

Welcome to Kootenai County

At Kootenai County we believe in professionalism, customer focus, accountability, communication, and teamwork. Kootenai County employees take pride in providing quality, cost-effective public resources to our community. We are an Equal Opportunity Employer.

This personnel policy manual establishes a safe and cooperative working environment, establishes the responsibilities and level of performance expected of County employees, and explains the benefits provided to Kootenai County employees.

Kootenai County is a political subdivision of the State of Idaho, though it is not a part of State government. Three elected commissioners serve as the governing body for the County and carry out local legislative duties and fulfill obligations as the chief executives of the County. The Board of Commissioners is responsible for setting general policy for the County and, as such, has primary authority to establish terms and conditions of employment with Kootenai County.

Six other Kootenai County officials are elected by the County's voters to carry out specific public functions. These include the Sheriff (chief law enforcement officer), Prosecutor (chief law enforcement officer), Assessor (determines property values, administers property taxation system, and acts as agent for the State Department of Transportation by licensing and titling vehicles), Treasurer (tax collector, public administrator), Clerk/Auditor (maintains fiscal accounts, budget officer, recorder, clerk of district court), and Coroner (determines causes of deaths in the County).

These Elected Officials have full authority, by law, to carry out the duties established for their offices. They can appoint deputies to assist them in carrying out their responsibilities, and they establish office policies which govern the conduct of workers in their respective departments. These policies must not conflict with general County policy or, if they do, any difference in an approved budget cost by the conflict must be approved by the Board.

Elected Officials other than the County Commissioners may have departmental personnel handbooks and manuals which guide the management of their departments on a day-to-day basis. These departmental handbooks are recognized as useful management tools; however, they are a supplement to the general county personnel policy manual so as not to infringe upon the prerogatives of other Elected Officials in managing their offices.

Employees of Kootenai County are AT- WILL (Policy No. 430) and are employed at the discretion of the Elected Official for whom they serve. Either the employee or Kootenai County may terminate employment at any time and for any reason, with or without notice.

The Sheriff has adopted a "For-Cause" personnel policy which shall prevail over certain policies set forth by the Board of County Commissioners for those personnel specified by the Sheriff. (NOTE: Due to the nature of law enforcement and investigative/undercover work, it may not be possible for those personnel to adhere to all policies outlined in this manual when performing their duties.)

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and consent of, County employees. Every effort will be made to communicate these changes in advance. However, advance notice may not always be possible. This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted.

The policies and procedures contained in this manual constitute guidelines only. They are not intended to make any commitment to any employee concerning how individual employment action can, should, or will be handled, nor is it a promise to continue the specific policies or benefits which are described. Neither this personnel manual nor any of Kootenai County's policies or benefit plans should be considered a contract for purposes of employment, payment of compensation, or benefits.

Thank you for being a part of Kootenai County. If you have any questions or wish to have further information about any particular guideline in this manual, please contact the Human Resources department.

Resolution 97-42, approved July 22, 1997
Resolution 2011-149, approved December 27, 2011
Resolution 2014-77, approved November 18, 2014
Resolution 2015-52, approved December 1, 2015
Resolution 2016-66, approved August 2, 2016
Resolution 2016-117, approved November 29, 2016

KOOTENAI COUNTY

MISSION STATEMENT

It is the mission of Kootenai County Government to provide professional service with regard to public safety, essential service, preservation of natural resources and the responsible management of public assets for the common well-being of our citizens.

VISION STATEMENT

An innovative, cost effective government the community can be proud of, committed to a high quality of life and excellence in public service.

VALUES AND OPERATING PRINCIPLES

Professionalism

Innovative Qualified Honesty Integrity Personal Excellence

Customer Focus

Responsive Prompt Compassionate Quality Service

Accountability

Responsible Cost Effective Use of Public Resources

Communication

Open and Honest Sharing of Information and Ideas

Teamwork

Creative Cooperation



Kootenai County Organizational Chart



CITIZENS

Board of County Commissioners

Facilities & Operations Management	Administration	Community Services	Justice Services
Building & Grounds	Board Administration	Airport	Public Defender
Reprographics	Grant Compliance	Community Development	Adult Misdemeanor Probation
Information Systems	Human Resources	Parks & Waterways	Juvenile Probation
	Risk Management	Noxious Weeds	Juvenile Detention Center
		Snowgroomers	Contracted Conflict Public Defenders
		Solid Waste	
		Veterans Services	
		Office of Emergency Management	
		Public Transit	

Special Districts	
Kootenai County Fair	Aquifer Protection District
Ambulance District (KCEMSS)	

Joint Governed
Centennial Trail Board
Kootenai County Emergency Medical Services System (KCEMSS)
Hayden Area Regional Sewer Board (HARSB)

Assessor

Chief Deputy
Residential & Specialized Appraisal
Vehicle Licensing
Administrative Services
Mapping

Clerk

Chief Deputy
Auditor
County Assistance
District Court Clerks
Elections
Recorder

Coroner

Chief Deputy

Prosecutor

Chief Deputy
Criminal Division
Civil Division
Juvenile Diversion

Sheriff

Undersheriff
Operations Bureau
Support Services Bureau • Drivers License
Jail Bureau
9-1-1 Communications Bureau

Treasurer

Chief Deputy
Tax Collector
Public Administrator

KOOTENAI COUNTY PERSONNEL POLICY MANUAL

LIST OF EFFECTIVE POLICIES

Effective date: November 29, 2016

POLICY NO.	TITLE
010	<u>DEFINITION OF EMPLOYMENT STATUS</u>
020	<u>RECRUITING, SELECTION and EMPLOYEE STATUS</u>
021	<u>EQUAL EMPLOYMENT OPPORTUNITY</u>
022	<u>AMERICAN WITH DISABILITY ACT</u>
023	<u>EMPLOYMENT OF RELATIVES (NEPOTISM)</u>
024	<u>EMPLOYMENT OF MINORS</u>
025	<u>REEMPLOYMENT/REHIRES</u>
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050	<u>HIPAA PRIVACY POLICY</u>
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213	<u>ALTERNATIVE WORK SCHEDULES</u>
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312	<u>HOLIDAYS</u>
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315	<u>PAID PERSONAL TIME OFF (BEREAVEMENT, JURY DUTY)</u>
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POLICY NO.	TITLE
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322	<u>LEAVE OF ABSENCE WITHOUT PAY</u>
324	<u>FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY LEAVE</u>
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350	<u>INSURANCE PROGRAMS</u>
370	<u>EMPLOYEE RECOGNITION PROGRAM</u>
371	<u>INNOVATION AWARD</u>
410	<u>STANDARDS OF CONDUCT</u>
411	<u>CONFLICT OF INTEREST AND MOONLIGHTING</u>
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413	<u>WHISTLEBLOWER</u>
414	<u>SOLICITATION AND DISTRIBUTION</u>
415	<u>SUBSTANCE ABUSE</u>
416	<u>ALCOHOL/CONTROLLED SUBSTANCES TESTING POLICY</u>
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425	<u>COMPUTER USE</u>
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POLICY	TITLE
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431	<u>DRUG TESTING POLICY</u>
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520	<u>SUGGESTIONS</u>
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710	<u>RISK MANAGEMENT</u>
720	<u>ACCIDENTS/INJURIES REPORTING</u>
810	<u>EMPLOYEE SEPARATION</u>
811	<u>REDUCTION-IN-FORCE AND RECALL</u>
820	<u>EXIT INTERVIEWS</u>
910	<u>TRAVEL POLICY</u>
915	<u>USE OF PRIVATELY OWNED VEHICLES</u>
920	<u>PURCHASE CARD POLICY</u>
930	<u>EXPENDITURES POLICY</u>

DEFINITIONS OF EMPLOYMENT STATUS

I. PURPOSE

To help provide uniformity and equity in applying personnel policies and benefits.

II. SCOPE

These definitions apply to all locations in Kootenai County.

III. POLICY

Kootenai County maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions according to the following definitions. The County will offer health insurance to employees in accordance with the Affordable Care Act.

Exempt: Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from overtime pay requirements. Flex time for Exempt employees will be permitted at the discretion of the Elected Official. However, Exempt employees shall not be entitled to a cash payment of any accrued flex time. Upon separation from County employment Exempt employees shall not be paid for any flex time.

Non-Exempt: Employees whose positions do not meet FLSA Exemption tests and who are paid a multiple of their regular rate of pay for overtime, as required by federal and state law.

Regular Full-time: Employees who are regularly scheduled to work 35 hours or more per workweek. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

Regular Part-time: Employees who are regularly scheduled to work less than 35 hours per week. Generally, they are eligible for some benefits subject to the terms, conditions and limitations of each benefit program.

Temporary: Employees who are hired as interim replacements to supplement the workforce or assist in the completion of a specific project. They may work a full-time or part-time schedule, and typically work for 12 months or less. They are ineligible for vacation, sick, and holiday pay. They may be eligible for some benefits, and the Public Employee Retirement System of Idaho (PERSI) in some instances.

Seasonal: Employees who are hired on a seasonal basis for a pre-established period of time, typically less than six months. They may work a full-time or part-time schedule. They are ineligible for vacation, sick, and holiday pay. They may be eligible for some benefits, and the Public Employee Retirement System of Idaho (PERSI) in some instances.

Limited Term: Any position with a starting and ending date; includes benefits and must be applied for in the normal manner, and approved, if not already established, by the Board of County Commissioners.

Resolution 97-48, approved July 22, 1997

Resolution 97-50, approved July 22, 1997

Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

Resolution 2015-52, approved December 1, 2015

RECRUITING, SELECTION and EMPLOYEE STATUS

I. PURPOSE

To establish authority and responsibility for Kootenai County's job posting, recruiting, selection, and employee status change policies and procedures.

II. SCOPE

This policy applies to job posting, recruiting, selection, and tracking employee status changes, with the exception of elected officials, appointees, or special deputies.

III. POLICY

Kootenai County is committed to recruiting and retaining qualified, productive employees. Authorization from the Elected Official or Department Head is required to initiate any action for an open position. The Human Resources Department will assist in creating a recruitment strategy designed to find the most suitable individual for the position with due regard for internal candidates.

All County positions will be tracked by using a "Position ID." Activating a new position ID typically requires Board approval.

An Employee Status Change Form, reviewed and approved by the BOCC, is required for all personnel changes prior to the change taking effect or a new employee starting work. In addition to hiring, an Employee Status Change Form is required for: promotion, demotion, transfer, exits, as well as changes to pay, job title, etc.

IV. DEFINITIONS

An "applicant" is an individual who completes in its entirety a Kootenai County employment application, and submits all requested application materials for an open position.

A "candidate" is an applicant who has been selected for an interview.

A "Position ID" is a mechanism used to accurately track positions and the associated funding/budget for the position.

An "Employee Status Change Form" is a tool used to maintain accurate records regarding all aspects of an employee's status with Kootenai County.

V. PROCEDURE

The following steps govern the job posting, recruiting and selection process:

A. Elected Officials, Department Heads, or their designee should:

1. Provide the Human Resources Department with a completed Recruitment Request Form, and if applicable, provide an updated job description.
2. Select candidates from applicants, and conduct valid, job related pre-employment screening and interviews.
3. Make the final selection and make an oral and/or written job offer to the successful applicant, consulting with Human Resources to schedule an orientation date.

4. Ensure that a pre-employment drug test is completed within 48 hours of the job offer. Further tests may be required depending on the position applied for after the job offer is made.
5. Complete and route an Employee Status Change Form for BOCC approval, typically one week prior to the scheduled orientation date.

B. The Human Resources Department staff shall:

1. Upon receipt of the completed recruitment request form, post the job as directed by the Elected Official, Department Head, or designee.
2. Vacancies are typically posted at a minimum on a weekly basis. Vacancies will be posted in various, appropriate internal and external locations, at the direction of the Elected Official or Department Head, typically within two business days of receiving the Request for Recruitment Form. Job postings will instruct candidates how to apply.
3. Upon request from the Department Head or the Elected Official, the Human Resources Department can also assist with:
 - a. Pre-screening job applicants; scheduling and/or participating in interviews; assisting with developing interview questions.
 - b. Making a recommendation as to final selection and advising on the appropriate starting salary
 - c. Providing a job offer letter, and conducting new hire orientation (typically on the selectee's first day of employment)
 - d. Verifying references and background information; ensuring that all required paperwork is presented to the employee during new hire orientation; and that all required paperwork is completed, including the Form I-9.
 - e. Notifying unsuccessful candidates.

VI. RECORD RETENTION.

Solicited applications and related material, including interview notes for all interviewed candidates will be maintained for two years in accordance with the law. The materials may only be destroyed upon authorization by resolution of the Board of County Commissioners in accordance with Idaho Code Section 31-871.

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Resolution 97-42, approved July 22, 1997
Resolution 2001-24, approved April 3, 2001
Resolution 2011-149, approved December 27, 2011
Resolution 2014-77, approved November 18, 2014

RELATED POLICIES:

Policy No. 020, Recruiting, Selection, and Employee Status
Policy No. 021, Equal Employment Opportunity
Policy No. 426, Record Retention

EQUAL EMPLOYMENT OPPORTUNITY

I. PURPOSE

To preserve an employment environment free from illegal discrimination.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Kootenai County believes in and practices the philosophy of providing equal employment opportunities for all applicants and employees based upon their training, experience, and overall qualifications. In recognition of the rights of all employees and applicants as individuals, it is the policy of Kootenai County to recruit, hire, and promote in all job classifications without regard to race, color, age, sex, religion, national origin, disability, status as a disabled veteran, status as a veteran of the Vietnam era, and/or any other class protected by state, local, or federal law.

Supervisors and employees are responsible for treating all employees with respect and dignity regardless of race, color, religion, sex, age, national origin, disability, veteran status, or any other characteristic protected by law. Furthermore, harassment of any nature, whether verbal, visual, or physical, will not be tolerated.

The Human Resources Department has responsibility for daily administration and monitoring of the County policies affecting equal employment opportunity. It is the responsibility of every Elected Official, Department Head, manager, supervisor, and employee to carry out in spirit as well as in letter, the philosophy of equal opportunity employment as outlined by federal law.

Questions regarding the information in this policy may be addressed to the Human Resources Department or the Prosecutor's Office, Civil Division.

It is the policy of Kootenai County to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964 (as amended), the Americans with Disabilities Act (as amended), and Section 504 of the Rehabilitation Act of 1973. Appropriate consideration will be given to applicable Federal and State regulations. Kootenai County will make reasonable accommodation to the known disabilities of any applicant or employee.

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (as amended), Kootenai County shall appoint responsible employees to act as Section 504 Compliance Officer and ADA Coordinator to ensure compliance with the County's programs, policies, procedures or facilities.

In all employment decisions, the County's ability to fulfill its public service mission shall be of paramount importance. All objections to application of County policy in this regard shall be brought to the attention of the office of the Board of County Commissioners, or in the case of objection to Commission action, to the office of the Prosecuting Attorney.

Veteran's Preference & Rights

The County will accord a preference to U.S. Armed Services veterans, or his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-503 will be employed.

Any qualified veteran who has been restored to his/her position in accordance with Idaho Code § 65-508 shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to an opportunity to be heard prior to termination. Such returning veteran shall also be considered as having been on an unpaid leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

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Resolution 87-12, approved February 11, 1987

Resolution 91-43, approved July 30, 1991

Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

AMERICANS WITH DISABILITIES ACT

I. PURPOSE

To comply with the Americans with Disabilities Act.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Kootenai County's policy and practice is to comply with the Americans with Disabilities Act (as amended) and ensure equal employment opportunity for all qualified persons with disabilities.

A disability includes a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment.

Examples of major life activities include but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. It also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

A physical or mental impairment means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific disabilities.

Employees may submit a request for an accommodation to their Elected Official, Department Head, or the County's ADA Coordinator in the Human Resources Department. The request may be verbal or in writing but must contain enough information for Kootenai County to determine that an accommodation is needed due to an underlying long-term medical condition or impairment. Human Resources will work with the employee and the supervisor to determine if the individual qualifies under the ADA, including the necessary qualifications for the position, having a disability as defined by the ADA, and the ability to perform the essential functions of the position, with or without an accommodation.

SOME EXAMPLES OF REASONABLE ACCOMMODATION

- making facilities readily accessible to and usable by an individual with a disability;
- restructuring a job by reallocating or redistributing marginal job functions;
- altering when or how an essential job function is performed;
- providing part-time or modified work schedules;
- obtaining or modifying equipment or devices;
- modifying examinations, training materials or policies;
- providing qualified readers and interpreters;

- reassignment to a vacant position;
- permitting use of accrued paid leave or unpaid leave for necessary treatment;
- providing reserved parking for a person with a mobility impairment;
- allowing an employee to provide equipment or devices that an employer is not required to provide.

Kootenai County may request additional information from the employee and his/her health care provider to verify the disability and obtain possible recommendations of ways to accommodate the disability. The ADA requires an interactive process between the employee and the employer. If an employee fails to provide the necessary information for the request to be reviewed, the request for an accommodation may be delayed or denied pending more information.

Accommodation requests that would result in an undue hardship for Kootenai County will be denied. However, alternative accommodations may be suggested in lieu of the requested accommodation. Accommodations may be implemented on a trial basis ranging from thirty (30) to ninety (90) days to determine if the accommodation is successful and does not disrupt the workplace. All accommodations should be periodically reviewed to ensure they are still necessary and still allow the employee to successfully perform the essential functions of the job.

All employees are required to comply with safety standards. Employees who pose a direct threat to the health or safety of themselves or others will be placed on leave without pay until the threat can be eliminated by reasonable accommodation or until a decision has been made in regard to the employee's continued employment.

EVALUATIONS, DISCIPLINE AND DISCHARGE AND THE ADA

An employer can hold employees with disabilities to the same standards of production/performance as:

- Other similarly situated employees without disabilities for performing essential job functions (with or without reasonable accommodation).
- Other employees regarding marginal job functions, unless the disability affects the ability to perform the marginal functions. If the ability to perform marginal functions is affected by the disability, the employer must provide some type of reasonable accommodation such as job restructuring (unless to do so would be an undue hardship).
- A disabled employee who needs an accommodation (that is not an undue hardship for an employer) in order to perform a job function should not be evaluated on his/her ability to perform the function without the accommodation, and should not be downgraded because such an accommodation is needed to perform the function.
- An employer should not give employees with disabilities "special treatment." They should not be evaluated on a lower standard or disciplined less severely than any other employee. This is not equal employment opportunity.
- An employer must provide an employee with a disability with reasonable accommodation necessary to enable the employee to participate in the evaluation process (for example, counseling or an interpreter).
- If an employee with a disability is not performing well, an employer may require medical and other professional inquiries that are job-related and consistent with business necessity to discover whether the disability is causing the poor performance, and whether any reasonable accommodation or additional accommodation is needed.

- An employer may take the same disciplinary action against employees with disabilities as it takes against other similarly situated employees, if the illegal use of drugs or alcohol use affects job performance and/or attendance.
- An employer may not discipline or terminate an employee with a disability if the employer has refused to provide a requested reasonable accommodation that did not constitute an undue hardship, and the reason for unsatisfactory performance was the lack of accommodation.

GRIEVANCE PROCEDURE:

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County. The County's Personnel Policy governs employment-related grievances of disability discrimination.

The grievance should be in writing and contain information about the alleged discrimination such as name, address, phone number of grievant and location, date, and description of the problem. Alternative means of filing grievances, such as personal interviews or a tape recording of the grievance will be made available for persons with disabilities upon request.

The grievance should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Human Resources Director, ADA Coordinator
Human Resources Department
PO Box 9000, Coeur d'Alene ID 83816-9000

Within 15 calendar days after receipt of the grievance, the Human Resources Director or his/her designee will meet with the grievant to discuss the grievance and the possible resolutions. Within 15 calendar days of the meeting, the Human Resources Director or his/her designee will respond in writing, and where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the grievance.

If the response by the Human Resources Director or his/her designee does not satisfactorily resolve the issue, the grievant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Board of County Commissioners or its designee.

Within 15 calendar days after receipt of the appeal, the Board of County Commissioners or its designee will meet with the grievant to discuss the grievance and possible resolutions. Within 15 calendar days after the meeting, the Board of County Commissioners or its designee will respond in writing, and, where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.

All written grievances received by the Human Resources Director or his/her designee, appeals to the Board of County Commissioners or its designee, and responses from these two offices, will be retained by the County for at least three years.

Kootenai County is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. Reasonable accommodation is available to all employees and applicants, including work site accessibility as long as the accommodation does not cause undue hardship on the County. Individuals should contact their Elected Official, Department Head or the Human Resources Director concerning an accommodation.

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Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

(See Reasonable Accommodation Form)

EMPLOYMENT OF RELATIVES (NEPOTISM)

I. PURPOSE

To prevent problems of supervision, safety, security and morale.

II. SCOPE

This policy applies to all employees.

III. POLICY

The Kootenai County Nepotism policy adopts the requirements of state law, and particular attention is directed to Idaho Code § Title 18 Chapter 1359, as amended, Using Public Position for Personal Gain, particularly, (Idaho Statutes Title 18, Chapter 13)

Idaho Code §, 18-1359, Subsection (1) (e):

(1) No public servant shall:

- (e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, which means his or her spouse, child, parent, sibling, grandparent or grandchild, aunt or uncle, niece or nephew or the same relation by marriage, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

and, Idaho Code § 18-1359(4):

No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

and, Idaho Code § 59-70 Ethics in Government Act:

A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section.

“Conflict of interest” means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary

benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated.

Applications for employment from close family relatives of current County employees will be considered with other qualified applications when personnel vacancies occur. Some restrictions in job placement may apply, however, to prevent problems of supervision, safety, security and morale, and violation of Idaho law.

IV. DEFINITION

"Close family relatives in the 2nd degree" - spouse, child, parent, sibling, grandparent or grandchild, aunt or uncle, niece or nephew or the same relation by marriage. For the purpose of this policy, "spouse" means those employees having a legal marital relationship.

V. PROCEDURE

- A. Close family relatives may not be hired or appointed into a department or position where they directly or indirectly supervise or are supervised by another close family relative.
- B. If employees become related after employment and a conflict of interest or management problems of supervision, safety, security or morale result; or, if a reorganization creates such a conflict, reasonable time may be provided to resolve the matter. If resolution is not possible, Kootenai County may require one or both of those employees to transfer.

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Resolution 2011-149, approved December 27, 2011

EMPLOYMENT OF MINORS

I. PURPOSE

To establish guidelines to occasionally hire minors during school breaks, at peak work periods, or on an internship basis.

II. SCOPE

This policy applies to appropriate positions in Kootenai County.

III. POLICY

As a general rule, employees of the County must be 18 years of age or older. Occasionally, students or others who are 16 or 17 years old may be hired, but this is done only under special conditions in coordination with the Human Resources Department.

No minor under the age of 16 will be hired.

A. **Number of Hours Worked.**

1. Minors who are high school graduates or have a certificate of high school proficiency may work the same hours as adults, but only in non-hazardous occupations as defined by the Fair Labor Standards Act (FLSA).
2. The FLSA does not limit the number of hours or times of day for workers 16 years and older.

B. **Wages.** Regardless of age, minors will be paid at least minimum wage, as set forth in the FLSA and Idaho Minimum Wage Law.

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Resolution 2011-149, approved December 27, 2011

REEMPLOYMENT / REHIRES

I. PURPOSE

To establish the authority and responsibility of Human Resources regarding former employees applying to be rehired.

II. SCOPE

This policy applies to former employees of Kootenai County.

III. POLICY

When former employees apply to be rehired, they will be evaluated on the same basis as other applicants. However, special consideration may be given to past job performance, the circumstances surrounding termination of previous employment, and the former employee's knowledge of the County's procedures and functions.

IV. PROCEDURES

- A. The rehiring of any employee must be approved by the appropriate Elected Official.
- B. A Kootenai County Application must be submitted and the applicant must meet all minimum qualification and requirements of the position, including any qualifying exams.
- C. At the discretion of the Elected Official, employees rehired within 30 consecutive calendar days after separation may have their service bridged. This means that the employee may retain the original date of hire and may continue to accrue benefits (vacation and sick leave accruals) at the same rate as before separation. Insurance benefits, previously in effect, may continue also.
- D. Employees rehired after a break of service of more than 30 consecutive calendar days will receive a new date of hire. They may be treated the same as new employees for all benefits.

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Resolution 2011-149, approved December 27, 2011

PERSONNEL RECORDS & PRIVACY

I. PURPOSE

To establish standards by which information contained in personnel records will be managed to achieve accuracy, privacy and legal compliance.

II. SCOPE

This policy applies to all departments and employees of Kootenai County.

III. POLICY

- A. Personnel records for Kootenai County employees and employment applications shall be maintained by the Elected Official and/or the Human Resources Department, and shall generally contain the following information: application for employment, resumes, offer letters, performance evaluations, disciplinary actions, letters of commendation, job descriptions, transcripts/certificates of completion, tuition/training documentation, and resignation/termination letters.
- B. Medical records, documents necessary for the administration of County benefit programs, and any investigatory information will be kept in separate confidential files. I-9 forms are also kept in a separate file. These files may be examined only by appropriate officials conducting an authorized investigation, on a need to know basis.
- C. Notification of Changes. Changes of address, telephone number and/or family status (births, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Human Resources Department, as an employee's income tax status and group insurance may be affected by these changes. Such changes must also be reported to the individual's respective department if so required by their written internal guidelines.
- D. Files Access. Employees may examine their files at reasonable times and upon sufficient prior notice. Employees may also obtain copies of their personnel file. Otherwise, Access to personnel files is restricted to the Human Resources Department and to the employee's Elected Official or Department Head, at their discretion, on a need to know basis. Personnel files are the property of Kootenai County and may not be removed from the premises, without a search warrant, subpoena, discovery request, or other lawful court process.
- E. Information Requests and Employment References. Requests for information from employee personnel files received from other departments and inquiries from outside the County, including requests for references on former employees, should be directed to the Human Resources Department or the Elected Official who maintains the records. Without consent from the Elected Official, other employees are prohibited from providing employment references on former or current employees. Response to public records request for personnel records shall be made in accordance with Idaho Code § 74-106(1).
- F. Government Inquiries. The County generally will cooperate with federal, state and local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. However, the County may first seek advice of legal counsel. The County may permit a government investigator to review a personnel file on County premises, but the investigator will not be allowed to remove or

reproduce this information without consent of the employee, Elected Official, Human Resources Director, and/or the County's Prosecuting Attorney unless the investigator has a search warrant or subpoena.

- G. File Retention. Electronic personnel records will be maintained by the Elected Official and/or the Human Resources Department and retained for a period of time in accordance with state, local, and federal law.

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Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

Resolution 2015-52, approved December 1, 2015

RELATED POLICIES

Policy No. 050/HIPAA Privacy

Policy No. 426/Document Retention

HIPAA PRIVACY

I. GENERAL PROVISIONS

A. Purpose. The intent of this policy is as follows:

1. To promote and provide guidance for compliance with Title XI of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1301 *et seq.*, and the HIPAA Privacy and Security Rules, 45 CFR Parts 160 and 164 (referred to collectively as “HIPAA”).
2. To set forth the privacy rights that clients and participants in Kootenai County (“the County”) health-related programs have under HIPAA regarding the use and disclosure of protected health information held by the County, and to describe the process for filing a complaint should they believe that those rights have been violated.
3. To safeguard the privacy of protected health information that is used or disclosed by County employees while ensuring that the appropriate County employees have access to the information necessary for the performance of their duties.
4. To specify enforcement, sanction, penalty, and disciplinary actions that may result from violation of County policies regarding the privacy and protection of individually identifiable health information.

B. Scope. The County sponsors and self-funds a group health plan (“the Plan”). In addition, the County operates an indigent medical assistance program in accordance with Title 31, Chapter 35, Idaho Code for low-income residents of Kootenai County. The County also provides medical services to inmates at the Kootenai County Jail and to detainees at the Region I Juvenile Detention Center as necessary.

County employees may have access to individually identifiable health information on behalf of the County in conjunction with services provided, whether for purposes of treatment, payment, or health care operations (including program administration). In addition, other County employees may have access to clients’ individually identifiable health information on behalf of the County in order to properly perform the duties of their respective office in support of the operations of the County’s health care components.

Because some County offices and departments perform functions covered under HIPAA and/or may be considered “business associates” of those which perform those functions, while other County offices and departments do not perform such functions, the County is considered a “hybrid entity” as defined in HIPAA. Therefore, the scope of this policy is limited to those County offices and departments which are subject to HIPAA’s rules and regulations, including both County health care components and other offices and departments which act as business associates of County health care components.

It is the County's policy to comply fully with HIPAA's requirements whenever applicable. To that end, all County employees who have access to PHI must comply with this Policy. For purposes of this Policy and the County's use and disclosure procedures, the term "County employees" includes all individuals who would be considered part of the County workforce under HIPAA such as elected officials, employees, volunteers, interns, trainees, and other persons whose work performance is under the direct control of the County, whether or not they are paid by the County.

No third party rights (including, but not limited to rights of Plan participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy. The County reserves the right to amend or change this Policy at any time without notice. To the extent this Policy establishes requirements and obligations above and beyond those required by HIPAA and/or other applicable federal or state laws or regulations, the Policy shall be aspirational and shall not be binding upon the County. This Policy does not necessarily address requirements under other federal or state laws or regulations.

Neither this Policy nor the procedures implementing this Policy shall apply to employment records held in the County's role as an employer.

- D. Definitions. The definitions of each of the terms contained in 45 C.F.R. §§ 160.103, 164.103, 164.304, 164.402, and 164.501 shall be incorporated into this Policy by reference herein. For purposes of this Policy, the following terms are specifically defined as follows:

Business Associate means an entity or person who:

- performs or assists in performing a function or activity which involves the use and disclosure of protected health information (including claims processing or administration; data analysis, underwriting, etc.); or
- provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to protected health information.

In the County's case, a County office or department would be acting as a business associate of an office or department which is a County health care component (as defined below), if it is performing any of the services set forth above on behalf of a County health care component. An example would be when the Auditor's Office is processing payment of an indigent medical claim approved by County Assistance.

Client means an individual, other than a participant (as defined below), who requests or receives services from a County health care component. An example of a client would be an applicant for or recipient of County indigent medical assistance.

Designated Record Set means a group of records maintained by or for the County that is:

- The medical records and billing records about individuals maintained by or for a County health care component which is a health care provider;
- The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a County health care component; or
- Used, in whole or in part, by or for a County health care component to make decisions about individuals.

For purposes of this definition, the term *record* means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.

Disclosure means any release, transfer, provision of access to, or divulging in any other manner of protected health information to persons not employed by or working on behalf of a County health care component.

Employee, for purposes of this Policy and the County's use and disclosure procedures, shall include all County elected officials, all appointed and non-elected employees, including part-time, temporary, and seasonal employees, volunteers, interns, trainees, and other persons whose work performance is under the direct control of the County, whether or not they are paid by the County.

Health Care Component means each County office or department which is a "health care provider" or "health plan" as defined in 45 C.F.R. § 160.103.

Health Care Operations means any of the following activities to the extent that they are related to functions of a County health care component covered under HIPAA: conducting quality assessment and improvement activities; reviewing health plan performance; underwriting and premium rating; conducting or arranging for medical review, legal services and auditing functions; business planning and development; and business management and general administrative activities.

Health Information means any information, whether oral or recorded in any form or medium, that is created or received by a County health care component and relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care

to an individual, or the past, present, or future payment for the provision of health care to an individual.

Hybrid Entity means a single legal entity (i.e., the County) whose business activities include both covered and non-covered functions, and has designated health care components in accordance with the HIPAA Privacy Rule.

Individually Identifiable Health Information means health information which is created or received by a County health care component and either (1) identifies the individual, or (2) provides a reasonable basis to believe the information can be used to identify the individual.

Non-routine disclosure means the disclosure of protected health information outside of a County health care component that is not for a purpose for which it was collected.

Participant means an individual who is an employee of Kootenai County and who requests or receives services from a County health care component.

Payment means the activities undertaken by:

- A County health care component which is a health plan, to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits; or
- Any County health care component, to obtain or provide reimbursement for the provision of health care.

The activities set forth above relate to the individual to whom health care is provided and include, but are not limited to those listed in paragraph (2) of the definition of “payment” in 45 C.F.R. § 164.501.

Protected Health Information (PHI) means individually identifiable health information which is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium, with the exception of employment records held in the County’s role as an employer. Protected health information includes individually identifiable health information of any person, whether living or deceased. *Electronic Protected Health Information (EPHI)* means any PHI transmitted via electronic media or maintained in electronic form.

Public official means any employee of a government agency or entity who is authorized to act on behalf of that agency in performing the lawful duties and responsibilities of that agency or entity.

Routine and recurring disclosure means the lawful disclosure of protected health information outside of a County health care component, without the authorization of the individual, for a purpose that is compatible with the purpose for which the information was collected.

Treatment means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party, consultation between health care providers relating to a patient, or the referral of a patient for health care from one health care provider to another.

Use means the sharing, employment review/rewrite, application, utilization, examination, or analysis of individually identifiable health information by any person working for or on behalf of a County health care component.

- E. Distribution. The Privacy Officer will distribute this policy, and any updates or changes to this Policy, to the County's workforce upon approval by the Board of County Commissioners ("the Board").

II. RESPONSIBILITIES AS A COVERED ENTITY

- A. The County as a Hybrid Entity. The County is a hybrid entity, as defined above, because certain County offices and departments fall within the definition of health care provider or health plan, and thus perform functions covered under HIPAA, and/or may be considered "business associates" of those which perform those functions, while other County offices and departments do not perform such functions.
- B. Privacy Officer and Privacy Contact. From time to time, the Board will designate a HIPAA Privacy Officer and that a Privacy Contact who reports to each supervising Elected Official be identified to the Privacy Officer.
1. *Privacy Officer*. The Privacy Officer will be responsible for the development and implementation of policies and procedures relating to privacy and security of PHI and for assuring the County's compliance with HIPAA. The Privacy Officer will also serve as the contact person for participants who have questions, concerns, or complaints about the privacy or security of their PHI.
 2. *Privacy Contact*. The Privacy Contact is the contact person for participants who have questions, concerns, or complaints about the privacy of their PHI. For departments under the Board, the Privacy Contact shall be the Human Resource Technician or such other person as the Board may appoint for that department. Other elected officials may designate an employee of their respective offices as a Privacy Contact, or may consent to designation of the Human Resource Technician as the Privacy Contact for that office.
- C. Workforce Training. It is the County's policy to provide information and training, as appropriate, to all employees regarding their rights and responsibilities under HIPAA. The Privacy Officer is charged with developing training schedules and programs so that all workforce members who may use, disclose, or obtain access to PHI receive the necessary and appropriate training to permit them to carry out their duties in a manner which complies with HIPAA requirements. Additionally, newly hired employees who participate in the Plan will receive HIPAA information, including notices, policies and procedures, during orientation.
- D. Technical and Physical Safeguards. The County will establish appropriate technical and physical safeguards to prevent PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA requirements.

1. *Physical safeguards.*

- a. Physical safeguards include, but are not limited to, locking doors and filing cabinets, and password-protected screensavers.
- b. When no longer needed, paper, film, and other hard copy media must be shredded or destroyed so that no PHI can be read or otherwise reconstructed.

2. *Technical Safeguards.*

- a. Firewalls. Firewalls will ensure that only authorized employees will have access to PHI, that they will have access to only the minimum amount of PHI necessary for plan administrative functions, and that they will not further use or disclose PHI to any unauthorized person(s) in violation of HIPAA's privacy rules.
- b. Encryption or Destruction of EPHI. EPHI is rendered unusable, unreadable, or indecipherable to unauthorized individuals only if one or more of the following applies:
 - i. EPHI has been encrypted as specified in the HIPAA Security Rule, 45 C.F.R. Part 164, Subpart C, by “the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key” and such confidential process or key that might enable decryption has not been breached. Encryption processes identified below have been tested by the National Institute of Standards and Technology (NIST) and judged to meet this standard.
 - (a) Valid encryption processes for data at rest (data that resides in databases, file systems, and other structures storage methods) are consistent with NIST Special Publication 800–111, *Guide to Storage Encryption Technologies for End User Devices*.
 - (b) Valid encryption processes for data in motion (data that is moving through a network, including wireless transmission) are those that comply with the requirements of Federal Information Processing Standards (FIPS) 140–2. These include, as appropriate, standards described in NIST Special Publications 800–52, *Guidelines for the Selection and Use of Transport Layer Security (TLS) Implementations*; 800–77, *Guide to IPsec VPNs*; or 800–113, *Guide to SSL VPNs*, and may include others which are FIPS 140–2 validated.
 - ii. If destruction of EPHI is desired, such destruction must be accomplished via clearing, purging, or destruction of the electronic media holding EPHI in a manner consistent with NIST Special Publication 800–88, *Guidelines for Media Sanitization*, such that the EPHI cannot be retrieved.

