



# North Kootenai Water District

## At-Will Personnel Policy

Approved by Board of Directors

Resolution 2010-03

Date: June 10, 2010

**Insert NKWD Resolution here**

Resolution No. 2010-03

Resolution of the Board of Directors of North Kootenai Water District, Kootenai County, Idaho approving certain personnel policies; providing for an effective date of the resolution and the policies; and providing for other matters properly relating thereto

WHEREAS, North Kootenai Water District, Kootenai County, Idaho (the "District") is a duly and properly formed water district under and by virtue of the constitution and laws of the state of Idaho and governed by an elected Board of Directors (the "Board");

WHEREAS, the Board is charged with responsibility for the operation of the District and in that role has determined that it is in the best interest of the District and its employees to adopt and promulgate certain personnel policies;

WHEREAS, it is felt the personnel policies will facilitate open communication and provide guidelines that will encourage the smooth operation of the District;

NOW, THEREFORE, be it resolved by the Board of Directors of North Kootenai Water District as follows:

Section 1. Adoption of Personnel Policies. The Board hereby adopts the North Kootenai Water District Personnel Policy, including the employee travel and credit card use policy; the North Kootenai Water District Cell Phone Policy; the North Kootenai Water District Computer and Information System Policy; the North Kootenai Water District Materials and Services Purchasing Policy; and the North Kootenai Water District Company Vehicle Policy. These documents are attached hereto as Exhibit "A" (collectively the "Policy").

Section 2. Reservation of Rights of the Board. The Board hereby reserves the right to modify any or all of these policies without notice to those affected. These policies in no way create a right or expectation of continued employment for or on behalf of any employee of the District.

Section 3. Severability. If any one or more of the provisions provided for in this resolution or the Policy shall be declared by any court of competent jurisdiction to be contrary to law, then such provisions shall be null and void and shall be deemed separable from the remaining provisions in this resolution or the Policy and shall in no way affect the validity of the other provisions of this resolution or the Policy.

Section 4. Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to the attached personnel policies and they are hereby ratified and approved.

Section 5. Effective Date. This Resolution and the policies attached hereto as Exhibit "A" are effective as of the date of adoption of this Resolution.

Passed and adopted by the Board of Directors of North Kootenai Water District, Kootenai County, Idaho at a regular meeting this 10<sup>th</sup> of June, 2010.

NORTH KOOTENAI WATER DISTRICT,  
KOOTENAI COUNTY, IDAHO

By:   
Board Chairman

ATTEST:

  
District Secretary

CERTIFICATE OF DISTRICT SECRETARY

I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting Secretary of the North Kootenai Water District, Kootenai County, Idaho (the "District"), and keeper of the records of the Board (the "Board"); and

I HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2010-03 (the "Resolution"), as finally passed at a regular meeting of the Board held on the 10th day of June, 2010, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the passage of the Resolution; that all other requirements and proceedings incident to the proper passage of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Secretary

## NORTH KOOTENAI WATER DISTRICT PERSONNEL POLICY

THIS PERSONNEL POLICY IS NOT A CONTRACT. NO CONTRACT OF EMPLOYMENT WITH THE NORTH KOOTENAI WATER DISTRICT ("NKWD") WILL BE VALID UNLESS IT IS IN WRITTEN FORM AND EXPRESSLY APPROVED BY THE BOARD OF DIRECTORS AND IS SIGNED BY AND CONTAINS THE NAME OF THE SPECIFIC EMPLOYEE WHO WOULD BE BENEFITED/OBLIGATED BY THE CONTRACT. NOTWITHSTANDING ANYTHING SAID BY A SUPERVISOR, NO CONTRACT OF CONTINUED EMPLOYMENT SHALL BE IMPLIED.

CHANGES TO THE POLICIES AND BENEFIT OFFERINGS OUTLINED IN THIS POLICY ARE SUBJECT TO CHANGE AT ANY TIME, WITHOUT PRIOR NOTICE. CHANGES MAY BE MADE IN THE SOLE DISCRETION OF THE BOARD OF DIRECTORS.

