible to participate in these programs.

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In the event of any contradiction between the information appearing in this handbook, our Summary Plan Description booklet, and the information that appears in the master contract/document, the master contract/document will govern.

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We reserve the right to amend or terminate any of these programs or to require increases in employee premium contributions toward any benefits, at our discretion.

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### Group Health Insurance

All ~~permanent~~ full-time employees are eligible for our Group Health Insurance Plan. ~~Provisions are made for some part-time employees on some insurance plans.~~ Specific benefits and plans are outlined in the pamphlet given to employees at the time of employment. Additional copies are available at the County Clerk's office. ~~For further information visit the Cherry County Clerk's Office.~~

**Medical/RX:** Currently, the County pays the premiums for eEmployee-only coverage is 100% paid by the County. Premiums and funding are 100% paid by the County for employee coverage. Premiums for family and dependent coverage are currently shared, with the employee being responsible for paying The employee premium for family or dependent coverage is \$100.00 per month for employee's each eligible dependent(s)s. This premium is paid through payroll deductions. Regular part-time employees may participate in the health insurance program at their own cost. All benefit plans are subject to change from time to time. The County pays the rest of the premium and 100% of the funding.

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**Dental:** The County will pay half the premium for either individual or family/dependent coverage.

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**Vision:** The County offers coverage through VSP. The premium is paid 100% by the employee through a payroll deduction. ~~\*(Updated July 2017)~~

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**Supplemental:** The County will pay the entire premium for the County-provided supplemental insurance. Other supplemental insurances may be available through payroll deductions as a benefit to employees. Contact the Cherry County Clerk's Office if you would like more information on additional supplemental insurance.

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~~At time of this publication, the County's Group Health Plan is offered through \*Blue Cross Blue Shield (Medical/RX), Ameritas (Dental), VSP (Vision), Colonial (Supplemental), and Aflac (Supplemental). Consult the County's group insurance benefits booklets or the insurance carrier websites for complete details and benefits. Novo Benefits is currently the County liaison/broker for the County Group Health Plan. Benefits are subject to update or change at any time. The County abides by all Federal and State reporting laws, regulations, and procedures. \*(Updated July 2022)~~

~~Group Life Insurance: The County does not currently offer Group Life Insurance benefits.~~

#### **Workers' Compensation Insurance**

~~Employees may be eligible for workers' compensation benefits if injured on the job or if they contract an employment-related disease. Employees are not eligible for workers' compensation benefits if they were willfully negligent at the time of injury, intoxicated, or otherwise ineligible under applicable law.~~

~~The County does offer Workers' Compensation Insurance benefits. If you are injured on the job contact your Employee must report all work-related injuries to their supervisor immediately to report the incident upon notice of injury to obtain proper medical treatment and to complete the required forms. Upon reporting, you will receive medical treatment and will receive information on how to proceed. The appropriate paperwork must be completed in order for claims to be processed by the insurance carrier. It is important to communicate with your supervisor about any Worker' Compensation claim you may have. Failure to timely report a work-related injury or illness within 24 hours may result in claim delay or denial.~~

~~An eligible employee unable to work due to a work-related injury will receive workers' compensation benefits in an amount determined by the workers' compensation laws in effect at the time of injury or disability. Medical expenses incurred in the treatment of a work-related injury or illness will be paid upon receipt of documented medical statements supporting the claim.~~

~~Other benefits available under workers' compensation are rehabilitation, total and partial disability allowances, and death benefits.~~

~~Employees with further questions may contact the Nebraska Intergovernmental Risk Management Association (NIRMA) office at (800) 642-6671.~~

#### **Retirement Plan**

~~The County participates in the Nebraska Public Employees Retirement Systems (NPERS), under the direction of the Public Employees Retirement Board (PERB). - Eligibility, contribution requirements, and retirement benefits available to County employees are described in a plan description handbook published by the Nebraska County Employees Retirement System. A copy of this handbook may be obtained from the County Clerk or online at <https://npers.ne.gov/SelfService/>. This plan is administered as defined under IRS § 414(d) and 29 USC § 1002(32) [i.e. ERISA § 3(32)]. NPERS is located in Lincoln, NE. Visit <http://npers.ne.gov> for more information and to create an online account. Refer to the most recent handbook provided by NPERS regarding membership.~~

## Funeral and Bereavement Leave ~~(Updated 1/10/2017)~~

Regular full-time employees are eligible for Funeral Leave with pay beginning their first full day of employment. Funeral Leave is to be taken for a maximum of 8 (eight) hours and for 1 (one) day per instance. Funeral Leave does not count toward hours worked for overtime.

Regular full-time employees are eligible for Bereavement Leave with pay beginning their first full day of employment. ~~It is Cherry~~The County ~~'s policy to provide~~s eligible employees with paid bereavement leave following the death of an immediate family member based on the schedule below. ~~An employee is allowed 3 (three) 8 (eight) hour days per occurrence.~~

~~An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee may, with his or her supervisor's approval, use any available vacation for additional time off as necessary. Bereavement pay is calculated based on the base pay rate at the time of absence.~~

~~Paid bereavement leave will be granted according to the following schedule:~~

- Employees are allowed up to 3 (three) consecutive days off from regularly scheduled duty with regular pay in the event of the death of the employee's spouse, child, parent, father/mother-in-law, son/daughter-in-law, sibling, stepfather/mother, stepbrother/sister, stepson/daughter. To be eligible for paid bereavement leave, the employee generally must attend the funeral of the deceased relative.
- Employees are allowed one day off from regular scheduled duty with regular pay in the event of death of the employee's brother/sister-in-law, aunt, uncle, grandparent, grandchild or spouse's grandparent. To be eligible for paid bereavement leave, the employee generally must attend the funeral of the deceased relative.
- Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow ~~regular~~ employee or retiree of the ~~company~~County, provided such absence from duty will not interfere with normal operations of the ~~company~~County.

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee may, with his or her supervisor's approval, use any available vacation for additional time off as necessary. Bereavement pay is calculated based on the base pay rate at the time of absence.

Cherry County's bereavement leave policy is intended to be administered in a respectful and flexible manner. The supervisor and the employee should agree on how much time is needed. The basis for the decision might include the employee's relationship to the deceased, travel distance, and his or her involvement in funeral arrangements. Supervisors have discretion in compelling circumstances to grant additional paid bereavement leave beyond the 3 (three) days. Paid time off and leave without pay are also options that may be used to extend bereavement leave beyond 3 (three) days.

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## Jury Duty, Voting, Subpoena, or Witness Leave

~~As per Nebraska Revised Statute § 25-1640, a~~Any employee who is requested to perform service as a juror shall be given time off while serving on the jury. No comp, vacation, or sick time will be applied. The juror fee of \$35 (amount subject to update at any time) will be deducted from pay unless otherwise proved that the employee did not receive the juror fee. A copy of the jury duty summons is required and needs to be submitted to the Payroll Department (Cherry County Clerk's Office), along with a report of any compensation received from the Court or State. ~~Jury Duty Pay is to be taken for a maximum of 8 (eight) hours per day. Jury Duty Pay does count~~ as hours worked for toward overtime purposes.

~~As Registered voters are encouraged to exercise their right to vote. If there is a two-hour block of time available for an employee to vote prior to or after scheduled work hours on election day, the employee must vote during that period. If there is not a two-hour block of time available, the County will permit such time off from work as may be necessary for the employee to have a two-hour block of time to vote, provided the employee requests such time off prior to the day of the election. per Nebraska Revised Statute § 32-922, employees who do not have 2 (two) consecutive hours when not required to be at work during polling hours are entitled to up to 2 (two) paid hours leave to vote. Pay cannot be deducted if the employee gives notice in advance of Election Day. The employer County will~~ can set the time for leave to vote.

Any employee who is subpoenaed or called as a witness in an official court hearing shall be granted unpaid time off. A copy of the subpoena or summons is required and needs to be submitted to the Payroll Department (Cherry County Clerk's Office). Comp or vacation time can be applied for the absence. In the case that an employee is to appear in a court on behalf of the County, the time off will be paid time off and no comp, vacation, or sick time hours will be applied. Employees appearing in court on behalf of the County will also be reimbursed for mileage at the current IRS appointed rate and for meals, lodging, and reasonable expenses incurred during the time of appearance.

## Leave of Absence

There may be times when it becomes necessary for you to request a ~~n unpaid~~ leave of absence. ~~The purpose of the leave of absence program is to protect your service record during periods when you are authorized to be absent from work.~~ Leaves of absence may include military leave, personal leave, and medical leave. Some personal leaves may qualify for protection under the Family Medical Leave Act (FMLA).

### Military Leave

~~All employees required to go into military service will be treated as though on a leave of absence in accordance with federal law. Nothing in this provision is intended to restrict any rights granted to employees under federal law. See also "Family Medical Leave Act."~~ All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve will be provided a leave of absence to perform voluntary or involuntary military duties. However, the amount of paid leave depends on how many hours an employee normally works or is normally scheduled to work in three consecutive weeks, as summarized below.

<u>Military members who work or are normally scheduled to work in three consecutive weeks:</u>	<u>Required Paid Military Leave</u>

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<u>159 hours or more and includes working 24-hour shifts</u>	<u>168 hours each calendar year</u>
<u>120 hours or more but less than 159 hours</u>	<u>120 hours each calendar year</u>
<u>less than 120 hours</u>	<u>Equal to the number of hours the military member normally works or is normally scheduled to work, whichever is greater, in 3 consecutive weeks</u>

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For example, employees who normally work or are normally scheduled to work one hundred twenty (120) hours or more but less than one hundred fifty-nine (159) hours in three (3) consecutive weeks will receive pay for up to one hundred twenty (120) hours of leave each year. Employees who normally work or are normally scheduled to work less than one-hundred twenty (120) hours in three (3) consecutive weeks will be paid for the number of hours they normally work or would normally be scheduled to work in three (3) consecutive weeks, whichever is greater. Any remaining leave is unpaid.

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In addition, employees who: (1) are either the spouse or the parent of an individual who is called to military service lasting 179 days or longer with the state or the United States pursuant to the orders of the Governor or the President; (2) have been employed by the County for at least 12 months; and (3) have worked at least 1250 hours in the preceding 12 months are eligible for Nebraska Family Military Leave Act leave. The County will provide eligible employees up to 30 days of unpaid military leave during the time state or federal deployment orders are in effect. Eligible employees must provide at least 14 days advance notice if they intend to take military leave for 5 or more consecutive workdays. Otherwise, eligible employees must provide as much advance notice as practicable. In addition, the County may require documentation verifying an employee's eligibility for leave.

The County will comply with all applicable state and federal laws regarding military leave.

#### **Personal Leave**

Personal Leave is for a specified period not to exceed 5 (five) days and may be granted only for unusual or extenuating personal or family reasons. You must submit to your supervisor a written request for personal leave which sets forth the reasons why a leave of absence is necessary. For a leave to be granted, the reason must be acceptable to management at its discretion. ~~Comp or vacation hours may be used for Personal Leave. Sick hours may not be used for Personal Leave.~~An employee may use available paid leave in accordance with those policies.

#### **Medical Leave**

Medical Leave is for a period not to exceed 5 (five) days and will be granted when an employee is ~~disabled from working~~unable to work for medical reasons. However, extensions of the leave period will be considered on a case-by-case basis.

To be granted Medical Leave, the employee must submit medical documentation of the need for leave. The medical documentation should include the length of time the employee is expected to need leave. Any employee returning from leave taken for medical reasons must provide the County with a release to return to work signed by the employee's doctor. The County reserves the right to obtain an opinion from a doctor of its choice as well.