- E. Notice of Privacy Practices. The Privacy Officer is responsible for developing and maintaining a notice of privacy practices for each County health care component which describes the uses and disclosures of PHI that may be made by the health care component, the individual's rights, and the health care component's legal duties with respect to PHI.

Each notice of privacy practices must inform clients and participants that the County will have access to PHI in connection with the functions of that health care component. The notice must also provide a description of the County's complaint procedures, the Privacy Officer's name and telephone number for further information, and the date of the notice.

The notice of privacy practices will be individually delivered to all clients and participants on an ongoing basis and:

1. When a client files an application for indigent medical assistance with County Assistance;
2. When a participant enrolls in the Plan; and
3. Within 60 days after a material change to the notice.

The notice of privacy practices applicable to County Assistance shall be posted on the County website. The notice of privacy practices applicable to the Plan shall be posted on the County Intranet. Each health care component must also provide notice of availability of the privacy notice at least once every three years.

The Kootenai County Jail and the Region I Juvenile Detention Center shall be exempt from the requirements of this Policy pertaining to notices of privacy practices.

- F. Plan Document. The Plan document shall include provisions to describe the permitted and required uses and disclosures of PHI by the County for plan administrative purposes. Specifically, the Plan document shall require the County to:
1. Not use or further disclose PHI other than as permitted by the Plan documents or as required by law;
 2. Ensure that any business associates to whom it provides PHI received from the Plan use and disclose PHI only as authorized under HIPAA, and that the use and disclosure of EPHI complies with the applicable requirements of the HIPAA Security Rule;
 3. Not use or disclose PHI for employment related actions or in connection with any other employee benefit plan;
 4. Report to the Privacy Officer any use or disclosure of the information that is inconsistent with the permitted uses or disclosures;
 5. Make PHI available to Plan participants, consider their amendments and, upon request, provide them with an accounting of PHI disclosures;

6. Make the County's internal practices and records relating to the use and disclosure of PHI received from the Plan available to Secretary of Health and Human Services upon request; and
7. If feasible, return or destroy all PHI received from the Plan that the County still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

The Plan document must also require the County to (1) certify to the Privacy Officer that the Plan documents have been amended to include the above restrictions and that the County agrees to those restrictions; and (2) provide adequate firewalls and encryption for electronically stored PHI.

- G. Documentation. Policies and procedures must be changed as necessary or appropriate to comply with changes to HIPAA, whether via legislation, amended regulations, official agency guidance, court decision, or otherwise. Any changes to policies or procedures must be promptly documented. The County shall also document all events and actions such as authorizations, requests for information, sanctions, and complaints relating to an individual's privacy rights. Documentation of any policies and procedures, actions, activities and designations shall be maintained for at least six years in either written or electronic form.

If a change in law impacts this Policy or any County notice of privacy practices, the applicable document(s) must promptly be revised and made available. Such change shall be effective only with respect to PHI created or received after the effective date of the notice unless the change in law provides otherwise.

III. USE AND DISCLOSURE OF PHI

- A. Compliance With County's Policy and Procedures. Each employee of a County health care component, and any other employee who obtains or has access to PHI, must comply with this Policy and with the County's use and disclosure procedures, as set forth in a separate document.
- B. Permitted Uses and Disclosures.
1. *Treatment, Payment and Health Care Operations*. PHI may be used or disclosed for purposes of treatment, payment, or health care operations (TPO), without an authorization, to the extent permitted under HIPAA.
 2. *Mandatory Disclosures*. A participant's PHI must be disclosed whenever the disclosure is to:
 - a. The individual who is the subject of the information to or a person lawfully acting as the individual's personal representative, or
 - b. The Secretary of Health and Human Services for purposes of HIPAA enforcement.

2. *Permissive Disclosures In Which Additional Requirements Must Be Met.* PHI may be disclosed for purposes other than TPO without the authorization of the client or participant when specific requirements of HIPAA are satisfied. The County's more detailed use and disclosure procedures describe specific requirements that must be met before these types of disclosures may be made.

3. *Disclosures of PHI Pursuant to an Authorization.* PHI may be disclosed for any purpose if an authorization that satisfies all of HIPAA's requirements for a valid authorization is provided by the client or participant. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

4. *Disclosures of PHI by whistleblowers and workforce crime victims.*

- a. A County employee or business associate may disclose PHI if he or she believes, in good faith, that the County has engaged in conduct that is unlawful or in violation of County policy or other professional standards, or that the care, services, or conditions provided by the County could endanger County staff, persons in County care, other clients or participants, or the public, and the disclosure is to:
 - i. A health oversight agency or public authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of the County;
 - ii. An appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or of misconduct by the County; or
 - iii. An attorney retained by or on behalf of the County employee or business associate for the purpose of determining the legal options of the County employee or business associate with regard to this policy.
- b. A County employee may also disclose PHI to a law enforcement official if the employee is the victim of a criminal act and the disclosure pertains only to the suspected perpetrator of the criminal act. The PHI which may be disclosed for this purpose is limited to the following information about the suspected perpetrator:
 - i. Name and address;
 - ii. Date and place of birth;
 - iii. Social security number;
 - iv. ABO blood type and Rh factor;
 - v. Type of any injury;
 - vi. Date and time of any treatment; and
 - vii. Date and time of death, if applicable.

This provision shall not be construed to prevent the disclosure of information to a law enforcement official when required by law or when otherwise permitted under HIPAA and the HIPAA Privacy Rule.

5. *Contracts With Business Associates.* Employees of County health care components may disclose PHI to business associates, both within and outside the County, and may allow these business associates to create or receive PHI on its behalf. However, prior to doing so, the County must first ensure that the business associate will comply with all applicable HIPAA requirements. Before sharing PHI with business associates who are outside consultants or contractors, the Privacy Officer must verify that a business associate contract is in place.
 6. *Compliance with More Restrictive Laws.* In some cases, sensitive health information or health services must be handled with stricter confidentiality under other federal or state law than is required under HIPAA. For example, information about substance abuse treatment, mental health treatment, and certain sexually transmitted diseases, may be subject to specific handling. In such cases, employees shall comply with the more restrictive requirements.
- C. The “Minimum Necessary” Standard. With certain specific exceptions, HIPAA requires that when PHI is used or disclosed, the amount disclosed must be limited to the minimum necessary to accomplish the purpose of the use or disclosure.
1. Except as set forth below, all employees who have access to PHI shall use or disclose only the minimum amount of PHI necessary to provide services and benefits to clients and participants.
 2. This policy does not apply to:
 - a. Disclosures to or requests by a health care provider pertaining to treatment;
 - b. Disclosures made to the individual about his or her own PHI;
 - c. Uses or disclosures authorized by a client or participant that are within the scope of an authorization that he or she has duly executed;
 - d. Disclosures made to the Secretary of Health and Human Services in accordance with HIPAA;
 - e. Uses or disclosures that are required by law, as defined in and with the limitations set forth in HIPAA;
 - f. Uses or disclosures necessary for compliance with HIPAA requirements; and
 - g. Health information that is not defined as “protected health information” under HIPAA or this policy.
 3. The County shall design and establish procedures to limit the amount of PHI disclosed or requested to that which is reasonably necessary to accomplish the purpose for which the disclosure or request is made.

4. In instances which would constitute a routine and recurring disclosure subject to “minimum necessary” requirements, employees requesting PHI, or responding to a request for PHI, shall comply with the procedures promulgated by the County pertaining to such disclosures. Otherwise, the procedures promulgated by the County for non-routine disclosure of PHI and requests for non-routine disclosure of PHI shall be followed.
5. All disclosures and requests for disclosure which are not routine and recurring must, and any disclosure or request for disclosure may, be reviewed on an individual basis with the Privacy Officer to determine whether the amount of information to be disclosed is the minimum necessary to accomplish the purpose of the disclosure or request for disclosure.

D. Disclosure of De-Identified Information and Limited Data Sets.

1. *De-Identified Information.* County health care components may freely use and disclose de-identified information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis or by removing the 18 specific identifiers set forth 45 C.F.R. § 164.514.
2. *Limited Data Sets.* A County health care component may use or disclose a “limited data set” to another entity for purposes of research, public policy, or health care operations if the Plan obtains satisfactory assurance in the form of a data use agreement that the limited data set recipient will only use or disclose the protected health information for limited purposes.

IV. INDIVIDUAL RIGHTS

- A. Prohibition of Denial of Rights and Retaliation Based on Exercise of Rights. No employee or business associate shall deny the exercise of the any of the rights set forth in HIPAA or this Policy by any client or participant, nor shall any employee or business associate retaliate against any client or participant as a result of the exercise of such rights.
- B. Rights of clients and participants to access their PHI.
 1. Clients and participants shall have the right to access, inspect, and obtain a copy of any PHI pertaining to themselves that is contained in County files or records, in a manner consistent with federal and state laws and regulations, and with County policies and procedures.

2. Clients or participants may request access to their own PHI contained in County files or records by using one or more personal identifier (such as the client's or participant's name or County case number). The County may request the client or participant to provide additional personal identifiers in order to verify his or her identity.
3. If the County maintains PHI pertaining to the client or participant in a record that also includes PHI pertaining to other people, the client or participant is only authorized to see the information pertaining to himself or herself. This limitation shall not be construed to prohibit or limit the ability of a person lawfully acting as a personal representative of a client or participant to request and obtain PHI on behalf of the client or participant, as set forth below.
4. *Personal representatives.*
 - a. The County must treat a person requesting information as a personal representative of a client or participant, to the extent required or authorized under HIPAA with respect to PHI relevant to such personal representation, under the following circumstances:
 - i. If the person requesting information is recognized under Idaho law as a person who has authority to act on behalf of the client or participant in making decisions related to health care, and the client or participant is an adult or an emancipated minor;
 - ii. If a parent, guardian, or other person acting *in loco parentis* has authority under Idaho law to act on behalf of a client or participant who is an unemancipated minor in making decisions related to health care, subject to certain exceptions set forth in HIPAA. Additionally, in certain circumstances, HIPAA provides that the County may elect to disclose PHI to a parent, guardian, or other person acting *in loco parentis*, upon consultation with a health care professional acting in the exercise of professional judgment. Employees shall comply with the procedures promulgated by the County pertaining to such disclosures.
 - iii. If a person is authorized under Idaho law to act as the personal representative (i.e., executor, administrator, etc.) on behalf of a deceased client or participant, or his or her estate.
 - b. If the County has a reasonable belief that the client or participant has been or may be subjected to domestic violence, abuse, or neglect by a person requesting information who would otherwise be entitled to treatment as a personal representative of the client or participant, or that treating such person as the client's or participant's personal representative could endanger the individual, the County may decline to treat the person requesting information as the client's or participant's personal representative.

5. *Denial of Access to a Client's or Participant's Own PHI.* Under HIPAA, clients and participants have the right to access, inspect, and obtain a copy of PHI pertaining to themselves in County files or records with certain specific exceptions. The County may deny clients or participants access to their own health information if HIPAA or other federal or state laws or regulations prohibit the disclosure or allow the County to deny disclosure. Employees shall comply with the procedures promulgated by the County pertaining to such disclosures.

C. Rights of clients and participants to an accounting of disclosures of PHI.

1. Clients and participants shall have the right to receive an accounting of disclosures of PHI that County health care components have made for any period of time, not to exceed six years, preceding the date of requesting the accounting.
2. The accounting must include the date of the disclosure, the name of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure (or a copy of the written request for disclosure, if any).
3. The right to an accounting does not apply to disclosures:
 - a. made prior to April 14, 2004;
 - b. to carry out treatment, payment or health care operations;
 - c. to individuals about their own PHI;
 - d. incident to an otherwise permitted use or disclosure;
 - e. pursuant to an authorization;
 - f. for purposes of creation of a facility directory or to persons involved in the patient's care or other notification purposes;
 - g. as part of a limited data set; or
 - h. for other national security or law enforcement purposes.
4. *Response to Requests for Accounting.*
 - a. The Plan shall respond to an accounting request within 3 working days in accordance with the Idaho Public Records Act (IPRA). If the Plan is unable to provide the accounting within 3 days, it may extend the period by 10 days, provided that it gives the client or participant notice (including the reason for the delay and the date the information will be provided) within the original 3-day period.

b. Charges for production and copying of an accounting shall be in accordance with IPRA and County resolution.

D. Rights of clients and participants to make requests for alternative communication means or locations.

1. Clients and participants shall have the right to request that communications of PHI be made by alternative means, such as by mail, e-mail, fax or telephone; and at alternative locations. The County must accommodate such requests if they are reasonable.
2. The County shall accommodate all such requests whenever the client or participant has provided clear information indicating that the disclosure of PHI could endanger him or her. The Privacy Officer shall be responsible for administering such requests.

E. Rights of clients and participants to request restrictions on uses and disclosures of PHI.

1. Clients and participants shall have the right to request a restriction on a use or disclosure of PHI even if such use or disclosure is permitted under HIPAA and other applicable laws.
2. The County will endeavor to honor such a request if, in the sole discretion of the County, the request is reasonable. The determination of whether such a request is reasonable will be made on a case-by-case basis. However, the County shall not be obligated to agree to a requested restriction, and may deny the request or agree to a restriction more limited than that which the client or participant requested.

F. Rights of clients and participants to request amendments to PHI. Clients and participants shall have the right to request amendment of information contained in any PHI pertaining to them which may be contained in County files. The County is not obligated to agree to an amendment and may deny the request or limit its agreement to amend.

V. ADMINISTRATION, ENFORCEMENT AND SANCTIONS

A. Administration – General provisions.

1. All County employees must guard against improper uses or disclosures of individually identifiable health information pertaining to employees, clients or participants. Particular emphasis will be given to the safeguarding of protected health information (PHI) pertaining to clients and participants.
2. County employees who are uncertain if a disclosure is permitted are advised to consult with a supervisor in the County workplace, their Privacy Contact person or the Privacy

3. Officer. The Privacy Officer, working in conjunction with the Prosecuting Attorney, is the resource for any County department or affiliate that cannot resolve a disclosure question, and may be consulted in accordance with the operational procedures of that workplace.
4. All employees are required to be aware of their responsibilities under County privacy policies. County employees will be expected to sign a "Privacy Program Statement of Understanding," indicating that they have been informed of the County's business practices as they relate to privacy, and they understand their responsibilities to ensure the privacy of clients and participants.
5. Supervisors are responsible for assuring that employees who have access to individually identifiable health information, whether it is electronic, hard copy, or verbal, are informed of their responsibilities.
6. The Director of Information Systems, in consultation with the Privacy Officer, shall be responsible for compliance with the HIPAA Security Rule, and for implementation and administration of measures designed to ensure the security of EPHI which is maintained by the County or transmitted to or by County health care components.
7. Employees who violate federal or state law, or County policies and procedures, regarding the use or disclosure of any individually identifiable health information, may be subject to any or all of the penalties set forth below.

B. Rights of clients and participants to file complaints regarding disclosure of PHI.

1. Clients and participants shall have the right to submit a complaint if they believe that the County has improperly used or disclosed their PHI, or if they have concerns about the privacy policies of the County or concerns regarding County compliance with such policies.
2. Complaints may be filed with the Privacy Officer or with the U.S. Department of Health and Human Services Office of Civil Rights (OCR). Contact information for the Privacy Officer and OCR are included in the procedures promulgated by the County which pertain to the filing of complaints.
3. The Privacy Officer shall be responsible for creating a process for individuals to lodge complaints about the Plan's privacy procedures and create a system for handling such complaints. A copy of the complaint procedure shall be provided to any participant upon request.

C. Sanctions and penalties.

1. Employees who violate County policies and procedures regarding the safeguarding of individually identifiable health information shall be subject to disciplinary action up to and including termination from employment, and may also be subject to legal action by OCR, the U.S. Department of Justice, the State of Idaho, the County, and/or by the aggrieved client or participant.
2. Employees who knowingly and willfully violate state or federal law for improper use or disclosure of individually identifiable health information may also be subject to administrative investigation and/or criminal investigation and prosecution, and to fines, imprisonment, and/or civil monetary penalties.
3. If the County is found to have failed to enforce privacy safeguards, OCR may impose civil monetary penalties as set forth in 45 C.F.R. Part 160. Other federal funding (such as grant funds) may also be withheld as a result of such failure.

D. Mitigation of inadvertent disclosures of PHI; Notification in the event of breach.

1. *Mitigation of inadvertent disclosures.* The County shall mitigate, to the extent possible, any harmful effects that become known to it of any use or disclosure of an individual's PHI in violation of County policies and procedures. As a result, if an employee becomes aware of a disclosure of PHI, either by an employee or an outside consultant or contractor, that is not in compliance with this Policy, the Privacy Officer shall be contacted immediately so that the appropriate steps to mitigate any actual or potential harm can be taken.
2. *Breach notification.*
 - a. Upon discovery of a breach of unsecured PHI, the County shall notify each individual whose unsecured PHI has been, or is reasonably believed by the County to have been, accessed, acquired, used, or disclosed as a result of such breach.
 - b. For breaches of unsecured PHI involving fewer than 500 individuals, each County health care component shall maintain a log or other documentation of such breaches and shall notify the Secretary of Health and Human Services of any breaches occurring during the preceding calendar year within 60 days after the end of each calendar year. Notification shall occur in the manner specified on the U.S. Department of Health and Human Services' website.
 - c. Upon discovery of a breach of unsecured PHI involving 500 or more individuals, the County shall notify prominent media outlets serving Kootenai County, and shall also contemporaneously notify the Secretary of Health and Human Services in the manner specified on the U.S. Department of Health and Human Services' Web site.

- d. Request for Delay of Notification by a Law Enforcement Official.
 - i. If a law enforcement official informs a County health care component in writing that an otherwise required notification, notice, or posting would impede a criminal investigation or cause damage to national security, the notification, notice, or posting shall be delayed for the time period specified by the official.
 - ii. If the official makes the statement orally, or if the written statement does not specify a time period for the requested delay, the statement, including the identity of the official making the statement, shall be documented, and the notification, notice, or posting shall be temporarily delayed for a period of no longer than 30 days from the date of the statement, unless a written statement specifying the time period for the requested delay is submitted during that time.

E. Intimidation and retaliation prohibited; No waiver of rights.

1. No person shall be required to waive his or her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility.
2. Neither the County as an entity nor any County employee will intimidate, threaten, coerce, discriminate against, or take any other form of retaliatory action against any person for:
 - a. Exercising any right established under County, state or federal policy, or for participating in any process established under County policy, including the filing of a complaint with the County or with OCR.
 - b. Filing of a complaint with the County or with OCR;
 - c. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing relating to County policy and procedures; or
 - d. Opposing any unlawful act or practice, provided that the person has a good faith belief that the act or practice being opposed is unlawful, and the manner of such opposition is reasonable and does not involve a use or disclosure of a client's or participant's PHI in violation of County policy.

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Resolution 2013-05, approved February 12, 2013

Resolution 2016-66, approved August 2, 2016

EXEMPT/NON-EXEMPT EMPLOYEE STATUS

I. PURPOSE

To define Exempt and Non-Exempt employee status and to provide guidelines for determining this status according to law.

II. SCOPE

This policy applies to employees of Kootenai County.

III. POLICY

All positions in Kootenai County will be classified as either Exempt or Non-Exempt in compliance with law and for pay administration purposes.

IV. DEFINITIONS

Definitions of Exempt and Non-Exempt status are based on provisions of the Fair Labor Standards Act (FLSA) and state law. These definitions are summarized as follows:

Exempt. Elected Officials and supervisory, professional, and administrative employees and others whose positions meet specific criteria established by the FLSA and state law and who are exempt from overtime pay requirements.

Non-Exempt. Employees whose positions do not meet FLSA exemption tests and who are paid one and one half times their regular rate of pay for hours worked in excess of 40 in one week or those employees covered by the FLSA 207 K exemption.

Employees classified as Non-Exempt generally occupy non-supervisory positions.

V. PROCEDURE

- A. In cases where the Exempt/Non-Exempt status of an employee is in doubt, the Elected Official or Department Head will review position duties and responsibilities against FLSA exemption tests with the Human Resources Director, and reach a provisional decision.
- B. The Human Resources Director will review these decisions with the appropriate Elected Official and the Prosecuting Attorney's assigned staff to assist in making the final decision.

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Resolution 97-50, approved July 22, 1997

Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 010, Definitions of Employee Status

Policy No. 120, Compensation

Policy No. 211, Overtime: Non-Exempt Employees

COMPENSATION

I. PURPOSE

To state Kootenai County policy with regard to compensation.

II. SCOPE

This policy applies to regular salaried positions, full-time and part-time, Exempt and Non-Exempt, except Elected Officials.

III. POLICY

Kootenai County compensates employees in accord with decisions by the Board of County Commissioners as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance. Administration is handled by the Human Resources Director.

IV. COMPLIANCE WITH STATE AND FEDERAL PAY ACTS

Kootenai County shall comply with all State and Federal pay acts respecting the compensation of employees for services performed in the public service.

V. REPORTING AND VERIFYING TIME RECORDS

It is the responsibility of each employee to accurately report the time that he or she has worked during a payroll period, and to verify his or her paycheck to ensure that it contains the proper amount of compensation for time worked. Discrepancies in pay are to be immediately reported to the employee's supervisor, who shall report the discrepancy to the Auditor. Records of time worked shall be retained for at least five years following a pay period or the conclusion of an employee's service.

VI. SALARY PROGRAM ELEMENTS

- A. Salary Grades. Each position in the County is placed in a salary grade which establishes the value of the position in relation to other positions in the organization.
- B. Salary Ranges. Each salary grade is assigned a salary range. Within this framework, an employee's salary will be related to demonstrated performance. Employees will receive a salary that is within the range limits of the applicable grade.
 - 1. Range Minimum. At least the minimum of the appropriate salary range will be paid to all qualified employees.
 - 2. Range Maximum. The maximum of a salary range normally provides an upper limit of what employees in that grade may be paid.
 - 3. "Red Circle" Salary. Upon reclassification of a position with no changes to the job description, if an employee is paid over the new pay range, the salary will not be reduced. Rather, the employee will ordinarily be considered ineligible for an increase in pay ("red circled") until an adjustment in the salary structure or a promotion to a higher grade brings the rate within the established range for the position.

VII. KOOTENAI COUNTY COMPENSATION PLAN POLICIES AND GUIDELINES FOR PAY DELIVERY

1. **INTRODUCTION**

This document sets out the basis by which pay will be administered for employees covered by the three pay plans adopted by the Board of County Commissioners (the Commissioners) of Kootenai County (the County) on May 29, 2005. These plans will be administered in a manner which is consistent with the Compensation Philosophy adopted by the Board of County Commissioners in December, 2004. This Compensation Philosophy is set out in Section 2 of this document.

Consistent with statement #4 in that philosophy, the basis for pay delivery and pay administration is the creation and maintenance of a strong linkage between pay and performance. This will be achieved through the following:

- An effective performance management process, which links performance planning, coaching and review;
- Sufficient differentiation in the amount of reward and recognition given to the sustained high performers as compared to the “average” performer;
- The means by which to address non-performance and to ensure that the employee who does not meet performance expectations receives a compensation message that is consistent with that performance rating;
- The optimal utilization of compensation dollars to ensure that the County achieves the appropriate balance between fiscal accountability to its citizens and the attraction and retention of qualified employees to deliver services to its citizens; and
- The optimal balance between plan “rules” and “tools” to ensure consistency of application of the compensation plan policies and guidelines both within each pay plan and between the different pay plans.

2. **COMPENSATION PHILOSOPHY**

The compensation program (compensation and benefits opportunity and delivery) for County employees will be designed to support the mission of the County to provide “professional service with regard to public safety, essential service, preservation of natural resources and the responsible management of public assets for the common well-being of our citizens.” The foundation of the compensation plan is a commitment to motivate, recognize and reward employees individually and collectively for their contributions and achievements as the County meets its commitments to its community and citizens. Fiscal responsibility requires that this foundation be administered in a consistent manner throughout the County based on consistent principles.

The compensation program will reinforce the short- and long-term human resources objectives and plans of the County. It will be consistently administered across and within all departments, adaptable to changing needs and understood by employees. The scope of the philosophy includes the following objectives:

1. The Board of County Commissioners will oversee the continuity of the compensation program and will ensure that it is administered within the framework of this philosophy. Elected Officials and Department Heads will administer the compensation funds provided to them in a manner consistent with the plan.
2. The compensation program will be consistent throughout the County, yet will be flexible to meet changing and specific needs. This will allow for multiple pay plans if required.
3. Employee compensation will reflect both the internal value of a position and the value placed on that role in the appropriate market. The internal value will be measured through the sound and consistent application of the Hay Guide Chart®-Profile Method of Job Evaluation.
4. While recognizing that with service and tenure comes both experience and loyalty, the primary pay delivery mechanisms will be based on pay for differences in job content, pay for the achievement of pre-determined performance objectives and the demonstration of mutually agreed behavioral competencies. The compensation program will offer the opportunity for the reinforcement of results achieved at individual, team and department level through the use of variable compensation.
5. All aspects of compensation (base salary, benefits and if applicable, bonuses) will be considered as a total reward package for County employees.
6. Total compensation, as defined above, will be targeted at a competitive level, when compared to the appropriate labor markets (i.e., other public sector employers and private sector employers in defined geographic locations and industries) to allow the County to attract and retain the quantity and quality of employees it needs to meet its goals and objectives.
7. The County is committed to ensuring that its salary structures are up to date through the conduct of market surveys. There will be a planned approach to ensure that internal equity is maintained.
8. A planned program of ongoing communication and training will be a critical component of compensation administration.
9. Compensation increases will be affordable and in the best interests of the County as an employer and provider of services.
10. The compensation program will create a climate where employees are recognized and rewarded, while providing the County with the opportunity to meet its “return on human resources investment” objectives.

3. GENERAL PAY PLAN

The General Pay plan covers all employees of the County except those covered by the Sworn Law Enforcement Pay Plan, 9-1-1 Pay Plan and the Attorneys Pay Plan. It also excluded Elected Officials. This section sets out the basis for pay administration for employees covered by this Plan.

3.1 The Linkage Between Pay and Performance

The amount of funds available annually for salary increases will be determined by the Commissioners.

The amount may vary each year dependent on the budget. The Board will issue guidelines governing the annual merit-based pay increases based on advice and input from Elected Officials.

The linkage between pay and performance is based on two key assumptions:

- a. That employees hired are capable, over time, of performing the roles for which they were hired or are currently assigned; and
- b. That employees have a clear understanding of their jobs and there is a mutual agreement between the employee and their immediate supervisor/manager as to performance expectations.

In determining pay changes based on performance, three factors will be taken into consideration:

- a. The level of performance of the employee;
- b. Current pay relative to the market policy position; and
- c. Time in position (to recognize that with time come loyalty and experience, not to recognize time in its own right).

To ensure a consistent application of this performance based pay plan, the following will apply.

- a. All Performance reviews will be done on a focal point basis, with effect October 1 each year;
- b. The Merit pay, as approved by the Commissioners, to be used for that performance review year will be sent to each Elected Official and Department Head, together with a budgetary amount;
- c. Performance reviews will be conducted using the approved County performance management process, and the reviewer, in conjunction with the relevant Elected Official/Department Head will prepare a recommended pay change;
- d. To ensure a consistent application of the process throughout the County, upon completion of the reviews and development of the recommended pay change, the Board should review the recommendations to ensure that decisions have been made within salary budget guidelines; and
- e. If changes are to be made to the recommendations made by the reviewing authority, the changes will be discussed with the Elected Official/Department Head before any changes are adopted.

3.2 Budgeting for Merit and Vacancies

Within the overall goal of fiscal accountability, budgeting for performance based pay increases will be established based on the market policy position for each position to allow sufficient funds for employees who meet and exceed performance expectations to progress in their salary ranges.

Budgeting for vacancies will be done on the same basis.

3.3 Equity Adjustments

While the application of the pay for performance principles and guidelines set out in Section 3.1 takes into consideration relativity to market, this may not be sufficient to address how an employee is paid relative to their peers in like-kind positions.

Accordingly, subject to the availability of funds, the Commissioners may, at their discretion, make available funds to be used for equity adjustments for employees who, after the application of the pay for performance guidelines for a particular year, are paid noticeably lower than their peers. The equity fund will be an amount that is separate from the funds to be used for merit increases.

In addition, if when salary ranges are adjusted an employee's current salary falls below the adjusted range minimum, their salary shall be increased to the range minimum. This increase is separate to any increase for which the employee may earn through the merit review process.

3.4 Maintenance of Salary Ranges

To enable the County to attract and retain the quantity and quality of employees it needs to meet its service goals, salary ranges will be reviewed on an annual basis and will be moved in line with the movement in the relevant comparator market.

A salary survey of the benchmark positions should be conducted no less than once every three years.

3.5 Hiring Salary

The hiring salary will be dependent upon the level of knowledge, skills and demonstrated competencies which the employee being hired brings to the County. In addition, other factors to be taken into consideration will include: the employees' current salary, and pay levels of other employees in the job being filled. As a general guideline, the hiring range should be between the minimum and the mid-value of the pay range. The general pay plan denotes a "market" value as the mid-value. The attorney pay band denotes "midpoint" as the mid-value. The Department Head/Elected Official should have authority to appoint between range minimum and 95% of the midpoint of the pay range (with counsel from the Human Resources Director) to ensure appropriate relativity to other employees. A guide as to how this will be done is as follows

- Meets Minimum qualifications – hire at range minimum
- 1 year of relevant experience (or equivalency) – hire at 87% of mid-value of the pay range
- 2 years of relevant experience (or equivalency) – hire at 89% of mid-value of the pay range
- 3 years of relevant experience (or equivalency) – hire at 91% of mid-value of the pay range
- 4 years of relevant experience (or equivalency) – hire at 93% of mid-value of the pay range
- 5 years of relevant experience (or equivalency) – hire at 95% of mid-value of the pay range

Appointments above 95% of market target will require approval of the Board and experience beyond five (5) years will be considered as part of that approval process. An automatic exception will be applied to ensure exempt employees are paid at the minimum of the FLSA salary threshold.

Notwithstanding these guidelines, it is very important when applying these guidelines to take into consideration the pay level of current employees in like-kind positions.

3.6 Salary Upon Transfer

A transfer is considered a move to a role which is at the same grade as the employee's existing role. There should not be an expectation that there will be a salary change associated with a salary upon transfer.

3.7 Salary Upon Promotion

A promotion is a move from one role to another of increased responsibility which is evaluated at a higher point level than the previous position. The only "rule" for promotion increases is that the incumbent should be paid not less than the minimum of the salary range of the new position. Once that criterion is met, the following factors should be taken into consideration by the Department Head/Elected Official (with advice from the Human Resources Director) in determining a promotion increase:

1. The level and skill of the employee being promoted;
2. The number of grade increases between the current position and new position;
3. The incumbent's current salary;
4. The timing and amount of the most recent performance rating;
5. The salaries of other incumbents in the position; and
6. Where in the salary range application of the guideline set out below will place the incumbent's salary.

Having considered the above factors, it is recommended that a minimum of 5% and maximum of 15% be utilized for promotion increases.

3.8 Salary Upon Demotion

A demotion is a move from one role to another role of less responsibility that is evaluated at a lower point level than the previous position.

a. Voluntary Demotion

When an employee voluntarily elects to take a demotion, it is recommended that the employee's salary be reduced by the amount of the promotional increase received when assigned into the higher level position, if the promotion occurred within the previous 12 months. If the promotion occurred beyond 12 months of assignment or the employee has been in their current position for more than 12 months, employees will be moved back to an appropriate position in the new salary range, based on the relevancy of their qualifications and experience to the job to which they have taken a voluntary demotion. This latter provision will also apply when an employee applies for and is appointed to a position that is at a lower grade.

b. Involuntary Demotion

When any County action is the cause for the demotion, the employee's salary should be reduced. Additionally, the County has the right to initiate a demotion for performance and/or discipline reasons. At the effective date of either of these actions, if the salary of the employee is above the maximum of the salary range for the position to which the employee is demoted, their salary will be reduced to an appropriate position in the new salary range, based on the relevancy of their qualifications and experience to the job to which they are now assigned and relative to the salaries of other incumbents in the same job.

3.9 Salary Upon Re-Evaluation of Job Content

A job re-evaluation is caused by the redefinition of a role (a change in job description). For this to occur, a new Position Description Questionnaire will be prepared. The PDQ will then be reviewed within the County's job evaluation process to determine if there is a change in the job evaluation points. If the re-evaluation results in the position being placed in a point level different than the current role, the following guidelines shall apply:

1. If the incumbent's salary is within the new salary range, it is not mandatory that a salary increase or decrease be automatically applied;
2. However, the incumbent's salary relative to others in similar positions and within the same grade can be taken into consideration in determining whether a salary increase or decrease will be applied.

3.10 Higher Duty Pay

On occasions employees are requested to fulfill the duties of a position which is at a higher level than their current position. In order to do this, the employee must meet the minimum requirements of the position or the "appointment" to the Higher Duty position be approved by the Board. Payment for fulfilling these duties will be an amount equal to 5% higher than the employee's current pay or the minimum of the range of the higher graded position, whichever is the greater, not to exceed the maximum of that higher grade. To be eligible for this payment, the employee must perform these higher duties for a minimum of

30 consecutive calendar days. If this minimum is met, the higher duties pay will be retroactive to the first day of performing these duties. Performance of these higher duties and payment of higher duties pay will be for a maximum of six months. Approval beyond six months must be given by the Board. This payment should be paid as a stipend, not as a permanent pay increase.

3.11 Shift Pay

Kootenai County provides shift differential pay for non-exempt employees who are subject to work shifts (time periods) that differ distinctly from the normal shift (workday), which begins at 8:00 a.m. and ends at 5:00 p.m., Monday through Friday. Typically, shift differential pay is approved for positions in departments that require around-the-clock coverage or operations that consistently require late evening and/or weekend coverage.

Positions which will be eligible for shift differential pay pursuant to this policy shall be determined by the Elected Official for that positions' department, subject to final approval by BOCC. Determinations of eligibility shall be made consistent with the provisions of this policy.

Work which is scheduled during the morning, evening or weekend hours, outside of the normal shift, on the basis of convenience to the employee shall not be considered work which is eligible for shift differential pay. An employee who receives shift differential pay shall receive the differential for all overtime worked.

The amount of shift differential pay is presently \$0.50 per hour; however, this amount and/or the shift differential policy itself may be modified within the discretion of the Board of County Commissioners.

3.12 Use of Bonus Payments

The County's compensation philosophy allows for the consideration of the use of lump sum "bonus" payments. The basis for utilization of such a reward mechanism will be determined prior to implementation.

4. **SWORN LAW ENFORCEMENT OFFICER PAY PLAN**

The Sworn Law Enforcement Officer Pay Plan covers employees who are classified as peace officers or County detention deputies pursuant to Idaho Code 19-5101.

4.1 Basis of Progression Through Pay Steps and Linkage To Performance

The Sheriff's Department Manual contains a section related to Personnel Performance Review. For positions in this plan that have a step structure, the basis for annual progression through the steps will be based on three criteria:

1. Achievement of an acceptable level of performance (meets standards) against the criteria set out in the Performance Review manual;
2. Attainment of the relevant certifications within an acceptable time period; and

3. Time;

4. Rank.

4.2 Budgeting for Progression, Merit and Vacancies

Within the overall goal of fiscal accountability, budgeting for progression movement will be based on allocating sufficient funds to allow progression through the steps on an annual basis. Budgeting for vacancies will be based on the market target position.

4.3 Maintenance of Salary Ranges

In adopting the Sworn Law Enforcement Officers salary plan in May 2005, the Commissioners adopted salary ranges and steps that have a market policy position (known as the market target) that was set at the average of the relevant comparator market. When changes were made to the plan in August 2007, greater consideration was given to more “local” law enforcement jurisdictions in Northern Idaho, Eastern Washington region. To enable the County to attract and retain the quantity and quality of employees it needs to meet its service goals, salary ranges and steps will be reviewed on an annual basis and will be moved in line with the movement in the relevant comparator market.

A salary survey of the benchmark positions should be conducted no less than once every three years.

4.4 Hiring Salary

The hiring salary will be dependent upon the level of knowledge, skills and demonstrated competencies and relevant experience which the employee being hired brings to the County. In addition, other factors to be taken into consideration will include pay levels of other employees in the job being filled.

4.5 Salary Upon Promotion

This will be in accordance with Section 3.7 of the General Pay plan.

4.6 Salary Upon Demotion

This will be in accordance with Section 3.8 of the General Pay plan.

4.7 Higher Duty Pay

This will be in accordance with Section 3.10 of the General Pay plan.

4.8 Shift Pay

This will be in accordance with Section 3.11 of the General Pay plan.

4.9 Use of Bonus Payments

This will be in accordance with Section 3.12 of the General Pay plan.