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### PURPOSE

The purpose of this Policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all NKWD employees and to explain benefits provided to NKWD employees. **THIS POLICY IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF NKWD.** The Board of Directors of NKWD may, at its sole discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

### NATURE OF EMPLOYMENT

ALL EMPLOYEES OF NKWD ARE EMPLOYED AT THE DISCRETION OF THE BOARD OF DIRECTORS AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE BOARD OF DIRECTORS. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies; the terms of this paragraph shall prevail. **Except as otherwise provided herein or as required by law, employees of NKWD are AT-WILL employees. Only a written contract expressly authorized by the BOARD OF DIRECTORS can alter the at-will nature of employment by NKWD.**

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## **I. GENERAL POLICIES**

### **A. THE ORGANIZATION IN WHICH YOU WORK: An Overview of North Kootenai Water District**

#### **About North Kootenai Water District**

In 1991, North Kootenai Water District (**NKWD**) was formed and a Board of Directors was elected to purchase Hayden Pines Water Company. This purchase was completed on November 25, 1998. The objective of **NKWD** is to provide its customers with excellent quality water and service. The goals of **NKWD** are to upgrade water systems, improve all problem areas and to keep the water systems operating efficiently.

The office is currently located at 1841 W. Hayden Avenue and is open from 8:30 AM to 5:00 PM Monday-Friday excluding **NKWD** defined holidays.

#### **What You Can Expect From North Kootenai Water District**

**NKWD** believes in creating a harmonious working relationship between all employees. In pursuit of this goal, **NKWD** has created the following employee relations objectives:

1. Provide an exciting, challenging, and rewarding workplace and experience.
2. Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religious persuasion, marital status, political belief, or a disability that does not prohibit performance of essential job functions.
3. Compensate all employees according to their effort and contribution to the success of **NKWD**.
4. Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
5. Provide vacation, sick leave and holidays to all eligible employees.
6. Provide eligible employees with health and welfare benefits.
7. Assure employees, after talking with their manager, an opportunity to discuss any issue or problem with the Board of Directors of **NKWD**.
8. Take prompt and fair action of any complaint that may arise in the everyday conduct of our business, to the extent that is practical.
9. Respect individual rights, and treat all employees with courtesy and consideration.
10. Maintain mutual respect in our working relationship.
11. Provide buildings and offices that are comfortable, orderly and safe.
12. Promote employees on the basis of their ability and merit.

13. Make promotions or fill vacancies from within **NKWD** whenever practical and in the best interests of **NKWD**.
14. Keep all employees informed of the progress of **NKWD**, as well as the company's overall goals and objectives.
15. Promote an atmosphere in keeping with **NKWD**'s vision, mission, and goals.

### **What North Kootenai Water District Expects From You**

North Kootenai Water District needs your help in making each working day enjoyable and rewarding. Your first responsibility is to know your own duties and how to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and to maintain a good team attitude.

How you interact with fellow employees and those whom **NKWD** serves, and how you accept direction can affect the success of your department. In turn, the performance of one department can impact the quality of service provided by **NKWD**. Consequently, whatever your position, you have an important assignment: perform every task to the best of your ability.

You are encouraged to grasp opportunities for personal development when offered to you. This manual provides insight on how you can perform positively and do your best to meet and exceed **NKWD** expectations.

We strongly believe you should have the right to make your own choices in matters that concern and control your life. We believe in direct access to management. We are dedicated to making **NKWD** a place where you can approach your supervisor, or any member of management to discuss any problem or question. We expect you to voice your opinions and contribute suggestions to improve **NKWD**. We're all human, so please communicate with each other and with management.

Remember, you help create the pleasant and safe working conditions that **NKWD** intends for you. The result will be better performance for **NKWD** overall and personal satisfaction for you.

### **Open Communication Policy**

**NKWD** encourages you to discuss any issues you may have with a co-worker directly with that person. If a resolution is not reached, please arrange a meeting with your supervisor to discuss any concern, problem, or issue that arises during the course of your employment. Any information discussed in an Open Communication meeting is considered confidential. Retaliation against any employee for appropriate usage of Open Communication channels is unacceptable. Please remember it is counter productive to a harmonious workplace for employees to create or repeat corporate rumors or office gossip. It

is more constructive for an employee to consult his/her supervisor immediately with any questions.