~~you must submit a statement from your physician setting forth the nature and extent of the disability and the date of expected return to work. An employee may use available paid leave in accordance with those policies. Comp, vacation, or sick hours may be used for Medical Leave.~~

### Family Medical Leave Act

The Family Medical Leave Act (FMLA) provides ~~certain-eligible~~ employees with ~~up to 12 weeks of~~ unpaid, job-protected leave ~~per year in certain circumstances~~. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take ~~reasonable~~ unpaid leave for certain family and medical reasons, ~~including:~~ ~~It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.~~

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees within 75 miles. ~~As one of these employers, the County must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:~~

- ~~• The birth of a son or daughter and in order to care for that son or daughter (leave to be completed within one year of the child's birth);~~
- ~~• The placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);~~
- ~~• To care for a spouse, son, daughter, or parent with a serious health condition;~~
- ~~• To care for your own serious health condition, which renders you unable to perform any of the essential functions of your position;~~
- ~~• To address certain qualifying exigencies related to a covered family member's (the employee's spouse, son, daughter, or parent) active duty or call to active-duty status in a foreign country (and if the family member is in the National Guard or Reserves and is on or called to active duty in a foreign country, the duty must also be in support of a contingency operation); and/or~~
- ~~• To care for a covered military servicemember (if the employee is the spouse, parent, son, daughter, or next of kin of said servicemember) who: (a) is a current member or veteran of the military (Armed Forces, National Guard, or Reserves); (b) incurred a serious injury or illness (or aggravation of a pre-existing injury or illness) in the line of duty on active duty that renders the servicemember medically unfit to perform his or her duties or manifests itself within five years after the individual becomes a veteran; and (c) is undergoing medical treatment, recuperation or therapy while in the military or within five years after becoming a veteran, or is in out-patient status while in the military, or is on the military's temporary disability retired list.~~
- ~~• the birth and care of the newborn child of an employee;~~
- ~~• the placement with the employee of a child for adoption or foster care;~~
- ~~• to care for an immediate family member (spouse, child, or parent) with a serious health condition; or~~
- ~~• when the employee is unable to work because of a serious health condition.~~

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Employee Eligibility: Employees are eligible for leave if they have worked for ~~their employer~~the County at least 12 months, have worked at least 1,250 hours over the past 12 months, and work at a location where the County employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to Fair Labor Standards Act (FLSA) principles for determining compensable hours of work.

Amount of Leave: Eligible employees are entitled to a maximum of 12 weeks of unpaid FMLA leave during a rolling 12-month period, measured backwards from each date that leave is used. If the leave is to care for a covered military servicemember who incurred a serious injury/illness in the line of duty on active duty, an eligible employee is entitled to a maximum of 26 weeks of unpaid leave for such purpose during a single rolling forward 12-month period. During that single 12-month period, FMLA leave taken for other reasons is also counted, and an employee may not exceed the 26-week maximum for all FMLA leave taken regardless of the reason.

Use of Leave: An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Time Off Benefits for Unpaid Leave: Employees are required to use paid time off benefits while on FMLA leave (such as vacation, compensatory time off, and sick days). Vacation and sick days will not continue to accrue if an employee is on unpaid leave of absence for an entire calendar month. If an employee is on unpaid leave for part of a calendar month, the amount of sick leave normally awarded for that month will be pro-rated based on the amount of the employee's paid time (both work time and paid leave time) that month. Accruals will be restored upon return to work from FMLA leave.

Employee Notice of Need for Leave and Other Responsibilities: If the need for leave is foreseeable, an employee must provide 30 days advance notice if practicable. If not practicable to give at least 30 days advance notice of the need for foreseeable leave, then the employee must give as much notice as reasonably possible. This normally means providing notice on the same day as or next business day after the employee learns of the need for leave. Notice of the need for foreseeable leave is to be given to your department head.

If the need for leave is unforeseeable, an employee must provide as much notice as practicable. This means the employee must comply with the County's absence notification and call-in procedures in the County's attendance policy.

When notifying the County of the need for FMLA leave or an FMLA absence, an employee must provide sufficient information for the County to determine if the leave might qualify as FMLA leave or an FMLA absence. The employee must also provide the anticipated timing and duration of the leave or absence. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Calling in "ill" or "sick" is not enough. Employees also must inform an employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. If so, the employee must specifically mention the "FMLA" or state the specific qualifying reason FMLA leave or the absence is needed.

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Certification of Need for Leave: If an employee is requesting leave because of his/her own or a covered relative's serious health condition, the employee may be required to provide a certification and periodic recertification supporting the need for leave. When requesting leave, the County will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days' notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

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The County, at its expense, may require an examination by a second health care provider designated by the County. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The County may require subsequent medical recertification. Failure to provide requested certification within 15 days, when practicable, may result in delay of further leave until it is provided.

The County also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

Employer Notices and Other Responsibilities: If an employee requests FMLA leave, the County will notify the employee whether he/she is eligible for such leave the first time during the County's FMLA leave year that the employee requests leave for that particular reason or that specific medical condition. If the employee is eligible, the notice will specify any additional information required (such as a certification of a health care provider) as well as the employee's rights and responsibilities. If the employee is not eligible, the notice will provide a reason for the ineligibility.

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Once the County has received a complete and sufficient certification (if one is required), the employee will receive a designation notice. The notice will either designate the leave as FMLA-protected leave and the amount of leave counted against the employee's FMLA leave entitlement (if it can be calculated), or will advise the employee that the leave is not FMLA-protected.

Benefits and Protections While on Leave: While on FMLA leave, the County will maintain the employee's health coverage under the County's group health plan on the same terms as if the employee had continued to work. If paid leave is substituted for unpaid FMLA leave, the County will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium to the County Clerk's Office. If writing a check, please make it payable to the County.

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Permissible and Prohibited Activities While on Leave: As a general rule, an employee who is on an approved leave of absence is expected to engage in only those activities that are necessary for, consistent with, and appropriate for the purpose of the leave, and the employee is not permitted to engage in any other activities. An employee is also prohibited from working elsewhere or engaging in self-employment while on leave (including working any additional job the employee was working while also working for the County prior to taking leave), without the County's advance written consent.

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Return to Work: If an employee was on leave for his/her own serious health condition, he/she must provide a fitness-for-duty certification upon return to work (except in the case of intermittent leave). Upon return from FMLA leave, an employee will normally be restored to his/her original or an equivalent position with equivalent pay, benefits, and other employment terms.

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~~Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave. Other intermittent FMLA leave options are also available. More information can be provided by your supervisor or the Cherry County Clerk's Office.~~

~~A final rule effective on January 16, 2009, updates the FMLA regulations to implement new military family leave entitlements enacted under the National Defense Authorization Act for FY 2008.~~

~~Comp, vacation, or sick hours may be used for FMLA Leave. An employee on FMLA leave is responsible for paying their portion of any medical, dental, or other premiums. Deductions will be made to any paychecks/direct deposits. If no paycheck/direct deposit is generated, or the paycheck/direct deposit is not sufficient, the employee is responsible for making their premium payments to the Cherry County Clerk's Office. The Cherry County Clerk's Office (Payroll) will inform the employee of the amount due.~~

## Holidays

Regularly scheduled paid holidays are granted to all regular, full-time employees each year, immediately upon employment. Paid holidays include:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Arbor Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Independence Day	Christmas Day

An employee will receive holiday pay provided he/she works the full scheduled days before and after the holiday (unless otherwise scheduled, in advance, to be out). Employees who are out for excessive time during holiday weeks may not be paid for the holidays.

If a holiday falls on a Saturday, it is observed on the preceding Friday. If a holiday falls on a Sunday, it is observed on the following Monday.

Holiday pay will be the employee's straight-time rate multiplied by the number of hours usually worked in a day.

~~Holiday pay is based on a 40 hour work week.~~ Employees scheduled to work on a holiday will be paid a premium for working on the holiday (e.g., time and a half or double time). For Justice Center employees, holiday pay is paid for the entire shift beginning or ending during the 24-hour period from midnight to midnight on the holiday. ~~(Amended 4/14/2020)~~ Holiday premium pay varies by department, be sure to check with your supervisor for departmental rules and policies.

~~All full-time employees will be paid for 8 (eight) hours of holiday.~~ Hours actually worked on a holiday will count towards overtime. ~~All overtime laws still apply. Only hours worked count into additional overtime for the week.~~

Only the holidays listed are paid holidays. In the event of the proclamation of additional government closings, it is at the discretion of the appropriate department head how closures will be handled (paid for). ~~In general, hourly employees and employees working in 24-hour positions will only be paid for the official paid holidays.~~ Vacation or comp time can be applied to the closure day if the department head chooses not to pay for the closure dates.

An exempt employee will not receive any additional compensation for holidays. Rather, they will receive the same salary for the week in which the holiday occurs that they would have received for the week had there been no holiday.

### Sick, Vacation, and Comp Time

Full-time employees are eligible to receive sick and vacation time benefits. ~~All benefit hours are based on a 40-hour work week with the Fair Labor Standards Act (FLSA) in mind.~~

Usage and balances are tracked by Payroll and may also be tracked by supervisors. Payroll records are the official record of the County and supersede any other record. Some departments may have additional waiting periods, rules of use, procedures for requests, or other regulations that are not contained in this handbook. Check with your supervisor or department designee head for full explanation of your departmental policies regarding ~~leave time hours~~ paid leave and be sure you fully understand them. Department heads are required to report all leave hours to Payroll, regardless of status. Federal and State laws always prevail over any other policy or statement, verbal, written, or implied.

Sick Time: Sick time is to be applied on occasions of employee illness or the illness of an immediate relative (e.g., spouse or child). Sick time can be used for doctor appointments and for other medical reasons.

If more than 3 (three) consecutive sick days are used, a ~~return-to-work~~ return-to-work certification may be required. For a lesser period of absence, the department head may, at his or her discretion, require evidence of illness from a physician.

~~Sick pay is based on a 40-hour work week and does not count toward overtime.~~ Sick pay must be taken in whole hour increments. Sick pay is based on your regular rate of pay.

~~No sick time will be paid upon termination of employment.~~ Sick time can accumulate from year to year (i.e., carry over), ~~to a limit of up to a maximum of~~ 480 hours (12 weeks). All employees are granted 40 hours of sick time annually. There is a 90 day (3 month) waiting period for use of sick time. Overuse or negative balances are not allowed. No sick time will be paid upon termination of employment.

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Sick pay will be paid only for approved absences and for time when the employee would normally be scheduled to work. Paid sick leave does not count as "hours worked" for the purpose of calculating overtime.

Sick leave shall not be used as vacation leave. However, upon written request, vacation pay may be used to continue compensation during illnesses when all sick leave has been exhausted.

Vacation: The County feels that it is important to use vacation time for a healthy balance of work and rest. Vacation hours do carry over from one calendar year to the next year, but employees are strongly urged to use their vacation time for their wellbeing.

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Vacation pay is based on your regular rate of pay.

Vacation time must be taken in 4- or 8-hour increments.

Vacation time is to be requested in advance and needs to be approved by your direct manager before taking time off. Vacation time ~~is based on a 40-hour work week and~~ does not constitute hours worked and does not count toward overtime.

~~Vacation pay is based on your regular rate of pay.~~

~~Earned/accrued vacation time will be paid upon termination of employment. Vacation time can accumulate from year to year (i.e. carry over).~~ Employees begin to accrue vacation time at a rate of 80 hours per year starting at the beginning of the month after their full time hire date. Vacation time can accumulate from year to year (i.e., carry over). However, to encourage the use of vacation time, After accruing 120 hours of vacation time, employees ~~will not accrue further vacation time in excess of the~~ may only accrue a maximum of 120 hours maximum of vacation. Once an employee reaches the maximum amount, the employee will not be awarded any additional vacation until the employee's unused balance drops below the maximum. Vacation time may be used after one year of employment. Earned/accrued vacation time will be paid upon termination of employment.

Compensatory Time: "Comp" or Compensation time is governed by the Fair Labor Standards Act (FLSA). Comp time is to be properly and accurately tracked. Comp time allows nonexempt employees to choose between taking cash wages or getting comp time, accrued at the same time-and-a-half rate as overtime pay. Since comp time is earned at the overtime rate, comp hours are to be used as straight hours. Comp time hours need to be clearly stated on a timesheet/card.

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Per FLSA, a maximum of 240 comp time hours can be accrued. At the end of the calendar year (December 1 payday), an employee may convert any unused comp time for cash wages and restart accumulating hours. Contact Payroll (Cherry County Clerk's Office) for calendar year payouts by November 1. Earned, accumulated comp time will be paid upon termination of employment.

For payroll purposes, please make all hours clear on all submitted clock cards and timesheets/cards. Also be sure to have all timesheets/cards and all leave requests approved. Turning in an accurate, properly punched or clearly written, neat time sheet/card prevents common mistakes. The general rules in this handbook will be the defaults when something is unclear in Payroll processing. The County abides by all State and Federal Wage and Hour Laws, Acts, and Statutes. Contact the Cherry County Clerk's Office with Payroll issues.