4.10 Special Duty Pay

The Sheriff's Department shall recognize the temporary special duties when an employee is placed on a specialized team and/or in a specialized role. These include, but may not be limited to: SWAT, FTO, JTO, Dive Team, and Detective. An allowance at a rate to be approved by the Sheriff and the Commissioners will be paid to the employee for the period while serving in this role.

- 4.11 Cash or cash equivalent items, including gift cards, are considered taxable income per IRS publication 15-B Employer's Guide to Fringe Benefits. Therefore, gift cards may not be distributed to employees as a form of payment or reward. A prize or award that is not cash or cash equivalent, of nominal value and provided infrequently, such as a holiday turkey, movie tickets, flowers, or plaques may be permitted.

5. **ATTORNEYS PAY PLAN**

The Attorneys pay plan covers those employees in the professional Attorney positions in the office of the Prosecuting Attorney and the Public Defender up to and including Chief Deputies. This section sets out the basis for pay administration for employees covered by this Plan.

5.1 Basis of Pay Movement

The basis of pay movement for those covered by this plan will be consideration of the following factors:

1. Time and experience (it is important to note that reference to experience must be related to progressive experience, not just time in position).
2. The nature of work being performed.
3. Increased independence of work, judgment and freedom of decision making.
4. The acquisition and application of further education and/or professional training.
5. Demonstration of the increased frequency of undertaking the type and complexity of work normally associated with the next level in the job family.
6. Fulfilling a leadership/management role.

The definition for each of these criteria utilized for the implementation of the Attorney pay plan in May 2005 at each level of market reference point shall be used and an annual assessment made for each Attorney against those criteria.

5.2 Budgeting for Progression, Merit and Vacancies

Within the overall goal of fiscal accountability, budgeting for the Attorneys pay plan will be based on allocating sufficient funds to target the appropriate positioning of each Attorney against the "point score" indicator as set out in section 5.1.

Budgeting for vacancies will be based on the relevant market anchor.

5.3 Maintenance of Salary Ranges

In adopting the Attorneys salary plan in May 2005, the Commissioners adopted a salary band that contain market anchors that have a market policy position that is set at the

average of the relevant comparator market. To enable the County to attract and retain the quantity and quality of employees it needs to meet its service goals, the salary band and market anchors will be reviewed on an annual basis and will be moved in line with the movement in the relevant comparator market.

5.4 Hiring Salary

The hiring salary will be dependent upon the level of knowledge, skills and demonstrated competencies and relevant experience which the employee being hired brings to the County. In addition, other factors to be taken into consideration will include pay levels of other employees in the job being filled.

5.5 Use of Bonus Payments

This will be in accordance with Section 3.12 of the General Pay plan.

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Resolution 2011-149, approved December 27, 2011
Revised & approved April 3, 2012
Resolution 2014-77, approved November 18, 2014
Resolution 2016-117, approved November 29, 2016

RELATED POLICIES

Policy No. 010, Definition of Employment Status
Policy No. 110, Exempt/Non-Exempt Employee Status
Policy No. 210, Hours of Work and Paydays
Policy No. 211, Overtime: Non-Exempt Employees
Policy No. 213, Alternative Work Schedules
Policy No. 312, Holidays
Policy No. 600, Job Evaluation/Classification
Policy No. 610, Employee Performance Appraisal
Policy No. 020, Recruiting, Selection, and Employee Status

HOURS OF WORK AND PAYDAYS

I. PURPOSE

To establish the hours of employment in the County's basic workday and workweek, and to establish pay periods and paydays to administer the payment of wages, salaries and overtime.

II. SCOPE

This policy applies to employees of Kootenai County, taking into account that various departments may have differing schedules.

III. POLICY

- A. Hours of Work. The County follows a normal work schedule of forty hours per week. For purposes of the Fair Labor Standards Act, the workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday.
- B. Lunch and Rest Periods. County employees generally receive an hour lunch period, normally scheduled from 12:00 to 1:00 p.m. This may vary depending on department needs. Breaks are scheduled for employees within departments to meet employee and customer needs. In accordance with Section 7 of the Fair Labor Standards act, Kootenai County shall provide reasonable break time for nursing mothers to express breast milk.
- C. Pay Period, Payroll Week and Payday.
1. A pay period is composed of two consecutive payroll weeks.
 2. A payroll week runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the same week.
 3. Therefore, the pay period runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the following week.
 4. County employees are paid on the Friday following the end of the pay period if they do not utilize direct deposit. Those employees who take advantage of the direct deposit option will be paid on the Thursday following the end of the pay period.
 5. Resignations. Employees who voluntarily leave County employment for any reason will be issued their final paycheck no later than the next regular payday pertaining to the pay period in which their employment ended.
 6. Terminations. It may be possible for employees who are involuntarily terminated to receive their final paycheck at their exit interview, provided that the Auditor's Office has been given at least a 48-hour notice of termination. Elected Officials and Department Heads should not request a final paycheck be provided at this interview unless they have previously reviewed the termination decision with the Prosecuting Attorney's assigned staff and Human Resources, and are certain of their decision. Otherwise, final paychecks will be mailed to involuntarily terminated employees on the next regular payday pertaining to the pay period in which their employment ended.

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Resolution 97-48, approved July 22, 1997

Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

OVERTIME: NON-EXEMPT EMPLOYEES

I. PURPOSE

To provide guidelines to administer overtime pay to comply with applicable federal and state wage and hour regulations.

II. SCOPE

This policy applies to Non-Exempt employees of Kootenai County except those employees defined in Policy No. 213 as Law Enforcement.

III. POLICY

Kootenai County overtime pay policy conforms to overtime provisions of the federal Fair Labor Standards Act and applicable state laws. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such Exemption.

Overtime pay policy for employees includes the following principal elements, except in those cases involving alternative work schedules.

- A. Non-Exempt employees will be paid straight time for all hours worked through forty in one week.
- B. Non-Exempt employees will be paid time and one half for hours worked in excess of forty in one week.
- C. Only hours actually worked will be used to calculate overtime pay. Paid time off for holidays, jury duty, vacation, sick leave or any leave of absence will not be considered hours worked.
- D. Overtime worked by Non-Exempt employees must be authorized in advance by the Elected Official or Department Head or their designee.
- E. Compensatory time off in lieu of overtime payments may be granted. Compensatory time shall accrue at the same ratio as would have been used for pay purposes; that is, hour-for-hour (straight time) or the equivalent of one and one-half hours for each hour worked of overtime (time and one-half). Accrued compensatory time may not exceed 40 hours and should be used within ninety (90) days. Compensatory time must be agreed upon by the employer and employee prior to the work being performed per the Fair Labor Standards Act, 29 C.F.R §553-23 (c). This agreement does not have to be in writing.

- F. Each Elected Official and Department Head is responsible for maintaining a record of overtime worked and compensatory time earned by each non-exempt employee within their department. Exempt employees may not earn compensatory time.
- G. Holiday overtime – refer to Policy No. 312, “Holidays.”

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Resolution 97-50, approved July 22, 1997
Resolution 2011-149, approved December 27, 2011
Resolution 2013-05, approved February 12, 2013

RELATED POLICIES

Policy No. 110, Exempt/Non-Exempt Employee Status.
Policy No. 213, Alternative Work Schedules
Policy No. 312, Holidays

ALTERNATIVE WORK SCHEDULES

I. PURPOSE

To establish guidelines and pay practices to administer alternative work schedules which meet Kootenai County's need for 24-hour coverage with a minimum number of employees.

II. SCOPE

This policy applies to employees in jobs designated by the Elected Official or Department Head.

III. GENERAL POLICY

In certain designated jobs, to meet business needs, employees will observe work schedules which differ from Kootenai County's normal work schedule of five consecutive days per week, eight (8) hours per day. These schedules must be approved by the Elected Official or Department Head, prior to working one of these schedules.

Employees in Non-Exempt positions will be paid for overtime according to federal and state law. For additional guidance regarding the County's overtime pay policies, see the related policies listed at the end of this Policy.

IV. POLICY – FOUR/TEN WORKWEEK

A. Schedule. Employees will work a set schedule of ten hours per day for four days per workweek, based on the needs of the position.

B. Overtime, Non-Exempt Positions. Employees will be paid following these principal elements:

1. Straight time will be paid for hours worked through ten in the workday and/or forty in a workweek.
2. Time and one-half will be paid for hours worked beyond forty in a workweek.

V. POLICY-LAW ENFORCEMENT

A. Schedule. Employees will work a set schedule of hours per day per week, based on the needs of the position.

B. Overtime, Non-Exempt Positions. Employees will be paid, following these principal elements:

1. Straight time will be paid for hours worked through 86 within 14 consecutive calendar days.
2. Time and one-half or compensatory time will be paid or accrued for hours worked beyond 86 within 14 consecutive calendar days.

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Resolution 97-48, approved July 22, 1997

Resolution 97-50, approved July 22, 1997

Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 110, Exempt/Non-Exempt Employee Status

Policy No. 211, Overtime: Non-Exempt Employees.

VACATIONS

I. PURPOSE

To provide a traditional paid-time-off benefit that will provide a restful break in year round routine and support the County's goals to attract, motivate and retain quality employees.

II. SCOPE

This policy applies to eligible full-time employees of the County.

III. POLICY

Kootenai County encourages each full-time employee to take an annual vacation entitlement as paid time off away from work. The County does not provide vacation pay unless vacation time is actually taken, or upon separation, or if a person transfers to a part-time position from a full-time position.

IV. DEFINITION

"Vacation pay" is cash compensation which is equivalent to the employee's regular rate of pay.

V. ELIGIBILITY

A. Vacation leave is available to full-time, regular employees who have completed the equivalent of six months of full-time County employment (see paragraphs V. B. and D.)

<u>Length of Service</u>	<u>Vacation Accrual 40-hour Workweek</u>	<u>Vacation Accrual 35-hour Workweek</u>
Six months through five years (180th day after date of hire through last day of fifth year)	4 hours per 2-week pay period (104 hours per year). See paragraphs V. B. and D.	3.5 hours per 2-week pay period (91 hours per year).
Six through ten years (First day of sixth year through last day of 10th year of employment)	6 hours per 2-week pay period (156 hours per year)	5.25 hours per 2-week pay period (136.5 hours per year)
Eleven years or more (First day of 11th year forward)	8 hours per 2-week pay period (208 hours per year)	7.0 hours per 2-week pay period (182 hours per year)

B. Newly hired employees do not earn or accrue vacation entitlement during the first 180 days of employment.

C. Regular, full-time employees working 35 hours per week or more accrue their vacation allowance on the same basis as regular, full-time employees who normally work 40 hours per week, except it is prorated according to the number of hours they work. While on vacation, an employee continues to accrue vacation according to the normal hours worked per pay period per the accrual schedule, except

that an employee shall not accrue vacation during any period of vacation which is followed by immediate separation from County employment.

- D. An employee only accrues vacation if they work 70% or more of the pay period (for example, 7 days of 10 days in a 2-week pay period, including holidays. Thus, an employee who begins work on the second Monday of a two-week pay period will not accrue vacation time for that period).
- E. Vacation time is not earned during an unpaid leave of absence, with the exception of a Military Reserve Training Leave of Absence (see Policy 322) and any other provision regarding vacation accrual for military service which is also covered by Federal or Idaho State law.
- F. Upon separation from employment, the County shall make payment to compensate for all earned, but unused, vacation leave for all hours accrued to the date of termination, provided the employee has completed at least six months of continuous service. Pay will be computed based on the rate earned upon separation.
- G. If an employee transfers from a full-time position to a part-time position, he/she will be treated as if their employment was terminated, and all accruals will be paid out as outlined in each specific policy regarding the same (sick, vacation, comp, holiday pay).

VI. SCHEDULING

- A. Vacations may be taken by separate hours, days or weeks. The County encourages employees to take one vacation period of at least five consecutive days in a calendar year. Vacation leave benefits may be taken in increments of not less than one-half hour per occasion for Non-Exempt employees. For Exempt employees, vacation leave benefits shall be for increments of one day or more.
- B. Vacation hours normally shall not be accrued from year to year beyond 240 hours. At the end of the first pay period of the subsequent calendar year, any excess over 240 hours is forfeited, without right of compensation.
- C. Selection of vacation dates is subject to approval of the employee's Elected Official, Department Head, or their designee.
- D. Vacation periods must be scheduled and approved by the employee's Elected Official, Department Head, or their designee before becoming effective and shall be approved based upon the needs of the department.
- E. Each Elected Official, Department Head, or their designee will maintain a department schedule and record of the vacation time taken by each employee.
- F. If a County-paid holiday falls during an employee's vacation, the holiday will not be counted as vacation taken. The employee may extend the vacation by one day or take the vacation day at a later date.
- G. While on vacation leave, County employees may not work for the County.

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Resolution 97-44, approved July 22, 1997
Resolution 97-46, approved July 22, 1997
Resolution 97-48, approved July 22, 1997
Resolution 97-50, approved July 22, 1997
Resolution 98-05, approved January 20, 1998
Resolution 98-08, approved February 17, 1998
Resolution 2000-15, approved February 15, 2000
Resolution 2011-149, approved December 27, 2011
Resolution 2016-66, approved August 2, 2016

RELATED POLICIES:

Policy No. 312, Holidays
Policy No. 313, Sick Leave (HRA/VEBA)
Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)
Policy No. 316, Donation of Unused Vacation
Policy No. 321, Unpaid Personal Time Off
Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence
Policy No. 324, Family and Medical Leave & Military Family Leave

HOLIDAYS

I. PURPOSE

To provide guidelines for management of a competitive paid-time-off benefit for recognized holidays.

II. SCOPE

This policy applies to all full-time, regular employees of Kootenai County.

III. DEFINITION

Holiday pay is cash compensation which is the equivalent of the employee's regular rate of pay.

IV. POLICY

A. Employees who have full-time, active status on the observed date of any recognized holiday are eligible for holiday pay at time of hire.

B. The following days are recognized as County-paid holidays:

<u>Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

C. County-paid holidays which fall on a Saturday will be observed on the preceding Friday; paid holidays which fall on a Sunday will be observed on the following Monday.

D. To be eligible for holiday pay, an employee must work their regular schedule on the last regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday, unless the absence is due to paid vacation, paid sick leave, a floating holiday, a bonus holiday, or an approved leave for military purposes. (A bonus holiday is one which is passed by specific resolution of the Board of County Commissioners and usually applicable for only one calendar year).

E. If a County-paid holiday falls during an employee's scheduled vacation, the holiday will not be counted as a vacation day taken, and therefore will not be charged against the employee's earned vacation leave.

F. An employee who separates or commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay.

- G. All Non-Exempt employees who do not work on a holiday recognized by the County, regardless of the holiday being either a scheduled workday or a scheduled day off, shall be compensated for eight (8) hours at the employee's regular rate of pay.
- H. All Non-Exempt employees who work on a holiday recognized by the County, regardless of the holiday being either a scheduled workday or a scheduled day off, shall be compensated for eight (8) hours at the employee's regular rate of pay. In addition, all Non-Exempt employees who work on a holiday shall be compensated at the employee's regular rate of pay for each hour actually worked on the holiday or, at the discretion of the Elected Official or Department Head and after notice to the employee prior to the holiday worked, all Non-Exempt employees in that department who work on a holiday shall be compensated with compensatory time off for each hour actually worked on the holiday.
- I. An Exempt employee required to work on a holiday will be given another day off at a time mutually convenient to the employee and the County, usually within 90 days following the holiday.
- J. All Non-Exempt employees, who work on a holiday recognized by the County, for authorized, unscheduled emergency work, shall be compensated for eight (8) hours at the employee's regular rate of pay. In addition, all Non-Exempt employees who work on a holiday, for authorized, unscheduled emergency work, shall be compensated at the rate of one and one-half (1 ½) hours for each hour actually worked on the holiday or, at the discretion of the Elected Official or Department Head and after notice to the employee prior to the holiday worked, all Non-Exempt employees in that department who work on a holiday, for authorized, unscheduled emergency work, shall be compensated with compensatory time off at the rate of one and one-half (1 ½) hours for each hour actually worked on the holiday.
 - 1. For the purposes of this policy, emergency work is defined as "work that results from an unforeseen combination of circumstances or the result of those circumstances that calls for immediate action."
- K. Each hour actually worked on a holiday recognized by the County shall be included in the computation of weekly overtime. A paid holiday not worked will not be credited as a regular workday to compute weekly overtime.

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Resolution 97-43, approved July 22, 1997
Resolution 97-44, approved July 22, 1997
Resolution 97-50, approved July 22, 1997
Resolution 97-79, approved December 16, 1997, (Rescinded 2/23/99)
Resolution 99-10, approved February 23, 1999
Resolution 06-74, approved September 45, 2006
Resolution 07-01, approved January 2, 2007
Resolution 2011-149, approved December 27, 2011,
Resolution 2013-05, approved February 12, 2013

RELATED POLICIES

Policy No. 120, Compensation

Policy No. 211, Overtime

Policy No. 311, Vacations

Policy No. 313, Sick Leave (HRA/VEBA)

Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)

Policy No. 321, Unpaid Personal Time Off

Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence

Policy No. 324, Family and Medical Leave & Military Family Leave

SICK LEAVE

I. PURPOSE

Sick leave is a benefit providing relief and income protection for full-time employees in the event of temporary illness or injury involving the employee or his/her immediate family.

II. SCOPE

This policy applies to all regular, full-time employees of Kootenai County.

III. DEFINITIONS

"Immediate family" for purposes of sick leave usage is defined as current spouse, natural or adoptive parents of the employee, natural or adopted children, grandchildren, grandparents, brothers and sisters and mother-in-law or father-in-law.

"Sick leave benefit" is cash compensation which is equivalent to the employee's regular rate of pay.

IV. POLICY

A. Condition of use. Sick leave is to be used in the event of an illness or injury that prevents the employee from working productively or safely. It may also be used:

1. Under compelling and necessary circumstances, when the employee must administer aid and comfort to an immediate family member because that person's illness presents no practical alternative for necessary care, or when an immediate family member is quarantined; or,
2. When the employee is using Family and Medical leave as outlined in Policy 324; or,
3. For doctor's appointments; or,
4. In excess of paid Bereavement time pursuant to Policy 315.

B. Accrual. Sick leave shall accrue to all full-time, County employees. Sick leave shall accrue while an employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave. Sick leave shall not accrue to any employee on any kind of leave of absence without pay, suspension without pay or layoff, except for Military Reserve Training Leave of Absence as specified in Policy No. 322.

C. Amount of Benefit. While on sick leave, an employee's wage or salary will be continued up to the amount of time accrued in the employee's sick leave account. While on sick leave, an employee continues to accrue sick leave according to the normal hours worked per pay period per the following schedule, except that an employee shall not accrue sick leave during any period of sick leave which is followed by immediate separation from County employment. Sick leave may accrue to a maximum of 840 hours (35-hour work week) and 960 hours (40-hour work week).

<u>Hours Worked Per Pay Period</u>	<u>Hours Accrued Per Pay Period</u>
70 Hours	3.5 Hours
80 Hours	4.0 Hours

The number of sick leave hours credited is not intended to establish a guideline for acceptable attendance.

- D. Eligibility. An employee is first eligible for the benefit upon date of hire. However, an employee only accrues sick leave if they work 70% of the pay period or more (for example, seven (7) work days of a two-week pay period), including holidays. Thus, an employee who begins work on the second Monday of a two-week pay period does not accrue sick leave for that period.

The County may require an employee to support a request for sick leave benefits with medical certification of disability. Failure to provide a note from a physician may lead to a denial of benefits and possible discipline.

- E. Separation. If an employee separates from County employment or transfers from a full-time position to a part-time position, and if the percentage pay off amount would equal at least \$250.00, the sick leave that has accrued must be transferred to an HRA/VEBA account (a tax free medical savings account for public service employees) based on years of service with Kootenai County as listed below, up to a maximum of 480 hours (40-hour work week) and 420 (35-hour work week):

<u>Years of Service</u>	<u>Percentage Applied to HRA/VEBA Account</u>
Date of hire through last day of fourth year (see Paragraph IV. D.)	0% of accrued sick leave value
First day of 5th year through last day of 9 th year	30% of accrued sick leave value
First day of 10th year through last day of 15 th year	40% of accrued sick leave value
First day of 16th year forward	60% of accrued sick leave value

The formula for determining the amount to be transferred is as follows:

Employee's sick leave balance X applicable percentage (%) above, resulting in a new balance of sick leave hours. The new balance X the employee's rate of pay per hour equals the amount to be transferred. However, if the new balance of hours is more than 480 hours after multiplying the appropriate percentage to the current balance, the employee will be paid the maximum of 480 hours as stated above. For example: 960 hrs x 60% = 567 hrs. Total amount transferred = 480.

V. PROCEDURE

These guidelines should be followed by Elected Officials or Department Heads, in administering sick leave:

- A. **Minimum Unit.** Sick leave benefits may be taken in increments of not less than one-half hour per occasion for Non-Exempt employees. For Exempt employees, sick leave benefits shall be for increments of one day or more to comply with FLSA.
- B. **Maintenance of Contact.** Sick leave must normally be requested within two hours of the time when the scheduled work period is to begin. During sick leave, an employee must maintain regular contact with the Elected Official or Department Head (or make other suitable arrangements) in order for them to know the employee's estimated date of return to work, unless other arrangements are made with the supervisor. Sick leave benefits are contingent upon maintenance of regular contact.
- C. **Physician's Release Upon Return.** Depending on the length and circumstances of an employee's disability, the Elected Official or Department Head may require a physician's written release before the employee may return to work.
- D. **Termination of Benefits.** If an employee's disability absence continues beyond the period covered by sick leave, the employee may be placed on Family and Medical Leave of absence status without pay. The Human Resources Department is to be contacted regarding those employees whose absence exceeds three (3) days who may qualify under the Federal Family and Medical Leave Act.

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Resolution 86-49, approved October 31, 1986
Resolution 89-223, approved December 6, 1989
Resolution 97-44, approved July 22, 1997
Resolution 97-48, approved July 22, 1997
Resolution 97-50, approved July 22, 1997
Resolution 2000-12, approved February 15, 2000
Resolution 2000-41, approved April 18, 2000
Resolution 2004-57, approved June 22, 2004
Resolution 2011-149, approved December 27, 2011

RELATED POLICIES:

Policy No. 311, Vacations
Policy No. 312, Holidays
Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)
Policy No. 321, Unpaid Personal Time Off
Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence
Policy No. 324, Family and Medical Leave & Military Family Leave

PAID PERSONAL TIME OFF (BEREAVEMENT, JURY DUTY)

I. PURPOSE

To provide a means for employees to secure limited time off when such time is needed for Bereavement or Jury Duty.

II. SCOPE

This policy applies to regular full-time employees of Kootenai County.

III. POLICY

The County grants to regular full-time employees paid time off for Bereavement and Jury Duty.

Bereavement. In the event of death in an employee's immediate family, the County grants up to three (3) working days for Exempt employees and 24 hours for Non-Exempt employees with pay, to handle family affairs and attend the funeral. Further, accrued vacation, sick leave or compensatory time may be requested by the employee once Bereavement Leave has been exhausted. Additional unpaid leave may be granted upon written request and at the approval of the Elected Official or Department Head.

“Immediate family” for this policy is defined as: spouse, children, parents, grandchildren, grandparents, brothers and sisters, mother-in-law or father-in-law.

Jury Duty. So regular, full-time employees may serve on a jury without loss of earnings, the County will pay an employee's normal earnings for the period of jury service. The employee must sign over to the County all court payments received for jury service.

IV. PROCEDURE

- A. Employees will continue to be covered under all insured benefit plans and will continue to accrue vacation and sick leave while on paid personal time off.
- B. Supervisors will record paid personal time off on the employee time card under the appropriate category.

Resolution 97-44, approved July 22, 1997

Resolution 2000-23, approved March 7, 2000

Resolution 2011-149, approved December 27, 2011

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RELATED POLICIES:

Policy No. 311, Vacations

Policy No. 312, Holidays

Policy No. 313, Sick Leave (HRA/VEBA)

Policy No. 321, Unpaid Personal Time Off

Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence

Policy No. 324, Family and Medical Leave & Military Family Leave

DONATION OF UNUSED VACATION

I. PURPOSE

To provide a means for employees to choose to donate part of their unused vacation accruals in the event of a medical or family emergency for other employees who need additional paid days off for a medical illness or disability.

II. SCOPE

This policy applies to regular, full-time employees of Kootenai County who have successfully completed 12 consecutive months of employment.

III. POLICY

Employees may donate unused vacation hours to other County employees who meet the following criteria:

- A. Employees with medical or family emergency situations as listed above must use all sick leave, compensatory time and vacation accruals made available to them through their own accruals before accessing donated leave.

IV. PROCEDURE

- A. Eligibility for access to donated vacation hours will become effective at the successful completion of twelve consecutive months of employment with Kootenai County.
- B. An employee requesting to receive this donation of time must submit a completed Request for Vacation Donation form with the Elected Official's or Department Head's signature. Along with the form, the employee is required to provide to the Human Resources Department a note or form from a healthcare provider stating the illness and approximate amount of time the employee is expected to be off work.

Upon approval by the Elected Official or Department Head and reviewed by the Human Resources Department, the employee will be notified that their vacation donation request has been approved or denied. After the employee has exhausted all vacation donations given to them directly, the employee may have access to the vacation donation pool.

- C. Employees wishing to donate must submit a completed Vacation Donation Form to the Human Resources Department. An employee may not donate more than 50% of their accrued balance. This donation is considered final and irrevocable.
- D. Employees may request vacation donation one time in a single 12-month period. Although not guaranteed, employees may receive up to 480 hours per request, depending on the need and vacation donation availability. If the hours donated to the employee are less than what the employee needs, the balance of the needed hours will be drawn from the County's vacation donation pool. The vacation donation pool will be utilized on a first come, first serve basis. Vacation donation payouts will be in increments of no more than the hours needed based on the employee's regular schedule and up to a maximum of 80 hours per pay period. If an employee does not have enough vacation donations for the pay period, the remaining hours will be unpaid. Employees will not accrue sick or vacation time while using donated vacation hours. Donations will not be paid out upon separation.

- E. Vacation donations not used by the requesting employee will be placed in the County's vacation donation pool for future employee requests. Donation of unused vacation accruals will be calculated at the value of the hour(s) donated.

Example: Employee A earns \$20.00 per hour and requests donations. Employee B earns \$10 per hour and donates five hours. Employee B has contributed \$50.00 of compensation to Employee A. Employee A will receive 2 ½ hours of pay based on the contribution.

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Resolution 2000-14, approved February 15, 2000
Resolution 2011-149, approved December 27, 2011
Resolution 2013-05, approved February 12, 2013
Resolution 2014-77, approved November 18, 2014
Resolution 2016-117, approved November 29, 2016

RELATED POLICIES:

Policy No. 311, Vacation
Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence
Policy No. 324, Family and Medical Leave & Military

UNPAID PERSONAL TIME OFF

I. PURPOSE

To provide a means for employees to secure limited, unpaid time off when such time is needed for important personal reasons.

II. SCOPE

This policy applies to regular, full-time employees of Kootenai County.

III. POLICY

The County may grant to regular employees unpaid time off for substantial personal reasons, provided such time off does not materially affect the normal conduct of business, customer service or operating costs.

- A. Duration. The duration of personal time may be up to five days. Beyond five days, a leave of absence will be used.
- B. Conditions. All vacation and compensatory time must be exhausted first. In considering an employee's request for personal time off, the seriousness of the matter prompting the request will be considered by the Elected Official or Department Head. Such requests should be in response to serious personal needs rather than for occasional time off to rest or relax. Employees must make an effort to schedule ordinary personal and business affairs outside working hours.
 - 1. Examples of needs considered to be reasonable uses of unpaid personal time off include such things as extensive legal affairs or funeral of a friend or relative who does not come under the purview of Bereavement Leave.
 - 2. Examples of causes not considered to be reasonable uses of unpaid personal time off include: chronic automobile trouble, non-emergency financial problems, visiting relatives, other employment (moonlighting), and seeking employment outside the County.
- C. Benefits and Insurance. Employees will continue to accrue vacation and sick leave while on unpaid personal time off if they work 70% of the pay period or more (e.g. seven work days of a two-week pay period). Employees will also continue to be covered under all insured benefit plans while they are on approved personal time off (irrespective of whether they work at least 70% of the pay period) since the time off cannot exceed 30 days.

IV. PROCEDURE

- A. The requesting employee's performance record and previously granted time off may be considered by the Elected Official or Department Head before granting an unpaid time off request.
- B. When the need for absence from work is known in advance, the employee must notify the Elected Official or Department Head immediately.

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Resolution 2000-23, approved March 7, 2000

Resolution 2011-149, approved December 27, 2011

RELATED POLICIES:

Policy No. 311, Vacations

Policy No. 312, Holidays

Policy No. 313, Sick Leave (HRA/VEBA)

Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)

Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence

Policy No. 324, Family and Medical Leave & Military Family Leave

LEAVE OF ABSENCE WITHOUT PAY & MILITARY LEAVE OF ABSENCE

I. PURPOSE

To enable employees to receive extended time away from work to satisfy military service obligations, or handle compelling personal business.

II. SCOPE

This policy applies to regular full-time employees of Kootenai County.

III. DEFINITION

"Leave of absence" is defined as an excused absence without pay. An absence involving paid time off (e.g., jury duty, vacation, sick leave or bereavement leave) is not considered a leave of absence, nor is personal time off up to five days (see Policy No. 321).

IV. POLICY

Leaves of absence without pay may be granted to regular, full-time employees to maintain continuity of service only in instances where unusual or unavoidable circumstances require prolonged absence.

No loss of service credit with the County will occur as a result of the leave of absence, but no benefit credit will accrue toward vacation and sick leave entitlement for the duration of the leave except for a Military Reserve Training Leave of Absence as provided in Policy 311.

During a leave of absence of more than 30 days, the employee will be responsible for paying their portion of the cost of his/her group health insurance coverage and that of his/her dependents.

- A. Military Service Leave of Absence. An employee who is called to active military duty in a branch of the U.S. Armed Forces will be granted a leave of absence according to applicable state and federal law for the period of active duty upon providing a copy of orders.
- B. Military Reserve Training Leave of Absence. An employee will be granted an unpaid leave of absence for up to fifteen calendar days to participate in ordered and authorized field training under the National Defense Act. Kootenai County public employment policy will comply with the provisions of Federal Law Title 38 and Idaho Code 46-224, et. seq., or their successors, as they pertain to leaves of absence for all military service.

Employees serving on active duty for the fifteen-day training period specified above in the National Guard or Military Reserves will receive a supplemental payment for the first fifteen (15) days on an annual basis. During this fifteen (15) calendar day period, benefits offered to full-time employees shall continue to accrue.

C. Benefits During Military Leave

All insurance benefits for military members are subject to The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) requirements.

1. Field Training Military Leave

If an employee is placed on either Field Training Military Leave with Pay or Field Training Military Leave without pay for over 30 days, the employee may elect to continue medical, dental, and vision insurance for up to 24 months to be paid by Kootenai County. The employee will continue to be responsible for their portion of the insurance premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed.

2. Active Duty Military Leave

If an employee is placed on Active Military Leave with Pay or Active Military Leave without pay an employee has two options. Kootenai County health insurance benefits during military leave can be waived or continued.

- If an employee chooses to waive health insurance benefits, the employee must notify Human Resources in writing the specific benefits to be waived. Upon returning from active military leave, health insurance benefits will be reinstated to the first of the month that the employee returned; however, the employee must complete the proper health insurance paperwork.
- If an employee chooses to continue health insurance benefits, the employee must notify Human Resources in writing. Continuation of health insurance (medical, dental, and vision) during active military leave is provided through "COBRA" (Consolidated Omnibus Budget Reconciliation Act of 1985), which allows up to 24 months of coverage after the military leave begins. If "COBRA" is elected, the appropriate "COBRA" Administrators will notify and provide the employee with information on billing procedures. Contact Human Resources for current COBRA premiums.

3. Family and Medical Leave Act Provisions may apply for the service member.

- D. Personal Leave of Absence. A personal leave of absence without pay to handle compelling personal business may be granted to regular, full-time employees. A personal leave of absence may be granted for up to one year. To be eligible, the employee must have maintained a satisfactory record of employment with the County for a minimum of one year. Employees must use all accrued vacation before a personal leave of absence without pay commences.

A personal leave of absence is approved at the discretion of the employee's immediate Supervisor with the concurrence of the Elected Official or Department Head. The employee must be available to return to regular employment on or before the expiration date of the leave of absence.

V. PROCEDURE

A. Application and Commencement.

1. Requests for leave of absence without pay or an extension thereof must be submitted in writing to the Elected Official or Department Head at least two weeks prior to the commencement date, if possible.

2. Extensions of leaves of absence are ordinarily not granted.

B. Reinstatement.

1. Upon return from a military service leave of absence, employees will be reinstated according to applicable law.

2. Upon return from a personal leave of absence, employees will be reinstated in the following priority of position reassignment:

First: prior position, if available.

Next: a comparable position for which the employee is qualified, if available.

Next: a lesser position for which the employee is qualified.

If no work is available according to the reassignment priorities listed above, the employee will be separated.

3. Employees on leave of absence must notify their Elected Official or Department Head at least two weeks prior to end of the leave of availability for return to work.

4. The County may require employees to have a physician's release or a physical examination to determine fitness for work prior to return from a leave of absence.

5. An employee's failure to return from leave of absence, or failure to contact his or her Elected Official or Department Head within three (3) days after the scheduled date of return, will be considered a voluntary resignation.

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Resolution 97-44, approved July 22, 1997

Resolution 2000-23, approved March 7, 2000

Resolution 2011-149, approved December 27, 2011

Resolution 2016-117, approved November 29, 2016

RELATED POLICIES:

Policy No. 311, Vacations Policy No. 312, Holidays

Policy No. 313, Sick Leave (HRA/VEBA)

Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)

Policy No. 321, Unpaid Personal Time Off

Policy No. 324, Family and Medical Leave & Military Family Leave

THE FAMILY AND MEDICAL LEAVE ACT POLICY

PURPOSE

The purpose of this policy is to provide Kootenai County employees with a general description of their rights and duties under the Family and Medical Leave Act of 1993.

STATEMENT OF POLICY

In accordance with the Family and Medical Leave Act of 1993, Kootenai County will grant job protected family and medical leave (FMLA) to eligible employees for up to 12 weeks within a 12-month period for one or more of the following reasons:

- A. For incapacity due to pregnancy, prenatal medical care or child birth; or
- B. To care for the employee's child after birth, or placement for adoption or foster care; or
- C. To care for an immediate family member (the employee's spouse, child, or parent) who has a serious health condition; or
- D. For a serious health condition that makes the employee unable to perform the essential functions of the employee's job; or
- E. To care for a "covered servicemember" (a current member of the Armed Forces) who has a serious injury or illness incurred in the line of active duty, or to address certain qualifying exigencies for a spouse, son, daughter or parent who is a member of the National Guard or Reserves and is called to covered active duty which requires deployment to a foreign country.

DEFINITIONS

- A. "*12-Month Period*" - means the 12-month period immediately preceding an FMLA request.
- B. "*Spouse*" - Does not include unmarried domestic partners. If both spouses work for the County, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.
- C. "*Child*" - means a child either less than 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes those of which are biological, adopted, foster or a stepchild.

- D. “*Serious Health Condition*” - means an illness, injury, impairment, or a physical or mental condition that involves:
1. Inpatient care; or
 2. Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
 3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 4. Prenatal care by a health care provider.
- E. “*Continuing Treatment*” - means:
1. Two or more visits to a health care provider; or
 2. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
 3. A single visit to a health care provider that results in a regimen of continuing treatment; or
 4. In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.
- F. “*Covered Servicemember*” - means a spouse, son, daughter or parent of an employee who is a current member of the Armed Forces, including a member of the National Guard or Reserves.

ELIGIBILITY AND COVERAGE

- A. Eligible employees are those employees who:
1. Have worked for the County for at least 12 months (not necessarily consecutive); and
 2. Have worked a minimum of 1,250 hours in the 12-months immediately preceding the FMLA request.
- B. Eligible employees shall be entitled to 12-weeks of leave in a 12-month period.
1. The 12-month period will be calculated as a “rolling” 12-month period, measured backward from the date of any FMLA usage by the eligible employee.

INTERMITTENT OR REDUCED WORK SCHEDULE

- A. An employee may take FMLA leave on an intermittent basis or through a reduced work schedule, due to a serious health condition of the employee or to care for an immediate family member with a serious health condition, only when “medically necessary.” Intermittent leave may be taken in the lowest increment allowable by the payroll system.
1. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced work schedule, as certified by a health care provider.
 2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.
- B. An employee may take leave intermittently or on a reduced work schedule for birth, placement for adoption or foster care of a child, only when approved by the employee’s Elected Official or Department Head.
- C. Kootenai County shall calculate and track intermittent leave in accordance with the U.S. Department of Labor Wage and Hour Division regulations. Only the amount of leave *actually* taken may be counted against an employee’s FMLA leave entitlement. Where an employee takes FMLA leave for less than a full workweek, the amount of FMLA leave used is determined as a proportion of the employee’s actual workweek.