### **Suggestions**

We encourage all employees to bring forward their suggestions and good ideas about how **NKWD** can be made a better place to work and the service to customers enhanced. When you see an opportunity for improvement, please talk it over with your supervisor. She/he can help you bring your idea to the attention of the people in **NKWD** who will be responsible for implementing it. We have created a form to help you communicate your ideas and suggestions. You can get a copy of the employee suggestion form from your supervisor at any time. It is template written to help you define the problem or situation, describe an ideal situation and your proposed solution, as well as list the requirements necessary for implementing your plan. The form also insures that you get maximum recognition for your contribution

## **B. Employment**

### **At-Will Employment**

Your employment with **NKWD** is at-will. This means that neither you nor **NKWD** has entered into a contract regarding the duration of your employment. You are free to terminate your employment with **NKWD** at any time, with or without reason. Likewise, **NKWD** has the right to terminate your employment, or otherwise discipline, transfer, or demote you at any time, with or without reason, at the discretion of **NKWD**.

No employee of **NKWD** can enter into an employment contract for a specified period of time, or make any agreement contrary to this policy without written approval from the Board of Directors.

### **Termination of Your Employment**

**NKWD** will consider you to have voluntarily terminated your employment if you do any of the following:

1. Resign from **NKWD**
2. Fail to return from an approved leave of absence or vacation on the date specified by **NKWD**, or
3. Fail to report to work or call in after a one work-day absence.

You may be terminated for poor performance, misconduct, excessive absences, tardiness, discrimination, harassment, or other violations of **NKWD** policies. However, your employment is at-will and you and **NKWD** have the right to terminate your employment for any or no reason.

## **Customer Relations**

The success of **NKWD** depends upon the quality of the relationships between **NKWD**, our employees, customers, suppliers, and the general public. Our customers' impression of **NKWD** and their satisfaction with us are to a great extent formed by you. In a sense, regardless of your position, you are **NKWD's** ambassador. The more goodwill you promote, the more our customers will respect and appreciate you, **NKWD** and our services.

Below are several things you can do to help give customers a good impression of **NKWD**. These are the building blocks for our continued success.

1. Act competently and deal with customers in a courteous and respectful manner.
2. Communicate pleasantly and respectfully with other employees.
3. Follow up on orders and questions promptly, provide businesslike replies to inquiries and requests, and perform all duties in an orderly manner.
4. Take great pride in your work and enjoy doing our very best.

These policies apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation benefits, social and recreational programs, and all other conditions and privileges of employment in accordance with applicable federal, state, and local laws.

## **How You Were Selected**

**NKWD** is confident that as a result of the mutual selection process undertaken, your employment will prove to be beneficial to **NKWD** as well as yourself and we look forward to having you join us.

We carefully select our employees through written applications, personal interviews and reference checks. After all available information was considered and evaluated; you were selected to become a member of our team!

## **Employee Background Check**

Prior to becoming an employee of **NKWD**, a job-related background check was conducted as you may know, a comprehensive background check may consist of prior employment verification, professional reference checks, and education confirmation. As appropriate, criminal, health examination and/or driving record history may have also been obtained.

## **Criminal Records**

In response to **NKWD's** zero-tolerance Violence in the Workplace Policy, **NKWD** may conduct a pre-employment criminal check on those applicants for positions that may involve close, unsupervised contact with the public. When appropriate, the criminal record is checked to protect **NKWD's** interest and that of its employees and customers.

## **Driver's License and Driving Record**

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to our insurer. You will be asked to submit a copy of your driving record to **NKWD** from time to time. Any changes in your driving record must be reported to your supervisor immediately. Failure to do so may result in disciplinary action, up to and including termination.

## **Health Examinations**

**NKWD** reserves the right to require an employee's participation in a health examination to determine the employee's ability for his/her essential job functions. All such health exams shall be paid by **NKWD**.

## **Drug Testing: Zero Tolerance Drug Free Workplace**

**NKWD** has a zero tolerance Drug Free Workplace policy. For your safety the safety of others working around you and the general public, this policy will be enforced at all times during your employment.

All **NKWD** employees are subject to drug and or alcohol testing. All employees shall complete a pre-employment drug test. Cost of the drug test will be paid by **NKWD**. This is mandatory for all new employees. Commercial Drivers that have a valid Idaho CDL, shall become part of the testing pool, and be subject to random drug testing at **NKWD's** discretion. Non CDL employees are subject to random drug testing, but are not included in the CDL testing pool.