## Miscellaneous Policies

### Suggestions and Complaints

In any business where individuals are working together, employee complaints or ideas for improvement are bound to arise. It is the desire and responsibility of management to attempt to answer and solve problems whether of a business or personal nature. The County maintains an ~~open shop~~ open door policy so that any

employee has the right to discuss matters directly with any member of management he/she selects. Generally, complaints or suggestions may be taken up with your supervisor or the Cherry County Clerk's Office. We recognize and value employee suggestions and note that often times they may find their way into actual practice. If satisfactory action is not taken, you should discuss the matter with another manager or the Cherry County Clerk's Office. If still not satisfied, any member of management is available to discuss problems, whether business or personal, with any employee.

#### **Bulletin Boards**

County bulletin boards are reserved for management's exclusive use. All notices from the County relating to benefits, holidays, etc., will be posted. Employees may not post notices or materials on any County bulletin board, wall, door, or other area.

#### **Drug Abuse Policy**

Included in our new hire paperwork packet is the Cherry County Drug Abuse Policy Statement and Drug Free Workplace Policy. It is required as a condition of employment to return the signed document to the Cherry County Clerk's Office with your new hire paperwork packet. The policy and statement are considered part of this handbook.

#### **Tobacco Free Workplace**

Cherry County is a tobacco free ~~workplace~~ workplace, and all of our buildings, facilities, and vehicles are also tobacco free. The brevity of this policy is to imply simplicity and clarity. Any questions or complaints can be handled at the Cherry County Clerk's Office.

Tobacco use is not permitted in any County building or vehicle. This includes the use of smokeless ~~tobacco~~ tobacco, E-cigarettes, or any other alternative smoking device. Smoking is prohibited within 20 feet of all building entrances (by anyone). Employees are ~~not~~ not allowed to smoke near or around front entrances used by the public. There is no smoking within 150 feet of any combustible container unless otherwise marked. Logical safety and social courtesy ~~is~~ are to be used when smoking or disposing of cigarettes, cigars, pipes, etc. The use of a proper receptacle is required, do not spit or throw smoke-related refuse on the ground. Any and all state or local laws that may apply coincide with these policies should be followed in accordance ~~to~~ with their terms.

#### **Rest and Meal Periods (Breaks)**

Supervisors will schedule rest and meal periods to accommodate operating requirements. ~~R~~Rest periods ~~of less than twenty (20) minutes~~ are counted as time worked. Therefore, employees must not be absent from their workstations beyond the allotted rest period time and should not leave the County premises during this paid break. A meal period is defined as at least ~~thirty (30)~~ minutes of unpaid, duty-free time. You may leave County premises during a meal period. You are required to punch out and in for meal periods or at any time when leaving County premises.

In fairness to all employees, individuals who smoke are expected to comply with existing County policy regarding break time. Supervisors will be held accountable for fairly applying all policies to all employees.

Any employee who violates work rules on breaks or smoking areas will be subject to disciplinary action up to and including discharge.

### **Vehicle Safety and County Vehicle Usage**

The County provides vehicles for business use to allow employees to drive on County-designated business. The County will also reimburse employees for business use of personal vehicles according to the guidelines indicated in the Reimbursement Policy section of this handbook. The County retains the right to amend or terminate this policy at any time. The term "vehicle," as used in this policy, includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized land or ~~water-craft~~watercraft.

Employees may not drive any County vehicle without prior approval. Before being approved or assigned to drive, supervisors should check driving records, with consent, and verify the existence of a valid license and proper type/class license. Employees approved to drive on County business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability. Employees holding jobs requiring regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards of this policy at all times. For all other jobs, driving is considered only an incidental function of the position.

If possible, County vehicles will be permanently assigned to departments, districts, or crews. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.

Employees who need transportation in the course of their normal work may be assigned a County vehicle for their use. All other employees needing transportation for County business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no County vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor. Employees who drive a vehicle on County business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving.

Nonemployees and nonbusiness passengers (i.e., family and friends) are prohibited from riding in County vehicles.

Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for County business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for business use, as determined by their insurance agent.

Employees must report any accident, theft, or malicious damage involving a County vehicle to their supervisor and the Cherry County Clerk's Office, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 24 hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

Employees who are on call on a 24-hour basis may be allowed to take a County vehicle home so they can respond as soon as possible. Such employees need to provide a written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.



Employees are not permitted, under any circumstances, to operate a County vehicle or a personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any County vehicle at any time or operate any personal vehicle while on County business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.

## What the County Expects of You

### Change of Address

When you change your address or telephone number, you should notify the Payroll department in writing of the change immediately, so that the County will always have the correct home address and telephone number by which your home can be reached. It is important that the County be able to communicate with you, or, in the event of necessity or emergency, with members of your family, and this can only be done if an accurate record of your address and telephone number is on file. Proper mailing addresses are also necessary in order to accurately keep records for federal and state taxes, retirement plans, and group insurance coverage extended by the County.

### ~~Absence~~Attendance

Regular attendance is necessary in order to meet requirements and needs. The absence of key people can easily cause a failure to complete a project on time or prevent a department from functioning properly. Written permission from a physician may be required before returning to work if you have been absent ~~three~~ three (3) ~~2 (two)~~ or more days due to illness. If you fail to call in for a period of 2 (two) days, you will be considered to have voluntarily resigned. Repeated instances of 1 (one) day absences from work will be grounds for discipline, up to and including discharge.

Rarely is tardiness excusable. If you must be late, make every effort to telephone the County to advise your supervisor. A "tardy" is any time you clock in later than ten (10) minutes after your scheduled starting time. Excessive tardiness may result in disciplinary action, up to and including discharge.

### Severe Weather Conditions and Other Emergencies

When severe weather conditions exist or occur, if for safety reasons or because of road conditions, you would like to leave work before regular quitting time, you may do so. Inform your supervisor immediately. It is the department head's responsibility to decide whether or not to keep an office opened and their responsibility to man the department. Employee safety is more important than any work in progress. Nonexempt employees who leave early will not be paid for time lost unless they request that the time be charged against their unused vacation or comp time balances. If the County remains open during adverse weather conditions and you are unable to report to work, your time off will be charged to allowable vacation or comp hours, if any are available. If the County is officially closed, you will be paid for the time off and the hours will not be reflected in your vacation allowance. Exempt employees who have worked a partial day are not required to use any vacation time ~~in order to~~ leave early.

### Visitors

Visitors are ~~welcome, but~~ welcome but must not interfere with your work. Visitors are not allowed in restricted areas (e.g., the jail or booking area, dispatch, construction sites, hard hat areas, etc.). ~~As a general rule~~ Generally, employees should not have visitors joining them for long periods of time during working hours, and visitors should not linger or loiter in any other areas. It is the responsibility of each supervisor to enforce this policy.

### Dress Standards

What we wear to work ~~is a reflection of~~reflects the pride we have in our County, in what we do, and in ourselves. Although dress code requirements will vary according to job responsibilities, we ask that your appearance ~~at all times~~always show discretion, good taste, and not present a hazard in the performance of your job. Safety wear must be worn, as required, ~~by~~for each position. Required uniforms are provided by the County. Policies regarding uniforms and safety attire vary by department. Check with your supervisor for details on your departmental policies.

### Personal Hygiene

The County strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, ~~it is required of~~ employees ~~to must~~ maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, department heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas.

### Personal Mail

All personal mail should be received by employees at home. In the normal operation of business, however, incoming mail is frequently addressed to individual employees. While this practice is not desirable, every effort will be made to deliver the mail to the proper party. It should be remembered, however, that all business mail is opened upon receipt. Packages requiring signature or other care may be received at the business address, but should not interfere with business or work.

### Solicitation

In the interest of maintaining the proper working environment, preventing interference with work, and preventing inconvenience to others, employees may not sell merchandise, solicit financial contributions, or solicit for any other cause during working time. Employees who are not on working time (e.g., those on lunch hour, breaks, or prior to or after their shift) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. Employees who are on working time may not solicit any other employee. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time.

Non-employees are likewise prohibited from distributing material or soliciting employees on the County's premises that are not open to the general public at any time. Persons not employed by the County may not, at any time, solicit or distribute literature or other printed materials on County property for any purpose. Employees may not solicit during working time in work areas or distribute literature or other printed material during working time or in working areas.

"Working time" is the time employees are engaged, or should be engaged, in performing their work tasks for the County. It includes the working time of both the employee doing the soliciting or distributing and the employee being solicited or to whom literature is distributed. "Working time" does not include the time when employees are properly not performing work duties, for example, scheduled meal times and breaks. If you have any questions regarding the meaning of "working time" or "working areas," please ask your supervisor.

## **Collections**

Collections for any cause are not to be taken up without prior approval of your departmental head or designee. Collection cans or jars are not allowed in County buildings.

## **Injuries and Illness**

Whenever you feel ill, you should immediately inform your supervisor that you are ill. In the event the illness prevents your continuing work, you shall be advised to go home and seek care. If necessary, someone will accompany you home. In the case of injury of any kind, no matter how minor, you should immediately report the injury to your supervisor. In the event of a serious injury, utilize 911 so that emergency arrangements can be made to take you to the hospital. Only authorized personnel may perform first aid and/or dispense first-aid supplies. Work related injuries and/or illnesses need to be reported within 24 hours.

## **Personal Telephone Calls**

Personal phone calls, whether on the office lines or a personal phone, should be kept to a minimum and for emergencies. It is the responsibility of each employee to notify family, friends, and others who might call, not to do so during working time (except in an emergency). See also the "Telephone Policy" in this handbook.

Personal cell phones being used for personal calls, texting, and/or Internet use should be used sparingly in the workplace. Office phone lines should not be tied up with excessive personal phone calls.

## **Security**

The County is committed to providing the organization with sufficient security. For detailed information on safety and security plans, contact your department head or designee. Employees are not to possess or bring a personal weapon to the workplace under any circumstances. County issued weapons are to be treated properly at all times. In the event of a security situation, dial 911 immediately and seek appropriate cover or leave the area of the dangerous situation. Follow all instructions from law enforcement at all times.

System security is addressed in other areas of this handbook. Every employee has an obligation to protect County proprietary data and to practice good security, common sense. Not all County information is public record. HIPPA laws and other privacy acts are observed in County offices and must be respected. Further details on specific policies and procedures are provided in this handbook and can be supplemented by management at any time.

## **Gratuities/Gifts**

Employees may not accept gratuities (money) or gifts from business-related sources.

## **Fire Prevention**

Fire is a threat in any building. Minor fires can develop and quickly be brought under control by careful adherence to our fire prevention policies. Each employee must be familiar with the location of fire alarms, firefighting equipment, and the fire exits in the buildings. Each employee must be familiar with the proper use of the fire extinguishers. If you are unsure about the proper use of the fire extinguishers, report your concerns to your supervisor and arrangements for appropriate training will be made. A serious fire would put you and your fellow workers out of work. It is part of each employee's job to protect County property and equipment against fire and other damage by keeping work areas clean and free from rubbish and hazards.

### Personal Safety Equipment

All employees working with machinery (other than office or clerical staff working with office equipment) must wear gloves, safety glasses, respirators, and appropriate work shoes (as needed). These will be provided at the County's expense. Your supervisor will instruct you on the use of all safety equipment. Head wear (hard hats) may be necessary for certain jobs and will be provided by the County. Failure to properly wear safety gear may result in disciplinary action, up to and including discharge.

### Discharge, Discipline, and Work Rules

For the protection of all employees, and in order to operate efficiently, certain rules are necessary. The following is a partial list of the kinds of improper conduct which shall constitute grounds for disciplinary action, up to and including immediate discharge:

- Reporting to work under the influence of alcohol or drugs.
- Conviction of a felony or any other job-related crime.
- Sexual or other unlawful harassment or unlawful discrimination of any kind.
- Violation of a safety rule or engaging in unsafe behavior.
- —
- Using, bringing, possessing, or acquiring alcohol, drugs, or weapons to or at the workplace or while representing the County.
- Falsification of personnel or County records or providing false or misleading (including omitting) information to the County in connection with County business, job duties, benefits, etc.
- Deliberate or willful misrepresentation of County policy.
- —
- Selling or attempting to sell alcohol or drugs to other employees.
- Theft of County property, County time, or fellow worker's personal belongings.
- Punching another employee's clock card or allowing another employee to punch your clock card.
- Any unlawful behavior.
- Inappropriate behavior; verbal, physical, or otherwise, on County property, at any time.
- Behavior or actions that reflect poorly on the County; including but not limited to abuse of any authority or influence.
- Insubordination or willful refusal to follow an order.
- Loafing, loitering, or sleeping during work time.
- Failure to report on-the-job injuries.
- Neglect of duty or incompetence.