USE OF PAID LEAVE

- A. All employees on FMLA leave shall be required to use their accrued paid leave (compensatory time, sick and vacation, usually in that order), unless the employee is concurrently on paid Worker’s Compensation leave.
- B. If an employee’s accumulated paid leave balance is insufficient to cover the full 12-week FMLA entitlement, the employee will remain entitled to unpaid FMLA leave for the remaining balance of the entitlement, through a leave of absence without pay. Employees will be subject to the terms and conditions of the Personnel Policy Manual for the duration of any leave of absence without pay while on FMLA leave.
- C. For Workers’ Compensation information, refer to Policy No. 350.

NOTICE REQUIREMENT

- A. Employees are required to give a 30-day notice to his or her supervisor in the event of foreseeable leave. A “Request for Family Medical Leave” form, which is available at the Human Resources Department, shall be completed by the employee and returned to his or her supervisor and the Human Resources Department.
- B. In unexpected or unforeseeable situations, an employee should provide as much notice as possible. Verbal notice is acceptable if given within two business days after the need for leave becomes known, followed by a completed “Request for Family Medical Leave” form.
- C. If an employee fails to give a 30-day notice for a foreseeable leave with no reasonable excuse for the delay, the FMLA leave request may be denied.

MEDICAL CERTIFICATION

- A. For all FMLA leave, the employee must complete and submit one of the following:
 - 1. Form WH-380-E “Certification of Health Care Provider for Employee’s Serious Health Condition” (for an employee), or
 - 2. Form WH-380-F “Certification of Health Care Provider for Family Member’s Serious Health Condition” (for a family member), or
 - 3. Form WH-384 “Certification of Qualifying Exigency for Military Family Leave”, or
 - 4. Form WH-385 “Certification for Serious Injury or Illness of Covered Service member for Military Family Leave” (for a covered service member).

The applicable form will be submitted to the Human Resources Department. If the certification is not submitted in a timely manner, the County will make a written request that it be provided. The certification from the health care provider must be forwarded to the County within 15 days of the employee’s receipt of the request from the County. If sufficient certification is not provided, the FMLA leave request may be denied and the employee subject to applicable policies regarding time and attendance.

- B. The County may require additional medical opinions (at the County’s expense) to validate or clarify the certification of the health care provider, if necessary.
- C. While on FMLA leave, the employee may be required to furnish periodic reports on the condition, status, intent to return to work and other documentation as may be appropriate.

EFFECT ON BENEFIT

- A. An employee granted a leave under this policy will continue to be covered under the County's group health insurance, life insurance and long-term disability plans (if applicable and enrolled at time of leave) under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- B. Employee contributions shall be required either through payroll deduction or by direct payment to the County. The employee will be advised in writing as to the timing, amount and method of payment. The employee contributions are subject to rate changes that may occur while the employee is on FMLA leave.
- C. If an employee's contribution is more than 30 days late, the County may terminate the employee's (and dependent's, if applicable) insurance plan(s).
- D. If the County pays the employee contributions missed by the employee while on leave, the employee shall be required to reimburse the County for delinquent payments (on a payroll deduction schedule) upon returning from leave. The employee will be required to sign a FMLA written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- E. If the employee fails to return from unpaid family/medical leave for reasons other than (1) continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the County may seek reimbursement from the employee for all amounts paid by the County on behalf of that employee during the period of leave, including both the employer contribution and the employee contribution, if any.
- F. An employee is not entitled to seniority or benefit accruals while on unpaid leave. Seniority and benefits accrued prior to taking FMLA will not be impacted by FMLA leave.

JOB PROTECTION

- A. Upon return from FLMA leave the employee will be reinstated to the former position or a similar position with equivalent pay, benefits, status and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position had been eliminated or the employee had been terminated before the leave, the employee would not have the right to be reinstated upon return from leave.
- C. If an employee fails to return to work following FMLA leave, the employee may be reinstated to the same or a similar position, if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

FAMILY MEDICAL LEAVE FORMS TO BE SUBMITTED BY THE EMPLOYEE

- A. Request for Family Medical Leave Form.
- B. Certification of Health Care Provider Form:
 - 1. For an employee (Form WH-380 E), or
 - 2. For a family member (Form WH-380 F), or
 - 3. For a covered service member (either Form WH-384 or Form WH-385).

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Resolution 2000-23, approved March 7, 2000
Resolution 2011-149, approved December 27, 2011
Resolution 2013-25, approved March 12, 2013
Resolution 2014-77, approved November 18, 2014
Resolution 2016-66, approved August 2, 2016

RELATED POLICIES:

Policy No. 311, Vacations
Policy No. 312, Holidays
Policy No. 313, Sick Leave (HRA/VEBA)
Policy No. 315, Paid Personal Time Off (Bereavement, Jury Duty)
Policy No. 321, Unpaid Personal Time Off
Policy No. 322, Leave of Absence Without Pay & Military Leave of Absence

EDUCATION/TRAINING ASSISTANCE

I. PURPOSE

To help employees obtain additional education or training to increase their competence in their jobs within the County.

II. SCOPE

This policy applies to regular, full-time employees with one or more years of employment at the County, unless authorized by the Elected Official or Department Head.

III. POLICY

A supervising Elected Official or Department Head may choose to reimburse the cost of tuition, enrollment fees, and books for courses which employees take at a recognized institution, preferably one which is regionally accredited (Human Resources Department may be consulted for verification). These courses must, in the opinion of management, increase employees' competence in their jobs.

Normally, an employee must be employed with the County when the course is completed in order to qualify for reimbursement. However, an employee who separates during enrollment because of reduction-in-force or elimination of the job will be reimbursed for all costs incurred up to the date of separation if an agreement to reimburse the employee was previously made.

Generally, class attendance and completion of study assignments should be accomplished outside of the employee's regular working hours.

Records of all work-related training and educational courses/programs completed by each employee will be maintained by the respective Elected Official or Department Head, whether such courses or programs are reimbursable or non-reimbursable.

The County may require the employee to enter into a reimbursement contract for early voluntary termination or withdrawal from employment and/or attendance/enrollment, or attendance which is insufficient to warrant certificate of satisfactory completion or credit when report cards are issued.

If employment is terminated, either voluntarily or involuntarily within 12 months of course completion, the employee shall refund the educational expenses to the County on a pro rata basis. The participant expressly agrees that this amount may be deducted from the final paycheck. An employee who separates because of reduction-in-force or elimination of the job will not be required to reimburse the County. The County, in its sole discretion, may waive the refund requirement in extenuating circumstances, such as the employee is no longer able to work due to a health condition.

IV. PROCEDURE

An employee must submit a written request form (available from the Human Resources Department) for education reimbursement to his or her immediate supervisor who will request approval from the Elected Official/Department Head prior to enrolling. The request must include a copy of the official course description, the title, time, location, duration and total cost of the course (including books and fees), number of credits, and an explanation of how the course will improve the person's performance in their current position and conditions for reimbursement. This form may be modified to accommodate special circumstances (the Human Resources Department should

be consulted in these cases). A copy of the request will be placed in the employee's official personnel file.

General funds designated for tuition reimbursement are considered, not guaranteed, on an annual basis. Tuition reimbursement funds are approved on a first come, first serve basis. No more than \$2,000 may be approved per employee, per fiscal year. To be eligible, coursework must be completed in the fiscal year in which it is reimbursed.

The supervisor should retain a copy of the employee's request for education reimbursement until the employee has completed or otherwise ended the course.

Employees must receive a grade of "C" or better, or a certificate of satisfactory completion to be reimbursed.

The supervisor should obtain and submit to the Elected Official, Department Head or the Human Resources Department, the employee's official school grade report for inclusion in his/her official personnel file.

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Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

Resolution 2015-52, approved December 1, 2015

(See Application for Reimbursement Form)

INSURANCE PROGRAMS

I. PURPOSE

To summarize group insurance and other insurance programs the County offers.

II. SCOPE

This policy applies to eligible employees of Kootenai County.

III. POLICY

The County provides a comprehensive group health program for regular, full-time employees, and in compliance with the Affordable Care Act (ACA). Full details can be found in the hire packet which employees receive on their first day of work during the New Hire Orientation meeting. The County also provides insurance programs as mandated by state and federal regulations for all employees. The Human Resources Department will publish time periods during the year when employees may enroll or make changes to their participation in insurance programs.

The following are brief summaries of these programs:

- A. Health Insurance: The County offers major medical, dental, vision. In some cases, dependents are also eligible. Eligible employees who enroll typically receive health insurance on the first of the month following 60 calendar days of employment. Elected Officials are eligible for health insurance on the first of the month following the date they are sworn into office.
- B. Life Insurance: The County offers county-paid life, and accidental death and dismemberment insurance to regular, full-time employees.
- B. Mental Health: The County provides an "Employee Assistance Program" for all employees and their dependents.
- C. Social Security: All employees are covered by the Federal Social Security Act. A required percentage of an employee's salary is deducted to pay the employee's portion of this protection, and the County matches this deduction dollar for dollar.
- D. State Unemployment Insurance: This program is funded entirely by employers in this State. The program provides weekly benefits to qualified employees who become unemployed through no fault of their own or circumstances described in the law.
- E. Workers Compensation: The County carries insurance to cover the cost of work incurred injury or illness. Benefits help pay for an employee's medical treatment and for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances in each case. To be assured of maximum coverage, all work related accidents must be reported immediately so the County can file a timely claim.

In accordance with Idaho Code 72-408 and 72-409, the employee's basic benefit is approximately 67% of the employee's average weekly wage, subject to the maximum of 90% of the average state wage as calculated by Idaho Industrial Commission.. Employees may elect to use accrued paid leave (compensatory time, sick and vacation, usually in that order) to supplement the Worker's Compensation benefit, in order to receive 100% of his or her salary. If an employee elects to only receive the Worker's Compensation benefit paid by the State Insurance Fund (as calculated per Idaho Code 72-408 and 72-409), he or she shall be required to pay his or her own voluntary deduction, and shall pay his or her portion of

medical insurance premiums through the Payroll Department. An employee continues to accrue benefits for retirement, vacation and sick leave. However, the employee's deduction withheld for retirement will only be on the portion that the County pays in salary.

Sworn Law Enforcement – Per Idaho Code Title 72 Chapter 11-72-1105, any peace officer or detention officer employed by the state of Idaho or any city or county thereof who is injured in the performance of his or her duties when responding to an emergency, or when in the pursuit of an actual or suspected violator of the law, and by reason thereof is temporarily incapacitated from performing his or her duties and qualifies for Worker's Compensation wage loss benefits under Title 72, Idaho Code, shall be paid his or her full rate of base salary, as fixed by the state or applicable ordinance or resolution, until the temporary disability arising from such injury has ceased. The employer shall withhold, collect and pay income tax on the salary paid to the employee as required by Chapter 3, Title 63, Idaho Code. Determinations and any disputes regarding entitlement to benefits under this Chapter shall be decided by the Industrial Commission in accordance with the provisions of Title 72, Idaho Code, and Commission rules.

Employees must advise their Elected Official or Department Head immediately regarding whether or not they prefer to use accruals, after the Worker's Compensation incident occurs.

- F. Long-Term Disability Insurance: This program provides for disability benefits for employees unable to work because of disability due to non-occupational accident or disease. There is a waiting period and a maximum age limit for which benefits will be paid. Benefits provided to full-time employees are not provided under this plan.

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Resolution 90-119, approved August 15, 1990
Resolution 91-68, approved December 17, 1991
Resolution 2000-17, approved February 15, 2000
Resolution 2004-75, approved August 17, 2004
Resolution 2011-149, approved December 27, 2011
Resolution 2014-77, approved November 18, 2014
Resolution 2015-52, approved December 1, 2015
Resolution 2016-66, approved August 2, 2016

RELATED POLICIES

Policy No. 720, Accidents/Injuries Reporting

EMPLOYEE RECOGNITION PROGRAM

I. PURPOSE

The Employee Recognition Program is designed to recognize County employee efforts to improve service by supporting the County's Values and Operating Principles.

II. SCOPE

This Policy applies to all employees of Kootenai County. Nominations for Elected Officials or Department Heads will be forwarded to the Board of County Commissioners for a BOCC award consideration.

III. POLICY

Awards are given for the Employee of the Month, and Year. If an employee has recently had a recommendation or accomplishment that supports all or some of the County Values and Operating Principles, a nomination may be submitted on the nomination form (which is available on KCPlace). This can be an item regarding a person in one's own department or another person's department (in which case the nomination should be sent via the nominee's Elected Official or Department Head for review and possible comment before being sent to the committee).

Performance which supports the County's Values and Operating Principles (referenced on page 3 of this manual) could include, but is not limited to, the following examples:

- Changing unnecessary rules and/or paperwork.
- Efficiency, accuracy and speed; exceptional service.
- Education/cross training of employees. Educating customers.
- Empowerment of employees to make decisions at a lower level.
- Providing the best service while controlling the cost of government, such as cost vs. necessity; savings in time, manpower, and/or teamwork; eliminating duplication of effort; economical use and purchase of materials, equipment, etc.

V. PROCEDURE

1. There is no limit to the number of nominations an employee can submit. All employees not subject to disciplinary action greater than an oral warning or oral reprimand during the calendar year are eligible for all awards. This includes part-time, seasonal and temporary classifications. No service requirement is necessary.
2. Nominations for each month will be accepted up to the last day of that month.
3. Nominations are to be submitted on an Employee Recognition Nomination form. They should be placed in an inter-departmental envelope and sent directly to the Employee Recognition Committee Chair (whose name will be published separately).
4. The Committee may request additional information or clarification of information contained in the nomination.

VI. EMPLOYEE RECOGNITION COMMITTEE

The Employee Recognition Committee will consist of the following personnel:

1. Five or more county employees to be appointed by the Board of County Commissioners to serve a one-year term from February through January.
2. Two Committee Chairs appointed by BOCC to serve an undetermined term. An individual must serve on the Committee for a minimum of one term to qualify for appointment to the Chair position.

The Committee will meet once per month to review nominations and select nominees for various awards. The program will follow the calendar year.

VII. AWARDS

There will be various degrees of awards. Each nomination will be considered with respect to the employee's support for the County's Values and Operating Principles. Nominations for a Department Head or an Elected Official will be forwarded to the Board of County Commissioners for award consideration.

All persons who nominated an employee for Employee of the Month will have their name placed in a drawing at the end of the year. The winner will receive an award.

"Employee of the Month" - Award will be given each month to that employee whose nomination has the greatest merit. A formal certificate will be personally presented to the employee by a member of the Board of Commissioners. The employee's name and picture will appear at KCPlace, and be on display in the Administration Building. The employees may receive a monetary bonus or other similar reward, and be recognized at the Annual Employee Recognition luncheon.

"Employee of the Year" - All employees chosen as Employee of the Month for the previous year will be reviewed by the Employee Recognition Committee and a recommendation will be made to the County Commissioners to determine which one should receive this award. This individual will be awarded a plaque and a monetary bonus at an annual employee recognition presentation.

The employee's name and picture will appear at KCPlace and may be submitted to the local newspaper. The employee's name and picture will also be placed on a brass plate which will be added to the "Employee of the Year" plaque displayed in the County Courthouse Campus.

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Original Effective Date – 1995

Resolution 98-10, approved February 17, 1998

Resolution 2000-11, approved February 15, 2000

Resolution 2004-29, approved April 27, 2004

Resolution 2011-149, approved December 27, 2011

Resolution 2013-05, approved February 12, 2013

Resolution 2014-77, approved November 18, 2014

RELATED POLICIES

Policy No. 430, Employee Performance and Discipline

(See Nomination Form)

INNOVATION AWARD PROGRAM

I. PURPOSE

The Innovation Award Program will recognize employees who have successfully retooled processes or found inventive ways of enhancing services to deliver *more for less*.

II. SCOPE

This Policy applies to all employees of Kootenai County. Nominations by Elected Officials or Department Heads will be forwarded to the Board of County Commissioners for consideration.

III. POLICY

This program will center on rewarding innovative ideas that result in specific, identifiable cost savings to the county without making it overly complicated and impeding creativity and participation.

The Innovation Award Program will incentivize employees to seek out ways of working more efficiently and doing things differently. Encouraging this type of “out of the box” thinking will make employees more connected to the services they provide for our citizens and promote an increase in pride in our work force.

The program may plant seeds for future innovations and efficiency gains. By incorporating this thought-process into Kootenai County’s culture we will save dollars and increase employee morale and job satisfaction. In addition to rewarding employees, the taxpayers of Kootenai County will benefit because of reduced demands of County resources.

A. Methodology & Administration: Applicants will present the innovation concept to their overseeing department head or manager and, if applicable, to their designated elected officers for review, viability and possible submittal to the Board.

Winning ideas will receive up to \$5,000 in bonus compensation based upon savings or enhanced revenues. The Commissioners will determine the award amount in collaboration with the elected officer submitting the proposal.

B. The following recommendations for implementing the Innovation Award Program incorporate five (5) key elements, which are to be submitted for Board review and consideration:

1. Criteria for Eligibility

- a. The innovative idea(s) or concept must result in identifiable, extraordinary savings to the county.
- b. The actual achieved cost savings over a full 12-month period will be used as the basis to determine the amount awarded to the employee(s).
- c. Excluded ideas under this program include those that are a result of normal, progressive business evolution or obvious solutions to funding constraints or mandated budget cuts; result in cost avoidance or revenue enhancement; and have an adverse cost impact on other county, state or federal departments as well as previously documented ideas.
- d. Documented ideas need to be applied for in advance of the occurrence of savings.

2. Formula for Cost Savings
 - a. The cost savings shall be calculated to be the difference between the *anticipated* actual expenditures for the particular item(s) or activity prior to the implementation and the *actual* expenditures subsequent to the implementation for the first full 12-month period.

3. Financial Compensation
 - a. The employee or employees will receive an award up to \$5,000 in performance bonus compensation based upon savings or enhanced revenues. The Commissioners will determine the award amount in collaboration with the county elected officer submitting the proposal.
 - b. Awards will be made in a lump sum subsequent to the 12-month period. The process for savings will need to be in place for a full 12 months prior to award consideration. Hence, the performance-based bonuses may or may not be awarded in the fiscal year in which the majority of the cost savings are achieved.

4. Administration
 - a. Departments will have maximum flexibility within these parameters.
 - b. The innovative idea or concept proposed and adopted must be approved and implemented by the department head or manager.
 - c. All concept documents developed and implemented by individual departments will be sent to and retained by HR.
 - d. Written incentive plans developed by an employee or department will include a county-wide communication strategy and possible press release.
 - e. Departments will maintain information on their adopted program for reporting purposes.
 - f. The provisions, application, and rewards of this incentive program are not subject to any grievance or dispute procedure.

5. Returning Fifty Percent of Cost Savings to the Taxpayer
 - a. In addition to the employee innovation performance bonus, at a minimum, 50 percent of the cost savings will be to the taxpayer.
 - b. The cost savings shall be returned to the county taxpayers indirectly through reverting any unexpended budgeted funds to the general fund or, if made from a designated or special fund, returned to such fund.
 - c. The department shall not retain its savings in the same line item or to transfer such savings to another budget line item.

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Resolution 2014-77, approved November 18, 2014

STANDARDS OF CONDUCT

I. PURPOSE

To assure safe, efficient and harmonious operations and to fully inform all employees of their responsibilities in this regard.

II. SCOPE

This policy applies to all employees of Kootenai County unless an elected official has their own policy.

III. POLICY

Kootenai County's standards of conduct are established for the guidance of all employees. This policy is intended to cover employee-to-employee and employee-to-customer/public contacts. The following represents only a partial list of unacceptable behaviors and conduct; a complete list of all possible violations would be impossible to write.

- Infractions may lead to discipline up to and including termination. (See Policy No. 430, Employee Performance and Discipline.)
- Falsifying County documents or records.
- Unauthorized possession of weapons or explosives on County premises or on County time.
- Engaging in fighting, throwing things, or other disorderly conduct.
- Engaging in acts of dishonesty, immorality, fraud, theft or sabotage.
- Inappropriately threatening, intimidating, coercing, using abusive or vulgar language.
- Insubordination by failure to carry out a direct instruction by a superior, and/or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
- Negligent or unauthorized use of County material, time, equipment or property, including violation of traffic laws or abusive driving habits.
- Damaging or destroying County property through negligent, careless or willful acts.
- Offensive conduct toward the public or fellow employees or other conduct unbecoming a County employee or which reflects adversely on the County.
- Negligence in observing fire prevention and safety rules.
- Violation of federal, state, or local law while on County time or premises or other circumstances for which the County feels that discipline is warranted.
- Fraud in securing employment or appointment.
- Repeated and habitual tardiness or early departure.
- Unsatisfactory performance of the quantity or quality of work considered standard for the position by the Elected Official, Department Head, or Supervisor involved.
- Willful violations of the provisions of County code, ordinances, policy and rules and regulations prescribed by Elected Officials or Department Heads.
- Consumption of or being under the influence of intoxicating beverages or controlled substances while on duty or at the workplace.
- Abuse or violation of sick leave policy.

- Unapproved absence without leave, including failure to notify the Elected Official, Department Head, or Supervisor of injury or sick leave.
- Acceptance of gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official.
- Use of employee position for private gain.
- Disregarding safety rules and commonly accepted safety practices or habitual involvement in avoidable accidents.
- Harassment, including sexual harassment.
- Engaging in such other practices as the County determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the County, its employees or clients.
- Any other act or failure to act which, in the judgment of the Elected Official or Department Manager, is sufficient to show just cause for disciplinary action.

This list is intended to be representative of the types of activities which may result in discipline. It is not intended to be comprehensive and does not alter the employment-at-will relationship between employees and Kootenai County.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 429 – Use of County Vehicles

Policy No. 915 – Use of Privately Owned Vehicles

CONFLICT OF INTEREST AND MOONLIGHTING

I. PURPOSE

To protect the integrity of County information, products, services and employee efforts and to reduce the risk of litigation.

II. SCOPE

This policy applies to all employees of Kootenai County unless an elected official has their own policy.

III. POLICY

Employees are expected to devote their best efforts to the interests of the County and the conduct of its affairs. Kootenai County recognizes the right of employees to engage in activities outside of their employment. However, a policy of full disclosure will be followed to assess and prevent potential conflicts of interest from arising.

IV. PROCEDURE

A. While describing all the circumstances and conditions which might develop is impossible, the following is set forth to guide employees:

1. Employees may hold other positions of paid employment and accept pay for services unless the Elected Official or Department Head finds that:
 - a. The nature of the other position creates an actual or potential conflict of interest with the County position, or
 - b. The duties of the other position would so fatigue the employee as to cause him/her to be less than fully productive in the County position; or
 - c. The outside employment interferes with or takes preference over regular or extra duty that may be required by the County.
2. No employee may engage in outside work (sometimes referred to as “moonlighting”) that will interfere with his or her primary job with the County. Nor will any employee engage in any activity of a nature that is hostile or adverse to the County.
3. No employee of the County may accept a retainer, commission, consulting fee or any other fee arrangement or remuneration without full disclosure to the appropriate Elected Officials and/or Department Head.
4. No employee of the County may accept gifts or favors of substantial value (\$50.00 or more) from customers or vendors, per Idaho Code.
5. Employees shall not serve on any County board or commission which regulates or otherwise affects the official duties or personal interests of said County official or County employee in a way that could create disadvantage for other members of the public or advantage for the employee, unless so authorized by the Board of County Commissioners and the appropriate Elected Official, in which case such employees may be required to serve in an ex-officio capacity. Employees shall

not profit from nor have private interest in, directly or indirectly, any contract or expenditure of public funds under his/her control.

6. No outside work may be done during an employee's regular working or overtime hours, and no County facilities, equipment, labor or supplies may be used to conduct this outside activity.
 7. Any employee doing any outside work which may be construed as work of a similar nature to their County position is under obligation to advise his or her client that the work is in no way by, for, or in the name of the County.
- B. Any questions regarding a possible conflict of interest or outside work should be discussed with the Elected Official, Department Head, and the Human Resources Director as needed.
- C. Failure to disclose or discuss information related to any of the above points may lead to discipline, up to and including termination.

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Resolution 91-20, approved April 3, 1991
Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 430 – Employee Performance and Discipline

ANTI-HARASSMENT & NON-DISCRIMINATION POLICY

I. PURPOSE

Kootenai County is committed to providing a work environment free from unlawful discrimination, harassment and retaliation. This policy sets forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.

It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, Supervisor, Department Head and Elected Official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace will **not** be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

II. SCOPE

This policy applies to all employees of Kootenai County. Furthermore, management at each location will establish appropriate procedures to insure that non-employees (vendors, contractors, trades people, etc.) on County premises are also made aware of the intent of this policy.

III. POLICY

It is the policy of Kootenai County to ensure equal employment opportunity and a work environment free from unlawful discrimination or harassment of an applicant for employment, a member of the public or an employee by any employee of the County on the basis of race, color, religion, national origin, gender, genetic information, gender identity, sexual orientation, age (40 and over), disability, marital status, military status, or any other legally "*protected class*" will not be tolerated by the County.

Employees found to be participating in any form of employment-related unlawful discrimination, harassment or retaliation against another employee for filing a complaint alleging discrimination or harassment, or for cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

A. RESPONSIBILITIES

Elected Officials, Department Heads, Supervisors, and the Human Resources Department, and Leaders at the County are responsible for enforcing the policy, training new employees on it, regularly reviewing it with all employees so that the employees know its provisions, and monitoring the workplace for compliance. If someone observes unlawful discrimination, harassment or retaliation, he/she should immediately report it to their Elected Official or the Human Resources Director.

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. However, satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed, or retaliated against have the primary obligation of

informing their supervisor, Department Head, Elected Official or the Human Resource Director.

B. DEFINITIONS

Unlawful harassment includes, but is not limited to, the following behaviors:

1. **Verbal Harassment** – Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of a *protected class*, whether made in general, directed to an individual or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” that is oriented towards a prohibited form of harassment.
2. **Physical Harassment** – Assault, impeding or blocking movement, leering, physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This applies to both posted material and material maintained in or on County equipment or personal property in the workplace.
4. **Sexual Harassment** – Any act that is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, is unwanted, unreasonably or substantially interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with the authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome

sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.

C. COMPLAINT PROCEDURE

A person who believes he/she has been unlawfully discriminated, harassed or retaliated against should report it to his/her Elected Official, or the Human Resource Director. Once such a complaint has been made, the complaining party may not retract an allegation of such unlawful actions without proving that it was made erroneously.

D. DISCIPLINARY ACTION

If unlawful discrimination, harassment or retaliation is determined to have occurred, the supervisor should take prompt and effective remedial action against the actor, within the recommendation set forth by legal counsel. The action should be commensurate with the severity of the offense, up to and including termination of employment.

E. RETALIATION

Retaliation in any manner against a person for filing or initiating a charge or complaint of discrimination or harassment, testifying in an investigation, providing information or assisting in an investigation is expressly prohibited and subject to disciplinary action **up to and including termination without notice**. The supervisor, Department Head or Elected Official should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

F. CONFIDENTIALITY

Confidentiality should be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The County's insurer may also be engaged to assist in all phases of any proceeding or investigation.

G. FALSE COMPLAINTS

Any complaint of discrimination, harassment or retaliation that is made by an employee that is conclusively proven to be false should result in discipline, including termination, if the employee knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

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Resolution 93-24

Resolution 2011-149, approved December 27, 2011

Resolution 2013-05, approved February 12, 2013

Resolution 2013-23, approved March 12, 2013

Resolution 2014-77, approved November 18, 2014

RELATED POLICIES

Policy No. 430 – Employee Performance and Discipline

WHISTLEBLOWER

I. PURPOSE

The purpose of this Policy is to prevent adverse actions taken against an employee who communicates the existence of any waste of public funds, property or manpower, any violations of law, or who provides information in an investigation, court proceeding or other form of inquiry.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Idaho Code Title 6, Chapter 21 is entitled the “Protection of Public Employees Act,” though it is commonly referred to as the “Whistleblower Law.” Idaho Code 6-2109 supports an employer notifying employees of their protections and obligations (the primary obligation is to prove damages if the employee is treated adversely (Idaho Code 6-2105). Kootenai County’s Mission, Vision and Values Statements support a Whistleblower policy as well. Particular Operating Principles include:

- Professionalism
- Honesty
- Integrity
- Accountability
- Responsible
- Cost Effective Use of Public Resources
- Communication
- Open and Honest Sharing of Information & Ideas

The Whistleblower Policy is intended to encourage and enable employees to raise serious concerns within Kootenai County, prior to seeking legal or other resolution outside the County.

IV. PROCEDURE

A. Reporting Responsibility

It is the responsibility of each County employee to report violations or suspected violations in accordance with the Whistleblower Policy. It is the responsibility of each Supervisor who is notified of any violations suspected to notify his/her appropriate Elected Official or Department Head immediately.

B. No Retaliation

No employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment actions. Any employee who retaliates against someone who has reported a violation in good faith is subject to discipline, up to and including termination of employment.

C. Reporting Violations

Employees are encouraged to speak to their immediate Supervisor if applicable regarding any questions, concerns, suggestions, or complaints. However, if the employee is not comfortable with speaking to his/her immediate Supervisor or is not satisfied with the Supervisor's response, they are encouraged to speak with the next level of management within their respective department up to the Elected Official.

Employees are not to contact their Elected Official directly without going through the proper management levels first. Elected Officials must stay completely objective in order to render an appropriate, non-bias decision.

Each Elected Official will investigate all reports unless a request has been made to the Human Resources Department to conduct the investigation on his/her behalf. If the investigation shows that it is warranted, appropriate corrective action will be taken.

D. Confidentiality

- Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct a thorough investigation.
- The Whistleblower Policy is designed to encourage reports of abuse. By identifying oneself, the ability to conduct a thorough investigation by Human Resources is facilitated.
- Violations that are reported anonymously are more difficult to investigate.

E. Acting in Good Faith

Anyone who voices a concern or points out a violation or suspected violation of laws, regulations or accepted business practices must have reasonable grounds for believing a violation has occurred. Any allegations that prove to have been made maliciously or which are knowingly false will be viewed as a serious disciplinary offense.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct
Policy No. 430 – Employee Performance and Discipline
Policy No. 535 – Employee Relations

SOLICITATION AND DISTRIBUTION

I. PURPOSE

To ensure a productive work environment where employees and County operations may function without disruption.

II. SCOPE

This policy applies to employees and non-employees during work time and while on Kootenai County premises.

III. POLICY

- A. Employees are prohibited from using work time for personal business. Personal business includes selling goods or services to the general public or promoting religious or political views to members of the public during the workday. Employees shall not use County property or facilities for such activities. Employees are to minimize the amount of work time spent on similar activities with fellow employees.
- B. Furthermore, with respect to all Kootenai County facilities:
 - 1. Loitering, disturbing the peace, creating loud noise or nuisance, or conduct which obstructs or inhibits the flow of pedestrian traffic in any entrance, foyer, lobby corridor or office is prohibited.
 - 2. There shall be no parades, processions or assemblages, without proper authorization.
 - 3. The flags and seals of the United States, State of Idaho or Kootenai County shall be permitted.
 - 4. There shall be no solicitation, nor advertising or posting, distributing, displaying or affixing of any pamphlets, handbills, flyers, or notices without prior authorization. This prohibition shall not apply to notices which are required by law to be publicly posted or notices which pertain to Kootenai County business.

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Resolution 96-06, approved February 1, 1996
Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 430 – Employee Performance and Discipline

SUBSTANCE ABUSE

I. PURPOSE

To state Kootenai County's Drug Free Workplace policy prohibiting use, possession, manufacture, sale, purchase, transfer or being under the influence of alcoholic beverages, illegal drugs or other intoxicants at any time on County premises or while on County business.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Any location at which County business is conducted, whether at this site or any site, is declared to be a Drug Free Workplace.

The County has an obligation to its employees, customers and the public at large to reasonably ensure safety in the workplace, as well as productivity and quality in its services and products.

Disciplinary actions up to, and including termination, can result when an employee violates Kootenai County's Drug Free Workplace policy. Supervisors are also obligated and will be held accountable to carry out the requirements of the Kootenai County Drug Free Workplace policy; failure to do so may result in disciplinary action.

All County employees are subject to the following alcohol and drug prohibitions:

- A. Kootenai County strictly prohibits any employee from reporting to work or being in the workplace with any alcohol or illegal drug concentration in his/her system.
- B. The unlawful use, possession, manufacture, purchase, sale, distribution, dispensing or transfer on County premises or property (including storage in a desk, locker, car, etc.), while operating County vehicles or equipment, while in the scope and course of County employment, or during work time of intoxicating beverages, controlled or illegal substances, a drug not medically authorized, or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees.
- C. Only legally prescribed medications taken by the employee for whom they are prescribed are excluded from this policy and permitted to the extent that the use of such medications does not adversely affect the employee's work ability, job performance, or the safety of that individual or others. An employee taking a prescribed medication that could affect performance must notify his supervisor so that safety concerns can be addressed.

The County provides training for supervisors and managers to identify and detect behaviors that suggest substance abuse. Upon reasonable suspicion, management may require an employee to be tested for substance abuse when it appears that the employee's work performance or on-the-job behavior is being affected in any way by drugs or alcohol, or when, in the County's judgment, an employee may have contributed to an accident involving bodily injury or damage to property.

Upon a finding of reasonable suspicion of any of the circumstances outlined above in this paragraph, the County reserves the right to inspect and/or search all County property, for intoxicating liquor, controlled or illegal substances, or any other substances which impair job performance.

IV. DEFINITION

Reasonable Suspicion. Specific articulating observations concerning such circumstances as work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior or speech of an employee, or being involved in an accident on County premises or business which results in physical injury or property damage.

V. PROCEDURES

- A. Employees are encouraged to seek voluntary treatment for substance abuse. If an employee wishes referral information, he or she may contact Human Resources. Voluntary inquiries will be maintained in confidence.
- B. Elected Officials, Department Heads, and supervisors should consult with the Human Resources Director prior to requiring that an employee undergo substance abuse testing. During after hours and weekends, contacting the Human Resources Director is not required but should be notified on the first workday following the incident.
- C. All substance abuse tests will be conducted at a licensed medical or laboratory facility, using recognized procedural safeguards and confidentiality requirements.
- D. Refusal by an employee to submit to a drug or alcohol test as required by the County, or testing positive for illegal drugs or alcohol, will result in disciplinary action, as outlined in Policy No. 430, Employee Performance and Discipline and/or Policy No. 416, Alcohol/Controlled Substances Testing Policy, depending upon the facts and circumstances involved in each situation.

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Resolution 90-132, approved September 26, 1990
Resolution 91-20, approved April 3, 1991
Resolution 2011-149, approved December 27, 2011
Resolution 2013-05, approved February 12, 2013

RELATED POLICIES

Policy No. 416 – Alcohol/Controlled Substances Testing
Policy No. 430 – Employee Performance and Discipline
Policy No. 431 – Drug Testing
Policy No. 710 – Risk Management

ALCOHOL/CONTROLLED SUBSTANCES TESTING POLICY

I. PURPOSE

To state Kootenai County's policy regarding alcohol/controlled substances testing.

II. SCOPE

This policy applies to all Kootenai County "covered" employees whose job duties require a Commercial Driver's License and who perform safety sensitive functions. The provisions of Policy No. 415 (Substance Abuse) apply to "covered" employees as well.

III. DEFINITION

A "covered" employee is one whose job duties require a Commercial Driver's license and who performs, is ready to perform or immediately available to perform safety sensitive functions, an applicant who is applying for such a position, or a current employee who is applying for or being considered for such a position. This definition includes full-time, regularly employed drivers, as well as casual, intermittent or occasional drivers who are operating a commercial motor vehicle, and it may also include leased drivers and independent, owner-operator contractors.

IV. ADMINISTRATION

Administration of Kootenai County's alcohol and/or controlled substances testing program and maintenance of all records relating to the testing program shall be handled by the Human Resources Director. Employee documents relating to alcohol and/or controlled substances testing, or related incidence, are to be maintained in the Driver's Qualification File which will be kept only in the Human Resources Department.

V. POLICY

Alcohol and controlled substances testing shall be required for "covered" employees and applicants. Such employees shall conform with the Operations Procedures for this policy which are issued to the participating department(s). Employees whose job duties require operation of County vehicles that meet the definition of a commercial motor vehicle must:

- 1) have a valid Idaho Commercial Driver's License or a Driver's License that is approved by the supervisor as established by the Idaho Transportation Department regulations,
- 2) meet other driver requirements, and
- 3) be tested for alcohol and controlled substances according to Federal regulations and shall be referred to as covered employees. "Controlled substances" are defined in the Operations Procedures.