Failure to pass the pre-employment drug test will disqualify the applicant from employment with **NKWD**.

Failure of a drug test by an existing employee will lead to immediate administrative leave without pay. The employee may at his/her expense retest (at the same **NKWD** approved testing facility) within three (3) days of the original drug test. If the results are negative, the employee will be reinstated. If the results are positive, the employee will remain on unpaid administrative leave. The employee shall be counseled regarding drug use, and may at his/her option enter a rehabilitation program. Should the employee opt not to enter the drug

rehabilitation program recommended by either **NKWD** Manager or the Board of Directors, the employee shall be subject to disciplinary action up to and including termination. An employee that successfully completes a rehabilitation program, will be reinstated, but will have a six month probationary period as a condition of reinstatement.

Working for **NKWD** may be somewhat different from any employer for which you may have worked in the past. **NKWD** is a political subdivision of the State of Idaho, though it is not a part of state government. **NKWD's** BOARD OF DIRECTORS serves as the governing body for **NKWD**, carrying out local legislative duties and fulfilling other obligations as provided by law. The BOARD OF DIRECTORS is the general policymaker for **NKWD**, and as such, has primary authority to establish terms and conditions of employment with **NKWD**.

As with all elected public officials, the BOARD OF DIRECTORS is ultimately responsible to the voters of **NKWD**. The terms set forth herein reflect **NKWD** policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the Board of Directors.

The Board of Directors has authority to establish general and administrative policy for **NKWD** employees. Each employee should recognize that although he/she may serve as an employee supervised by a Supervisor, he/she remains an employee of **NKWD**, not of the individual who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any other Supervisor's pledge, without the express action of the Board of Directors. That is particularly true for terms or conditions which would establish a financial obligation for **NKWD**, now or in the future. You may work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

### **C. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

All selection of **NKWD** employees and all employment decisions, including classification, transfer, discipline, and discharge will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to application of **NKWD** policy in this regard shall be brought to the attention of the Board of Directors, or in the case of objection to actions undertaken by that person(s), to legal counsel for **NKWD**.

### **D. VETERAN'S PREFERENCE**

**NKWD** will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code § 65-502 or its successor. In the

event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-502 or its successor will be employed.

#### **E. CONFLICT OF INTEREST**

No person shall be employed by **NKWD** when said employment would result in a violation of provisions found in Idaho Code § 59-701 et seq., §18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code §18-1359(5).

#### **F. PREFERENCE FOR HIRING FROM WITHIN**

Qualified individuals who are already employees of **NKWD** may be given preference over outside applicants to fill vacancies in the work force. Employees may be selected for transfer to positions without following the procedures normally required for hiring of new employees. However, it is always the goal of **NKWD** to have the most qualified individuals in all positions of employment.

#### **G. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE**

The rules contained in this Personnel Policy are subject to change, without prior notice, at any time in the sole discretion of the Board of Directors.

## **II. EMPLOYMENT START-UP**

### **A. EMPLOYMENT FORMS TO BE COMPLETED**

The following pre-employment forms must be completed before the employee may begin work for **NKWD**:

1. Employment application form.
2. Insurance forms.
3. Immigration form (I-9).
4. Insurance information about dependents (if coverage is available).
5. Any other benefit forms necessary for employee information.

### **B. INTRODUCTORY PERIOD**

Your first ninety (90) days of employment at **NKWD** are considered an Introductory Period, and during that period you will not be eligible to use accrued vacation described in this Employee Manual unless otherwise required by law. This Introductory Period will be a time for getting to know your fellow employees, your supervisor and the tasks involved in your job position, as well as becoming



familiar with **NKWD** services. Your supervisor will work closely with you to help you understand the needs and processes of your job.

This Introductory Period is a "getting acquainted" time for both you, as an employee, and **NKWD**, as an employer. During this Introductory Period, **NKWD** will evaluate your suitability for employment, and you can evaluate **NKWD** as well. Please understand, however, that completion of the Introductory Period does not guarantee continued employment, as employment is always at-will. You are free to terminate your employment at any time, with or without reason, and **NKWD** may choose to terminate your employment at any time, with or without reason.

At the end of the Introductory Period, your supervisor will discuss your job performance with you. This review will be similar to the job performance review that is held for regular full-time or part-time employees on an annual basis.