- Habitual or excessive tardiness.
- Absenteeism determined to be excessive under the department's attendance guidelines.
- Work performance that is below the standards of performance required by the department.
- Dishonesty.
- Disrespectful behavior.
- Belligerence and/or use of excessive profanity.
- Any other behavior the County considers to be inconsistent with reasonable rules of conduct or is inconsistent with the County's best interests.

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If the County feels it is appropriate given all the circumstances, progressive discipline will normally be used. However, additionally, circumstances may warrant skipping steps in the progressive discipline process or even immediately terminating an employee. any employee may be discharged in the event of continued violation of work rules. Improper conduct may result in more severe disciplinary action than a minor infraction of rule breaking. Again, an employee has the right to terminate employment with the County, for any reason or for no reason, and the County retains the same right to terminate an employee for any lawful reason, as we are an "at-will" employer.

- The County expects appropriate behavior with the use of common sense when representing the County. The County has a few simple rules which are fundamental and provide for the safety and protection of its employees.

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Compliance with these rules is a condition of employment:

- Be careful and work safely at all times.
- Report all dangerous conditions and equipment to your supervisor immediately.
- Report every injury of a serious nature immediately to your supervisor and first aid will be provided.
- Do not attempt to work if you are taken ill.
- Keep your work area neat and orderly at all times.
- Be respectful and considerate of your coworkers. This includes non-County employed coworkers.

## Voluntary Termination

If you decide to leave the County, we ask that you provide two--weeks written notice of your intention to quit/resign. Failure to provide such notice may result in ineligibility for rehire. Walking off the job or absence for more than two (2) days without a report to the County with the reason for the absence will constitute a voluntary quit-resignation with ineligibility for rehire.

At the time of your termination, you may be asked to sign a termination clearance form. Upon separation of employment, you you will receive your final paycheck within two weeks. All County issued uniforms, equipment, keys, phones, computers, hardware, software, passcodes, credit cards, and other such items are to be returned to your supervisor or to the Cherry County Clerk's office within one week of termination/separation, regardless if it is voluntary or involuntary.

## References and Recommendations

An employee may request his/her supervisor to provide a letter of recommendation to a prospective employer. The County maintains a neutral reference policy (employment verification). This means the County will only provide dates of service and job title upon request for any current or previous employee. All employment verifications are to be forwarded to the Cherry County Clerk's Office.

## Conclusion

Any policy in this handbook may be amended or revised from time to time as the need arises. Employees will be provided with copies of all amendments and revisions. This handbook has outlined the broad principles that guide our County in its relations with employees.

Specific information about County insurance plans, retirement plans, or other benefits can be obtained in the Cherry County Clerk's Office.

It is quite possible that you may from time to time have questions about County matters which directly affect you, or you may desire further information about how County policies apply to your individual case. If you are unable to find the complete answer to your question in this manual, feel free to ask your supervisor. If they do not have the information readily available, they will get the answer for you.



## Addendums

### Addendum #1: Drug Abuse Policy Statement

Cherry County is committed to providing a safe work environment and to fostering the wellbeing and health of its employees. That commitment is jeopardized when any employee(s) illegally use drugs on the job, report to work under the influence, or possess, distribute, or sell drugs in the workplace.

~~Therefore;~~

It is a violations of the Cherry County personnel policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.

It is a violation of the Cherry County personnel policy for any employee to report to work under the influence of drugs.

It is a violation of the Cherry County personnel policy for anyone to use prescription drugs illegally (however, nothing in its policy precludes the appropriate use of legally prescribed medications or drugs).

Employees who are off duty and have been drinking or under the influence of drugs are obligated to refuse any emergency calls.

Violations of the Cherry County personnel policies are subject to disciplinary action, up to and including termination.

~~It is the responsibility of department heads to counsel employees whenever they see changes in performance or behavior that may suggest an employee has a drug problem. Although it is not a department head's job to diagnose personal problems, the department head should encourage a troubled employee to seek help and advise them about available resources for getting appropriate help.~~

All employees share responsibility for maintaining a safe work environment and coworkers should encourage another who may have a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free workplace. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs is incompatible with employment at Cherry County.

AS A CONDITION OF EMPLOYMENT, ALL EMPLOYEES MUST ABIDE BY THE TERMS OF THIS POLICY AND MUST NOTIFY THE CHERRY COUNTY ATTORNEY IN WRITING OF A CRIMINAL DRUG STATUTE CONVICTION OCCURRING IN THE WORKPLACE NO LATER THAN FIVE (5) DAYS AFTER SUCH CONVICTION. (A "conviction" means a finding of guilt, including a plea of "nolo contendere"—of the imposition of a sentence, or both, by

any judicial body charged with the responsibility of determining violations of federal or state drug statutes.)  
The employee will be subject to severe disciplinary action which may include discharge.

## Addendum #2: Drug Free Workplace Policy

In an effort to bring about a “Drug Free Nebraska” and to assure employees of a workplace free from illegal drugs and their effects; Cherry County does hereby establish a drug free workplace for its employees and hereby implements the following Drug Free Workplace Policy:

1. It is prohibited to manufacture, distribute, dispense, possess, or use a controlled substance in the workplace.
2. All employees and each new employee will receive a copy of this policy.
  - a. Each employee will sign and date this policy statement certifying that they:
    - i. Understand and will abide by the Drug Free Workplace Policy.
    - ii. Has knowledge of disciplinary actions which may be imposed for violations of the Drug Free Workplace Policy.
    - iii. The signed and dated statement will be retained by Cherry County as a permanent document in each employee personnel file. A copy can be obtained by the employee, upon request, at any time.
3. All employees and each new employee will be eligible to receive training from Cherry County, as follows:
  - a. Definition of drug abuse;
  - b. Information on specific drugs and the effects of drug abuse; and
  - c. Dangers of drug abuse in the workplace.
4. All employees will be eligible to receive from Cherry County:
  - a. Counseling and treatment service referral;
  - b. Disciplinary actions may be imposed on employees for violation of this policy. It is at the discretion of Cherry County to suspend a violating employee, with or without pay, terminate employment, or require a violating employee to attend and successfully complete an approved (private or governmental institution) drug counseling and/or drug treatment program at the employee’s expense.
  - c. For any second such infringement, the violating employee’s employment will be forthwith terminated.
5. If an employee is convicted of violating any criminal drug statute while at the workplace, that employee will be subject to discipline up to and including termination of employment. Alternatively, Cherry County may require the employee to attend and successfully complete an approved (private or governmental institution) drug counseling and/or drug treatment program at the employee’s expense.
  - a. An employee is required to report, within five days, any criminal drug statute violation, ticket, or conviction occurring in the workplace to the Cherry County Attorney.

ADOPTED this 25<sup>th</sup> day of APRIL 1994, by CHERRY COUNTY NE.

CHERRY COUNTY NE

By: THE then elected CHERRY COUNTY BOARD OF  
COMMISSIONERS



## Addendum #3: Nondiscrimination Policies

### FORWARD and DEFINITIONS:

#### ADA (Americans with Disabilities Act)

The ADA prohibits discrimination on the basis of disability in employment. The ADA also prohibits discrimination in regard to State and local government public accommodations, commercial facilities, transportation, and telecommunications.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

ADA Title I/Employment: Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Title I complaints are filed with the United States Equal Employment Opportunity Commission (EEOC). Law suits are conducted in Federal court.

ADA Title II/State and Local Government Activities: Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g., public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Complaints of title II violations are ~~be~~ filed with the Department of Justice. Title II may also be enforced through private lawsuits in Federal court.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Section 504 protects qualified individuals with disabilities. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

In addition to meeting the above definition, for purposes of receiving services, education or training, qualified individuals with disabilities are persons who meet normal and essential eligibility requirements. For purposes of employment, qualified individuals with disabilities are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform. Reasonable accommodation means an employer is required to take reasonable steps to accommodate a bona fide disability unless it would cause the employer undue hardship.

Section 504 complaints are filed with the United States Equal Employment Opportunity Commission (EEOC).

Title VI and the Civil Rights Act of 1964

Title VI was enacted as part of the Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Title VI is enforced by the federal agency providing the financial assistance and the Department of Justice.

## PUBLIC NOTICE:

Cherry County NE is an equal opportunity employer. It is our policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, sex/gender, sexual orientation, transgender status, gender identity, marital status, pregnancy, age, veteran or military status, disability, genetic information, or non-job physical or mental handicap or disability or other classification protected by applicable federal, state or local laws, except where there is a bona fide occupational disability. The County will provide equal opportunities in employment, promotion, wages, benefits, and all other privileges, terms, and conditions of employment. All recruiting, hiring, training, and promoting for all job classifications is done without regard to race, color, religion, sex, age, or national origin except when a bona fide occupational qualification exists. All decisions on employment are made to further the principle of equal employment, including recruiting, hiring, training, and promoting for all job classifications. All promotion decisions will continue to be made in accordance with Equal Employment Opportunity principles and only valid job requirements will be used.

Further, ~~Cherry County NE~~ does not discriminate on the basis of disability in admission of any of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of our operations.

This notice is provided as required by State and Federal laws. Questions, commentary, or complaints may be forwarded to the Cherry County Clerk's office in person (Monday through Friday, except holidays, from 9am until 4 pm) or via mail or delivery to (365 N Main Street #5, Valentine, ~~NE~~ 69201), by telephone (402-376-2771), by fax (402-376-3095), or by email (clerk@cherry.nacone.org).

The Cherry County Clerk, or proper designee, is the designated compliance officer/coordinator for all nondiscrimination policies and applicable laws, acts, or ordinances affecting Cherry County NE.

### COMPLIANCE OFFICER/COORDINATOR DUTIES and RESPONSIBILITIES:

It is the duty and responsibility of the compliance officer/coordinator to keep up to date on all and any changes to State and/or Federal laws that affect ~~the~~ Cherry County, ~~Nebraska~~ as an employer and a government entity. This duty and responsibility includes monitoring and updating policies and procedures to be in compliance with any changes.

It is also the duty and responsibility of the compliance officer/coordinator to identify and act on any shortcomings in compliance and development of remedying inconsistencies in observance.

The compliance officer/coordinator is accountable for departmental fulfillment of all requirements of the laws and policies in hiring practices and activities, including training of hiring managers; this ensures Cherry County's compliance with all related state and federal laws pertaining to discrimination.

The compliance officer/coordinator is responsible for conducting annual reviews of the County, directing evaluations annually or as needed, planning, reporting to qualified agencies upon request, identifying, investigating, and eliminating any discrimination acts.

### COMPLAINT PROCEDURES:

Complaints should be filed in a timely manner, within five (5) days of the alleged violation. Complaints are to be forwarded to the Cherry County Clerk's office in person (Monday through Friday, except holidays, from 9am until 4 pm) or via mail or delivery to (365 N Main Street #5, Valentine, ~~NE~~ 69201), by telephone (402-376-2771), by fax (402-376-3095), or by email (clerk@cherry.nacone.org).

Upon receipt of a complaint, an appropriate investigation will ensue in a timely manner, commencing within five (5) days of the receipt of the complaint. The investigation will be conducted by a board assembled by the Cherry County Clerk. The board will consist of no less than three (3) persons from appropriate and applicable areas for the complaint. The investigation should be performed in as timely a manner as possible. No time limit is set on investigation times since there could be varying and unpredictable circumstances that could delay or extend the investigation. The investigation is to be performed thoroughly and with poise; it should not be deliberately rushed, but neither should be intentionally extended.

A written determination will be issued within ten (10) days of the completion of the investigation. A request for reconsideration can be submitted within five (5) days of the determination if the determination is not

satisfactory to the complaining party. An appeal meeting will be conducted by the same investigatory board and reported back to the complaining party within two (2) days. There are no preset or fillable forms for complaints. All records will be kept on file at the Cherry County Clerk's office.