VI. JOB CATEGORIES THAT REQUIRE TESTING

A Commercial Driver's License is required for operation of County vehicles that meet the commercial motor vehicle definition contained in the Alcohol/Controlled Substances Testing Operations Procedures which are distributed to the participating department(s).

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Resolution 91-20, approved April 3, 1991
Resolution 96-22, approved June 11, 1996
Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct
Policy No. 415 – Substance Abuse
Policy No. 416 – Alcohol/Controlled Substances Testing
Policy No. 430 – Employee Performance and Discipline
Policy No. 431 – Drug Testing
Policy No. 710 – Risk Management

SMOKING AND USE OF ELECTRONIC CIGARETTES

I. PURPOSE

Kootenai County is committed to providing a safe and healthy workplace and public environment.

The County seeks to make reasonable efforts to prevent smoking in public places by posting “No Smoking” signs, and by adhering to the provisions of Idaho Code §§ 39-5501 through 39-5511.

II. POLICY

- A. Smoking any lighted cigar, cigarette, electronic smoking device, or pipe, or smokeless tobacco is prohibited in any building, vehicle, or vessel owned, controlled, or leased by Kootenai County, and within twenty feet (20’) of any building owned, controlled, or leased by Kootenai County. Signs shall be posted to give notice of this prohibition.
- B. Employees are prohibited from smoking any lighted cigar, cigarette, electronic smoking device, or pipe, or smokeless tobacco while performing any employment-related duties.
- C. Smoking or smokeless tobacco is permitted in designated outdoor areas before and after scheduled work times, during scheduled breaks from employment-related duties, and during lunch periods.
- D. Visitors. Visitors to any County office areas shall observe all prohibitions on smoking set forth in this Policy.
- E. Littering. Littering any property owned, controlled, or leased by Kootenai County with any tobacco product, electronic smoking devices, or any product associated with the smoking of tobacco is prohibited.

III. DEFINITION

Smoking shall mean possessing, inhaling, exhaling, or burning any lighted tobacco product, using an electronic smoking device, or other smoking equipment for tobacco. Smokeless tobacco shall mean possessing or using tobacco that is chewed or snuffed rather than smoked by the user.

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Resolution No. 2004-58

Resolution No. 2006-101

Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

TELEPHONE USE

I. PURPOSE

To provide guidelines for using County telephones.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Efficient telephone service is vital to County business. Employees should adhere to the following guidelines, as well as those established by their respective departments.

- A. Answer all calls promptly, courteously and identify himself/herself or his/her department to the caller.
- B. Hold personal calls, both incoming and outgoing, to emergencies or essential personal business and keep them as brief as possible. All personal toll and long distance calls will be charged to the employee.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

DRESS AND PERSONAL APPEARANCE

I. PURPOSE

To establish guidelines for appropriate dress and appearance during business hours at Kootenai County.

II. SCOPE

This policy applies to employees at all locations.

III. POLICY

Employees are expected to present a professional, clean, attractive, business-appropriate appearance. All employees, especially those who have daily contact with the public, are expected to wear neat, presentable attire and maintain good personal hygiene habits. Hair should be clean, combed and neatly trimmed and arranged (this includes sideburns, moustaches and beards).

IV. PROCEDURE

The Elected Official or Department Head shall determine what constitutes suitable attire for the employees in their department, while taking into account the requirements of particular jobs. Personnel on special assignments may be exempted from these requirements. Elected Officials and/or Department Heads are also responsible for evaluating the appearance of employees under their supervision. If an employee does not present a suitable appearance, the employee may be sent home to change and disciplinary action may be taken.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

COMPUTER USE

I. PURPOSE

The Kootenai County policy for the use of computers, Internet and e-mail is designed to guide the effective and appropriate use of these resources.

Information serves as the foundation for all Kootenai County operations. Applying the correct methodologies and policies to our computer information systems is critical in efficiently and consistently serving the taxpayer. All Kootenai County employees are responsible for protecting Kootenai County's information assets, including the safeguarding of County taxpayer data.

Most County positions require the use of computers and access to our information systems. It is important for everyone to fully understand the responsibilities which accompany the use of these systems. Every employee is required to read and understand the contents of this Computer Use policy.

We want to emphasize the critical nature of our computer policies, especially:

- Employees have no right to privacy with regard to their use of the County's computers and computer systems, including use of e-mail and the Internet.
- Internet use and e-mail communications may be monitored.
- Kootenai County strictly prohibits the illegal duplication of software.
- The user-id/password combination is the cornerstone of Kootenai County computer security. All provisions for password control will be observed.

The County's data, equipment and software are valuable assets. Unauthorized use of these assets may result in disciplinary action, up to and including termination.

II. SCOPE

This applies to all employees in all locations of Kootenai County.

III. POLICY

- A. Personal Computers. Personal computers, network workstations and their attendant software provided to personnel of Kootenai County are County property. Personnel may use County computers or workstations for personal, non-commercial, purposes on their personal time if authorized by a department supervisor. Such use offers personnel the opportunity to develop skills and familiarity with software that ultimately benefits the operation of the County.

Employees are prohibited from adding personal equipment (printer, monitors, keyboards, mice, etc.) to County owned computers without prior approval from Information Systems.

- B. Software. Kootenai County purchases or licenses the use of copies of computer software from a variety of outside companies. Kootenai County does not own the copyright to this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce the software or its related documentation for use on more than one computer.

Making additional copies or loading the software onto more than one machine may violate federal copyright law and be considered piracy.

According to United States Copyright Law, illegal reproduction of software can be subject to civil damages of as much as One Hundred Thousand Dollars (\$100,000.00) per work copied, and criminal penalties, including fines and imprisonment. Software piracy is also a federal crime which carries severe penalties, including both fines and imprisonment.

Kootenai County employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination. Kootenai County strictly prohibits the illegal duplication of software. Kootenai County employees learning of any misuse of software or related documentation within the County shall notify their Elected Official and the IS Director, who will notify the Prosecutor's Office if warranted.

Personal data such as pictures, music or video are not to be stored on the Kootenai County Network.

All software installation will be done under the supervision of the Kootenai County Information Systems Department.

It is Kootenai County's policy that a Kootenai County Information Systems employee will conduct random Kootenai County audits to verify that every application used within Kootenai County is a legal copy. Any programs that are not legal must and will be removed from the system. The Elected Official will also be notified immediately if an illegal copy of software is found.

- C. Hardware. Kootenai County has several objectives in mind when acquiring computer hardware. A significant goal is to reduce incompatibility problems. Others include, reducing administrative costs associated with the acquisition of microcomputer products, reducing implementation time and complexity, improving management and control, improving quality and reliability of purchases, reducing support confusion, and improving the budget planning process.

The focus on compatible hardware is due to the fact that compatible hardware significantly reduces implementation and maintenance costs, ensures compatibility and consistency in the way Kootenai County operates software and connects to the network, and reduces the complexity of managing multiple manufacturers' products from across the enterprise.

All computer hardware installation will be overseen by the Kootenai County Information Systems Department.

- D. Configuration. Configuration of each workstation shall be determined first by countywide policy and then departmental policy. Only within these parameters is personal preference to be exercised. Information Systems personnel may reconfigure systems and delete unauthorized software from time to time in cooperation with the Department Supervisor. Any exceptions which have been authorized should be noted in the Information Systems PC inventory database.
- E. Security. Computer information security is the responsibility of each Kootenai County employee. Computer information security is the protection of information assets from unauthorized disclosure, modification or destruction, including temporary unavailability, whether accidental or intentional.

The term "information asset" refers to computer hardware and/or software owned, leased, managed, or used by Kootenai County. All application software, information in databases or files, information in handwritten, typed, pictorial, digital or analog form, operating system software, utility programs, printouts, storage media and their contents, terminals, data communication devices and computers

constitute Kootenai County's information assets. A particular information asset may refer to one or many of the items listed.

The objective of this policy is to insure the safeguard of all Kootenai County information assets.

All Kootenai County employees are responsible for protecting Kootenai County's information assets. Kootenai County employees learning of any breach of information security within Kootenai County shall immediately shall notify their Elected Official and the IS Director, who will notify the Prosecutor's Office if warranted. Kootenai County employees are required to comply with all information security policies.

- F. Data Access. To insure maximum information security, Kootenai County administers computer security under the program of "least possible privilege to perform position." Each user will be given the rights to access only the information necessary to perform the duties of their position. Each computer device must have its own device ID.

All data residing on Kootenai County systems is the property of Kootenai County and its representatives, and is to be used by and for Kootenai County for county purposes only. Under no circumstances is Kootenai County data to be viewed, downloaded, copied, or distributed without the express written consent of the data creator/owner or elected official or their designated department head.

All computers must be "logged-off" when leaving work for the day. Also, computers must be "locked" or logged-off when left unattended.

- G. Data Storage. Network computers will be configured to store all data files on assigned network drives. All network servers will be backed-up each night. If an individual PC hard drive malfunctions, program files can be recreated from the manufacturer's disks and data files which are stored on the assigned network drives can be recovered. If an individual PC local hard drive malfunctions, the data is lost and cannot be recovered as it is not backed up. Personal data (ex. music, photos, etc.) found on the network will be deleted immediately and will not be retrievable.

- H. Data Disposal. Disposal of data or data storage media shall be handled in a secure manner. Disk drives, diskettes, tape reels and cartridges and other such media must be erased before they are transferred to new ownership (inside or outside Kootenai County).

If data storage media are being disposed of, they must be erased or otherwise damaged such that their contents are rendered unreadable. The largest opportunity for information leakage occurs in the disposal of printed reports. Particularly because Kootenai County is recycling a large volume of paper, care must be taken to render unreadable any report or document that carries a Moderate or High risk as defined by the appropriate Elected Official, based on the laws governing their respective offices. (Remember that disposal of any document at Kootenai County is subject to rules governing County records retention. *See* Policy No. 426.)

- I. Computer Virus Detection. All systems (defined as desktop computers, laptop computers, servers, or any other type of personal/corporate system) connecting to the Kootenai County network shall meet the following requirements:

- Have an anti-virus program installed and up to date.
- Have all current security and operating system patches installed.

Any removable storage device (defined as USB hard drives, thumb drives, flash drives, or any other type of data capable device) that has been used on a computer system outside of the Kootenai County network, is at risk for infection. As such, it must be checked for viruses before being used on a workstation or server on the Kootenai County network. The Information Systems Department can perform this check or provide equipment and instructions for departments to do so themselves.

J. Internet and Electronic-mail (E-mail) Use Policy. County employees are encouraged to use the Internet to its fullest potential to:

- further the operation of the County;
- provide effective service to the public;
- identify innovative and creative methods to utilize resources and improve service; and
- promote professional development.

Personnel may use the Internet to conduct official County business. Additionally, the Internet may be used for personal, non-commercial purposes on personal time if authorized by a department supervisor. Personal use of the Internet offers staff an opportunity to develop skills and identify valuable Internet resources. The public and the County benefit by permitting personnel to use their own time to enhance these skills.

Department Heads and Elected Officials may request an Internet and/or e-mail access report for an employee by contacting the Information Systems Department. County emails are archived for a period of 2 years per the Kootenai County Document Retention Policy, Policy No. 426. Internet usage can usually be provided for up to a 30-90 day period. However, this is done on a “best efforts” basis as there is no statute for ensuring the availability of these records.

K. General Guidelines. The following guidelines are provided to assist personnel in the appropriate use of the Internet and e-mail. Disregard for these guidelines or other improper use of these resources may result in the removal of these resources from a workstation or other appropriate disciplinary action.

- Users have an obligation to utilize the Internet and communicate via e-mail in a professional and responsible manner, conforming to network etiquette, general office courtesies and behaviors.
- Each user is individually responsible for the content of any communication sent via e-mail or placed on the Internet with their account.
- Users are not allowed to download onto County-owned computers executable files or application software (including, but not limited to, software, freeware, and shareware) without obtaining prior authorization from the Information Systems Department.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain malware. For example, if the sender is unknown and the email was unexpected, curiosity alone is not a valid reason for opening it. It is always acceptable to simply delete an email of this type. The IS department can restore any email up to two years old if needed.
- Electronic mail is considered to be a public record and may be subject to public disclosure in accordance with applicable law.

- Users shall respect applicable copyright and software licensing agreements.

L. Inappropriate Conduct or Use of the Internet, E-mail and Messaging Applications.

- Use of the Internet or e-mail that violates United States or Idaho laws.
- Use of the Internet or e-mail to transmit or obtain threatening, obscene, harassing or malicious materials. (Unless Elected Official or Department supervisor gives prior approval and deems such use as essential to perform duties. Example: Law Enforcement, etc.)
- Use of abusive or objectionable language in either public or personal messages.
- Activities or uses that may cause congestion or disruption of networks systems, including such activities as the unauthorized downloading of streaming audio files, streaming video, and/or the distribution of chain letters or unsolicited advertising. (Unless Elected Official or Department supervisor gives prior approval and deems such use as essential to perform duties. Example: Legislative updates via the Internet, etc.)
- Use of the Internet or e-mail for commercial purposes.
- Use of Instant Messaging (IM) is prohibited on Kootenai County computers. IM has the potential of allowing viruses into the County network. The exception to this will be any pre-approved and internally regulated application instant messaging (i.e. Spillman Law Enforcement System Instant Messaging).

To ensure compliance with these policies, all Internet connections will be logged. Department supervisors may request a report listing Internet sites and times that employees have visited.

The County reserves the right to monitor e-mail and internal messaging communications to prevent abuse. Employees have no right to personal privacy when using the communication system(s) provided by the County.

IV. PASSWORDS

Passwords are a critical component of information security. Passwords serve to protect user accounts; however, a poorly constructed password may result in the compromise of individual systems, data, or the network. This guideline provides best practices for creating secure passwords.

- A. Scope. The scope of this policy includes all personnel who have or are responsible for a Windows network account. Some application software may have varying degrees of password strength built-in separate from the Windows account.
- B. Statement of Guidelines. All passwords should meet or exceed the following guidelines:
 - Passwords must not contain the user's entire account name value or entire display name value. Both checks are not case sensitive.
 - Passwords must be at least 8 characters in length.
 - User will be prompted and required to change password every 90 days. They may also be changed before that if desired. The 90 day countdown resets after every password change.
 - Passwords must not be identical to the previous 10.

- 15 incorrect logon attempts without a successful one will lockout the account for 15 minutes. You may contact an I.S. staff member immediately to have your password reset.
- Passwords must contain characters from three of the following categories:
 - Uppercase characters
 - Lowercase characters
 - Numbers 0-9
 - Non-alphanumeric characters: ~!@#\$\$%^&* _-+=` \(){} []:;'"<>.,?/
- Passwords must never be displayed when entered.

C. Password Policy.

- All user-level passwords must be changed at least every 90 days. Users may change their own password at any time without the need for anyone's approval or intervention. Simply hitting "Ctrl+Alt+Del" once logged on will give the ability to do this.
- Passwords must not be shared with anyone. All passwords are to be treated as sensitive Kootenai County information.
- Passwords must not be inserted into email messages or other forms of electronic communication.
- Do not reveal a password on questionnaires or security forms.
- Do not share passwords with anyone, including administrative assistants, secretaries, managers, co-workers, or family members.
- If access is required and requested by administration (Example: terminations or when employee is on leave), Information Systems can assist by resetting the user's password and granting access. This removes the need for administration to document their employee's passwords, which would be in non-compliance with this policy.
- Do not write your Windows password down and store it anywhere in your office. Do not store your Windows password in a file on a computer system or mobile devices (phone, tablet) without encryption.
- Do not use the "Remember Password" feature of applications (for example, web browsers).
- Any user suspecting that his/her password may have been compromised must report the incident and change all passwords.

V. POLICY COMPLIANCE

- A. Compliance Measurement. The Information Systems team will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the Elected Official or Department Head.

- B. Exceptions. There shall be absolutely no deviation from this policy without the written authorization from Information Systems Department, or the responsible Elected Official. Any deviation without said written authorization shall be considered non-compliance.
- C. Non-Compliance. An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

[Back to List of Policies](#)

Resolution 91-20, approved April 3, 1991

Resolution 2000-80, approved September 26, 2000

Resolution 2011-149, approved December 27, 2011

Resolution 2016-66, approved August 2, 2016

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 426 – Document Retention

Policy No. 430 – Employee Performance and Discipline

Policy No. 710 – Risk Management

DOCUMENT RETENTION

I. PURPOSE

To provide a consistent, uniform policy for the retention of documents which:

- A. Is consistent with the requirements of Idaho Code § 31-871 regarding their retention, classification and destruction;
- B. Facilitates compliance with the requirements of the Idaho Public Records Act, Idaho Code § 74-101 *et seq.* (IPRA); and
- C. Complies with state and federal laws and court rules regarding preservation of electronic documents for pending or reasonably anticipated litigation, administrative action, official audit, or official investigation.

II. SCOPE

This policy shall extend to all County employees and all users of the County e-mail system.

III. DEFINITIONS

Device means any computer (including, without limitation, server, desktop, laptop, or tablet computer), telephone with computing capability (such as Internet connectivity, document creation, e-mail, text messaging, social networking, etc.), or any portable data storage medium (such as tapes, compact discs, DVDs, Blu-Ray discs, “flash” drives, portable hard drives, etc.).

Document means any writing, regardless of physical form or characteristics.

Electronic Record means any public record held in electronic format in the County computer system, any County owned device, or any device used to conduct official County business. Electronic records may include, without limitation, text, documents, graphic images, photographs, and/or audio or video recordings.

Electronic Mail (e-mail) means an electronic communication sent from one device to another using the County electronic mail system. E-mail may include electronic records of any type, whether integral to the e-mail or attached thereto.

Litigation Hold means an instruction to ensure that electronic records which may be relevant to an actual or reasonably anticipated litigation, administrative action, official audit or official investigation and are in the County’s possession, custody or control are preserved through the ultimate conclusion of such action, notwithstanding any other law, regulation, court rule, policy, procedure, custom or practice which may authorize destruction of such records.

Permanent Record includes the following categories of public records: proceedings of the governing body, ordinances, resolutions, building plans and specifications for commercial projects and government buildings, bond registers, warrant registers, budget records, general ledgers, cash books and records affecting the title to real property or liens thereon, and such other documents or records as may be deemed of permanent nature by the Board of County Commissioners.

Public Record means any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by the County, regardless of physical form or characteristics.

Semi-Permanent Record includes the following categories of public records: claims, contracts, canceled checks, warrants, duplicate warrants, license applications, building applications for commercial projects and government buildings, departmental reports, purchase orders, vouchers, duplicate receipts, bonds and coupons, financial records, and such other documents or records as may be deemed to be of semi-permanent nature by the Board of County Commissioners.

Temporary Record includes the following categories of public records: correspondence not related to a permanent record or semi-permanent record; building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval; cash receipts subject to audit; and such other records as may be deemed to be of temporary nature by the Board of County Commissioners.

IV. POLICY

- A. Idaho Code § 31-871 provides for classification of public records as permanent, semi-permanent or temporary, depending on the nature of the record. This section also provides for minimum retention periods for each classification. In addition, various other federal and state laws and grant management requirements have specific time periods in which public records (including electronic records) must be retained.
- B. The County may retain public records as electronic records, which are considered to be original records for all purposes, upon compliance with all applicable requirements of Idaho Code § 9-331A.
- C. Under Idaho Code § 74-102, every person has a right to examine and take a copy of any County public record, and there is a presumption that all such public records are open at all reasonable times for inspection except as otherwise expressly provided by statute. All electronic records held on any device used to conduct official County business are public records subject to disclosure to the extent provided in the IPRA.
- D. All public records are also subject to disclosure pursuant to a discovery request, subpoena, or other lawful court or administrative process even if such records are exempt from disclosure under IPRA. In order to preserve such evidence, a demand for a litigation hold may be made upon the County by a party or potential party to litigation. The Prosecuting Attorney or other legal counsel representing the County may issue a litigation hold in the event of an actual or reasonably anticipated litigation, administrative action, official audit or official investigation. Courts have imposed severe sanctions for failure to preserve public (or private) records in such circumstances (also known as “spoliation of evidence”).
- E. E-mail generally has little to no lasting value. Even electronic documents attached to e-mails, which themselves would be classified as a permanent record or a semi-permanent record, are nearly always copies of a document stored in another medium, whether hard copy or electronic. Therefore, a general policy in which e-mails (including attachments) are classified as temporary records and deleted after two (2) years is appropriate.

- F. In order to ensure compliance with litigation holds and to enable disclosure of electronic documents pursuant to a public records request, discovery request, subpoena, or other lawful court or administrative process in a manner which is as complete and accurate as possible, procedures must be adopted and utilized which:
1. Ensure that electronic records are able to be retrieved using well-recognized techniques for searching and retrieving electronic documents, and ensure to a reasonable certainty that the results obtained are complete and accurate, and can withstand court scrutiny if challenged; and
 2. Ensure that public records are not destroyed, whether intentionally or inadvertently, during the applicable mandatory retention period, or while a litigation hold is in effect notwithstanding any law, court rule, regulation, policy, procedure, custom or practice which would otherwise allow for the destruction of such records.

V. PROCEDURES

A. Document Retention and Destruction.

1. It shall be the responsibility of all Elected Officials and Department Heads to ensure that all original public records and official copies of public records are preserved for the appropriate record retention period under Idaho Code § 31-871 or other applicable provisions of federal or state law, regulation, or court rule (including, without limitation, recordkeeping requirements associated with elections, grants, statutes of limitations, and periods for filing of appeals), whichever period is longest.
2. It shall be the responsibility of all Elected Officials and Department Heads to ensure that all public records, including, without limitation, e-mails and other electronic records, which pertain to any matter which is the subject of any actual or reasonably anticipated litigation, administrative action, official audit, or official investigation are preserved until the ultimate conclusion of the proceeding, including all available appeals.
3. County records may only be destroyed by resolution of the Board of County Commissioners upon the advice of the Prosecuting Attorney. County elected officials and employees are prohibited from destroying County records in violation of applicable law, contractual requirements, and this policy. All questions regarding the retention of records should be directed to the applicable Elected Official or Department Head.
4. Authorization for destruction of public records may be sought only if the following criteria are met:
 - a. The records are no longer required by law to be retained;
 - b. The records are not needed for any pending or reasonably anticipated litigation, administrative action, official audit or official investigation; and
 - c. There is no longer a legitimate business purpose for retention of the record.

5. E-mails shall be classified as “temporary” records for purposes of retention under Idaho Code § 31-871. Attachments to e-mails shall not be regarded as original public records or as official copies of public records for purposes of Idaho Code § 31-871 or IPRA. Except as otherwise provided herein:
 - a. All e-mail retained by the Information Systems department shall be kept for a period of two (2) years, at which time it shall be destroyed.
 - b. Elected Officials and Department Heads shall ensure that all e-mail retained on individual hard drives, individual network drives, and/or shared network drives are kept for a period of two (2) years, and then destroyed.
6. If an Elected Official or Department Head has determined that records can be destroyed, a classification of the records to be destroyed must be provided to the office of the Board of County Commissioners, which will prepare a resolution classifying the records (with the classification attached as an exhibit thereto), and a resolution authorizing the destruction of the records. These resolutions must be reviewed by the Prosecuting Attorney before being submitted to the Board of County Commissioners for approval. Upon approval of these resolutions, the records must be destroyed under the direction and supervision of the appropriate Elected Official or Department Head.

B. Location of Public Records.

1. Records relating to County business, whether in physical or electronic form, should be stored, kept, or saved on property that is owned or leased by the County. Electronic records relating to County business should be stored on the County network and not on the desktop of any computer, thus allowing proper retention and destruction of such records.
2. All electronic records relating to County business should be saved and stored only on County hardware and software. For example, all e-mail relating to County business should be done on the County e-mail system; employees should not use personal e-mail accounts for County business and should not use County e-mail accounts for personal matters. If electronic records, including Word or Excel documents, are created on hardware or software not owned by County, such as an employee’s home computer, then that employee must ensure that a final version of such electronic record is saved on the County network.

See also Policy No. 040, Personnel Records and Privacy.

C. Role of Information Systems Department. It shall be the responsibility of the Information Systems Department to:

1. Maintain custody of e-mails sent to, from and within the County e-mail system.
2. Ensure that e-mails are preserved and deleted in accordance with this policy, including, without limitation, the provisions regarding preservation of e-mails pursuant to a litigation hold.

3. Conduct searches of e-mails which may be potentially responsive to a public records request, discovery request, subpoena, or other lawful court or administrative process upon request of an Elected Official or Department Head, or their designee.
4. Provide technical assistance with the maintenance of electronic records other than e-mails.
5. Assist with searches of electronic records other than e-mails which may be potentially responsive to a public records request, discovery request, subpoena, or other lawful court or administrative process upon request of an Elected Official or Department Head, or their designee.
6. Determine, upon consultation with the appropriate Elected Official(s) and/or Department Head(s), and the Prosecuting Attorney, when a response to a public records request, discovery request, subpoena, or other lawful court or administrative process would be beyond the capabilities of County staff and/or equipment, or would place an undue burden on County staff and/or equipment, thus requiring the utilization of outside resources (such as an information technology consultant, law firm, etc.)
7. Advise the appropriate Elected Official(s) and/or Department Head(s), upon consultation with the Prosecuting Attorney, of the outside resources necessary to obtain a complete, accurate, and legally defensible response to any public records request, discovery request, subpoena, or other lawful court or administrative process, when such a response has been determined to be beyond the capabilities of County staff and/or equipment, or would place an undue burden on County staff and/or equipment.

D. Role of Prosecuting Attorney.

1. The Prosecuting Attorney is encouraged to provide advice, counsel and training regarding implementation of these policies and procedures, including appropriate retention periods with respect to any particular matter or any particular category of records and compliance with the preservation requirements associated with litigation holds.
2. Litigation holds shall be distributed to the Elected Officials and/or Department Heads affected by the matter, and to any other Elected Official or Department Head where records pertaining to the matter are kept. Copies of all litigation holds shall also be sent to the Board of County Commissioners and to the Prosecuting Attorney.
3. Litigation holds shall, at a minimum, contain the following information:
 - a. A description of the matter to which the hold pertains;
 - b. A description of the records which must be preserved;

- c. An explanation of the potential consequences of destruction of the records to be preserved; and
- d. A statement that the hold will be released only upon the completion of the matter, including appeals.

E. Violations and Penalties.

1. The destruction of any County record that is related to ongoing, potential, threatened or reasonably anticipated litigation is strictly prohibited. In addition, the destruction of any County record that must be retained for any legal or contractual reasons is strictly prohibited.
2. If an employee knows of ongoing, potential, threatened or reasonably anticipated litigation that may be related to any County record, including any electronic record, that is set to be destroyed or disposed of, that employee must inform the person scheduling the records for destruction, supervisor, manager, the supervising Elected Official or Department Head, or the Prosecuting Attorney.
3. If an employee knows that a County record may be destroyed or disposed of in violation of this policy, such employee must take all appropriate steps necessary to prevent such record from being destroyed or disposed of.
4. All employees are expected to comply with this policy and the established procedures for their department or office in responding to public records requests. If the policy is not clear in a certain instance, employees must seek guidance from their Elected Official or Department Head. Violations of this policy are strictly prohibited and will subject an employee to disciplinary action up to and including termination of employment.

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RELATED RESOLUTIONS AND POLICIES

Resolution No. 2002-41 – Imaging and Document Retention
Resolution 2014-77, approved November 18, 2014
Resolution 2015-52, approved December 1, 2015

Policy No. 040 – Personnel Records and Privacy
Policy No. 425 – Computer Use
Policy No. 505 – Social Media

USE OF COUNTY VEHICLES

I. PURPOSE

To assure the safe operation and use of Kootenai County vehicles.

II. SCOPE

This applies to all employees and volunteers in all locations of Kootenai County. Departments which may be excluded from the initial two-year phase of only the purchase portions of this policy, due to their specialized vehicle uses, include the Airport, Building and Grounds, Parks & Waterways, and Solid Waste. By January 2018, these departments should be revisited to determine if they can be included in the purchase portion of this policy.

III. POLICY

- A. All use of County owned vehicles shall be in compliance with the following policy directives:
1. Any use of County vehicles by any County employee shall be for the benefit and convenience of the County and not for the benefit, convenience or compensation of the employee.
 2. County employees will possess and retain, while operating a vehicle for County business and purposes, a valid driver's license of the proper class.
 3. Employees operating a vehicle for County business and purposes shall be required to provide a copy of their valid driver's license to their elected official or department head. Failure to provide proof of an updated license upon renewal may result in loss of privilege to operate a County owned vehicle.
 4. All County-owned vehicles shall be operated in a legal, safe, clean and courteous manner which does not violate any law of the State of Idaho or any political subdivision thereof.
 - a) Because Kootenai County employees are among the most visible representatives of local government, they have a duty to operate County vehicles in a legal, safe and courteous manner. Defensive driving is a matter of personal practice which involves proper motivation and development of a positive mental attitude toward driving.
 - b) It is the responsibility of the driver to determine unsafe driving conditions or to avoid routes involving unsurfaced or dangerous roads except when warranted by job obligation. It is further the responsibility of the driver to determine when he/she is unfit to drive due to fatigue, illness, medication or when a physical condition might cause or contribute to an accident.
 5. No County employee having the use of a County vehicle shall allow any other person to operate, control or possess any County vehicle except in an emergency situation or with supervisory permission.
 6. No County vehicle shall be operated outside of Kootenai County without prior authorization by the employee's supervisor. The County will NOT assume responsibility for injuries to unauthorized occupants of a County vehicle or a personally owned vehicle being used in the course of County business.

7. No person shall operate or occupy any County vehicle without utilizing seat belts. Effective July 1, 1986, the mandatory seat belt law went into effect in Idaho. NOTE: An exception exists for law enforcement, when necessary for safety, pursuant to Idaho Code 49-673.
8. All County vehicles shall be parked and/or stored in accordance with the policies developed by the Elected Official, Board of County Commissioners or Department Head or Supervisor responsible for the individual vehicle.
9. No person shall take any vehicle home unless specifically authorized by the appropriate supervisor or by this policy.
10. Elected Officials may allow employees to commute using a county vehicle when such use is necessary for the benefit and convenience of the County. Any (non-law enforcement) employees utilizing a county vehicle for commuting purposes shall be subject to Internal Revenue Service (IRS) Fringe Benefit Valuation Rules as defined by the most current regulation(s) (IRS Publication 15-B (<https://www.irs.gov/pub/irs-pdf/p15b.pdf>) as of May 2016).
11. State and local traffic laws must be observed at all times. In the event that an employee commits an action resulting in a legal infraction of state and local traffic laws, that employee shall be personally liable for any fines arising from said infraction and may be requested to attend a defensive driving course.
12. Employees shall be personally liable for any vehicle or property damage if the employee is acting outside the course and scope of official duty, and they may be subject to disciplinary action.
13. Operating a County vehicle under the influence of alcohol or drugs or carrying an open container of alcohol or any controlled substance in the vehicle is prohibited and can be grounds for termination. Sheriff Department personnel may transport evidence as needed. Smoking is not permitted in a County vehicle at any time.
14. In the event any County-owned vehicle is involved in an accident, local law enforcement (that has jurisdiction), shall be summoned to the site for preparation of a report. Additionally, the operator of the vehicle shall file a report with his/her supervisor. The supervisor shall forward a report to the Risk Manager to allow notification of the County insurer to conduct an investigation if necessary.
15. County vehicles will be clearly identified as such, except for those departments with security concerns.

B. Misuse of County Vehicles

1. County vehicles shall be used only in the official capacity of executing the responsibilities of Kootenai County. No County-owned vehicle shall be operated by any employee without the knowledge and consent of the employee's Elected Official or Department Head or their designee.
2. Violation of the Use of County Vehicles policy may result in disciplinary action up to and including termination.

C. Collision Damage and Accidental Loss

1. All accidents involving a County vehicle shall immediately be reported to the law enforcement agency having jurisdiction, and then to the employee's supervisor, elected official or Department Head, as well as to the Risk Management representative, if there is any damage to the vehicle, persons, or property, and regardless of whether the employee was or was not cited.
2. The County will not assume responsibility for injuries to unauthorized occupants of a County vehicle.

IV. FLEET MANAGEMENT

For the purposes of promoting safety for our employees and a professional image to our citizens; to control costs by having mechanically sound vehicles; to be proactive in determining vehicle needs and replacement schedules; and to add predictability to the vehicle portion of the budget process, the following policies will be applied to County vehicles:

A. Procurement

1. Vehicle purchases will be limited to two particular manufacturers (Ford and GMC) and two particularly sized models (compact or mid-sized SUV).
2. All vehicles purchased shall be all-wheel drive models.
3. When appropriate, the Board of County Commissioners may authorize purchase vehicles outside the designated parameters.
4. Departments utilizing fleet vehicles will report mileage information to the Auditor's Office annually to allow for accurate analysis of replacement schedules and departmental usage.

B. Fleet Categorization

County-owned vehicles will be categorized into three categories (A, B, and C) for the purposes of fleet management. Factors that determine the category include, but are not limited to, annual mileage, proximity of the primary use to the administration campus, etc.

A shared pool is to be developed for occasional use by any employees of the county when on official business. The usage of a pool or shared vehicle is intended to be temporary. The usage may be necessary if an assigned vehicle is out of service or a vehicle is needed by someone to attend meetings off campus. Overnight usage of these vehicles is contemplated.

Vehicles will be categorized as follows:

1. Category 'A' – Vehicles purchased for use by the Kootenai County Sheriff's Office (KCSO) as patrol vehicles, which are utilized on a daily basis by patrol lieutenants, sergeants, and deputies. Vehicles will be repurposed to category 'B' at 70,000 miles.
2. Category 'B' – Vehicles assigned for use by offices such as the Assessor's Office, Community Development, Juvenile Probation, Adult Misdemeanor Probation, and KCSO (for non-patrol purposes). Vehicles in this category are generally used on a daily basis but not in close proximity to the administration campus. Vehicles will be repurposed to category 'C'

at 125,000 miles.

3. Category 'C' – Vehicles assigned for use by offices such as Information Systems, Prosecutor's Office, Veterans' Services, Bailiffs, or for general use (vehicle pool). Vehicles in this category are generally not being used on a daily basis and/or are used in close proximity to the administration campus. Annual mileage in this group is low when compared to categories A & B. Vehicles will be declared as surplus at 150,000 miles.

C. Replacement and Repurposing of Vehicles

1. When deciding to replace or repurpose vehicles, the Board of County Commissioners will consider the following criteria:
 - a. Vehicle age
 - b. Annual mileage needs per vehicle
 - c. Departmental vehicle needs
 - d. Special vehicle purposes
 - e. Vehicle history (e.g. historical use, excessive maintenance needs, previous accidents)

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Resolution 2011-149, approved December 27, 2011

Resolution 2016-66, approved August 2, 2016

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

EMPLOYEE PERFORMANCE AND DISCIPLINE

I. PURPOSE

This discipline/performance policy of the County establishes a consistent procedure for maintaining suitable behavior and a productive working environment. These procedures are directory in nature and minor variations in the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

II. SCOPE

This policy applies to Kootenai County employees, with the exception of those employed under the Kootenai County Sheriff's Office.

III. DISCIPLINARY SYSTEM FRAMEWORK

Kootenai County adopts the following framework for actions to be taken in the event that any employee violates policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of the employment, without notice. Kootenai County may take any actions that a supervisor deems appropriate for a policy violation or action of the employee based upon the seriousness of the violation. Such actions shall be documented in the record of disciplinary action.

IV. DISCIPLINARY ACTIONS AVAILABLE

Kootenai County is an At-Will employer, and the following actions may be taken in response to personnel policy violations:

- Oral Warning
- Written warning or reprimand
- Suspension without pay
- Demotion
- Dismissal
- Other action as deemed appropriate

V. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND “NAME-CLEARING HEARING”

All Kootenai County employees are AT-WILL employees. However, Kootenai County recognizes that even AT-WILL employees may from time to time suffer from the adverse consequences of unlawful discrimination. Kootenai County also recognizes that a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a “Name-Clearing” hearing. *Cox v. Roskelley*, 359 F.3d 1105 (9th Cir. 2004).

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. Kootenai County does not condone discrimination on the basis of the foregoing unlawful categories. **FAILURE TO PURSUE THIS OPPORTUNITY PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.**

Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.