A former employee who has been rehired after a separation from **NKWD** of more than one (1) year is considered an introductory employee during their first ninety (90) days following rehire. If separation is less than one (1) year, benefits, ie: vacation, will be reinstated after 90 days at the previous level.

#### **C. ANNIVERSARY DATE**

The first day you report to work is your "official" anniversary date. Your anniversary date is used to compute various conditions and benefits described in this Employee Manual.

All offers of employment are contingent on verification of your right to work in the United States. On your first day of work you will be asked to provide original documents verifying your right to work and, as required by federal law, to sign Federal Form I-9, Employment Eligibility Verification Form. If you at any time cannot verify your right to work in the United States, **NKWD** may be obliged to terminate your employment.

#### **D. NEW EMPLOYEE ORIENTATIONS**

On your first working day, you will be asked to complete employment paperwork. Depending on your department's workload, your supervisor will introduce you to your co-workers and office layout. Please feel free to ask your colleagues any questions not answered during your orientation.

#### **E. PAYROLL REPORTING SYSTEMS**

Reports of hours worked and time on and off the job must be completed in a timely manner in accordance with established procedures. Each report of employee time should be signed by both the supervisor and by the employee and should contain a certification that it is a true and correct record of the employee's

time and benefit usage for the time period covered. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the office supervisor as soon as any such concern becomes evident. If the response from the office supervisor is unsatisfactory, the employee should address the issue to his/her immediate supervisor in order to resolve stated concerns. A written record of such issues should be maintained in the employee's personnel file.

#### **F. DISTRIBUTION OF POLICY**

At the time of employment, each employee should receive a copy of this personnel policy. It is the responsibility of the employee to familiarize him/herself with the contents of the personnel policy and to acknowledge its receipt in writing. Periodic updates or changes should be distributed and acknowledged.

### **III. EMPLOYEE PERSONNEL FILES**

#### **A. PERSONNEL RECORDS**

The official employee records for **NKWD** will be kept in the office of **NKWD**. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with **NKWD**. The employee's supervisor, the Board or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for **NKWD** purposes.

#### **B. ACCESS TO PERSONNEL FILES**

It is the policy of **NKWD** to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the employee's supervisor, the Board of Directors when acting as a body in the course of its official business, legal counsel for **NKWD**, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the District Manager after consultation with **NKWD** legal counsel. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for **NKWD** or pursuant to Court order, or pursuant to a proper subpoena. **NKWD** reserves the right to disclose the contents of personnel files to outside State or Federal agencies, to its insurance carrier or its agents for risk management purposes, when necessary to defend itself against

allegations of unlawful conduct, or when responding to a reasonable request from a regulatory body.

### **C. MANAGEMENT OF INFORMATION IN PERSONNEL FILES**

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation which will be included in the file along with the objectionable material.

In the sole judgment of the District Manager, after consultation with legal counsel for **NKWD**, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

## **IV. RULES OF EMPLOYEE CONDUCT**

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. **Among these rules, the most important is the rule addressing attitude and cooperative behavior.**

### **A. PERSONAL PERFORMANCE AND BEHAVIOR**

Each employee of **NKWD** is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon **NKWD**. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of **NKWD** as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon **NKWD** and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. This is the first priority for all employees.
2. Shall be prompt and regular in attendance at work or other required employer functions.
3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be

appropriate for the functions performed and shall present a suitable appearance to the public.

4. Shall dedicate primary efforts to **NKWD**. Each employee must notify the District Manager of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for **NKWD** in any meaningful way. Additionally, such secondary employment shall not present any conflict of interest for the employee.
5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in **NKWD** and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Shall not accept 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 in violation of I.C. § 18-1356 and I.C. § 18-1357.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Shall not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with legal counsel for **NKWD** or without an order from a court or public agency of competent jurisdiction.
10. Shall not engage in conduct away from work which, although not criminal, may reflect adversely upon **NKWD** or its officials or otherwise impair the employee's ability to perform.
11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of **NKWD** work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do his or her job and the length of

the time that the employee will be required to take the medication. The employee may be required to take sick leave while taking the medication.

12. Shall not engage in conduct while operating a motor vehicle which impairs the ability of the employee to drive even though the driving conduct does not occur during hours of employment.
13. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Board of Directors or the department for which he/she works.