#### REASONABLE ACCOMMODATION PROCEDURES:

~~A reasonable accommodation is any change in the work environment or in the way things are usually done that enables an individual with a disability to participate in the application process, to perform the essential functions (or fundamental duties) of a job, or to enjoy equal benefits and privileges of employment that are available to individuals without disabilities. Accommodations help employers not only hire new workers with disabilities, but also keep workers who may become disabled.~~

~~The process for making such accommodations is no different in principle than implementing workplace procedures designed to build productive work environments. As with all such procedures, open lines of communication and clearly defined steps help to facilitate the process and achieve positive outcomes for both employers and employees.~~

~~The following process is to be followed when a reasonable accommodation is requested:~~

- ~~1. Facilitate Request~~
- ~~2. Job Analysis~~
- ~~3. Determine Potential Accommodations~~
- ~~4. Determine Reasonable Solutions~~
- ~~5. Make the Accommodation~~
- ~~6. Monitor Effectiveness~~

~~Detailed process steps can be obtained from the Cherry County Clerk's office. The Cherry County Clerk will participate in the process and oversee and monitor the department.~~

~~The public facilities located throughout Cherry County NE are currently ADA compliant for public use.~~

#### COUNTY SELF EVALUATIONS:

The County, under the supervision and direction of the compliance officer/coordinator, will conduct annual surveys and evaluations of its property and buildings to ensure compliance with all ADA components and rules. All new additions and changes to any public County building will be analyzed prior to building or renovations.

The County has divided all aspects of the ADA requirements into four priority areas:

1. Accessible approach and entrance
  - ❖ Arrival points
  - ❖ Parking spaces
  - ❖ Accessible slopes
  - ❖ Door clearing width
  - ❖ Door opening force
2. Access to services



- ❖ Maneuverability within public spaces and office
- ❖ Door cleaning width
- ❖ Door opening force
- 3. Access to public toilet rooms
  - ❖ Maneuverability within toilet stalls
  - ❖ Access to sinks and dryers
  - ❖ Door cleaning width
  - ❖ Door opening force
- 4. Access to other items, such as water fountains, public telephones, or public computers
  - ❖ Access as necessary

## Addendum #4: Travel Expense Reimbursement

**POLICY:** Reimbursement will be made for necessary and reasonable expenses incurred by employees to attend educational workshops, meetings, trainings, and other County-related activities approved by Cherry County. **Expenses must be supported by receipts and itemized on the *Travel and Miscellaneous Expense Reimbursement Request* form that has been signed by a supervisor.**

**Lodging:** In all cases, it is encouraged that advance arrangements for direct billing of lodging to the County are made. This ensures that the County's tax exempt status is properly recognized, when applicable. Hotels are not obligated to waive taxes if direct billing arrangements are not made in advance and results in substantially more expense to the County.

When hotel costs are not direct billed to the County, then reimbursement for reasonable lodging expenses will be made upon presentation of an itemized proof of payment from the hotel. Reasonable lodging is defined as the standard room in the chosen facility and does not include upgrades to a deluxe room or suite. Expenses eligible for reimbursement include the room rate, any taxes not waived or exempted, and meals (subject to the provisions outlined below).

Expenses not eligible for reimbursement include movie rentals, personal phone calls, mini-bar charges, laundry charges, pet deposits, smoking or damage assessments, and other personal expenses.

**Meal and Incidental Expenses:** Meal and incidental expense (M&IE) reimbursement will be for receipted expenses or the GSA daily allotment for the locality. The daily allotment for meals and incidental expenses (M&IE) will be equal to the standard rate allowed for federal employees as published by the U.S. General Services Administration at [www.gsa.gov](http://www.gsa.gov). The standard GSA rate is currently \$54.9 per full day, and includes all expenditures for breakfast, lunch, dinner, miscellaneous snacks and beverages, and tips paid to servers. ~~The maximum allowable per meal reimbursement is \$28 for days that are not the first or last day of travel and \$21 maximum per meal for first or last day of travel.~~

The maximum tip percentage that will be reimbursed to the employee is 20% and is included in the maximum per meal total.

Alcoholic beverages are never considered a reimbursable or allowable expense. Itemized receipts are required for all M&IE reimbursements.

**If your trip includes meals that are already paid for by the County (such as through a registration fee for a conference), you will need to deduct those meals from your daily total. Meals that are provided as part of your training and can be direct billed to the County will also be deducted from your daily total.** (See M&IE Breakdown)

Example 1: Joe is attending a NACO conference in Grand Island. Breakfast and lunch are provided as part of the conference registration fee. Of the \$54.9 daily allowance \$13.4 will be subtracted for breakfast and \$15.2 will be subtracted for lunch, leaving \$28.31 for dinner and incidental expenses.

Example 2: Sarah is attending a training in North Platte. Breakfast, lunch, and dinner are available onsite and direct billed to the County. Of the \$54.9 daily allowance, \$11.13 will be subtracted for

breakfast, \$~~12-15~~ will be subtracted for lunch, and \$~~23-26~~ will be subtracted for dinner, leaving \$5 for incidental expenses.

The first and last day of travel is limited to 75% of the standard per diem rate for a full day, or \$~~3844~~.25. If the first or last day of travel is extraordinarily long the employee may request an exception from the 75% rule from their supervisor.

Example 1: John is going to Grand Island for a 2 day conference. He leaves for Grand Island right after lunch on Monday, attends the conference on Tuesday and Wednesday, then drives home Wednesday after the conference ends. John's meal and incidental expense reimbursement is limited to \$~~3844~~.25 for Monday, \$~~5159~~.00 for Tuesday and \$~~3844~~.25 for Wednesday, a total of \$~~127147~~.50 for the trip.

Example 2: John leaves Valentine at 4 a.m. to drive to Denver to catch a 10 a.m. flight to Boise, Idaho. Because of his exceptionally early start John requested an exception from the 75% rule which was granted by his supervisor. Thus, John's M&IE allowance for the first day of travel is \$~~5159~~.00.

**Day travel of less than 12 hours does not qualify for reimbursement of meals and incidental expenses.**

Example: A group of employees go to Chadron and back in one day to attend training. They leave at 7 a.m. and return at 5:30 p.m. The employees will not be reimbursed for meals and incidental expenses because their travel was less than 12 hours.

Certain localities qualify for higher meal and incidental expense rates. The County will recognize the five tiered rates as published by the GSA and found at [www.gsa.gov/mie](http://www.gsa.gov/mie). For instance, the current M&IE rate for Washington, DC is \$~~769~~.00 per day. When traveling between locations with differing M&IE rates the destination city will prevail for the day of travel.

Example: On day 1 Sue travels from Alliance to Lincoln where she spends the night. On day 2 she travels to Omaha where the GSA rate is \$64.00 and spends a night there. On day 3 she drives back to Alliance. Sue's M&IE reimbursement is limited as follows:

Day 1, Alliance to Lincoln	\$51.00 times 75%	\$ <del>3844</del> .25
Day 2, Lincoln to Omaha	\$64.00 times 100%	\$64.00
Day 3, Omaha to Alliance	\$51.00 times 75%	\$ <del>3844</del> .25

**Mileage:** The reimbursement rate for mileage is set by the IRS. Mileage will be calculated based on the most direct route to the location.

**Other:** Other reasonable and necessary expenses such as parking and tolls are reimbursable upon proof of payment.

Travel expense reimbursement will be made for County employees only. In cases where the employee is accompanied by a personal companion, only the expenses of the employee will be paid.

Employees who carry a Cherry County credit card and charge more on the credit card than is allowable by this policy must reimburse the County for overages.

All travel in the state of Nebraska, except Omaha (currently \$64 daily total), is covered under the current ~~\$51-59~~ daily total for M&IE. All employees are responsible for checking [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem) to verify the current rates for their destination prior to travel. These rates can change yearly and the following table is an example of the current rates for ~~2017-2018~~2023.

**M&IE Breakdown**

M&IE Total	Breakfast	Lunch	Dinner	IE	First & Last Day of Travel
<del>\$51-59</del>	<del>\$11-13</del>	<del>\$12-15</del>	<del>\$23-26</del>	\$5	<del>\$38-44.25</del>
<del>\$54</del>	<del>\$12</del>	<del>\$13</del>	<del>\$24</del>	<del>\$5</del>	<del>\$40-50</del>
<del>\$59</del>	<del>\$13</del>	<del>\$15</del>	<del>\$26</del>	<del>\$5</del>	<del>\$44-25</del>
\$64	\$14 <del>5</del>	\$16	\$28 <del>9</del>	\$5	\$48.00

1. This column lists the full daily amount employees receive for a single calendar day of travel when that day is neither the first nor last day of travel.
2. The separate amounts for breakfast, lunch and dinner listed in the chart are provided should you need to deduct any of those meals from your daily allowable amount.
3. This column lists the amount employees receive for the first and last calendar day of travel. The first and last calendar day of travel is calculated at 75 percent.

~~Adopted: September 12, 2017~~

#### Addendum #5: Conflict of Interest Policy

It is Cherry County's policy that all employees avoid any conflict between their personal interests and those of the County. The purpose of this policy is to ensure that the County's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interest of the County.

The County recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to County business.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include, but are not limited to an elected official or employee:

1. Using his or her position to secure special privileges or exemptions for the employee or others.
2. Disclosing confidential information gained by reason of employee's position or using such information for the employee's personal gain or benefit.
3. Directly or indirectly giving, receiving or agreeing to receive any compensation, gift, reward, or gratuity from a source other than the County for their performance of the employee's services.
4. Holding an interest in, or personally profiting from an organization that does, or is seeking to do business with the County, by any employee who is in a position to directly or indirectly influence either the County's decision to do business, or the terms upon which business would be done with such organization.
5. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking, to do business with the County.
6. Accepting employment or engaging in business or professional activities which may require the employee to disclose confidential information acquired by reason of his or her official position.
7. Engaging in unapproved soliciting or use of an employee's position to directly or indirectly coerce others.
8. Where a member of the elected official or employee's immediate family is involved in situations such as those listed above.

Adopted: December 4, 2019

## CATASTROPHIC ILLNESS LEAVE DONATION PROGRAM

Cherry County recognizes that employees may have a medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available sick and vacation time. To address this need, all eligible employees will be allowed to donate accrued paid sick or vacation hours from their unused balance to their co-workers in need, in accordance with the policy outlined below. This policy is strictly voluntary.

### ELIGIBILITY:

Employees must be employed with Cherry County for a minimum of one year and have worked a minimum of 960 hours in the last 12 months to be eligible to donate and/or receive donated sick or vacation time, unless otherwise approved by the Board of Commissioners. Employees must have exhausted all available paid leave of their own before becoming eligible to receive donated leave of any kind.

### GUIDELINES:

Employees who would like to make a request to receive donated sick time from their co-workers must have a situation that meets the following criteria:

*Medical Emergency:* Defined as a medical condition of the employee, or an immediate family member, that will require the prolonged/extended absence of the employee from work and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.

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*Major disaster:* An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee, or to an immediate family member of the employee, that requires the employee to be absent from work. The disaster may be defined as a disaster or emergency declared by the president or a personal emergency or disaster agreed upon by the Cherry County Board of Commissioners.

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### DONATION OF TIME:

Donation of leave is strictly voluntary.

Leave must be donated in whole hour increments.

Donated leave hours shall be converted on a straight hour-for-hour basis regardless of the difference in the donors'/recipients' pay rates.

Employees cannot borrow against future sick/vacation time to donate.

Employees who are currently on a leave of absence cannot donate leave time.

Unused donated hours will be returned to the employee that donated the hours.

RECEIPT OF DONATED TIME:

Employees may receive no more than the maximum accrual (480 hours of donated sick time, and no more than 120 hours of donated vacation time) within a rolling 12-month period.

DURATION:

This policy is subject to change or cancellation at the discretion of the Cherry County Board of Commissioners.

Effective date: July 12, 2022

**Statement of Receipt and Understanding**

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I have received, read, understand, and agree to abide by the County Employee Handbook, realizing that failure to do so may result in disciplinary action and/or termination. ~~I understand the policies and procedures set forth in the handbook.~~ I also understand that this handbook supersedes all previous written and unwritten policies, including any previous handbooks.

I also understand that the handbook is not a contract of employment. I understand and agree that my employment is terminable at-will so that both the County and I remain free to choose to end our work relationship at any time for any lawful reason or no reason. Similarly, no County official has the authority to enter into an oral employment contract, modifying this employment-at-will relationship, and only the County Board can enter into a written employment contract changing the employment-at-will relationship.

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I understand that all County property may be monitored by the County including my computer files, Internet activity, email messages, and voice mail messages for various reasons. The County will disclose such activity and messages to a third party without my consent when it deems such action necessary. I consent to the County's monitoring of my computer files, email transmissions, voice mail messages, and Internet activity.