The elements of procedure to be followed and undertaken at the direction of the Board of County Commissioners or the appropriate Elected Official or its designated official, unless waived by the employee, are as follows:

1. The employee may, within fourteen (14) days of his/her termination or demotion, submit a written allegation of unlawful discrimination or the basis for entitlement to a “name-clearing hearing,” stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.
2. An employee alleging unlawful discrimination or the entitlement to a “name-clearing hearing” will be entitled to meet with the designated person, and the meeting will last no longer than two hours unless otherwise approved.
3. There shall be a record maintained, including a tape recording of the meeting.
4. The employee’s supervisor, to the extent of his/her knowledge, may be required to provide a brief written statement in response to the particular allegation of discrimination or “name-clearing” request. The Board or the appropriate Elected Official may request that the employee’s supervisor participate in the meeting.
5. The employee will not be prohibited from having an attorney assist him/her at the employee’s own expense.
6. The employee will be allowed to present oral testimony (or provide written statements) concerning evidence upon which the alleged discrimination or “name-clearing” is based.
7. The Board or the appropriate Elected Official may ask the employee’s witnesses questions for clarification purposes should that be necessary during the discussion process.
8. The employee shall not have the opportunity to question any participants during this process, but may submit written questions for the Board or the appropriate Elected Official to consider.
9. The Idaho Rules of Evidence do not apply to this opportunity to be heard.

After the conclusion of the discussion, the Board of County Commissioners or the appropriate Elected Official will consider the information submitted and such other information as might be in the County’s records to arrive at a decision concerning the employee’s allegations. Said decision shall set forth the reasons for the Board’s or the appropriate Elected Official’s determination in writing. If as a result of this opportunity to be heard, the Board or the appropriate Elected Official finds fault with the basis for the County’s action, remedial action may be prescribed, including restoration of employment and payment of back pay.

[Back to List of Policies](#)

Resolution No. 2007-01

Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 412 – Harassment – General, Discriminatory & Sexual Harassment

DRUG TESTING POLICY

I. BASIS FOR POLICY

Kootenai County is committed to providing a safe and healthy work environment and to fostering the health and well being of its employees and all people who come into contact with its workplace(s), and property, and/or use its services.

Recognizing that drug and alcohol abuse pose a direct and significant threat to this goal, and to the goal of a productive and efficient working environment in which all employees have an opportunity to reach their full potential, Kootenai County is committed to assuring a drug-free working environment. Substance abuse, once confined to a small segment of the population, is today a growing national problem that finds its way into homes, families and workplaces. Government studies estimate that drug and alcohol abuse costs the American economy billions in lost productivity, increased rates of employee absenteeism, poor performance, on-the-job injuries, higher medical costs, and rising theft in the workplace. Kootenai County has thus, established the following policy with regard to alcohol and other drugs to ensure that we can meet our obligations to our employees and to the public.

The goal of this policy is to balance our respect for individuals and their privacy interests with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to send a clear message that illegal drug use and alcohol abuse are incompatible with working for Kootenai County.

This policy is enacted pursuant to Chapter 17 of Title 72 of the Idaho Code. This policy will take effect sixty (60) days from the date of signing by the County Commissioners. This policy applies to all Kootenai County employees. All employees should be aware that this policy and the procedures it contains in no way constitute a contract or a contractual agreement of any kind.

II. DRUG AND ALCOHOL PROHIBITIONS

The following are considered violations of this policy and shall result in appropriate corrective action up to and including termination of employee.

Kootenai County strictly prohibits the use of illegal drugs in any amount or in any manner. Further, Kootenai County strictly prohibits the possession, sale, offer of sale, conveyance, distribution, or manufacture of illegal drugs in any amount or in any manner, unless such action was taken lawfully as part of the employee's job related duties.

In addition, Kootenai County strictly prohibits reporting for work or remaining at work while having any alcohol or illegal drug concentration in their system.

Further, it is a violation of this policy for anyone to report to work, remain at work, or perform any business related activity during regular business hours with any detectable amount of illegal drugs in his/her body or in his/her possession. (It is not a violation of this policy for an employee to use legally prescribed medications in the prescribed manner provided the employee has notified his/her supervisor when the employee has been instructed by his/her physician, health care provider, or pharmacist that the prescribed medication might adversely affect the employee's ability to perform his/her job safely or effectively.)

Kootenai County also prohibits the adulterating or attempted adulteration of a urine specimen, or refusing to submit to an alcohol or controlled substances test required or requested pursuant to this policy.

III. DEFINITIONS

Accident means any incident involving an employee in which there is either a fatality, or vehicle damage, or where medical care is required away from the scene.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl and isopropyl alcohol.

Alcohol Concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (EBT).

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) is an individual who instructs and assists individuals in the alcohol testing process and operates an (EBT). BATS shall have successfully completed training in the complete operation of the intoxilizer instrument, Department of Transportation DOT protocol and shall be CMI certified.

Confirmation Test for alcohol testing means a second test, following a screening test that had a result of .02 or greater, which provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite; the confirmation test must be independent of the screen test and use a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Drug Testing means the scientific analysis of urine, breath, and/or blood for the purpose of detecting a drug or alcohol.

Evidential Breath Testing device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol concentration and placed on NHTSA's "Conforming Products List of evidential breath measurement devices" (CPL).

Illegal Drug means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bonafide medical therapy. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), methamphetamine, amphetamine, and so called designer drugs and look-alike drugs.

Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Possession includes both actual and constructive possession.

Reasonable Suspicion is the belief that an employee has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee.

Refusal to Submit / Refusal (to an alcohol or controlled substance test) occurs when an employee:

1. Fails to provide adequate breath for testing without a valid medical explanation after s/he has received notice of the requirement for breath testing, or
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after s/he has received notice of the requirement for urine testing, or
3. Engages in conduct that clearly obstructs the testing process, including but not limited to providing or attempting to provide a false sample.

Screening Test (initial test), in alcohol testing means an analytical procedure to determine whether an employee may have prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Screening Test Technician, in alcohol testing is a qualified person who is trained to proficiency in the operation of one or more approved alcohol screening test devices.

Substance Abuse Professional (SAP) means a licensed physician (MD or Doctor of Osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

IV. DRUG AND ALCOHOL TESTING

Kootenai County asserts its legal right and prerogative to test any employee under the conditions set forth in this policy for substance abuse. Employees may be asked to submit to a medical examination and/or to submit to urine, and/or breath testing for drugs or alcohol. When circumstances warrant it, employees may also be asked to submit to saliva, blood and/or hair testing for drugs or alcohol.

Employee acceptance of medical examinations and testing, when requested by Kootenai County pursuant to this policy, is a mandatory condition of employment. Refusal to submit to such medical examinations and tests constitutes a violation of Kootenai County’s policy and is grounds for adverse employment action up to and including termination of employment.

It is a violation of this policy and grounds for discharge for work-related misconduct if an employee refuses to provide a sample for testing or attempts to or does alter a test sample in any way, including but not limited to adding a foreign substance for the purpose of making the sample more difficult to analyze or attempting to “flush” the employees system of the prohibited substance prior to testing. An employee who appears to have “flushed” prior to a test (or who has provided a diluted sample) may be required to take a follow-up test. It is also a violation of this policy and grounds for discharge to attempt to or to submit a sample for testing that is not his or her own.

V. TYPES OF TESTS WHICH ARE INCLUDED IN THIS POLICY.

The types of tests to which an employee or prospective employee may be subject to include the following:

1. New Hires – All new hires and re-hires are required to submit to a pre-employment drug test. Failure to pass this drug test shall result in denial of employment. No newly hired or returning employee shall perform job functions unless Kootenai County has received a controlled substances test result from the medical review officer indicating a verified negative test result. Upon receipt of a negative drug test, the prospective employee may report to work as directed.

Candidates selected for employment will be offered the position pending a negative drug test. This offer may be made verbally and shall be confirmed in writing. The supervisor or Department Head will inform the prospective employee of the requirement to report for testing within 48 hours and the consequences for failure to do so.

The MRO or designee will provide initial communication to the Human Resources Director or other designated employer representative(s) within 48 hours of confirmed negative drug test results. The MRO will notify the Human Resources Director or representative immediately upon verification of positive test results.

Kootenai County shall post in the personnel office a statement that drug testing is a part of the County's employment process and that satisfactory completion of such tests is a condition of employment.

Upon receipt of a positive drug test result, the prospective employee will be notified that he or she will no longer be considered for employment with the County.

2. Random Testing – Kootenai County employees in critical or safety-sensitive positions may also be required to participate in random drug testing. All employees are subject to post-accident, return-to-duty, and follow-up testing upon selection or request of management for reasonable suspicion purposes. All drug-testing information will be maintained in separate confidential records in the Human Resources Department.

The selection of employees for random alcohol and controlled substance testing shall be made by a scientifically valid method. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.

The Elected Official or Department Head shall direct employees selected for random alcohol and substance abuse tests to proceed immediately to the testing site upon notification of being selected. The Department Head, supervisor, or designee shall accompany the selected employee(s) to the testing site.

In the event an employee who is selected for a random alcohol and/or substance abuse test is absent, the County will keep the original selection confidential until the employee returns, if the employee is expected to be available for testing during the current designated testing period. Upon that employee's return to work, the employee shall be notified and shall proceed to the testing site immediately as directed above.

3. Post-Accident – Those involved in work-related accidents that result in fatality, or vehicle damage, or injury for which medical care is required away from the scene, shall be tested immediately or as soon as reasonably practical after the accident.

As soon as practicable following an accident as defined in this policy, the employee shall make every attempt to contact his/her supervisor or Department Head and advise him/her of the accident.

The employee will be given instructions for obtaining alcohol and substance abuse testing.

An employee who is subject to post accident testing must remain available for testing, or the County may consider the employee to have refused to submit to testing.

The employee subject to post accident testing must refrain from consuming alcohol for eight hours following the accident, or until he or she submits to an alcohol test, whichever comes first.

If the test is not administered within two hours following the accident, the County shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

Nothing in this procedure should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by federal, state and/or local officials having independent authority to conduct the test shall be considered to meet the requirements of this procedure.

4. Post-Rehabilitation –Those returning to work and/or in a period of rehabilitation after a positive test or other violation of this policy, or having entered into a “last chance” agreement with the County, even if employment was uninterrupted, shall be tested.

The employee shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than .02 and provide proof of the same to the County prior to returning to duty after an alcohol related violation of this policy.

The employee shall undergo a return to duty controlled substances test with a result indicating a verified negative result for controlled substances before an employee returns to duty after engaging in prohibited conduct regarding controlled substance use.

Employees may be required to undergo return to duty and follow up testing for both alcohol and controlled substances if such testing is recommended by the substance abuse professional or MRO.

The employee must also be evaluated by a SAP and participate in any program prescribed. The County will obtain assurance from the substance abuse professional or MRO in consultation with the SAP, that the employee has complied with the prescribed program.

Following a determination by a SAP that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employee shall be subject to unannounced follow up alcohol and/or controlled substances testing as directed by the SAP or MRO. The employee may be subject to unannounced follow up testing for up to twenty-four months.

5. For Cause/Reasonable Suspicion – In cases where the Elected Official, Department Head or Supervisor has reasonable suspicion of drug or alcohol use or abuse, the employee shall be tested. Reasonable suspicion may include, but is not limited to:
- Excessive absenteeism or tardiness,
 - Frequent absences on Mondays, Fridays, and the days after paydays;
 - Frequent headaches following days off or weekends;
 - Odor of alcohol emitting from the person;
 - Watery or bloodshot eyes;
 - Poor coordination;
 - Slurred speech;
 - Paranoia;
 - Lack of normal sleep habits;
 - Excessive shaking or jerky movements;
 - The development of open sores on the face;
 - Hallucinations;
 - Frequent accidents;
 - Observance of drug paraphernalia or suspected contraband at an employee's work station;
 - Erratic behavior;
 - Declining performance is observed and not adequately explained.

When the Elected Official, Department Head or Supervisor has reasonable suspicion to believe the employee has violated the alcohol or controlled substances prohibitions of this policy, s/he shall direct the employee to submit to an alcohol or controlled substance test. The Elected Official, Department Head or Supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol or drug test must be based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic use and withdrawal effects of controlled substances.

- a. Supervisor Training the required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or County official who is trained in accordance with the following requirements:
- I. Kootenai County will ensure Elected Officials, Department Heads or Supervisors, or any other persons designated to determine whether reasonable suspicion exists, receive training on alcohol misuse and controlled substances use.
 - II. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.
- b. Procedures
- I. Although observations by two Supervisors or a Supervisor and Department Head are desirable, only one Supervisor or Department Head is required to make a reasonable suspicion determination before an alcohol or drug test can be required.

- II. Employees being asked to submit to a reasonable cause test shall be confronted directly by at least one Supervisor or Department Head, in person, whenever possible. The reason for the request for testing shall be explained and the employee will then be escorted directly to the testing site and then home. Employees required to undergo reasonable cause testing may not operate their own or County's vehicles, or return to work, unless cleared by an Elected Official or Department Head to do so.
 - III. Reasonable suspicion drug testing will involve both drug and alcohol testing.
- c. Reasonable Suspicion Alcohol Testing
- I. Reasonable suspicion alcohol testing is authorized only if the observations are made during, just before, or just after the period of time employee is at work.
 - II. If a reasonable suspicion alcohol test is not administered within two hours following the observations, the County shall prepare and maintain a file record stating the reasons the alcohol test was not administered promptly. If not administered within eight hours, the county shall cease attempts to administer the test, and shall prepare and maintain the record listed above.
 - III. If reasonable suspicion exists, the County will not permit the employee to perform or continue to perform employment related duties at least until;

An alcohol test is administered and the employee's alcohol concentration measures less than 0.02;

or

Twenty four (24) hours have elapsed following the determination that an employee's alcohol concentration was 0.02 or greater.
 - IV. Except as provided above, the County shall not take any action against an employee based solely on the employee's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. Action will only be taken if a positive alcohol test result is obtained or if there is a refusal to take the test following a reasonable request to take the test by a supervisor or Department Head.
 - V. A written record shall be made of the observations leading to an alcohol test, signed by the supervisor or County official who made the observation.
- d. Reasonable Suspicion Controlled Substances Testing
- I. The employee will be placed on leave without pay until the verified test results are reported. After receiving negative test results, the County will amend the time off to leave with pay. Confirmed positive test results will result in disciplinary action, up to and including termination of employment.

II. A written record shall be made of the observations leading to a controlled substances test, and signed by the supervisor or Department Head who made the observations within 24 hours of the observations or before the results of the test are released, whichever is earlier.

6. Government-required testing – In some instances, testing may be required by the Departments of Transportation, Energy, or Defense and employees with duties or jobs covered by these requirements shall submit to testing pursuant to those requirements and procedures.

VIII. TESTING PROCEDURES

Testing procedures, including urine collection, breath alcohol testing, laboratory analysis and medical review procedures shall be conducted in accordance with applicable federal guidelines, and those defined by the Department of Health and Human Services. Changes to these procedures as a result of changes in regulatory guidance are incorporated by reference.

For all alcohol testing, the Breath Alcohol Technician (BAT) and consortium will provide the employer with verbal notification or a printed certification form indicating negative alcohol test results. The BAT will immediately notify the County of any results of 0.02 or greater. Verbal notifications of test results will be followed within three days by written confirmation.

A. Alcohol Testing Procedures

1. Alcohol tests will be administered by trained Breath Alcohol Technicians (BAT) utilizing Evidential Breath Testing (EBT) devices or an approved screening device. The EBT shall have a quality assurance plan developed by the manufacturer.
2. Alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results.

In unusual circumstances (e.g. when it is essential to conduct a test outdoors at the scene of an accident); a test may be conducted at a location that does not fully meet the requirements described in this section.

3. The individual being tested will be required to provide the BAT positive identification such as a photo ID card or identification by an employer representative. The employee may request the BAT to provide positive identification.
4. The BAT shall explain the testing procedure to the individual and the individual shall be required to sign Section 2 of the breath alcohol testing form. Failure to do so constitutes a refusal to be tested.
5. Alcohol Test Results:
 - a. The BAT shall show the individual his/her test results.
 - b. If the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT and the individual being tested shall sign the certification form.

- c. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be conducted not less than 15 or more than 30 minutes after the completion of the screening test. The BAT will explain the procedures for the confirmation test, and show the individual the confirmation test result. The BAT and the individual shall sign the test certification form. If the individual does not sign the certification form, the BAT shall note the individual's failure to sign on the certification form.

The BAT shall immediately transmit the results of the test to the Human Resources Director or other designated County representative.

6. Refusal to test and uncompleted tests:
 - a. Refusal by an employee to complete and initially sign the breath alcohol testing form, to provide an adequate amount of breath or otherwise cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT on the certification form. The testing process shall be terminated and the BAT shall immediately notify the County Human Resources Director.
 - b. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form.
 - c. If an individual being tested attempts and fails to provide an adequate amount of breath, the individual shall obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician, either the MRO or MRO designate, concerning the employee's medical ability to provide an adequate amount of breath and provide the same to the County.
 - d. If the physician determines a medical condition could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall be not deemed a refusal to test.
 - e. If the physician is unable to make the determination that a medical condition has, or with a high degree of probability could have, prevented the employee from providing an adequate amount of breath, the employee's conduct will be considered a refusal to test. The MRO shall provide the County a written statement of the basis for his or her conclusion to the employer.

B. Drug Testing Procedures

1. Drug test samples will be tested for marijuana, cocaine, opiates, amphetamines, and phencyclidine using industry standard methods of urine collection. In addition to the above, the County reserves the right to test for additional drugs in accordance with federal regulation.

2. Procedures for collecting urine specimens shall allow individual privacy unless:
 - a. There is reason to believe that a particular individual has attempted to alter or substitute the specimen being provided.
 - b. A specimen has been provided with a measured temperature that is out of the defined range (90 100 degrees F.) and unexplained by body temperature.
 - c. An individual has a previous positive alcohol or drug test.
 - d. An individual submits a sample found to be unsuitable for testing and the MRO can discover no explanation for the specimen's unsuitability.
 - e. An individual submits a diluted sample as described below under 6(c).
3. The collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected.
4. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing.
5. The collection site person shall explain the collection process to the individual. The collection site person shall instruct the individual to provide at least 30 ml of urine.

If an individual cannot produce at least 30 ml of urine, he/she shall remain at the collection site premises for up to three hours while consuming no more than 40 ounces of liquid. If an employee cannot produce an adequate sample after three hours, attempts to collect the specimen shall cease and the employee shall be referred to the MRO for a "shy bladder" evaluation. If the MRO or designate reports no medical reason for the inability to produce a sample, the failure to provide an adequate specimen shall be regarded as a refusal to test.

6. Drug Testing Results:
 - a. The laboratory shall report test results to the County's designated MRO within an average of 1- 2 working days after receipt of the specimen by the laboratory. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test.
 - b. The MRO shall report to the Human Resources Director whether the test is positive or negative, and may report the drug(s) for which there was a positive test.
 - c. If a specimen is discovered to be diluted (specific gravity less than 1.003 and creatinine less than .2 g/L), an immediate retest under direct observation may be required. This test may follow the procedure set forth in No. 5 above or may be as directed by the MRO.

7. Alcohol Test Results:

- a. Results of alcohol concentration less than 0.02 will be reported to County designee as negative and employee is clear to perform job functions.
- b. If the results of the employee's alcohol test indicate an alcohol concentration of 0.02 or greater, but less than 0.04, the employee shall be placed on leave without pay until at least their next regularly scheduled duty period but not less than 24 hours following the administration of the test. Further disciplinary action, up to and including termination, may occur with repeated BAC in this range.
- c. Results of alcohol concentration of 0.04 or greater verified positive substance abuse test, or refusal to be tested will result in disciplinary action, up to and including termination.

IX. TEST COSTS AND COMPENSATION

1. The County will pay for and compensate employees for their time for the following alcohol and/or initial controlled substances tests: random, government-required, reasonable suspicion and post accident.
2. Employees will be responsible for taking return to duty and follow up alcohol and/or controlled substances tests on their own time and at their own expense.
3. If any Non-DOT covered employee requests reanalysis of their positive drug test result, such reanalysis shall be at their own expense. If the reanalysis fails to reconfirm the presence of the drug(s), the County shall reimburse the employee for the cost of the reanalysis. (See section XIX herein).

X. RECORD RETENTION AND CONFIDENTIALITY

1. The County shall maintain records of its alcohol misuse and controlled substances abuse prevention programs. The records shall be maintained in a confidential and secure location with controlled access.
2. Access to Records
 - a. Except as required by law or expressly authorized or required in this section, the County shall not release employee information that is contained in records required to be maintained under these procedures.
 - b. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.

Upon written request, the County shall promptly provide the records requested by the employee. Records maintained and released to an employee may involve a small administrative fee charged to the employee.

The County representative shall document the written request and obtain a written verification the records were received by the employee.

- c. The County shall permit access to all facilities utilized in complying with the requirements of this policy and procedures and all related records to any national, state or local officials with regulatory authority over the County or any of its employees.

XI. NOTIFICATION OF CRIMINAL CONVICTIONS

Any employee convicted of a violation of a criminal drug or alcohol related statute, including but not limited to, Driving while under the Influence of Drugs or Alcohol, Possession, Delivery, Manufacture or Possession with Intent to Deliver or Manufacture a Controlled Substance or possession of Drug Paraphernalia, must notify the employer in writing within five calendar days of the conviction.

XII. SEARCHES

By accepting use of County property, the employee understands that there is a diminished expectation of privacy in that property and that County reserves the right to inspect that property at any time. County property, including but not limited to lockers, desks, work stations, County-owned vehicles, or any other County-owned property whether or not such property is in the employee's possession or control shall be subject to reasonable search and inspection by the County. Employment with Kootenai County shall be deemed consent to make available for reasonable search or inspection all County property in an employee's possession or control.

An employee's refusal to consent to a reasonable search or inspection of County property when requested by the County Department Head, Elected Official, supervisor, or their designee constitutes a violation of County policy and is grounds for adverse employment action up to and including termination of employment for misconduct.

XIII. EMPLOYEE ASSISTANCE

The County urges individuals with substance abuse problems to seek help. The goal of the County's policy on Employee Drug and Alcohol Abuse is not only deterrence; it also is detection and treatment. It is the responsibility of our supervisors to counsel employees whenever they see changes in performance or behavior that suggest that an employee has an alcohol or other drug problem. Although the supervisor is not required to diagnose the employee's problem, the supervisor should encourage such an employee to seek help and tell him/her about available resources for getting help. Because all employees are expected to be concerned about working in a safe and productive environment, they also should encourage their fellow employees who may have an alcohol or other drug problem to seek help.

The County may, at its sole discretion, choose to offer an employee who has tested positive for drugs or alcohol one opportunity to enter into a "last-chance" agreement. If this option is chosen by the County and agreed to by the employee, the individual will be considered to be on leave without pay from the time he/she is notified of the positive test by the employer until that individual returns to work as specified below.

Before returning to work, any employee with a verified positive test result must undergo an evaluation by a qualified substance abuse professional (SAP), complete or be in compliance with any recommendations (including treatment) made by the SAP, pass a return to duty alcohol and/or drug test and agree to return to work conditions that include follow up, observed, drug and/or alcohol testing. Return to work provisions will include the signing of a return to work agreement specifying exact employment conditions including a possible probationary period.

The employee must successfully comply with and complete all recommended treatment as part of the agreement.

If terminated, the employee will be provided a written list of resources available for evaluating and resolving problems associated with drug abuse and the misuse of alcohol. Evaluation and treatment may be covered under the employee's health care coverage. The costs of the evaluation, treatment, and/or continuing or long-term rehabilitation services, whether covered by the employee's medical plan or not are the ultimate responsibility of the employee.

XIV. GENERAL RESPONSIBILITY AND APPLICABILITY

Substance abuse prevention is everyone's responsibility. Kootenai County expects all of its employees to recognize and accept this responsibility, and to do their part in assuring that working together, we can achieve and maintain a drug-free working environment for all employees.

This policy applies equally to all County personnel, no matter what position or employment status, including all management employees, contract employees, and part-time employees – without exception.

XV. DISCIPLINE

Any violation of this policy shall result in adverse employment action up to and including termination of employment due to misconduct and referral for criminal prosecution.

Actions by the County may include, but are not limited to, the following:

- (a) requiring the employee to enroll in an approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of continued employment ("last chance agreement");
- (b) suspending the employee with or without pay for a period of time;
- (c) terminating the employee;
- (d) any other disciplinary measures in conformance with the County's usual procedures.

XVI. RIGHT OF EMPLOYEE OR PROSPECTIVE EMPLOYEE TO EXPLAIN POSITIVE TEST RESULTS AND REQUEST RETEST.

Notice will be provided to any employee or prospective employee who tests positive for drugs or alcohol, which shall include the outcome of the test and the type of substance involved. The employee shall be given an opportunity to discuss and explain the positive test results with a medical review officer. Any employee or prospective employee who has a positive test result may request that the same sample be re-tested by any Department of Transportation approved drug testing facility/laboratory at the employee or prospective employee's expense. A request for re-test must be submitted in writing within seven working days from the date of the first confirmed positive test notification. The result of the specimen reanalysis shall be transmitted by the second laboratory to the MRO. The MRO shall report the specimen reanalysis test result to both employee and the County Human Resources Director.

If the re-test result is negative, the County will reimburse the cost of the re-test, compensate the employee for his/her time if suspended without pay, or, if the employee was terminated solely because of the positive test, the employee shall be reinstated with back pay.

XVII. CONFIDENTIALITY OF INFORMATION

All information, interviews, reports, statements, memoranda, or test results, written or otherwise, received through a substance abuse testing program shall be kept confidential, and are intended to be used only for the County's internal business use; or in a proceeding related to any action taken by or against the County under Idaho Code section 72-1707, 72-1708, or 72-1711, or other dispute between the private employer and the employee or applicant; or as required to be disclosed by the United States Department of Transportation or other federal law; or as required by service of legal process.

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Resolution 2000-40, approved April 18, 2000
Resolution 2011-149, approved December 27, 2011
Resolution 2013-05, approved February 12, 2013

RELATED POLICIES:

Policy No. 410 – Standards of Conduct
Policy No. 415 – Substance Abuse
Policy No. 416 – Alcohol/Controlled Substances Testing
Policy No. 430 – Employee Performance and Discipline

BACKGROUND CHECKS

I. PURPOSE

To establish the County's policy on conducting fingerprint based criminal background checks, and credit checks for certain Kootenai County positions responsible for the collection, safekeeping or disbursement of taxpayer money. Background checks will be used to evaluate the fitness of applicants for employment or continued employment.

II. SCOPE

This policy applies to non-criminal justice positions at the discretion of the Elected Official, and in accordance with Ordinance No. 494. The Elected Official determines the applicants and employees who will be subject to a background check. The Elected Official is the final decision making authority on whether or not a background check is acceptable for the applicant or employee's employment with Kootenai County. It should be noted that separate background check requirements, policies and practices exist for applicants and employees, including but not limited to the Kootenai County Sheriff's Office, Prosecuting Attorney's Office and for other POST certified jobs.

III. POLICY

Any duly Elected Official may require an existing employee or an applicant for employment for a position having responsibility for collection, safekeeping or disbursement of taxpayer money to provide information and fingerprints necessary to obtain criminal history information to aid in determining the suitability of the applicant or employee for such position.

In accordance with Ordinance No. 494, Elected Officials, or their designee are authorized to perform, request and receive criminal history information from the Idaho State Police (ISP) and from the Federal Bureau of Investigation (FBI) for any existing employee or applicant offered employment including transfer and promotions with the County for those types of positions hereinafter specified. Dissemination or other use of criminal history information is prohibited.

IV. PROCEDURES

PRE-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

Prior to employment, at the direction of the Elected Official, the applicant must provide information and fingerprints necessary to obtain criminal history information from the ISP and the FBI, pursuant to section 67-3008, Idaho Code, and Public Law 92-544. The applicant shall provide government issued photo identification at the time of fingerprinting.

Fingerprints obtained from the applicant and the required fee shall be submitted to the ISP, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the ISP. An ISP Non-Criminal Justice Applicant Privacy Statement shall be signed by the applicant at the time of fingerprinting and shall be kept with the applicant's file.

Offers of employment will be contingent upon the outcome of the background check.

POST-EMPLOYMENT CRIMINAL BACKGROUND CHECKS

As necessitated by transfer, promotion, suspicion of false information obtained during the hiring process, or as deemed appropriate by the Elected Official in accordance with Kootenai County Ordinance 494, the Prosecuting Attorney's Office designee at the direction of the Elected Official, may conduct a post-employment criminal background check at any time during an individual's employment with the County. Terms and conditions of employment may be modified or adjusted based on the outcome of such checks.

Offers of employment are contingent offers, subject to the outcome of the criminal background check. If the background check uncovers any misrepresentation on the application, transfer form or information indicating the individual is not suited for employment, as determined by the County, the applicant or employee may be terminated, or the offer of employment rescinded upon review and the approval of the Elected Official.

Should a criminal background check provide information relating to previous convictions of one or more felonies and/or misdemeanor, the Elected Official or their designee shall review all pertinent information. Prior convictions do not automatically disqualify an individual from employment. However, special review and consideration will be made to ensure the safe and secure working environment of the County, its employees, and its facilities.

CRIMINAL HISTORY DISQUALIFYING FACTORS

The following factors will be considered for those applicants or employees with a criminal history in determining whether to employ the applicant or employee:

- The nature of the crime and its relationship to the position.
- The time since the conviction.
- The number (if more than one) of convictions.
- Whether the applicant or employee would pose an unreasonable risk to the County, its employees or its customers and vendors.

CONFIDENTIALITY

Background checks will be stored as deemed necessary in a locked file cabinet separate from the employee's personnel record, and will be accessible only by the authorized Elected Official or their authorized designee. The file cabinet will be placed in a physically secure location.

Electronic criminal history records results may be accessed by the Elected Official or their authorized designee through a secure ISP Web Services Portal on a Kootenai County computer only. Background check information may be released to an outside party only with written consent of the employee or applicant, or by subpoena.

When necessary, background check information will be shredded in a secure and confidential manner.

Authorized parties who will be accessing criminal history information through the ISP and FBI successfully must complete the required security awareness training.

CREDIT CHECKS

If deemed appropriate by the Elected Official, applicants and employees in jobs at the County with access to taxpayer dollars may be subject to a credit check. Credit checks will be performed by a qualified third party agency, and in accordance with the Fair Credit Reporting Act (FCRA). If a credit check is performed, applicants and employees will be notified of their rights under the FCRA.

DUTY TO DISCLOSE

Any employee arrested, charged or convicted of a crime, other than a minor traffic violation, must immediately report the incident to their immediate supervisor. Failure to report the incident to their supervisor at the beginning of the shift following the incident, may result in disciplinary action up to and including termination.

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Resolution 2016-117, November 29, 2016

RELATED POLICIES

Policy No. 410 – Standards of Conduct

SOCIAL MEDIA

I. PURPOSE

This policy establishes guidelines for employees to navigate social media sites with regards to County information and appropriate use of social media.

II. SCOPE

This applies to all employees in all locations of Kootenai County.

III. POLICY

Kootenai County respects the right of employees to write blogs and use social networking sites and does not want to discourage employees from self-publishing and self-expression. It does not discriminate against employees who use these media for personal interest and affiliations or other lawful purposes. This policy is not intended to limit or infringe upon employees' protected legal rights.

IV. GUIDELINES

1. Employees shall not use County-owned equipment, including computers, company-licensed software or other electronic equipment, nor facilities or company time, to conduct personal blogging or social networking activities unless authorized by the employee's Elected Official or Department Head or in compliance with Computer Use policy.
2. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the County and its Elected Officials, for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the County.
3. Employees are cautioned that speech, whether on or off duty, made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the County. Employees should assume that their speech and related activity on social media sites will reflect upon the County.
4. Employees shall not post, transmit, or otherwise disseminate any information to which they have access solely as a result of their employment without prior written permission from their Elected Official or Department Head.
5. Employees shall not communicate information gained solely by reason of their employment; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of Kootenai County without express authorization of the employee's Elected Official or Department Head.
6. Employees shall not post, transmit, or otherwise disseminate any speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
7. Employees shall not post, transmit, or otherwise disseminate any speech known to be false about Kootenai County, its Elected Officials, employees, customers or suppliers of the County.

8. For safety and security reasons, it is suggested that employees do not disclose their employment with the County nor shall they post information pertaining to any other member of the County without their permission. It is suggested that employees not do the following:
 - a. Display County logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as employees of the County.
9. If an employee chooses to disclose their employment with the County on social media platforms, the employee should include a disclaimer, such as: “The views expressed on this (blog, website) are my own and do not reflect the opinions of Kootenai County.”
10. Employee’s are cautioned that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
11. Employees shall not create a link from their blog, website or other social networking site to Kootenai County’s internal or external website, without the express permission of the employee’s Elected Official or Department Head.
12. Employees are cautioned that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
13. Employees are cautioned that they should review the privacy and acceptable use agreements for social media sites.
14. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the County at any time without prior notice.
15. Employees are solely responsible for what they post online. Before creating online content, or commenting on other sites, employees should consider some of the risks that are involved.
16. Reporting violations - Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her Elected Official or Department Head immediately for follow-up action.

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Resolution 2013-05, February 13, 2013

Resolution 2013-24, March 13, 2013

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

Policy No. 425 – Computer Use

BULLETIN BOARDS

I. PURPOSE

To provide a permanent and official channel of communication to employees.

II. SCOPE

This policy applies to all Kootenai County locations.

III. POLICY

Important County information will be displayed permanently on bulletin boards located at strategic points throughout the County. Information may be of the following types:

- A. Legally required posters and notices.
- B. County/department standards and rules of conduct.
- C. Safety rules and related information.
- D. Management memos and announcements, including job posting forms.
- E. County sponsored social and recreational events.

Employees will be responsible for regularly checking and reading the bulletin board and for following the rules, regulations and instructions posted there.

IV. PROCEDURE

- A. Information posted on bulletin boards must meet the approval of the Elected Official or Department Head.
- B. The building maintenance department will assist with repair and upkeep of bulletin boards. Posting new information, removing dated material and maintaining the orderly appearance of bulletin boards will be the responsibility of the department where it is located.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

MAIL

I. PURPOSE

To maximize processing and delivery of the County's mail.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

The County receives and sends large quantities of mail daily. The County's mail system should be restricted to business mail only.

Overnight delivery services should be used only when absolutely necessary.

Employees are not permitted to use County funded/owned postage meters or overnight/ground delivery service for their personal mail.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 430 – Employee Performance and Discipline

SUGGESTIONS

I. PURPOSE

To encourage employees to suggest ways to improve the quality or efficiency of the County.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

The County strongly encourages employees to suggest ideas and methods to improve customer service, increase efficiency, and reduce costs or otherwise create identifiable and measurable savings to the County. Employees must submit their suggestions to their Elected Official or Department Head in writing. The suggestions should be sufficiently detailed so that the idea, method or procedure can be adequately evaluated.

Implemented suggestions may receive various forms of recognition if they are submitted via the Employee Recognition Program (see Policy 370).

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Resolution 2011-149, approved December 27, 2011

EMPLOYEE RELATIONS

I. PURPOSE

To communicate Kootenai County's philosophy regarding its basic relationship with each employee and preserve a positive work environment.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

The County encourages two-way communications to discuss work-related problems and issues. Elected Officials and Department Heads are responsible for listening to employee concerns and ideas, and responding (if necessary) in a timely fashion. Supervisors and employees are strongly encouraged to resolve differences at the lowest level possible. Kootenai County emphasizes open-door practices in which employees have the opportunity to deal directly with their supervisor and other members of management regarding work-related issues. Employees are expected to utilize the chain of command prior to addressing a complaint to upper management.

Occasionally, an employee's complaint involves his or her supervisor. In this situation, employees may not feel free to express their concerns with this individual. Therefore, employees should bring their complaint to the next higher level of management within their department. Should the person's supervisor actually be an Elected Official or Department Head, employees are still encouraged to discuss the matter with them, but in the alternative may discuss it with the Human Resources Director if the situation is too awkward or sensitive.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 412 – Harassment – General, Discriminatory & Sexual Harassment

Policy No. 413 – Whistleblower

Policy No. 430 – Employee Performance and Discipline

MEDIA RELATIONS

I. PURPOSE

To preserve confidentiality of information.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. POLICY

Any and all contacts with the news media are to be reported to the Board of County Commissioners or the appropriate Elected Official. They may authorize other staff to speak/release information to the media as appropriate.

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Resolution 2011-149, approved December 27, 2011

JOB EVALUATION / CLASSIFICATION

I. PURPOSE

To provide guidance regarding the job evaluation/classification process.

II. SCOPE

This policy applies to all benefitted, non-elected employees, including part-time employees and excludes temporary or seasonal employees.