I understand nothing in this handbook in any way creates an express or implied contract of employment between the County and me but rather is intended to foster a better working atmosphere while the employee/employer's relationship exists.

~~I also understand that the handbook is not a contract of employment, does not in any way limit the right of the County to terminate my employment and that my employment may be terminated at any time, with or without notice, within the sole discretion of the County management.~~

KEEP THIS COPY FOR YOUR RECORDS.

RETURN THE SIGNED COPY TO THE CHERRY COUNTY CLERK'S OFFICE.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date



**Statement of Receipt and Understanding**

I have received, read, understand, and agree to abide by the County Employee Handbook, realizing that failure to do so may result in disciplinary action and/or termination. I also understand that this handbook supersedes all previous written and unwritten policies, including any previous handbooks.

I also understand that the handbook is not a contract of employment. I understand and agree that my employment is terminable at-will so that both the County and I remain free to choose to end our work relationship at any time for any lawful reason or no reason. Similarly, no County official has the authority to enter into an oral employment contract, modifying this employment-at-will relationship, and only the County Board can enter into a written employment contract changing the employment-at-will relationship.

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**Statement of Understanding**

I have received, read, and agree to abide by the County Employee Handbook. I understand the policies and procedures set forth in the handbook. I also understand that the handbook is not a contract of employment, does not in any way limit the right of the County to terminate my employment and that my employment may be terminated at any time, with or without notice, within the sole discretion of the County management.

RETURN THIS SIGNED COPY TO THE CHERRY COUNTY CLERK'S OFFICE.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Date



# Nebraska Intergovernmental Risk Management Association

8040 Eiger Drive • P.O. Box 85210 • Lincoln, NE 68501-5210  
www.nirma.info • 402.742.9220 • 800.642.6671 • 402.742.9230 fax

**Craig L. Nelson**, Executive Director

April 17, 2023

Jessica Coyle  
Cherry County Deputy Emg Manager  
365 N Main Street  
Valentine, NE 69201

**COPY**

RE: ASSIST Award

Dear Jessica:

Enclosed you will find a check in the amount of \$ 143.07 representing NIRMA's contribution, through our ASSIST program, towards a portion of the costs for Cherry County Emergency Responders to purchase personal protective coats and vests for the employees. These are precisely the kinds of items that can be truly life saving for the county employees, so we commend Cherry County for their proactive safety efforts.

We are pleased to be of continuing assistance to Cherry County in this manner and appreciate your interest in NIRMA and our ASSIST program.

Sincerely,

Craig L. Nelson  
Executive Director

CLN:psc

Check Enclosed

cc: Cherry County Board of Commissioners  
Cherry County Clerk

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## BOARD OF DIRECTORS

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Larry Cerny  
Fillmore County

Beth Fiegenschuh  
Cheyenne County

Erich Tiemann  
Gage County

Lane Anderson  
Keith County

Jean Andrews  
Dodge County

Kathy Brandt  
Morrill County

L. Wayne Johnson  
Clay County

Bonnie Moore  
Sarpy County

R. Buddy Small  
Brown County

Eric Stinson  
Madison County

Darrell Zabrocki  
Seward County

# Sheriff's Quarterly Fee Report - January thru March 2023

<u>Jan-23</u>		<u>SHERIFF'S FEES RECORD</u>								
<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>COURT</u>	<u>CASE #</u>	<u>SERVICE</u>	<u>ISSUED</u>	<u>SERVED</u>	<u>FEES</u>	<u>MILEAGE</u>	<u>MISC</u>	<u>TOTAL</u>
ck#144141-12/27/2022	Credit Management	Adam Moosman	County	CI 22-119	Summons	12/27/2022	1/1/2023	\$18.00	\$0.50	\$18.50
ck#144140-1/4/2023	Credit Management	Russell Hagedorn	County	CI 14-202	Ord Revive	12/29/2022	1/6/2023	\$18.00	\$0.50	\$18.50
CK#25562550-1/30/2023	State of Nebraska	Emmy Nadeau	District	CI 22-18	Summons	1/9/2023	1/11/2023	\$18.00	\$0.50	\$18.50
ck#117319-1/17/2023	LVNV Funding	Kevin Sharkey	County	CI 22-128	Summons	1/12/2023	1/12/2023	\$6.00	\$0.00	\$6.00
ck#23020467-2/16/2023	State of NE	Jeffrey D Larson	District	CR 19-39	OTSC	1/13/2023	1/15/2023	\$18.00	\$0.50	\$18.50
ck#23020467-2/16/2023	State of NE	Jerrold Hatten	District	CR 21-36	OTSC	1/13/2023	1/17/2023	\$6.00		\$6.00
ck#144433 - 1/17/2023	Credit Management	Julie Owens	County	CI 23-2	Summons	1/17/2022	1/17/2023	\$18.00	\$34.25	\$52.25
ck#066380-1/17/2023	Td Bank USA, N.A.	Diane F Burress	County	CI 23-1	Summons	1/4/2023	1/21/2023	\$18.00	\$89.05	\$107.05
ck#089459-1/17/2023	General Collection Co	Deanna Gary	County	CI 22-133	Summons	1/12/2023	1/21/2023	\$18.00	\$0.50	\$18.50
CK#144558-1/23/2023	Credit Management	Bryan Miller	County	CI 22-135	Summons	1/23/2023	1/23/2023	\$6.00		\$6.00
ck#25581424-2/17/2023	State of Nebraska	Jaryl Smashed Ice	District	CI 22-18	Summons	1/9/2023	1/23/2023	\$6.00		\$6.00
ck#83064-2/13/2023	State of Minnesota	E Christensen/Montiel	Redwood Co	64-CR-22-72	Subpoena	1/23/2023	1/26/2023	\$6.00		\$6.00
ck#23020467-2/16/2023	State of Nebraska	Isaac Brave	District	CR 19-12	OTSC	1/13/2023	1/26/2023	\$6.00		\$6.00
ck#143380-11/14/2022	Credit Management	Josh Yarbrought	Execution	CI 18-137	Execution	11/14/2022	1/27/2023	\$18.00	\$0.50	\$18.50
TOTAL							\$180.00	\$126.30		\$306.30

Feb-23

SHERIFF'S FEES RECORD

<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>COURT</u>	<u>CASE #</u>	<u>SERVICE</u>	<u>ISSUED</u>	<u>SERVED</u>	<u>FEES</u>	<u>MILEAGE</u>	<u>TOTAL</u>
ck#6175 - 2/7/2023	Tehrani Motor Co	County	CI 19-148	Execution	1/5/2022	1/24/2022	\$18.00	\$0.50	\$18.50
ck#144576-1/23/2023	Credit Management	County	CI 21-5	Summons	1/26/2023	2/1/2023	\$18.00	\$0.50	\$18.50
ck#144714-2/2/2023	Credit Management	County	CI 22-137	Summons	1/30/2023	2/2/2023	\$6.00		\$6.00
ck#12061-1/30/2023	Pit Stall Inc	County	SC23-1	Plf Claim	1/30/2023	2/1/2023	\$18.00	\$17.81	\$35.81
ck#408776-1/31/2023	Midland Credit	County	CI 23-8	Summons	1/26/2023	2/1/2023	\$18.00	\$17.81	\$35.81
no charge-incorrect info	Discover Bank	County	CI 23-14	Summons	2/1/2023	2/2/2023	\$0.00		\$0.00
ck#2581 - 2/9/2023	Giant Rubber Tanks	County	CI 23-12	Summons	1/30/2023	2/2/2023	\$18.00	\$0.50	\$18.50
CK#23030671- 3/16/2023	State of NE	County	CR 22-287	Warrant	1/9/2023	1/24/2023	\$2.00		\$2.00
no charge	Alice Johnson	District	CI 23-6	Prot Ord	2/3/2023	2/3/2023	\$0.00		\$0.00
CK#23030671- 3/16/2023	State of NE	District	CR 17-26	OTSC	2/6/2023	2/7/2023	\$6.00		\$6.00
CK#23030671- 3/16/2023	State of NE	District	CR 19-41	OTSC	2/6/2023	2/7/2023	\$6.00		\$6.00
ck#6184 - 2/13/2023	Duane Witte			Letter	2/8/2023	2/8/2023	\$18.00	\$0.50	\$18.50
CK#080100- 4/10/2023	Discover Bank	County	CI 23-14	Summons	2/1/2023	2/9/2023	\$6.00		\$6.00
CK#23030671- 3/16/2023	State of NE	County	CR 22-181	Warrant	9/19/2022	2/9/2023	\$2.00		\$2.00
CK#6190 - 2/23/2023	Niobrara Wilderness	County	CI 23-17	Ord Attach	2/10/2023	2/10/2023	\$18.00	\$0.50	\$18.50

Feb-23

SHERIFF'S FEES RECORD

PAGE 2

PLAINTIFF

DEFENDANT

COURT

CASE #

SERVICE

ISSUED

SERVED

FEES

MILEAGE

US

TOTAL

ck#081876 - 2/13/2023	Gordon Hitchcock	Am Mortgage/Cooper	US Bankr	BK22-4-480	Subpoena	2/13/2023	2/13/2023	\$18.00	\$0.50	\$18.50
ck#101087-2/10/2023	Bank of America NA	Cattarina L Favero	County	CI 23-13	Summons	2/1/2023	2/10/2023	\$18.00	\$0.50	\$18.50
ck#22030671-3/16/2023	State of NE	Aristotle White Feather	District	CR 17-34	OTSC	2/6/2023	2/13/2023	\$18.00	\$0.50	\$18.50
ck#00230413-3/6/2023	State of NE obo minor	Marie P Lee	Fillmore Dist	CI 21-30	Summons	2/6/2023	2/13/2023	\$18.00	\$17.12	\$35.12
ck#089511 - 2/13/2023	General Collection	Michelle M Ricks	County	CI 23-19	Summons	2/10/2023	2/13/2023	\$18.00	\$17.13	\$35.13
ck#144713 - 2/6/2023	Credit Management	Denise West	County	CI 23-10	Summons	2/6/2023	2/15/2023	\$18.00	\$0.50	\$18.50
ck#23030671-3/16/2023	State of NE	Antoine BlackSpottedHorse	County	CR 15-6	Warrant	9/30/2022	2/17/2023	\$2.00	\$50.69	\$52.69
ck#23030671-3/16/2023	State of NE	Justice White Horse	County	CR 22-72	Warrant	3/28/2022	2/17/2023	\$2.00	\$50.69	\$52.69
ck#202362 - 2/13/2023	Wakefield & Assoc	Sandra K Barnes	County	CI 23-22	Summons	2/15/2023	2/17/2023	\$18.00	\$0.50	\$18.50
cash \$20.00 - 2/3/2023	Tony Hughes	Tim Olmann	County	SC 23-2	SC-Plf Claim	2/3/2023	2/17/2023	\$18.00	\$0.50	\$18.50
ck#144923-2/17/2023	Credit Management	Angela Jaques	County	CI 23-20	Summons	2/17/2023	2/19/2023	\$18.00	\$2.74	\$20.74
ck#089516 - 2/17/2023	General Collection Co	Ruth Hobbs	County	CI 23-24	Summons	2/14/2023	2/19/2023	\$18.00	\$0.50	\$18.50
ck#23030671-3/16/2023	State of NE	Antoine BlackSpottedHorse	District	CR 21-52	OTSC	2/21/2023	2/21/2023	\$18.00	\$0.50	\$18.50
ck#089486 - 2/9/2023	General Collection Co	Tagg From	County	CI 23-16	Summons	2/2/2023	2/21/2023	\$18.00	\$0.50	\$18.50
ck#089486 - 2/9/2023	General Collection Co	Jayne From	County	CI 23-16	Summons	2/2/2023	2/21/2023	\$18.00	\$34.25	\$52.25