III. POLICY

Through organizational changes in the department or County, or through the development of new processes or technology, the essential functions, required qualifications and/or scope of a particular position may significantly and permanently change, thus requiring a re-classification, or a new position may be created, thus requiring an initial classification. It is the role of the Human Resources Department to evaluate whether or not a new or changed position fits into an existing classification, or if the job requires a “job evaluation.” Reclassification decisions are based on a comparison of the position's assigned duties to the available class specifications. Any classification decisions are not based on an incumbent employee or job applicants' job performance or abilities.

Once a position has been classified/reclassified and an associated pay grade assigned and adopted by the Board of County Commissioners, the decision is in effect for a minimum of 24 months, unless further significant and permanent changes to the job have been made.

IV. DEFINITIONS

1. **Initial Classification:** The designation of a new position to an existing classification using job content evaluation, which considers overall duties, complexity, and responsibility of assigned work.
2. **Reclassification:** The designation of an existing position to a different class as a result of significant, permanent changes to essential functions or scope of the position.
3. **Essential Function:** Duties, or activities performed to carry out a responsibility, which are considered crucial to the completion of the job.
4. **Desk Audit:** The process used to review and analyze the duties and responsibilities of the position, which may include observing the employee work, meeting with the supervisor, and reviewing finished work product (with the permission of the Department Head or Elected Official). The product of a desk audit is a draft job description.
5. **Job Content Evaluation:** A systematic process in which job responsibilities are “pointed” utilizing the County's classification system. The job description and results of the desk audit are utilized as the resources for the evaluation.

V. PROCEDURE

- A. Elected Official (EO), Department Head (DH), or designee completes the Request for Classification Form and forwards to HR. EO signature is required.

- B.** HR gains understanding of the job by:
 - 1. Reviewing the existing job description.
 - 2. Discussing the job with the EO/DH or other designees.
 - 3. Conducting a desk audit, and engaging the employee in the job, if needed or applicable.
 - 4. Ensuring that the EO is kept in the loop during the entire process.

- C.** HR and the EO/DH, or designee, write or revise the job description.
 - 1. EO/DH provides edits to HR verbally or in writing (re-classification).
 - 2. HR or EO/DH writes initial draft (initial classification).
 - 3. HR edits description if needed, and inserts required, approved language.
 - 4. EO/DH approves final draft.

- D.** HR conducts job evaluation:
 - 1. HR Specialist independently “points” the job using the point factoring system, and then “sore thumbs” the job to ensure there is consistency in scoring procedure; pay grade is recommended.
 - 2. HR Director independently “points” the job using the point factoring system, and then “sore thumbs” the job to ensure there is consistency in scoring procedure; pay grade is recommended.
 - 3. HR Specialist & Director compare notes, discuss with third party if needed.

- E.** HR contacts EO/DH or designee to discuss in detail the points, sore thumbing, and recommended pay grade. a) If disagreement, third party is engaged; b) HR posts the findings in a public location and notifies the EOs.

- F.** In the event of conflicting views, the HR Department or Elected Official may appeal to the Board and seek review by a qualified consultant.

- G.** If after one week, there is no public comment, a Status Change Form is generated by the department and routed to HR, and then to BOCC for signature. The SCF must include any grade, title, FLSA status (exempt/non-exempt) and pay changes. The final job description and all job evaluation forms must be attached.

- H.** In partnership with the EO/DH or designee, HR communicates to employee (re-classifications) what change was made and the details behind why it was made.

- I.** HR publishes the *approved* change by informing the HR Committee of the results and posting the information again in a public location.

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Approved, April 3, 2012
Resolution 2013-05, approved February 12, 2013
Resolution 2014-77, approved November 18, 2014

RELATED POLICIES
Policy No. 120 – Compensation

EMPLOYEE PERFORMANCE EVALUATION

I. PURPOSE

To provide a process by which the job performance of each employee is evaluated for purposes of development, merit review and counseling.

II. SCOPE

This policy applies to performance evaluation of regular employees.

III. POLICY

The employee performance evaluation policy will be managed to accomplish the following objectives:

- A. To enhance individual employee performance and ensure effective business operations.
- B. To promote communication between management and staff.
- C. To summarize both formal and informal performance discussions held with employees throughout the review period.
- D. To document performance areas in which employees do well and those which require development. To establish performance goals and plans to correct performance shortcomings and/or to meet career objectives.
- E. To link employee performance with merit increase considerations.

Although Kootenai County is an, "At-will" employer, it nonetheless seeks to provide accurate and timely performance feedback to employees. Each Elected Official or Department Head, or designee, is to set and communicate clear performance standards for his or her employees at the beginning of, and throughout, the review period, and to observe and discuss with his or her employees both the positive and negative aspects of their performance in relation to standards throughout the review period.

IV. PROCEDURE

On a regular basis, each Elected Official or Department Head, or designee, is to conduct formal performance evaluations on each subordinate employee summarizing past discussions and setting performance goals.

Employees should receive regular performance evaluations, typically one time per year. The timely processing of performance evaluations is one of the most important management responsibilities of an Elected Official, Department Head and Supervisor. Performance Evaluation Forms are available through the Human Resources Department or the Elected Official. Performance evaluations should be reviewed by the next level of management, Elected Official or Department Head.

Performance Evaluation. Discussions should be held at a prearranged time in a private location free from interruptions. It is the responsibility of the party conducting the performance evaluation to create a setting in which open and free communication may occur. The employee shall be asked to comment on the evaluation, and to acknowledge it by signing the form, and shall be given a copy of the signed form.

An employee may address any concerns in the form of a written rebuttal, which must be submitted within ten working days to the evaluator. Performance evaluations should be stored in the personnel file.

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Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

PROMOTIONS

I. PURPOSE

To support the basic organization building process of promoting qualified employees to positions of greater responsibility.

II. SCOPE

This policy applies to all positions with Kootenai County.

III. POLICY

- A. When a position vacancy occurs, opportunities to promote from within may be explored, consistent with the goal of filling positions with the most capable individual available.
- B. Job posting, employee performance evaluations and career counseling records may provide input to the internal selection process. Competitive testing may be required by some departments.
- C. At times, external recruiting sources will be used simultaneously with the internal search.
- D. Receipt of a promotion does not constitute a commitment for continued employment in a new position at the County for any specific time, nor is there a guarantee that an employee will be able to return to his or her former position if he or she is unsuccessful in the new job.

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Resolution 2011-149, approved December 27, 2011

Resolution 2014-77, approved November 18, 2014

RELATED POLICIES

Policy No. 020 – Recruiting, Selection and Employee Status

Policy No. 020, Recruiting, Selection, and Employee Status

Policy No. 120 – Compensation

Policy No. 430 – Employee Performance and Discipline

Policy No. 610 – Employee Performance Appraisal

TRANSFERS

I. PURPOSE

To provide a system by which employees may be selected for another position within the County and transfer to that position.

II. SCOPE

This policy applies to all locations.

III. POLICY

Kootenai County supports the policy of job selections from within when practicable, and also maintains that employees have primary responsibility for their own career development. There are occasions when employees will be selected for positions outside of the department where they currently work.

IV. PROCEDURES

- A. When a Kootenai County employee is selected for a position within another division or department, a period of at least two weeks is normally allowed before they transfer so that the current department has sufficient time to locate a suitable replacement for the transferring employee. The employee, their current Elected Official or Department Head should consult with one another to determine when the transfer should occur, taking into account the employee's desires. Such transfers are expected to occur within at least four weeks of job acceptance.
- B. Once a transfer date is arranged, the employee will transfer to the new position with all accrued vacation and sick leave.

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Resolution 2011-149, approved December 27, 2011

TEMP POOL

I. PURPOSE

To provide relief to departments on a short-term, temporary basis.

II. SCOPE

This policy applies to all County locations.

III. POLICY

Kootenai County recognizes the need for departments to utilize temporary help based upon situations to include, but not limited to, fill vacant positions due to resignations and/or terminations; absences due to FMLA or vacations, and short term projects.

IV. PROCEDURE

- A. If the requesting department or Elected Official has a budgeted line item for “temp”, the supervising official must submit a **Request for Temp Services** form to the Director of Human Resources so that data can be collected on the use of the budgeted line item.
- B. If the requesting department or Elected Official does not have a budgeted line item for “temp”, they may access funding from the Human Resources Temp Budget. A completed **Request for Temp Services** form must be submitted to the Director of Human Resources. The request will be forwarded to the BOCC for their authorization of the use of the temp budget. A temp may be hired **only** after approval from the BOCC when accessing the Human Resources Temp Budget.

(See Request for Temp Services Form)

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 020 – Recruiting, Selection and Employee Status

RISK MANAGEMENT

I. PURPOSE

To preserve County assets, and to recognize the need for prudently managing public funds in view of the fact that County government, with its full range of services, is considered a high-risk operation.

II. SCOPE

This policy applies to all locations.

III. POLICY

Kootenai County is dedicated to managing the risks, providing services for its citizens and will do all it can to prevent losses and create a safe workplace for employees. Recognizing that losses will inevitably occur, Kootenai County considers no losses acceptable and will make every effort to identify and treat all loss exposures.

IV. PROCEDURE

Every Elected Official, Department Head and employee will adhere to the policies and practices established pertaining to risk management and loss prevention. All Elected Officials, Department Heads and employees of Kootenai County are to employ safe work practices, identify unsafe conditions while performing their daily tasks and report such unsafe conditions to the Risk Management Technician/Coordinator.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 410 – Standards of Conduct

Policy No. 720 – Accidents/Injuries Reporting

ACCIDENTS/INJURIES REPORTING

I. PURPOSE

To protect the safety and health of all employees and to comply with applicable federal/state laws.

II. SCOPE

The policy applies to all locations.

III. POLICY

Job related injuries and illnesses, regardless of severity, must be reported immediately to the Elected Official, Department Head and to the Risk Management Technician/Coordinator to provide prompt and trained evaluation and obtain medical attention if necessary. Under the provisions of the Idaho Workers' Compensation Statutes, the County is entitled to designate the primary medical care giver for job related injuries.

IV. PROCEDURE

- A. Safety is everyone's responsibility. Employees must report any unsafe conditions or circumstances to their Elected Official, Department Head or Supervisor and to the Risk Management Technician/Coordinator to prevent accidents.
- B. Job-related injuries or illnesses must be reported immediately.
 - 1. All employees who are injured in the performance of their duties are directed to proceed to the, "County designated" minor care facility for minor injuries or the nearest emergency room for major injuries. They will receive treatment from the caregiver as well as any follow-up care that may be necessary.
 - 2. In the event that the employee's injuries require specialized treatment, they will be referred to a medical specialist in that particular field for further treatment and care. All of this treatment will be monitored by the Occupational Health Services of the Kootenai Medical Center. The County will be updated as to the status of all employees injured and the potential light-duty, return-to-work program so that maximum effort can be made to return all Kootenai County employees to their prior positions as soon as possible.
 - 3. If medical attention is not needed, the employee must report to the Elected Official, Department Head or Supervisor. The Elected Official, Department Head, or Supervisor will be responsible for ensuring that the Risk Management Technician/Coordinator is notified and appropriate documentation is completed.

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Resolution 91-20, approved April 3, 1991
Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy No. 020, Recruiting, Selection, and Employee Status
Policy No. 350 – Insurance Programs
Policy No. 410 – Standards of Conduct
Policy No. 430 – Employee Performance and Discipline
Policy No. 610 – Employee Performance Appraisal
Policy No. 710 – Risk Management

EMPLOYEE SEPARATION

I. PURPOSE

To ensure timely and accurate processing of employees who are leaving County employment, consistent with positive employee relations practices.

II. SCOPE

This policy applies to all employees of Kootenai County.

III. DEFINITIONS

The categories of separation and their definitions are:

- A. Resignation. A voluntary separation, including any of the following or any combination thereof:
 - 1. Resignation (employees should give two weeks written notice).
 - 2. An unapproved absence of three or more consecutive working days.
 - 3. Failure to return from any pre-approved leave of absence or personal time off as arranged with the County.
 - 4. Failure to return from reduction-in-force upon recall. (See Policy No. 811, Reduction- in-Force and Recall.)
- B. Deceased. The death of an employee in active employment or reduction-in-force.
- C. Retirement. A voluntary separation which usually includes qualification for benefits under the County's retirement plan.
- D. Reduction in Force. (Also see Policy No. 811, Reduction-in-Force and Recall.) Work is no longer available (job eliminated, contract expired, department closed, etc.).
- E. Termination. A separation in which the employee is removed from the payroll for violation of employee standards of conduct or safety regulations, unsatisfactory job performance, or any other reason deemed by the County to warrant termination.

IV. PROCEDURE

- A. Notice to Employee. There are no absolute requirements for advance notice to employees upon separation.
- B. Pay in Lieu of Notice. Where a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other employees or to allow the separated employee to seek new employment. In such cases, up to two weeks pay may be provided in lieu of notice. The prior approval of the Elected Official/Department Head must be secured by the supervisor.

- C. Resignation. An employee who resigns, with or without notice, will be asked to complete a voluntary resignation form (available from the Human Resources Department) or submit a letter of resignation to the Human Resources Department or appropriate Elected Official. The completed notice will be kept in the employee's personnel file.
- D. Return of Equipment and Keys. On or before the last day of work, the separated employee must return all County equipment, clothing, keys and their copy of the policy manual.
- E. Exit Interview. Separated employees, whether voluntary or involuntary, will be referred to the Human Resources Department for an exit interview on or before their last day of actual work.
- F. Employment References for Separated Employees. (Refer to Policy No. 040, Personnel Records and Privacy.)

V. BENEFIT ELIGIBILITY

Generally, when an employee is separated, benefit credits are lost (beyond those paid for at the time of termination), with these exceptions:

- A. Reduction-in-Force. (Refer to Policy No. 811 – Reduction-in-Force & Recall.)
- B. Vested Rights Under PERSI. General provisions of benefit credit are specified in the summary plan description.
- C. Health Insurance Benefits. Extended coverage and conversion privileges of the health insurance benefit plan are provided in accordance with conditions outlined by COBRA.
- D. Vacation/Sick. Refer to Policy No. 311-Vacations, and Policy No. 313-Sick Leave (HRA/VEBA).

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy 040 – Personnel Records and Privacy

Policy 311 – Vacations

Policy 313 – Sick Leave (HRA/VEBA)

Policy 811 – Reduction-in-Force & Recall

Policy 820 – Exit Interviews

(See Voluntary Resignation Form)

REDUCTION-IN-FORCE AND RECALL

I. PURPOSE

To provide guidelines for reduction in the workforce and recall procedures.

II. SCOPE

This policy applies to employees of Kootenai County.

III. POLICY

Economic conditions, changes in technology or other unforeseen circumstances may require adjustments in staff levels by means of a personnel reduction-in-force (RIF). Before employees are separated due to lack of work, the County may explore reasonable possibilities for reassignment. Liaison concerning this subject will be maintained with the Human Resources Department by Elected Officials, Department Heads to accomplish any possible inter departmental transfers of personnel.

IV. DEFINITIONS

“Reduction-in-Force” (RIF) is defined as:

- Work is no longer available (job eliminated, contract expired, department closed, budget constraints, etc.).

V. PROCEDURE FOR REDUCTION-IN-FORCE

These procedures will guide decreases in the workforce:

- A. When the number of employees must be reduced, employee performance will generally govern. Where two or more employees are of similar ability, length of service may also be a consideration.
- B. The County may occasionally retain certain employees without regard to length of service because of their special knowledge, skill, training, or experience.
- C. Written management approvals for RIF are required from Elected Officials.
- D. When possible, two weeks’ notice should be given to employees scheduled to be separated due to RIF.

Pay in Lieu of Notice. Where a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other employees or to allow the separated employee to seek new employment. In such cases, up to two weeks pay may be provided in lieu of notice. The prior approval of the Elected Official/Department Head must be secured by the Supervisor.

VI. PROCEDURE FOR RECALL

These guidelines will govern increases in the workforce due to recall:

- A. Before hiring new employees from outside the County, in its sole discretion, may recall employees separated within the past 12 months. An employee may be considered qualified if, in management's sole discretion, they feel the employee can perform the work for which they are being recalled.

- B. When considering recall of multiple employees with similar skills and abilities to positions for which they qualify, past performance and date of hire will be considered as primary selection criteria.
- C. An employee to be recalled will be notified by certified letter. If the employee does not contact the County to make satisfactory arrangements or return to work within five working days, the employee will be removed from the recall list. The County may waive this requirement if some exceptional circumstances prevented the employee from responding.

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Resolution 2011-149, approved December 27, 2011

RELATED POLICIES

Policy 311 – Vacations

Policy 313 – Sick Leave (HRA/VEBA)

Policy 622 – Transfers

Policy 810 – Employee Separation

Policy 820 – Exit Interviews

TRAVEL POLICY

I. PURPOSE

To provide agency guidelines for all personnel defined as employees of Kootenai County, except as provided by law, and shall be applicable to all official travel paid for by Kootenai County and all departments, agencies, officers, boards, commissioners, institutions and other County entities.

II. POLICY

Departments may adopt their own internal travel policies for additional administrative control or flexibility when deemed necessary or desirable. No department, however, may permit travel reimbursement exceeding that allowed by these County Travel Policies, nor shall they institute more liberal measures of travel control than those provided herein. The appropriate Elected Official or department director/manager shall make certain that all of their employees who travel for official purposes are aware of these policies.

All reimbursable travel of County employees must have been properly authorized; actually incurred; essential in achieving the goals or fulfilling the responsibility of a particular department; and, conducted in the most economical and practical manner for the County.

The primary responsibility for proper control and compliance with Kootenai County Travel Policies, and those adopted by County departments, is inherent in the administrative responsibility and authority of the appropriate Elected Official, Department Head or Supervisor of each department.

II. SCOPE

All Elected Officials, and all appointed and non-elected employees, including part-time, temporary and seasonal employees.

KOOTENAI COUNTY TRAVEL POLICIES

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KOOTENAI COUNTY TRAVEL POLICIES

1. TRAVEL AUTHORIZATION

Official travel of County employees must be authorized by the appropriate Elected Official or Department Head of the department or by the designated representative(s).

2. APPROVAL OF TRAVEL EXPENSE

Travel requests must be approved for payment by the appropriate Elected Official or Department Head or designated representative(s).

3. ALLOWABLE EXPENSES

Payment of travel expense by Kootenai County is limited to costs authorized in these County Travel Policies, unless the Board of County Commissioners provides an exception thereto.

Travelers with disabilities: With prior approval of the appropriate Elected Official or Department Head or designated representative, employees with disabilities are allowed payments of certain additional travel expenses to accommodate their disabilities such as, but not limited to, subsistence and transportation of an attendant when the employee requires assistance, cost of specialized transportation, increased cost of specialized services for public carriers or special baggage handling.

4. EXPENSES NOT ALLOWABLE

The following will not be paid by the County:

- A. Expenses of a personal nature incurred for the convenience of the traveler including travel by indirect routes or stop-over for personal reasons; or leaving earlier or returning later than necessary on a trip.

1. Notwithstanding the restrictions contained in 4.A. above, an agency may reimburse an employee for travel expenses incurred during official travel which includes a personal stopover to the extent the employee sufficiently documents that the cost of the entire trip (including transportation, lodging, per diem, miscellaneous expenses and compensatory time) is no more than the costs would have been without the personal stopover. Supporting schedules must be attached to the employee's travel expense voucher.
2. Extraordinary expenses due to unusual circumstances when deemed appropriate and necessary, may be approved by the appropriate Elected Official or Department Head. Supporting documentation shall be attached to the travel request/claim.
 - B. Expenses for travel between home and office or for other non-official purposes.
 - C. Expenses incurred by an employee while on leave.

5. MODE AND ROUTE OF TRAVEL

Employees shall use the most practical mode of travel from the standpoint of time and expense. When unusual circumstances preclude adhering to this procedure, the appropriate Elected Official or Department Head may allow an exception. Supporting documentation shall be attached to the travel request/claim.

6. TRAVEL BY PUBLIC TRANSPORTATION

Travel by common carrier shall be limited to the lowest cost means of travel unless it is impractical or not available. When for personal reasons a traveler is authorized by the appropriate Elected Official or Department Head to use a private conveyance in lieu of common carrier, reimbursement will be limited to an amount for travel, meals, lodging and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by common carrier. Unless the appropriate Elected Official or Department Head specifically authorized a leave of absence, excess travel time incurred by the authorized use of a private conveyance for personal reasons during working hours shall be charged to the traveler's accrued leave.

All original receipts for travel by common carrier paid by the County or an employee must be attached to the travel request/claim. This includes the boarding fees at airports which are considered part of the airline ticket expense.

An explanation must be attached to the travel request/claim when an employee is authorized to use a private conveyance in preference to the common carrier and is claiming an amount equivalent to the common carrier fare. The explanation must include destination, actual departure and return dates and hours which would have been incurred by the use of the common carrier.

7. USE OF PRIVATELY-OWNED AUTOMOBILE, AIRCRAFT, OR OTHER CONVEYANCE.

The use of privately-owned automobiles, aircraft, or other conveyances may be authorized whenever it is more practical or beneficial to the County's mission than transportation by common carrier or County vehicles. Privately-owned conveyances shall be covered by public liability and property damage insurance, pursuant to Idaho Code.

The cost of transportation by private conveyance shall be paid at the rate set by the Board of County Commissioners, pursuant to Appendix A, up to the maximum allowed by law.

If an agency-owned vehicle is available to the traveler, but for personal convenience a privately-owned conveyance is used, the reimbursement shall be limited to one-half the applicable rate, unless otherwise determined by the appropriate Elected Official or Department Head.

Allowable in-state mileage shall be computed according to the latest official state highway map or mileage charts. Allowable out-of-state mileage shall be computed according to the latest Rand McNally Atlas. Odometer readings are permissible only when mileage computations cannot be made from such maps or charts.

Travel for official purposes in and about a city, including travel within an employee's official station, as defined in 10., when not constituting a trip between two communities may be consolidated on a daily basis and reported as "vicinity travel".

Automobile storage or parking fees will be an allowable expense when necessary to protect state or private property, or for other reasons advantageous to the County.

Receipts for storage or long term parking fees must be attached to the travel request/claim for reimbursement.

8. VEHICLE RENTALS

Automobile rental may be authorized by the appropriate Elected Official or Department Head when the use of such conveyance is the most economical and practical means of transportation, necessary to accomplish the County's mission.

The most economical and practical rental equipment available will be used. Receipts for vehicle rental paid by the traveler or with County Purchase Card must be attached to the travel request/claim for reimbursement.

9. LODGING EXPENSES

The preferred method of payment for lodging is with a County issued Purchase Card, but lodging costs may be direct-billed to the department with prior approval of the appropriate Elected Official or Department Head. Lodging costs within an employee's official station (defined in 11.) are not allowable.

Original receipts for all lodging must be attached to the travel request/claim upon return of the employee's trip for reimbursement. Any exception to this procedure must have supporting documentation attached to the travel request/claim.

At the time of making reservations or registering, employees shall identify themselves as County employees and whenever possible, secure the accommodations at the government or lowest possible rate.

10. MEAL EXPENSES NOT ALLOWABLE

Expenses for meals or lodging of employees at their official station shall not be allowed except as provided below.

"Official station" is defined as the work area or office assigned to the employee or in certain circumstances the appropriate Elected Official or Department Head may further define the "official station" of employees with unique work assignments or responsibilities.

An exception may be made when the appropriate Elected Official or Department Head determines that due to unusual circumstances it is in the best interest of the County that the employee not return home each night, or these expenses are prepaid as part of a registration for a conference, or when the employee's job description requires that employee to be on call for emergencies during meal time.

1. Any potential determination as to what comprises a "conference" or "convention" at the official station must meet certain criteria before any consideration of meals reimbursement will be made. Such criteria may include one or more of the following:
 - The function has participants from various locations;
 - A registration fee is charged;
 - It has a published agenda;
 - Meal cost is included in the registration fee;
 - Attendance is compulsory or voluntary as determined by the appropriate Elected Official or Department Head.
 - P-Cards must be used in accordance with P-Card policy. Gratuities above 20% are highly discouraged.

Meal expense shall not be reimbursed when a clear distinction cannot be made by any agency's documentation supporting what constitutes an official "conference" and/or "convention" using the criteria cited in 10.1.herein.

2. Reimbursement for meals at the home station is not allowable for informal meetings (i.e. over a casual breakfast, lunch or dinner) between staff members of an agency or other agencies; other state and federal employees; state employees and legislators, etc. However, with the Board of County Commissioners approval, or if authorized by the Elected Official, home station meals may be reimbursed.

The County Auditor's Office will interpret all meetings to be informal unless documented proof is submitted with the travel request/claim showing otherwise. All meals qualifying for reimbursement will be paid only to the extent authorized by Idaho Code 67-2008.

3. Reimbursement will not be made to an employee for expense of meals or lodging provided by relatives or other parties unless the relative or other party is in the business of providing such services and advertises such to the general public.

11. MEAL EXPENSES ALLOWABLE

A. PER DIEM

Per diem shall be paid to the traveler in accordance with the amounts set by the Federal Rate (GSA website: www.gsa.gov/mie) or by the Board of County Commissioners, up to the maximum allowed by law, for all official travel which mandates an overnight stay. Per diem is defined as the reimbursement for: meals, meal gratuities, and fees and tips given to porters, baggage

carriers, bellhops, and hotel maids.

Complimentary meals, such as continental breakfast provided by a hotel and meals provided by common carriers will not be deducted from the per diem allowance to be paid.

B. PARTIAL DAY REIMBURSEMENT

Where employees are absent from their official station for less than twenty-four (24) hours, a partial day reimbursement for meals, including gratuity, shall be paid to the traveler at the maximum rate set by the Federal Rate (GSA website) or by the Board of County Commissioners. Each department may adopt an internal policy regarding partial day per diem reimbursement whenever travel does not involve an overnight stay.

For travel involving an overnight stay a partial day reimbursement for per diem shall be paid to the traveler at the maximum rate set by the Federal Rate (GSA website) or by the Board of County Commissioners within the following limitations:

- A. Breakfast: If the actual departure time is 7:00 a.m. or before, or if the return time is 8:00 a.m. or after.
- B. Lunch: If the actual departure time is 11:00 a.m. or before, or if the return time is 2:00 p.m. or after.
- C. Dinner: If the actual departure time is 5:00 p.m. or before, or if the return time is 7:00 p.m. or after.

If meals are furnished as part of a conference registration fee, the employee shall be reimbursed for meals not provided at the partial day meal reimbursement rate set by the Federal Rate (GSA website)

The destination, time and date of departure and return to official station must be shown on the travel request/claim for each trip.

C. REFRESHMENTS AND MEALS FOR OFFICIAL MEETINGS

The Board of County Commissioners recognizes the importance of sponsoring meetings and training sessions. Further, the Board understands that to facilitate the needs of the attendees and to ensure the best utilization of attendee time, refreshments and/or meals may be provided to those attending department-sponsored meetings and/or training sessions under the following criteria:

1. REFRESHMENTS:

- a. The meeting or training session has a published agenda and attendance is mandatory.
- b. The meeting or training session has an intended duration of three (3) hours or more;
- c. There are five (5) or more attendees; and

d. The total per attendee cost of the refreshments, per refreshment break, will not exceed the allowable partial day per diem amount established for breakfasts, at the maximum rate set by the Federal Rate (GSA website).

2. MEALS:

- a. The meeting or training session has a published agenda and attendance is mandatory;
- b. Location or scheduling conflicts do not lend themselves to a meal recess;
- c. The meeting's business is furthered by speeches, presentations or interpersonal exchange that would not normally occur on a daily basis;
- d. The meeting or training session has an intended duration of six (6) hours or more;
- e. There are five (5) or more attendees; and
- f. The per attendee cost of the meal does not exceed the allowable partial day per diem reimbursement as set by the Federal Rate (GSA website).

Regularly scheduled staff meetings or department-sponsored social gatherings shall not qualify for meal or refreshment provisions unless such meetings occur no more than quarterly and attendees are brought together from various locations throughout the County. Further, an attendee shall not be eligible for meal reimbursement due to travel status if such meal is provided while attending a meeting or training session.

12. MISCELLANEOUS EXPENSES

With supporting documentation, expenses for certain miscellaneous items are reimbursable if incurred by a County employee in the official conduct of County business. Necessary miscellaneous expenses, for which receipts may not be available, may be reimbursed upon certification by the employee.

The appropriate Elected Official or department director/manager shall establish procedures regarding documentation by receipts for the following items:

- A. Taxi or bus fares to and from depots, airports, hotels, and other ground transportation costs necessary to conduct official County business while in authorized travel status.

B. Registration fees which are required as admittance or attendance fees for official participation in conferences, conventions, or other meetings should be paid by Purchase Card or with a County issued check.

C. Expenses not specifically described in these policies as an allowable expense, but which nevertheless, are necessary in the performance of official County business.

13. COMPENSATORY TIME FOR TRAVEL

Compensatory time for travel will be granted in accordance with Fair Labor Standards Act Regulations 29 C.F.R. Section 785.38, 785.39, 785.40, 785.41, to all employees except those listed as "non-covered" under the FLSA, including Elected Officials, personal staff members selected or appointed by elected public officials, policy-making appointees of Elected Officials, legal advisors, legislative employees, bona fide volunteers, independent contractors, prisoners, and "trainees".

14. LEAVE DURING TRAVEL STATUS

A traveler who has been granted leave, either compensable or non-compensable, while in travel status shall report in his claim for reimbursement the exact date and time of departure from duty and return.

15. INTERNAL AUDITING OF TRAVEL REQUESTS AND CLAIMS

Each department shall provide a procedure for auditing of all claims for travel expenses for compliance with the standards established by these County policies.

It is the responsibility of individual departments to audit all travel expense request/claims thoroughly to ensure their completeness, correctness and fiscal integrity. All claims shall be presented in a legible manner. Audit procedures should include verification of the following items:

- A. Travel duration does not exceed the trip requirements.
- B. Expenses are not claimed by employees in leave status.
- C. Vicinity travel is reasonable considering work assignments.
- D. Trip mileage corresponds to official state highway maps and mileage charts.
- E. Beginning and ending hours and dates are shown for each trip.
- F. The travel was properly authorized and the purpose of the travel is shown.
- G. All entries are mathematically correct, unallowable expenses are deducted,
- H. All necessary receipts and explanations are securely attached to the travel requests/claim or mileage expense forms.

Each department will keep a complete record of all employee travel by maintaining a copy of the travel expense form and all applicable and supporting documentation accompanying the claim.

Records as noted above will be maintained by the department pursuant to Idaho Code.

16. THIRD PARTY REIMBURSEMENTS, REBATES, PROMOTIONS

When a third party is expected to reimburse the County for the trip, that information along with the name and billing address of the third party must be included on the travel request. The reimbursement must be made to the agency paying the original travel or endorsed in the agency's favor.

Travel awards and benefits such as frequent flyer miles awarded as a result of County travel will become the property of the traveler and will not be claimed by the County.

17. TRAVEL CLAIMS FORMS

The County Auditor shall provide each department the proper and necessary forms for the processing of travel claims. The County Auditor may issue additional instructions for the submission of travel requests and claims. Travel procedures and forms are located on KC Place; under Department Info & Forms, Auditor Forms and Reports.

FEDERAL RATE

Visit the website for further explanation of the "Federal Rate" as it is applied here.
www.gsa.gov/perdiem

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Approved September 9, 2003, Effective October 1, 2003
Resolution 2004-30, approved April 27, 2004
Resolution 2011-149, approved December 27, 2011
Resolution 2016-66, approved August 2, 2016

RELATED POLICIES

Policy No. 410 – Standards of Conduct
Policy No. 920 – Use of County Vehicles
Policy No. 430 – Employee Performance and Discipline

USE OF PRIVATELY OWNED VEHICLES

I. PURPOSE

To assure the safe operation and use of privately owned vehicles used for County business or purposes.

II. SCOPE

This applies to all employees and volunteers in all locations of Kootenai County. A vehicle owned by an elected official, department head, or employee, which may be used for County business or purposes, is a privately owned vehicle (POV). The use of rental cars for County business shall also be subject to this policy.

III. POLICY

A. Employees authorized to use a privately owned vehicle for official County business and purposes shall:

- a. Receive prior authorization of his/her elected official or department head.
- b. Possess and retain at all times while operating a vehicle for County business and purposes, a valid driver's license of the proper class.
- c. Provide and retain in vehicle valid proof of automobile liability/property damage insurance with current minimum State of Idaho policy coverage limits.
- d. Provide copies of their driver's license and proof of insurance to their elected official or department head prior to using their privately owned vehicle for County business. Failure to regularly review and update these documents with the supervisor at least once per year will result in mileage reimbursement claims being denied.
- e. Ensure that use of privately owned vehicles for official County business shall be considered only when such use has been determined to be in the best interests of the County.
- f. Acknowledge that, when accompanied by persons not employed by Kootenai County (or other public agencies), elected officials, department heads, and employees shall use a privately owned vehicle when attending local, regional, or state meetings, unless otherwise authorized by the elected official or department head.
- g. Be held personally responsible for any and all fines and/or penalties imposed as a result of traffic infractions and criminal traffic offenses committed while operating a privately owned vehicle for County business and purposes.

B. Collision Damage and Accidental Loss

- a. All accidents involving County employees conducting business while using a privately owned vehicle will be subject to the employee's insurance. Any accident resulting in injury to the driver or any authorized passenger must be immediately reported to local law enforcement, and then to the employee's elected official or department head and to the County Risk Management representative.

NOTE: Employees submitting mileage reimbursement claims for use of their personal vehicles on County business must have on file with their supervisor a current copy of their driver's license and proof of insurance and sign that this is current upon submission of every mileage reimbursement claim. No mileage reimbursements will be approved if these files are not up to date. Per IRS standards, "the standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile, including depreciation, insurance, repairs, tires, maintenance, gas and oil."

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Resolution 2016-66, approved August 2, 2016

RELATED POLICIES

Policy No. 410 – Standards of Conduct
Policy No. 429 – Use of County Vehicles
Policy No. 430 – Employee Performance and Discipline

KOOTENAI COUNTY, IDAHO



PURCHASE CARD (P-CARD) POLICY AND PROCEDURES

VERSION 12/01/2015

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KOOTENAI COUNTY

PURCHASE CARD POLICY AND PROCEDURES

POLICY

1. GENERAL INFORMATION

PURPOSE

This policy is for the use of County issued purchase cards (P-Card), and establishes guidelines for administration of the program. The P-Card program is targeted at increasing efficiencies in obtaining low dollar goods and services, streamlining and reducing processing costs, and benefiting from the rewards program provided by the bank to earn cash back on County purchases.

SCOPE

The P-Card will take the place of the current County credit card, administered by JPMorgan Chase. All credit cards will be forfeited and replaced with the US Bank P-Card. The P-Card program is a sole-source agreement by contract, and other credit card products are strictly prohibited. The scope of transactions made with the P-Card broadens from travel based to all types of purchases, B and C budget expenses. Travel Policy #910 remains in effect and is not superseded by this policy. Departments and employees are expected to use the same diligence and ethics currently used for the safeguarding of County cards and purchases. All P-Card transactions become public records and subject to the Public Records Act, Idaho Code §74-101. Department records and prior year claims will be kept in accordance with the County's Records Retention Policy.

Training will be mandatory for all Cardholders, Department Managers, and Departmental Accounts Payable personnel. Training will explain all duties and responsibilities for the P-Card, and provide necessary instruction for AccessOnline (US Bank web-based program) and Logos financial accounting software.

1-1 BACKGROUND

The P-Card Program is intended to facilitate the acquisition of goods, services, and travel-related expenses necessary for accomplishing the County's goals and objectives of automation and streamlined processes. It allows purchases to be made easily, rapidly, and directly, consolidating multiple payments to vendors thereby reducing operating costs. The P-Card itself is issued to individual employees or persons accountable for a departmental function, who have been designated by their department and may only use it for purchases authorized by their Elected Official or Department Manager, and within budget constraints. Kootenai County's tax exempt number is on the face of the P-Card, and it is the card user's responsibility to inform the vendor of the County's tax exempt status and verify no sales tax has been added prior to signing for the transaction.

The purchase cards appear to the user and vendor as MasterCard charge cards. Enhanced controls and data reporting enable the County to streamline the traditional paper and labor-intensive purchase process. This allows the County to efficiently purchase items directly without the necessity of preparing individual purchase requisitions and processing individual receiving reports for each transaction. Departments shall continue to use existing purchase procedures related to the purchasing of items.

Cardholder and Departmental Function cards have single transaction and cycle limits. The limits are set and managed by the Elected Official and/or Department Manager, verified, confirmed, and maintained by the Program Administrator. Large purchases may be obtained through the set up of an account designated specifically for items over \$5,000.00, or use of PaymentPlus through the Auditor's Office. Large purchases must fall within budget authority, or have pre-approval from the Board of County Commissioners. Using the P-Card program for these transactions provides the greatest opportunity for cash back rewards.