Feb-23

SHERIFF'S FEES RECORD

PAGE 3

PLAINTIFF

DEFENDANT

COURT

CASE #

SERVICE

ISSUED

SERVED

FEES

MILEAGE

TOTAL

ck#08845 - 5/27/2022

General Collection Co

Paul McNare

County

CI 21-174

Execution

6/1/2022

6/17/2022

\$18.00

\$66.42

**\$84.42**

ck#74473- 3/10/2023

Accelerated Receivables

John Hagedorn

County

CI 23-21

Summon

2/15/2023

2/27/2023

\$18.00

\$0.50

**\$18.50**

**TOTAL**

**\$428.00**

**\$282.16**

**\$710.16**

Mar-23SHERIFF'S FEES RECORD

	<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>COURT</u>	<u>CASE #</u>	<u>SERVICE</u>	<u>ISSUED</u>	<u>SERVED</u>	<u>FEES</u>	<u>MILEAGE</u>	<u>VIIS</u>	<u>TOTAL</u>
cash - \$18.50 2/28/2023	Alicia Clairmont	Charles Spotted Elk	RST Court	CIV 23-068	Paternity	2/15/2023	2/28/2023	\$18.00	\$0.50		<b>\$18.50</b>
no charge	Alicia Clairmont	Charles Spotted Elk	RST Court	PO 23-05	Prot Ord	2/15/2023	2/28/2023	\$0.00	\$0.00		<b>\$0.00</b>
ck#144948 - 2/17/2023	Credit Management	Jeremy Parks	County	CI 23-3	Summons	2/17/2023	3/1/2023	\$18.00	\$70.56		<b>\$88.56</b>
ck#144924 - 2/16/2023	Credit Management	Tiffany Parks	County	CI 23-6	Summons	2/16/2023	3/1/2023	\$18.00	\$70.56		<b>\$88.56</b>
	State of NE	Koharchik/McSweeney	District	CR 21-47	Subpoena	3/6/2023	3/6/2023	\$18.00	\$0.50		<b>\$18.50</b>
	State of NE	Koharchik/M Renning	District	CR 21-47	Subpoena	3/6/2023	3/6/2023	\$18.00	\$0.50		<b>\$18.50</b>
ck#101873-3/6/2023	Bank of America NA	Amos H Prue III	County	CI 23-29	Summons	3/2/2023	3/6/2023	\$6.00			<b>\$6.00</b>
CK#089554 - 3/2/2023	General Collection Co	Kiley Hollopeter	County	CI 23-27	Summons	2/27/2023	3/6/2023	\$18.00	\$0.50		<b>\$18.50</b>
CK#75230-2/27/2023	Northland Capital	Wesley H Hitchcock	St MN	73-CO-23-28	Plf Stmt Clm	2/27/2023	3/6/2023	\$18.00	\$31.51		<b>\$49.51</b>
ck#18002 - 3/10/2023	State of NE	E Gehlsen/Issis Shipley	County	CR 22-135	Subpoena	3/7/2023	3/7/2023	\$18.00	\$0.50		<b>\$18.50</b>
ck#002188 - 3/6/2023	OneMain Financial Grp	James R Damon	County	CI 23-28	Summons	3/2/2023	3/8/2023	\$6.00			<b>\$6.00</b>
Cash \$20.00 - 3/7/2023	David Cap Haskell	Jennifer Stacy	Ntc Quit		Notice Quit	3/7/2023	3/7/2023	\$18.00	\$0.50		<b>\$18.50</b>
ck#414257 - 3/10/2023	Midland Credit Manage	Teri Payton	County	CI 23-32	Summons	3/7/2023	3/10/2023	\$18.00	\$0.50		<b>\$18.50</b>
ck#089703- 3/8/2023	General Collection Co	Jody Chancey	County	CI 23-31	Summons	3/7/2023	3/10/2023	\$18.00	\$0.50		<b>\$18.50</b>
ck#089546 - 2/27/2023	General Collection Co	Colt McCann	County	CI 23-26	Summons	2/23/2023	3/12/2023	\$18.00	\$0.50		<b>\$18.50</b>

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	<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>COURT</u>	<u>CASE #</u>	<u>SERVICE</u>	<u>ISSUED</u>	<u>SERVED</u>	<u>FEES</u>	<u>MILEAGE</u>	<u>VIIS</u>	<u>TOTAL</u>
ck#4231 - 3/6/2023	MAC Services Inc	Lee M Simmons	Lancaster Co	CI 22-10809	Summons	3/6/2023	3/14/2023	\$18.00	\$20.55		\$38.55
ck#6974 - 3/16/2023	Cindy Monroe	Brett Spotted Elk	County	CI 23-38	Rest Prem	3/16/2023	3/16/2023	\$18.00	\$0.50		\$18.50
cash - 3/13/2023	David C Haskell	Jennifer Stacy	County	CI 23-43	Rest Prem	3/16/2023	3/16/2023	\$18.00	\$0.50		\$18.50
ck#26342 - 3/20/2023	National Account Syst	Jackilyn Potter	Dodge County	CI 23-180	Summons	3/20/2023	3/20/2023	\$6.00			\$6.00
ck#145282 - 3/15/2023	Credit Management	Jonathan Ayers	County	CI 23-23	Summons	3/15/2023	3/19/2023	\$18.00	\$0.50		\$18.50
ck#6218 - 3/27/2023	Sandhill Oil Co Inc	Fred Daugherty	County	CI 21-51	Garnishment	3/17/2023	3/19/2023	\$18.00	\$8.22		\$26.22
ck#652572 - 3/20/2023	Capital One N.A.	Russell A Hagedorn	County	CI 23-35	Summons	3/9/2023	3/20/2023	\$18.00	\$0.50		\$18.50
ck#145334 - 3/20/2023	Credit Management	Crystal Mayhew	County	CI 23-42	Summons	3/20/2023	3/20/2023	\$18.00	\$0.50		\$18.50
ck#089731 - 3/20/2023	General Collection Co	Mike Stotts	County	CI 23-40	Summons	3/16/2023	3/20/2023	\$18.00	\$0.50		\$18.50
ck#089731 - 3/20/2023	General Collection Co	Maisie Stotts	County	CI 23-40	Summons	3/16/2023	3/20/2023	\$9.00			\$9.00
ck#145333 - 3/20/2023	General Collection Co	April Douville	County	CI 23-41	Summons	3/20/2023	3/20/2023	\$18.00	\$0.50		\$18.50
ck#145311 - 3/20/2023	Credit Management Co	Aaron Morris	County	CI 23-25	Summons	3/20/2023	3/20/2023	\$18.00	\$0.50		\$18.50
	State of Nebraska	Bryan Herman	County	CR 17-45	Warrant	3/15/2021	3/20/2023	\$2.00	\$332.22		\$334.22
	State of Nebraska	Bryan Herman	County	CR 16-269	Warrant	1/7/2021	3/20/2023	\$2.00			\$2.00
OK#6224 - 4/3/2023	Sandhill Oil Co	Shane Hamling	County	CI 23-39	Summons	3/16/2023	3/22/2023	\$18.00	\$34.93		\$52.93



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	<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>COURT</u>	<u>CASE #</u>	<u>SERVICE</u>	<u>ISSUED</u>	<u>SERVED</u>	<u>FEES</u>	<u>MILEAGE</u>	<u>VIIS</u>	<u>TOTAL</u>
CK# 18018-4/3/2023	Plum Line Properties	Deanna Gary	County	CI 23-37	Summons	3/15/2023	3/23/2023	\$6.00			\$6.00
	State of Nebraska	Alex Prue Jr	County	CR 22-267	Warrant	12/8/2022	3/23/2023	\$2.00			\$2.00
ck#652520-\$18.50 3/20/2023	Cavalry SPV I	Dee Painter	County	CI 23-30	Summons	3/7/2023	3/23/2023	\$18.00	\$23.29		\$41.29
ck#089720 - 3/13/2023	General Collections	Matthew Edington	County	CI 23-36	Summons	3/9/2023	3/23/2023	\$18.00	\$93.16		\$111.16
	State of Nebraska	Erica Charging Elk	County	CR 22-186	Warrant	11/30/2022	11/30/2022	\$2.00			\$2.00
CK# 2584-4/3/2023	Danielle Schubauer	Dan Fay	County	CI 23-46	Summons	3/20/2023	3/24/2023	\$6.00			\$6.00
CK# 2584-4/3/2023	Danielle Schubauer	Colleen Bass	County	CI 23-46	Summons	3/20/2023	3/24/2023	\$6.00			\$6.00
	State of Nebraska	Justin Gabriel	County	CR 22-214	Warrant	10/28/2022	3/26/2023	\$2.00			\$2.00
ck#145370 - 3/23/2023	Credit Management	Matthew Fay	County	CI 23-44	Summons	3/23/2023	3/26/2023	\$18.00	\$52.06		\$70.06
ck#145439 - 3/24/2023	Credit Management	Emma Minor	County	CI 23-18	Summons	3/24/2023	3/28/2023	\$18.00	\$126.72		\$144.72
	State of Nebraska	Austin Mousseaux	County	CR 22-33	Warrant	3/28/2022	3/29/2023	\$2.00			\$2.00
ck#38320 - 3/9/2023	Accelerated Receivables	Rhonda R Kursave	County	CI 23-34	Summons	3/9/2023	3/28/2023	\$18.00	\$0.50		\$18.50
ck#23212 - 3/13/2023	General Collection Co	Johnny Kolessa III	County	CI 22-72	Summons	3/10/2023	3/29/2023	\$18.00	\$0.50		\$18.50
	State of Nebraska	Dani M Black Lance	County	CR 19-240	Warrant	7/9/2020	3/30/2023	\$2.00			\$2.00
								\$581.00	\$873.28		\$1,454.28

CHERRY COUNTY HOSPITAL  
BOARD OF TRUSTEES

February 28, 2023

The Cherry County Hospital Board of Trustees met on this date, February 28, 2023 for a regular board meeting in the conference room of the hospital as per notice in the Midland Newspaper on Wednesday, February 22, 2023 marked exhibit A and incorporated herein this reference: the agenda being on file in the office of the Hospital Chief Executive Officer and not modified after February 27, 2023 at 6:05 P.M. marked exhibit B and made a part thereof. Roll Call: Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee and Dunn. Also attending were Kyle Kellum, Amanda Davidson, Nancy Hicks-Arsenault, Phillip Mues, Kristin Jerred, Ashley Sandoz, Michele Mulligan-Witt, MD, Melissa Williams, Vickie Ahlers of Baird Holm, LLP via Zoom, as well as members of the public.

The Chairperson made reference to the Open Meeting Act information available in the room.

It was moved by Ward and seconded by D. Lee to pull items B and C from the consent agenda. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

It was noted that the prior processes of executive session were in violation of the open meeting statute. It was noted that one item should be reviewed and voted at a time. It was moved by Henderson and seconded by V. Lee to approve the Adopt Agenda. A vote was had and on roll call vote, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and Ward and Scott voted nay.

A dispute and conversation was had regarding the wording of “a confidential personnel matter” in the January 31 meeting minutes. It was stated that said person should have a right to speak in public and request an open meeting. Vickie Ahlers clarified that the minutes, as presented, were justified and that the person’s name should remain confidential. A motion was made by Henderson and seconded by Wheeler to approve the January 31, 2023 BOT Meeting Minutes. A vote was had and on roll call vote, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and Ward and Scott voted nay.

Time was made available to allow for public comment with it opening at 7:30 PM. A request was made by Zach Dean to yield his time for the Ambulance Grant discussion.

Nancy Hicks-Arsenault provided a patient story for the board. A neighbor of Nancy’s had spoken with her regarding a recent incident her husband experienced. He was complaining of chest pains and upon arrival to the hospital it was noted that he was indeed experiencing a heart attack. The wife was grateful for how well they were treated by the hospital and EMS team members. He was transported to North Platte where he had quadruple bypass surgery and plans to follow up with cardiac rehab at our facility.

The accounts payable and payroll registers were examined. A motion was made by Henderson and seconded by Dunn to approve accounts payable payments #132826 through 133121, noting 132840 was void. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

The payroll checks were reviewed. A motion was made by Henderson and seconded by Dunn to approve payroll check #123646 through 123653 and direct deposit listings for February 2<sup>nd</sup> and February 15<sup>th</sup>. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

The SFB manual checks were also examined. A motion was made by Henderson and seconded by Dunn to approve the SFB manual checks numbers 1676 through 1678. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

Prior to public comment closing, a member of the public voiced her concern for the hospital based on conversations she has had with various team members.

The financial report was presented by Amanda Davidson. Revenues, expenses, hospital statistics and statistical trends were reviewed, discussed with comparison to prior years. Review of bad debt and recoveries was conducted as well as current cash position. DNFB, days cash on hand, as well as key performance indicators, including overtime hours and associated overtime expenses were reviewed. A question was posed to the board if they would like to have locums added when reviewing FTEs. All members were in agreement. An inquiry was made by Henderson to Vicki to determine if the financial report should be approved each month by the board. It was noted that it is board preference. A motion was made by Henderson and seconded by D. Lee to approve the financial report. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

Due to a conflict there was no quarterly compliance meeting held in February.

Introductions were made by Elizabeth Hurst of the Governance Institute. She was in attendance to observe and be an added resource should questions arise regarding board meeting best practices.

The medical staff application for Kalynn Salcedo, PA-C, Ahmed Awais, MD, and Natasha Burch, APRN were reviewed and approved from Cherry County Hospital Medical Staff. It was moved by V. Lee and seconded by Wheeler to approve the medical staff application of Kalynn Salcedo, PA-C, Ahmed Awais, MD, and Natasha Burch, APRN. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

The board was presented with board education on the Nebraska Open Meetings Act. A motion was made by Scott and seconded by D. Lee to approve the board education on Nebraska Open Meetings Act. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

There were no capital expenditures for review at this time.

Jonnie Kusek of Panhandle Transit was in attendance to provide an update on their services and request a renewal of their transportation agreement with the hospital. It was noted this would be a two year agreement to run from July 1, 2023 until June 30, 2025. Discussion was had regarding the number of trips needed to ensure the investment is justified. A motion was made by Henderson and seconded by V. Lee to approve the Panhandle Transit renewal in the amount of \$38,723.27. A vote was had and on roll call vote, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and Ward voted nay.

It was noted that the Cherry County Ambulance Team applied for a Nebraska DHHS Ambulance

Grant and were awarded a grant in the amount of \$75,000. The grant needs to be accepted by March 3, 2023 and there are no repercussions if the funds are not accepted by their September 30, 2026 deadline. Zach Dean was given time to speak on behalf of the Ambulance Team. He noted that Merriman has an older ambulance unit that could potentially be purchased at a reduced price. The unit would need to be looked over for mechanical issues and need to be outfitted inside. An inquiry will be made and provided to the board at a later date. A motion was made by D. Lee and seconded by Scott to approve the Nebraska DHHS Ambulance Grant. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

A request was made approve the use of electronic signatures with the implementation of Meditech Expanse. By doing so this will reduce time and provide more security. It was noted that a third live signature by CEO Kellum or CFO Davidson would still be required. A motion was made by V. Lee and seconded by Ward to approve the use of accounts payable board signatures electronically. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

An inquiry was made to the board on the posting of monthly board minutes on the Cherry County Hospital and Clinic website, as well as in the local newspaper. It was agreed that posting only to the website would be acceptable. A discussion ensued on how long the minutes would remain on the website and a year was recommended. A motion was made by D. Lee and seconded by Scott to approve the publication of the BOT meeting minutes on the CCH website. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

The County Commissioners have requested a BOT member attend their County Commissioner Meeting each month to provide a brief update. Deanna Scott was asked if she would be willing to attend and she agreed.

An update was provided on the current status of the Meditech Expanse proceedings. It was noted that Meditech was onsite in February to provide Clinical Leadership Preparedness Program (CLPP) training to the EHR team. Testing will start in April and there will be clean-up and building of programs taking place. We are currently working on obtaining a grant with the State of Nebraska in the amount of \$150,000 to be applied to this project.

A physician recruitment update was provided. Dr. Sarah Hoffschneider will be visiting and has a strong interest in joining the Cherry County Hospital and Clinic team. She hopes to have a decision made by June 2023. A discussion on the challenges with nursing recruitment and retention was had. Several incentives are being discussed including offering an aggressive referral bonus, tuition reimbursement and loan repayment programs.

Due to the duration of the meeting, a break was taken at 9:49 PM and the meeting recommenced at 9:56 PM.

A written administrative report was given and highlights were provided to the board. It was noted that Dr. Anand in Oncology will be leaving Great Plains. Great Plains is working diligently to fill his spot and ensure there will be no interruption of services for CCH.

A conversation began in regards to the new CEO contract. It was noted that at the time CEO Kellum was hired, he signed an employment agreement and no contract. He has had minimal increases over the past 3 years with CCH and is the only team member that has had no market adjustment. A new

contract was presented to the board to review and agree upon. It was noted by several members that additional time would be needed to review. Objections were made on the handling of the process. Ahlers provided her legal advice and knowledge to help resolve concerns. A motion was made by Ward and seconded by D. Lee to table the CEO contract discussion. A vote was had and on roll call vote, Ward, Scott, V. Lee, Wheeler, D. Lee, and Dunn aye and Henderson voted nay.

Two samples of CEO performance evaluations were presented. Elizabeth Hurst provided an online option, but it was unclear if it could be completed and compiled by the March 23<sup>rd</sup> deadline. A request was made for CEO Kellum, the BOT members, CFO Davidson, and CMO Mulligan-Witt, MD to complete the forms and return them back to Jane Bostrom in Human Resources by March 14<sup>th</sup>. Bostrom will compile the data received and send to all parties by March 23<sup>rd</sup>. This will all be done anonymously.

The annual election of Board of Trustee officers was held. It was moved by Henderson and seconded by D. Lee to nominate Roger Dunn, Chairperson, Sheila Wheeler, Secretary; and Andrew Ward, Treasurer that nominations cease and a unanimous ballot be cast. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

At 10:38 PM it was moved by Scott and seconded by Ward to move into executive session for the purpose of discussion of litigation against the hospital. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

At 10:52 PM, the Board of Trustees came out of executive session.

At 10:55 PM it was moved by D. Lee and seconded by V. Lee to move into a second executive session for the purpose of discussing provider contract negotiations. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

At 11:15 PM, the Board of Trustees came out of executive session.

Following executive session it was decided to proceed with the two CRNA contracts and obtaining fair market value in a timely manner. It was moved by Henderson and seconded by D. Lee to proceed with the two CRNA contracts. A vote was had and on roll call vote, Ward, Scott, Henderson, V. Lee, Wheeler, D. Lee, and Dunn aye and none voted nay.

There being no further business the meeting adjourned.

Respectfully submitted,

Sheila Wheeler  
Secretary

# CHERRY COUNTY HOSPITAL

## BOARD OF TRUSTEES

March 16, 2023

The Cherry County Hospital Board of Trustees met on this date, March 16, 2023 for a special board meeting in the conference room of the hospital as per notice in the Midland Newspaper on March 8, 2023 marked exhibit A and incorporated herein this reference: the purpose of the meeting was to consider, discuss, and take action on CEO Kyle Kellum's contract. The agenda is marked exhibit B and made a part thereof. Roll Call: Dunn, Henderson, Ward, D. Lee, V. Lee, Scott, and Wheeler. Also attending the meeting were Kyle Kellum, Amanda Davidson, Michele Mulligan-Witt, Nancy Hicks-Aresnault, Ashley Sandoz, Kristin Jerred, Melissa Williams, Vickie Ahlers of Baird Holm LLP via Zoom, and several members of the public.

The Chairperson made reference to the Open Meeting Act information available in the room.

Time was made available to allow for public comment with it opening at 7:30 PM. Several members of the public voiced concerns over the increase in salary, as well as the handling of the CEO contract by members of the board in an effort to retain CEO Kellum at CCH. A few members also spoke in support, providing their input on Kellum's performance and the hospital's recent successes with recruitment and increased revenue. Public comment was closed at 8:03.

It was moved by Ward and seconded by V. Lee to approve the public notice given. A vote was had and on roll call vote, Dunn, Henderson, Ward, D. Lee, V. Lee, Scott and Wheeler aye and none voted nay.

A motion was made by Ward and seconded by V. Lee to take off the table the conversation regarding the CEO contract previously tabled at the February 28, 2023 BOT Meeting. A vote was had and on roll call vote, Dunn, Henderson, Ward, D. Lee, V. Lee, Scott and Wheeler aye and none voted nay.

It was moved by D. Lee and seconded by Wheeler to adopt the agenda. A vote was had and on roll call vote, Dunn, Henderson, Ward, D. Lee, V. Lee, Scott and Wheeler aye and none voted nay.

Board members voiced their concerns, grievances, and support in regards to the CEO contract and process taken in executing it.

A request was made by Ward for Vicki Ahlers to define tortious interference with contracts. It was noted by Ahlers that further details would be needed and it would be inappropriate to discuss in open session. At 8:27 PM it was moved by Ward and seconded by D. Lee to move into executive session for the purpose of discussion of tortious interference related to contracts and discuss potential legal claims. A vote was had and on roll call vote, Dunn, Henderson, Ward, D. Lee, V. Lee, Scott and Wheeler aye and none voted nay.

At 8:50 PM, the Board of Trustees came out of executive session. It was noted that no other subject matter was considered, and no formal vote, informal vote, straw vote, or poll was taken during the executive session.

A motion was made by Henderson and seconded by V. Lee that the board approve the CEO contract as presented and direct the board chairperson to execute the contract with Kyle Kellum as soon as possible. A request was made of Henderson to withdraw the motion to allow the incorporation of the CEO annual evaluation during the regularly scheduled Board meeting on March 28<sup>th</sup>. Henderson declined to withdraw the motion previously made. After considerable discussion, a vote was had and on roll call vote, Dunn, Henderson, V. Lee, Wheeler voted aye and Ward, Scott, D. Lee voted nay. Motion passed.

Respectfully submitted,

Sheila Wheeler  
Secretary

## **Cherry County Visitor Promotion Board**

### **Regular Meeting**

**March 7th, 2023, 2:00 PM CST- Visitor Center Meeting Room**

Present: Kim, Rich, Anne, Sara, Greg

Guest: Kyle Argenbright, Brad Arnold, Nina Nelson

Staff: Regina Osburn- Director

Directors Report: see weekly reports on file

- Meeting was called to order at 2:00 by Greg
- Greg introduced– Kyle Argenbright and Brad Arnold with the Valentine City Council were present along with Nina Nelson, Cherry County Commissioner.
- CCT Board was given time to look over February 7th minutes. Sara made a motion to approve Minutes. Kim 2nd. No discussion. All in favor. Motion carried.
- Regina presented the board with the February financial report and gave a full explanation of the 3 different funds and their purpose. This included the tourism account and general account balances, along with proposed expenditures. Director explained 2 totals that differ from County copy. As stated last month \$5,200.48 for assistant retirement back pay. It was coded incorrectly by Billie in the clerk's office and is not yet showing corrected on County reports. Will be corrected in the next cycle. Kim made a motion to approve the financials as presented. Ann second. No discussion. All in Favor. Motion carried.
- Greg recognized – guests and heard no public comment

### **New business**

- Rich made a motion to enter Executive Session@2:07 for the purpose of discussing future event center options. Anne Second. The executive session ended @ 3:00. Sara made a motion and Kim second to resume regular CCTPB meeting. No discussion. all in favor.
- CCTPB discussed last month's director evaluation and outlined defined expectations. Also the Staff evaluation needs to be completed by the director for review at April Meeting.
- The Board reviewed previous goals for 2022. Eliminated goals that have been met. Created a order of importance and discussed a timeline to follow.

### **Review items**

- Advertising – A. Rich made a motion second by Kim to approve advertising with logo on team shirts. Heart City Baggers Cornhole team presented a t-shirt advertising package not to exceed \$200.00 for team jerseys. No discussion. All in Favor. Motion carried. B. Sara Made a motion, Kim second to approve proposed ad package with KELO T.V for :60 sec ads up to \$25,000 for 2023. Not to exceed \$5,000 per month. Ads to be submitted by the end of April. No discussion. All in favor. Motion carried.
- Director mentioned that photos of board members are still needed for the webpage. Bios were submitted by Sara and Kim.



- The Director has contacted Hoeffe's landscaping to give a quote for redirecting drainage for the driveway. They will wait for the snow to clear more before giving an estimate.
- Sign grant proposals need to be presented to the cities of Cherry County. It was the board's recommendation to start with Valentine City Council. The Director will be put on the April agenda to present the grant proposal.
- The board will further discuss expectations and put together a timeline.
- Future business discussed was to continue with meetings across Cherry County this summer as we had alternated previously.

Next meeting –April 4th @ 2:00 Valentine Visitor Center.

Meeting Adjourned 5:45 pm CST

## Cherry County Cornin

HAVE ERIC SCOTT write up a resolution: Hopefully to PASS

WE Cherry County Commissioner  
adopt resolution restricting any  
Foreign Country or anyone having  
any ties to Foreign Country from  
purchasing property within the  
boundaries of Cherry County, Nebr.

If you don't feel so  
than I request you put it  
to a vote of the People at  
the next Election

For Foreign entry and purchase early  
Against Foreign entry

Thanks  
Bill Ward