The use of a P-Card is a privilege, not a right. Its use for unauthorized purchases, or in a manner inconsistent with ethical practice as stewards of public funds, may result in withdrawal of the privilege from the individual or department. In certain cases, violators of P-Card Policies and Procedures may be subject to disciplinary action, up to and including termination. Criminal charges may apply.

Elected Officials and Department Managers are responsible for placing P-Cards in the hands of capable employees.

All Cardholders, Approving Managers, and Billing Coordinators are required to attend periodic, mandatory, in-house training in order to maintain their P-Card status.

1-2 P-CARD RESPONSIBILITIES

1-2.1 Program Administrator

The Program Administrator is responsible for overall coordination and administration of the program at the County level. They will be appointed by and report to the County Clerk/Auditor. The Program Administrator is responsible for:

- Oversight of all Cardholders.
- Setting up new accounts and terminating accounts.
- Setting Administrative guidelines.
- Managing the relationship with US Bank.
- Assisting the Auditor's Office in auditing purchases.
- Evaluating the program and recommending changes.
- Setting or changing transaction and cycle limits.
- Blocking Merchant Category Codes (MCC).

1-2.2 Auditor's Office

The Auditor's Office is responsible for submitting payment for each Managing Account (Division grouping by Elected Official) to US Bank for all charges under the County's P-Card program, as well as auditing each department for compliance with P-Card Policies and Procedures. The Auditor's Office is responsible for:

- Receiving the Managing Account Summary.
- Reconciling Transaction Detail Reports to Master Billing File and Managing Account Summary reports.
- Timely payment of statement balances to US Bank.
- Ensuring that all disputed charges are complete and submitted as required.
- Reconciling any outstanding balances.
- Reviewing monthly and quarterly reports, including declined transactions.
- Assisting with the coordination to process new card applications, request replacement cards, and card cancellations.
- Facilitating training and maintaining training records for Cardholders, Approving Managers, and Billing Coordinators.
- Evaluating the program and recommending changes.
- Processing large transactions through PaymentPlus, an alternative form of electronic payment.

1-3 DEPARTMENT RESPONSIBILITIES

1-3.1 Approving Managers

The Approving Manager shall be the Department Manager (Cardholders who are Department Managers may have activity approved by an Elected Official or Assistant Department Manager). The Approving Manager will contact the Program Administrator when transactions are identified in the review process of the Transaction Detail Report that do not follow P-Card Policies and Procedures. Approving Managers have a cumulative responsibility of not approving prohibited purchases and implementing employee discipline. Approving prohibited purchases is unacceptable. Approving Managers are responsible for:

- Reviewing and approving assigned Cardholder charges.
- Ensuring all purchases are appropriate and no prohibited items have been purchased.
- Confirming the expenditures have been classified and accounted for correctly.
- Ensuring that ALL supporting documentation is provided to the department Billing Coordinator within three (3) business days of the purchase or return to work.
- Promptly notifying the Program Administrator and Auditor's Office of changes in Billing Coordinators and of Cardholder termination.

1-3.2 Billing Coordinators (i.e. Employees who process Accounts Payable)

The Billing Coordinator is accounting staff within the departments that perform accounting

entries and transactions. Billing Coordinators are responsible for:

- Reconciling outstanding balances on Cardholder Memo Statements to Transaction Detail Reports.
- Reviewing the transactions for appropriateness.
- Ensuring each charge has been approved by the Approving Manager.
- Confirming the expenditures have been classified and accounted for correctly.
- ☐☐ Submitting each Cardholder's Transaction Detail Report, reflecting final approval, and supporting receipts and documents to the Auditor's Office in a timely manner to facilitate on-time payment of statement balances, within three to five (3-5) business days of the cycle close date.
- Promptly notifying the Program Administrator of unresolved differences and disputes pending adjustment on the Cardholder memo statement.
- Promptly notifying the Program Administrator and Auditor's Office of any changes in Cardholder status.
- Promptly notifying the Program Administrator and Auditor's Office of changes in Approving Managers.

1-3.3 Individual Cardholders

Cardholders are current employees or departmental functions of the County with purchase authority that use the P-Card for business-related purchases. Individuals contracting or subcontracting with Kootenai County are NOT authorized to use a County P-Card. With respect to Departmental Function cards, all the responsibilities listed below are the responsibility of the Elected Official or Department Manager. Cardholders are responsible for:

- Keeping their P-Card secure.
- Appropriate use of the P-Card, ensuring full compliance with all P-Card Policies and Procedures.
- Verifying there is sufficient approved budget for purchase.
- Drawing the vendor's attention to the County's tax exempt number on the face of the card.
- Informing vendors of tax exempt status and verifying no tax has been added **prior to signing** for the purchase.
- Asking for, and saving detailed receipts for payment documentation.
- Documenting travel expenditure transactions on travel claim, if applicable.
- Contacting the Elected Official or Department Manager when transactions are identified in the review process of the Transaction Detail Report that do not follow the P-Card Policies and Procedures, e.g. items not purchased, vendor errors, or unrecognizable charges. Cardholders will be held personally accountable for prohibited purchases made with their P-Card.

The following responsibilities may be performed by either the Individual Cardholder or the Billing Coordinator:

- Verifying and allocating General Ledger account codes within US Bank AccessOnline for each charge.
- Filing Disputes. All dispute resolution forms should be sent to the Billing Coordinator within three (3) business days of making the purchase or return to work. See Section 4-5 in the accompanying P-Card Procedures.
- Reconciling online the Transaction Detail Report within three (3) business days after the close of the billing cycle: verifying General Ledger codes are correct, approving transactions, and submitting itemized detailed receipts with justification form(s) for missing receipts.

1-3.4 Departmental Function P-Cards

These are cards that are issued in a department's name and not specific to an individual employee. When utilizing a Departmental Function P-Card, the card user is responsible for all bulleted items above in Section 1-3.3, in addition to the following:

- Obtaining access to the card using department procedures.
- Minimizing the time period users possess the Departmental Function card.
- Returning P-Card and all related receipts as soon as possible following making the purchase or return to work.
- The employee who is on record as having possession of a departmental card, i.e. whoever has the card checked-out, is considered an Individual Cardholder while the card is in their possession.

1-3.5 PaymentPlus – Large Purchases by Purchase Card

PaymentPlus is a method of payment for large purchases \$5,000.00 or greater. Rather than a charge against a specific card account, these payments will be processed as an alternate form of payment through the normal Accounts Payable process, with the ultimate payment being processed by the Auditors' Office. Large purchases must fall within budget authority, or have pre-approval from the Board of County Commissioners. Using the P-Card program for these transactions provides the greatest opportunity for cash back rewards.

- May apply to any transaction of \$5,000.00 or more to be paid via electronic form.
- Transactions paid through PaymentPlus must be entered in a separate accounts payable batch; however, if there is more than one PaymentPlus transaction, those may be grouped together.
- All PaymentPlus vendors have unique identifiers that will facilitate appropriate payment.
- If a vendor to be paid via PaymentPlus is not currently available in Logos, contact the Accounts Payable Technician.

1-4 CONTROLS

1-4.1 Verification & Approval

A number of unique controls have been developed for the P-Card Program. These controls ensure that the card can be used only for specific, broad categories of purchases and within specific dollar limits. In addition, verification of all purchases is required by each Cardholder, with additional review performed by the designated Approving Manager for each Cardholder before payment is made.

1-4.2 Cardholder Use Only

Our P-Card has an official County seal or logo with the Cardholder's name, or Departmental Function embossed on the card, and includes the County's tax exempt number. No one but the Cardholder may use a named card. It has been specially designed to avoid confusing it with personal credit cards. In all other respects, this is considered a regular MasterCard. The P-Card must not be used for personal purchases.

1-4.3 Transaction Limits

Each P-Card has two pre-approved authorization levels: a maximum dollar amount for a single transaction, and a total dollar amount for all purchases made within a billing cycle. Splitting purchases to circumvent the single transaction spending limit is prohibited. **If the amount of a purchase is over either limit, the purchase will be declined. (Limits will be determined by the Elected Official or Department Manager and confirmed by the Program Administrator.)**

1-4.4 Official Use Only

Intentional use of the P-Card for other than "Official Use Only" will be considered an attempt to commit fraud against the County. Proof of such fraud will result in immediate cancellation of the Cardholder's account, and disciplinary action under applicable Departmental and County administrative procedure will be taken, up to and including termination. (See County Policy 430.) **The Cardholder will be personally liable** to the County for the amount of any non-approved purchases and **could face criminal charges as well.**

Unintentional misuse of the card is the employee's responsibility and the employee will be completely liable for payment of the transaction. **This may result in the immediate termination of the Cardholder's assigned card.**

1-4.5 Continuous Monitoring and Auditing

The Auditor's Office will perform continuous monitoring and auditing of all Cardholder activity including declined transactions. The County Purchase Card program is a sole source agreement and other credit card products for County purchases are not allowed. Employees can continue to submit for reimbursement when travel related expenses are paid with a personal credit card as discussed in Policy #910; however, use of a P-Card is preferred.

1-4.6 Department Purchasing Processes

Cardholders are expected to use P-Cards within established purchasing processes of their Elected Official or Department Manager. Pre-authorization of purchases may include purchase requisitions, purchase orders, manager approval, or budget authorization. Failure to follow department purchase procedures may result in disciplinary action, personal reimbursement of charge, or termination of card use.

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PROCEDURES

2. PROCEDURES FOR OBTAINING A P-CARD

2-1 COUNTY DEPARTMENT REQUESTS

Review the following documents and complete the required forms:

- P-Card Request/Cardholder Agreement Form (Attachment A)
- P-Card Maintenance Form (Attachment B)

(Note: A Cardholder should not be his/her own Approving Manager or Billing Coordinator. Follow the Elected Official's desired process.)

Both the Request/Cardholder Agreement and the P-Card Maintenance Forms must be completed and signed by the Elected Official or Department Manager, and submitted to the Program Administrator, with a copy to the Billing Coordinator. See Attachment A for Cardholder requirements.

The Program Administrator will review all Cardholder requests received, and clarify or modify applications in conjunction with the requesting Department Manager.

The Program Administrator will forward recommended requests to the County Finance Director for final approval before submitting the request to the bank.

The Program Administrator will coordinate with the Auditor's Office to provide the required training prior to issuing the card to each new Cardholder.

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3. AUTHORIZED, RESTRICTED AND PROHIBITED PURCHASES

3-1 AUTHORIZED PURCHASES

Purchases are authorized for only those items with a cost less than the maximum transaction limit assigned to the card, including shipping, packaging charges, and taxes, if applicable. Each individual P-Card will have customized limits for a maximum dollar limit for each purchase transaction, and/or a maximum dollar limit per 30-day cycle. Examples of applicable taxes include hotel tax and sales tax on items picked up in states outside of Idaho.

3-2 SHARED PURCHASES

Certain departments may make purchases for more than one department. Shared purchases include those purchases that may be subject to approval by another department. Provisions will need to be

made in AccessOnline to account for these purchases. Please contact the Auditor's Office to ensure proper set up.

3-3 PROHIBITED PURCHASES

Following is a list of goods and services that are specifically prohibited from purchase on the Kootenai County P-Card (in alphabetical order):

- Alcohol
- Automated Referral Services
- Bail and Bond Payments
- Betting, Casino Gaming Chips, and Off-Track Betting
- Capital Improvement Projects (except as approved in relevant contract agreements)
- Cigarettes/Tobacco Related Items
- Dating and Escort Services
- Direct Marketing Insurance Services
- Fines, Court Costs, Alimony, and Child Support
- Foreign Currency, Money Order or Traveler's Checks
- Furriers and Fur Shops
- Government Loan Payments
- Manual and/or Automatic Cash Advances
- Massage Parlors and Adult Entertainment
- Overpayments
- Pawn Shops
- Political and/or Religious Organizations
- Professional services requiring a contract (with the exception of agreements that authorize such payment)
- Savings Bonds
- Security Brokers and/or Dealers
- Tax Payments
- Timeshares
- Wire Transfers and Money Orders
- Any other transaction(s) that may be deemed questionable.

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4 PROCEDURES – CARDHOLDER

4-1 GENERAL INFORMATION

The Cardholder is responsible for ensuring that all purchases are in compliance with P-Card and all other County Policies and Procedures. The P-Card may only be used to purchase goods related to official County business. Any unauthorized use by the Cardholder will be considered a violation of the County Policy.

P-Cards must not be used for purchases when the Cardholder has a personal interest or knowledge

that would create a conflict of interest or the appearance of a conflict of interest. (See County Policy #411.)

The use of a P-Card is a privilege, not a right. Its use for unauthorized purchases, or in a manner inconsistent with ethical practice as stewards of public funds, may result in withdrawal of the privilege from the individual and/or department. In certain cases, violators of Policies and Procedures may be subject to disciplinary action, up to and including termination. Criminal charges may apply.

4-2 PROCEDURE - TO MAKE A PURCHASE

The Cardholder can use the purchase card to purchase goods in person at a merchant point of sale, by telephone, mail order, fax, or the Internet. In all instances, the Cardholder should require the vendor to itemize the receipt/invoice for each item purchased, and inform the vendor of the County's tax exempt status. As a reminder, authorization of the transaction will only be accepted if the purchase is within the Cardholder's spending limits as determined during account setup. The per-transaction limits must include all the costs to procure the items(s), including, but not limited to, shipping, handling, special packaging and taxes (if applicable).

At the point of sale, as the sales draft is being completed, the merchant will normally obtain authorization for the transaction. US Bank verifies the Cardholder account and determines whether the purchase is within the predetermined spending limit and authorized type of purchase for that Cardholder. An approval or decline is transmitted back to the merchant. The merchant will obtain an authorization number, which will also be shown on the sales draft. If the vendor informs the Cardholder that the transaction is declined, the Cardholder may contact the County's Program Administrator to determine the reason for the decline and possible remedy to allow purchase.

4-3 SALES RECEIPTS

Cardholders must obtain a sales receipt on all P-Card purchases. It is equally important to inform the vendor of the tax exempt status of Kootenai County. The Cardholder may be asked to show their photo ID. Sales receipts shall be itemized and must be submitted to the Billing Coordinator within three (3) business days of making the purchase or return to work.

- When purchasing goods in person, the Cardholder shall ask the merchant for a detailed receipt at the end of the transaction.
- When purchasing goods by mail, fax, or over the phone, the Cardholder shall ask the merchant to email, fax, or mail a receipt, or attach a copy of the order form or order confirmation notice.
- When purchasing goods over the Internet from a secure website, the Cardholder shall print the order confirmation notice and receipt.
- The following items are required on the receipt:

- | | |
|---------------------------------|----------------------------------------|
| • Purchase Authorization Number | • Description of commodities purchased |
| • Price per item | • Quantity purchased |

- Amount of other fees and charges, as applicable
- Shipping charges, if applicable

If a receipt cannot be obtained or is lost, the Cardholder must utilize all means to obtain a duplicate receipt. If a duplicate receipt cannot be obtained, the Cardholder must request direction from the Program Administrator. All missing receipt requests will include the Elected Official or Department Manager's approval.

Two instances of lost receipts within a year may result in the P-Card being revoked.

4-4 TRANSACTION DETAIL REPORT

A Transaction Detail Report must be generated monthly within AccessOnline, either by the Cardholder or the Billing Coordinator. Weekly, and within three (3) business days of the end of the billing cycle, the Cardholder or Billing Coordinator must verify accuracy of the general ledger account(s) on the Transaction Detail Report (See Exhibit 1).

Cardholders or Billing Coordinators will access the online account to view transactions at a minimum of once per month, which is after the end of the billing cycle (currently the 25th of each month). The Cardholder or the Billing Coordinator will verify the transactions for accuracy, allocate transactions, confirm the General Ledger account codes, and "approve" transactions within three (3) business days of the close of the billing cycle. A department may choose whether transactions are viewed online, or printed and routed to the Billing Coordinator or Department Manager. **Note: Cardholder may verify account codes, allocate transactions and/or "approve" transactions as soon as they are posted online, generally within two (2) days after the transaction occurs. Timely processing such as this is highly recommended.**

If the Cardholder is performing the function of allocating and/or approving transactions, the detailed receipts and other supporting documentation will be forwarded to the Billing Coordinator. The Billing Coordinator will scan these records to accompany the invoice batch in Logos.

At the close of each billing cycle, a statement will be sent for each P-Card via AccessOnline. When setting up an AccessOnline account, the user will go to My Personal Information and click on Email Notification, listed under contact information, to enter a valid email address. Complete information will be given in training.

4-5 DISPUTES

4-5.1 Filing A Dispute-Completed by Cardholder or Billing Coordinator

If a purchase is disputed, the Cardholder (Billing Coordinator or Approving Manager) must contact the merchant within fifteen (15) days after the close of the billing cycle.

- The preferred method is to use the online feature to dispute the transaction. In some cases,

the Cardholder will be prompted to print the online form, sign and fax it to US Bank. The Cardholder must provide a copy of the print screen or the printed online form to the Billing Coordinator and to the Auditor's Office. Disputes processed online can be tracked online through its processing. The address is <https://access.usbank.com>.

- Alternatively, the Cardholder can call US Bank Customer Service. If the Cardholder chooses to call Customer Service to report a dispute, a form will be sent to the Cardholder for their signature. This form must be signed and returned within sixty (60) days or the County will be responsible for the amount. The phone number is 800-344-5696.

4-5.2 Documentation

The Cardholder must submit documentation to the Billing Coordinator for each disputed item and attach supporting documents. Supporting documentation may include copies of postal receipts for returned merchandise, credit vouchers, or the proof of payment by another means.

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5. PROCEDURES – APPROVING MANAGER

5-1 GENERAL INFORMATION

The Approving Manager is responsible for the activity of Cardholders under their supervision. The sign off from the Approving Manager indicates assurance that all purchases were appropriate and within P-Card and County Policies and Procedures, and all the accounting information is accurate and within the department's budget authority.

5-2 PROCEDURE – TO APPROVE TRANSACTIONS

5-2.1 Reconcile Cardholders Statements of Account

Within three (3) business days after receiving a completed Cardholder Transaction Detail Report from the Billing Coordinator, the Approving Manager reviews each Transaction Detail Report and supporting documentation to be sure all receipts are included and attached in the order appearing on the report, that the purchases were appropriate, and within adopted budget and County guidelines. The Approving Manager will verify that any transactions being disputed are valid, agree with the card statement information, and have the required documentation attached.

5-2.2 Approve Transactions of Account

The Approving Manager will review the transactions online, either granting final approval or returning transactions to the Cardholder to modify or dispute.

The Approving Manager will **sign** and **date** each Cardholder's Transaction Detail Report and

deliver the completed statements with necessary attachments to the Department Billing Coordinator for payment processing. A copy of the Transaction Detail Report and Cardholder card statement should be scanned into the invoice batch in Logos for audit purposes.

Should an Approving Manager not receive a Cardholder's Transaction Detail Report, it is the Approving Manager's responsibility to contact the Cardholder. If a Cardholder had no activity for that billing cycle, which is verified with the statement, no Transaction Detail Report will be generated. A statement will be issued unless there are no transactions for the cycle and no previous balance.

5-3 Monitor Cardholder Activity

The Approving Manager is responsible for monitoring the Cardholder's activity throughout the billing cycle. Transactions are available online generally within two (2) days after the transaction occurs.

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6. PROCEDURE – BILLING COORDINATOR

6-1 GENERAL INFORMATION

The Accounting Activity Report must be processed in a timely manner (**three (3) business days after receiving the Cardholder's Transaction Detail Report from the Approving Manager**) in order to avoid penalties, interest charges, or suspension of account, as well as take the best advantage of spending rebates coming to Kootenai County. Suspension of an account means the Cardholder will not be able to use their card. The Program Administrator will discuss with Elected Official and Department Head, and then make recommendations to the Board of County Commissioners to cancel departmental usage of County P-Cards if multiple incidents adversely affect Kootenai County's program.

6-2 PRE-APPROVAL PROCEDURE

6-2.1 Preliminary Review

The Billing Coordinator shall review the Transaction Detail Report for each Cardholder and will verify the report for accuracy, confirm the General Ledger account codes, allocate transactions to General Ledger account codes, "approve" and route electronically the transactions to the Approving Manager within three (3) business days of receiving the approval from the Cardholder.

6-2.2 Transaction Detail Report

P-Card receipts, dispute documentation, and all other supporting documentation shall be reconciled and submitted with a copy of the pre-approved Transaction Detail Report to the Approving Manager.

The receipts and documentation must be attached in the order listed on the Transaction Detail Report.

6-3 PROCEDURE – TO SUBMIT FOR PAYMENT

6-3.1 Reconcile Cardholder’s Statement to the Transaction Detail Report

Summarize those items that had been previously noted as disputed but have not yet been adjusted on the Cardholder’s Statement.

Summarize those items that are disputed in the current cycle. If an item on the statement is disputed, the Cardholder must have notified US Bank by either completing the online Dispute Form or calling US Bank Customer Service at 800-344-5696. Documentation must be attached indicating the reason and the amount of the disputed item. If the Cardholder called Customer Service, they must attach a memo indicating the reason and the amount of the disputed item. **The disputed amounts must be paid. Do not remove the cost of disputed items from the invoice batch. A credit will be issued to the P-Card account once the dispute is settled. Disputed information must be communicated to the Program Administrator by the Cardholder, Billing Coordinator, or Approving Manager.**

6-3.3 Submit to Auditor’s Office for payment

The Billing Coordinator shall submit the original Transaction Detail Report signed by the Approving Manager to the Auditor’s Office within three (3) business days from the end of the billing cycle. Each transaction shall have the accurate accounting codes for each line, including project costing codes. The invoice number from the statement will be used as the description in order to allow the bank to identify payment and to protect the County against duplicate payments.

The following documentation must be attached:

- Original detailed receipts.
- A copy of the online dispute form (if applicable).
- Signed memo for missing receipts (if applicable) - must be signed by Elected Official or Department Manager.
- Summary of unresolved disputes for prior billing cycles.
- Summary for the current billing cycle.

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7. AUDITOR’S PROCEDURE – PAYMENT TO US BANK

7-1 GENERAL INFORMATION

The Auditor’s Office will submit timely payments for each statement from the Master Billing File.

Payments must be processed in a timely manner in order to avoid penalties, interest charges, or suspension of account, and to take advantage of all spending rebates offered by US Bank to Kootenai County.

7-2 PROCEDURE – PAYMENT TO US BANK

Each month, a Master Account Statement will be sent to the Auditor’s Office by US Bank. The Master Account Statement includes summaries of all Cardholders under a Managing Account. These statements must be carefully reviewed to verify the receipt and acceptance of all charged items to the Cardholder’s statements.

If a purchase is disputed, the Cardholder must have notified US Bank by either completing the online Dispute Form or calling Customer Service. Documentation must be attached indicating the reason and the amount of the disputed item. **Do not remove the cost of the disputed item from the invoice batch. Full payment shall be made and disputes shall be tracked to determine status of resolution.** [Back to Table of Contents](#)

8. REPLACING OR CANCELLING P-CARDS

8-1 REPLACING A P-CARD

There may be instances where it becomes necessary to replace P-Cards or obtain additional cards. A replacement card will typically be issued within five (5) days of notification to US Bank. The following actions to replace a card are to be taken:

8-1.1 Reporting Lost or Stolen P-Cards

- Cardholder will **immediately** contact US Bank Customer Service at 800-344-5696. The card will be cancelled and a replacement card will be ordered.
- Cardholder will promptly notify by email the Approving Manager, Program Administrator and Billing Coordinator of the lost or stolen card.
- Cardholder will subsequently submit a P-Card Maintenance Form (Attachment B) to the Approving Manager reporting the Lost or Stolen Card.
- Approving Manager will forward the P-Card Maintenance Form to the Program Administrator.
- The Program Administrator will receive and forward the replacement card to the Cardholder through the Billing Coordinator.

8-1.2 Replacement of Defective/Worn out Cards, Change of Cardholder’s Information

- Cardholder will submit a P-Card Maintenance Form (Attachment B) for a replacement card to the Approving Manager.
- The old card must be submitted with the request for replacement to the Approving Manager, who will forward the P-Card Maintenance form with the old card to the Program Administrator. The Program Administrator will destroy the old card.
- The Program Administrator will receive and forward the replacement card to the Cardholder through the Billing Coordinator.

- The Program Administrator will receive and forward the replacement card to the Cardholder through the Billing Coordinator.

8-2 CANCELLING A CARDHOLDER

8-2.1 Inter-Departmental transfer or Employment Termination

When an Individual Cardholder (a P-Card in their name) leaves a department or County employment, the following actions are to be taken:

- The Billing Coordinator shall notify the Program Administrator immediately by email, who shall then cancel the Cardholder's account immediately.
- The Approving Manager shall obtain the card and remit the card and a completed P-Card Maintenance Form (Attachment B) to the Program Administrator for immediate destruction. **The card shall not be used by any other staff.**
- The Program Administrator will immediately notify the Auditor's Office.
- Employees holding a County P-Card in their name shall have it listed under the Inventory section of their employee maintenance record in Logos. Departmental cards shall be listed under the Inventory section of the Department Manager.
- Elected Officials or Department Managers are responsible for notifying the Program Administrator of a Cardholder's departure immediately upon notice of termination, voluntary or involuntary.

8-2.2 Other Cancellations

When an Elected Official, Department Manager, Program Administrator, or the Board of County Commissioners decides that the Cardholder shall no longer be assigned a P-Card, the following actions are to be taken:

- The Billing Coordinator shall notify the Program Administrator immediately by email, who shall then cancel the Cardholder's account immediately.
- The Approving Manager shall obtain the card and remit the card and a completed P-Card Maintenance Form (Attachment B) to the Program Administrator for immediate destruction. **The card shall not be used by any other staff.**
- The Program Administrator will immediately notify the Auditor's Office.

9. INFORMATION SOURCES

U. S. Bank Customer Service
 P.O. Box 6346
 Fargo, ND 58125-6346
 Phone: 1-800-344-5696 Fax (701) 461-3910

Fraud Department – Available 24/7 1-800-523-9078

Kootenai County Program Administrator

PCardAdmin@kcgov.us

(208) 446-1660

Fax (208) 446-1661

Kootenai County Accounts Payable

AuditorAP@kcgov.us

Auditor's Office, Accounts Payable

(208) 446-1660

An internal list of contact names and titles will be maintained and handed out as current information to each County employee involved in the P-Card program.

10. AUDIT OF DEPARTMENT RECORDS AND PROCEDURES

All records pertaining to the P-Card are subject to, and shall be made available upon request of, an audit. Audits will include, but are not limited to, the following:

- Monitoring of declined transactions.
- Monitoring of all Cardholder activity.
- Investigation of declined transactions.
- Investigation of transactions attempted or completed that are not in accordance with the Policies and Procedures.
- Investigation of unusual transactions.
- Sampling of documentation provided.
- Evaluating controls and procedures for Departmental Function cards.

Department records and prior year claims will be kept in accordance with the Idaho Public Records Act, Idaho Code §74-101, *et.seq.* and the County's Records Retention Policy. These records are considered public record.

ATTACHMENT B P-CARD MAINTENANCE FORM

Individual Cardholder Maintenance

Employee: _____

A. General Information

Dept: _____

Name Change		Address Change
Cardholder Name as it should appear:		New Address:
Name Line 1:		Address Line 1:
Name Line 2:		Address Line 2:
Cardholder Acct #		City/State/Zip:

B. Card Requests

Card Replacement		Send Replacement Card To
<input type="checkbox"/> Lost <input type="checkbox"/> Stolen <input type="checkbox"/> Not Received <input type="checkbox"/> Embossing Error <input type="checkbox"/> Defective		Name:
		Address:
Cancellation/Reinstatement		City/State/Zip:
<input type="checkbox"/> Cancellation <input type="checkbox"/> Reinstatement		Phone Number:

C. Request for Credit Limit or Audit Code Change

Limits		Department Claim Processor Information
Change Credit Limit to: _____		Name:
Change Merchant Code Groups to: _____		
Change Internal Audit Code to: _____		Phone Number:
Fund: _____		Address:
Dept: _____		
Account: _____		

**** EMPLOYEE MUST SIGN FOR CREDIT LIMIT INCREASE/DECREASE**

I accept full responsibility for the Purchasing Card that will be issued to me and have read and understand the Kootenai County P- Card and applicable County Policies and Procedures and agree to use the Purchasing Card in accordance with the terms and conditions of those policies. I understand that I am personally liable for all unauthorized or improper card charges that I may incur. If it is determined by my Elected Official, Department Head, or the Program Administrator that I have used this Purchasing Card for unauthorized or improper purposes, I shall reimburse the County in full within ten (10) days. If I have not reimbursed the County as requested, I understand and agree that the County shall offset all such unauthorized or improper charges through payroll deduction. Intentional misuse or violation of the Purchasing Card Policy will result in disciplinary action and may also result in criminal prosecution.

Signature of Employee

Date

Signature of Approving Manager

Date

Signature of Department Head

Date

Signature of Program
Administrator

Date

**EXHIBIT 1
P-CARD TRANSACTION DETAIL REPORT**

Form is completed through the online system – see below for an example of a completed form:

Transaction Management
Dispute Reason: Unauthorized

i Request has been successfully completed.

Print, sign and fax or mail this form to the following address. This dispute will not be processed if this form is not received within 21 days of the dispute date.

Fax Number:
701-461-3463

Mailing Address:
U.S. Bank National Association, ND
C/O U.S. Bancorp Service Center, Inc.
P.O. Box 6344
Fargo, ND 58125-6344

When finished printing, you can go to the [transaction detail](#).

Account Number: 4246040011253475

Dispute Date	Tran Date	Statement Date	Merchant	Amount	Reference Number
03/02/2007	01/18/2007	01/22/2007	MR NEWSPAPER MAN	128.10	24755427018730181473186

Unauthorized
My account was charged for this transaction and I did not authorize the charge.

Requestor Name: Chris Doe **Requestor Phone Number:** 6121231234

Comments:
I did not authorize this charge. I cancelled my subscription in November 2006.

Cardholder Signature (required to process this dispute)

**EXHIBIT 2
(Page 1 of 3)
NOTICE OF DISPUTE**

Cardholder Activity

Name: SANDRA M WEIR Account Number: *****0009599103 Cycle End Date: Open

Trans Date Posting Date	Merchant Name City, State/Prov.	Transaction Total Allocation Amount	Source Currency Accounting Code	Currency Amount
03/24/2011 03/27/2011	WM SUPERCENTER MILLINGTON, TN	\$34.85 \$34.85	USD 444433333310230 0	34.85
03/24/2011 03/27/2011	SCHNUCKS #771 S36 MEMPHIS, TN	\$44.49 \$44.49	USD 444433333310230 0	44.49
03/24/2011 03/27/2011	SCHNUCKS #771 S36 MEMPHIS, TN	\$40.68 \$40.68	USD 444433333310230 0	40.68
03/27/2011 03/27/2011	PAYMENT - THANK YOU 00007, D	(\$89.52) (\$89.52)	USD 444433333310230 0	(89.52)
03/28/2011 04/05/2011	BOISE OFFICE*IN#256345 800-264-7370, IL	\$732.77 \$732.77	USD 444433333310230 0	732.77
04/05/2011 04/07/2011	BOISE OFFICE*IN#259858 800-264-7370, IL	\$8.39 \$8.39	USD 444433333310230 0	8.39

EXAMPLE

Activity Totals Purchases Payments
\$771.66 \$861.18 (\$89.52)

Cardholder Name: _____ Signature: _____
Supervisor Name: _____ Signature: _____

EXHIBIT 2

(Page 2 of 3)

The Most Common Disputes and How to Report Them

Unauthorized Mail/Telephone/Internet Order

This reason is used for unauthorized telephone, mail order or Internet transactions. If a sales slip is signed or imprinted with the Cardholder's card, this reason does not apply.

Duplicate Processing

This reason is used when a transaction has been billed to an account more than once. The amounts must be the same. The Cardholder must provide the transaction details of the original billing, such as dollar amounts, a transaction date, etc. A copy of the statement on which the billings occur and a copy of the original sales receipt shall be forwarded to the bank.

Merchandise Not Received

This reason is used when the goods were not received or were paid by other means. The Cardholder should attempt to resolve the dispute with the vendor. The Cardholder shall detail this attempt and provide the date of expected delivery of service or merchandise. If the goods or services were paid by another means, a copy of the payment document (front and back of a check, warrant, personal card receipt, etc.) shall be provided. In the event merchandise was cancelled, full details shall be provided, such as why the transaction was cancelled and date of cancellation.

Merchandise Was Returned/Credit Not Yet Posted

In the event merchandise was returned and a credit has not yet been posted, the Cardholder shall describe the reason for returning the merchandise and the date the item was returned. A copy of the reference number of the statement, postal, UPS, or other official receipt proving the merchandise was returned shall be forwarded.

Alteration of Amount

This reason is used when the Cardholder participated in the transaction and the amount was altered without permission. The Cardholder must acknowledge the amount before alteration and a copy of the Cardholder's copy of the sales draft must be provided to support this reason. The amount of the credit would be the difference between the amount before alteration and after alteration. The sales draft copy shall be forwarded with the billing paperwork.

Inadequate Description or Unrecognized Charge

In the event the Cardholder does not recognize the transaction description, the Cardholder shall request that US Bank supply a copy of the sales draft due to inadequate description or unrecognized charge. This should be requested only after reviewing supporting documentation and ensuring that a merchant description or location error has not occurred.

EXHIBIT 2
(Page 3 of 3)

The Most Common Disputes and How to Report Them (Cont.)

Copy Request

This reason is used when the Cardholder recognizes the charge, but requires a copy of the sales draft for their records. The Cardholder should be encouraged to keep all supporting documentation as evidence of their purchase.

Items Received Were Not as Described

This reason is used when the Cardholder claims goods or services were not received as described. The written document of what was to be delivered must be different from what was actually delivered. It is important that the sales draft specifically describe what was purchased. In a telephone order situation, the verbal description is considered the “document characterization.” The Cardholder must explain how the verbal description was different from what was actually received. An attempt must be made to return the goods. If merchandise was returned, proof of such return should be forwarded with a copy of the statement.

Cardholder Dispute

This reason is considered only after reviewing other specific dispute reasons. This reason requires that the Cardholder attempt a resolution with the merchant. A complete description of the problem and the attempted resolution shall be provided with the statement along with a copy of the sales slip and a copy of the Cardholder’s statement on which the transaction appears.

Other Dispute Reasons

In the event the reasons discussed above do not fit the Cardholder’s dispute circumstances, the Cardholder shall submit a copy of the statement and a detailed letter of the circumstances of the dispute. Details include any contact with the vendor, names, telephone numbers, etc., that would be helpful in research of the dispute.

Approved by BOCC: April 2, 2013

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EXPENDITURES POLICY

I. PURPOSE

To clarify the responsibility and authority limits for Elected Officials and Department Heads regarding expending funds that have been approved by the Board of County Commissioners and appropriated to each Elected Official and Department Head through the annual budget process.

II. SCOPE

This guideline applies to budget expenditures. It applies to the personnel (A Budget), operating expense (B Budget), and capital expense (C Budget) portions of approved budgets, and any approved amendments to those portions.

The pertinent Idaho Code Sections influencing this policy are:

- IC 31-1602 which prescribes the budget classifications
- IC 31-1604 which allots appropriations to each office, department, service, agency or institution
- IC 31-1606 which limits expenditures to the appropriations approved in the adopted budget.

III. POLICY

The use of excess appropriated funds across A, B or C budget categories is prohibited without the express written approval of the Board of County Commissioners.

A Budget: Personnel

The Board of County Commissioners provides personnel (A) budget funds sufficient to cover costs for full and part-time budgeted positions; for overtime, temporary and/or seasonal staffing; and for all related benefit costs necessary for each type of personnel. This policy limits the use of any appropriated funds for the A budget to expenses within this A budget classification only. (A) budget funds are to be used for previously budgeted line items only. Any recapture or savings must have Board approval before being reallocated.

B Budget: Operating Expense

The operating (B) budget is appropriated to each elected official or department head to address the operational needs of their departments. This policy affirms that B budget funds can be spent among (B) budget line items as deemed appropriate by each elected official or department head, and encourages accurately classifying expenditures in current years as the only way to assure accurate expense planning for future years. Expenditures in a (B) budget line item which (1) result in spending in excess of the budgeted line item amount and, (2) are in the amount of \$5,000.00 or more in a single transaction, will require prior approval of the BOCC, which shall not be unreasonably withheld.

C Budget: Capital Expense

The capital (C) budget is appropriated for specific Board approved capital expenditures or debt service on prior expenditures. This policy directs the use of any excess C budget funds not consumed for the specific approved items (including residual amounts from purchases made and those that have not been made) to be previously approved by the Board of County Commissioners before expending said C budget funds. With written approval by the Board, an elected official can utilize excess C budget funds for C budget purchases in another department within that elected official's division.

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Approved by Board of County Commissioners - May 7, 2013