## **B. WORKPLACE CONDUCT**

Each employee will be expected to conduct him/herself in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of NKWD employees. Each employee of **NKWD** shall:

1. Give his/her best efforts to accomplish the work of **NKWD** for public benefit in accordance with policies and procedures adopted by **NKWD** displaying an attitude of cooperation and constructive participation.
2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
5. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation.
6. Abide by pertinent state and federal statutes, and **NKWD** rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official.

7. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
9. Reporting all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
10. Report any accidents observed to have happened on **NKWD** property or involving **NKWD** property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.
11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Maintain a current driver's license when necessary in the conduct of work for **NKWD**. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired.
13. Perform such obligations as are necessary to carry out the work of **NKWD** in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

### **C. PROHIBITED WORKPLACE CONDUCT**

Employees of **NKWD** shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.

2. Use, possess or sell a controlled substance in any quantity while on company property or while on duty.
3. Engage in obscene or abusive conduct to fellow employees or to the public; use abusive language in the presence of fellow employees or the public; indifference or rudeness towards a fellow employee or the public; any disorderly/antagonistic conduct on **NKWD** premises or while conducting **NKWD** business. Abusive language shall include, but not be limited to, profanity and loud or harassing speech.
4. Sleep, loiter or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
5. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
6. Use work time or work areas for personal business, including but not limited to soliciting, selling merchandise or collecting funds of any kind for charities or other benefit without prior authorization, or at a time or place that interferes with the work of another employee.
7. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.
9. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
10. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of **NKWD** (I.C. §§ 18-3201 and 18-3202).
11. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
12. Smoke except in designated outdoor smoking areas, if so provided.
13. Fail to use properly completed timesheets.
14. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with **NKWD** policy.

15. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the **NKWD** policy for use of vacation, sick, bereavement, or other types of leave granted by this personnel policy.
16. Engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work in the office or department in which the employee serves.
17. Use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities.
18. Engage in criminal conduct of any kind while on duty or off. **NKWD** employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and **NKWD**.
19. Violate any lawful rule established by the appointing official to maintain order and productivity in the workplace.
20. Unlawfully harass a fellow worker or member of the public at any time while in **NKWD** active service, as outlined in **NKWD's** Unlawful Harassment Policy.
21. Violate security or safety rules or fail to observe safety rules or **NKWD** safety practice; fail to wear required safety equipment; tamper with equipment or safety equipment.
22. Use negligent or careless action that endangers the life or safety of another person.
23. Use or possess unauthorized firearms, weapons or explosives on **NKWD** property or while on duty.
24. Engage in criminal conduct or acts of violence, or make threats of violence toward anyone on **NKWD** premises or when representing **NKWD**; fight or provoke a fight on **NKWD** property, or negligently damage property.
25. Act in an insubordinate manner or refuse to obey instruction properly issued by a supervisor pertaining to work; refuse to help on a special assignment.
26. Threaten, intimidate or coerce **NKWD** employees on or off **NKWD** property at any time, for any purpose.



27. Engage in an act of sabotage; negligently cause the destruction or damage of **NKWD** property, or the property of fellow employees, suppliers, or the public in any manner.
28. Commit theft or unauthorized possession of **NKWD** property or the property of **NKWD** employees; unauthorized possession or removal of any **NKWD** property, including documents, from the premises without proper permission from management; unauthorized use of **NKWD** equipment or property for personal reasons; using **NKWD** equipment for profit.
29. Engage in immoral conduct or indecency on **NKWD** property or while conducting **NKWD** business.
30. Conduct a lottery or gamble on **NKWD** premises or while conducting **NKWD** business.
31. Engage in unsatisfactory or careless work; fail to meet production or quality standards as explained by **NKWD** supervisors.
32. Leave work before the end of a work shift or not be ready to work at the start of a work shift without approval of a supervisor; stopping work before time specified for such purposes.
33. Create or contribute to unsanitary conditions.
34. Post, remove or alter notices on any bulletin board on **NKWD** property without prior permission of the District Manager.
35. Fail to report an absence or late arrival; excessive absence or tardiness.
36. Purchase **NKWD** surplus items for resale.
37. Speed or drive carelessly while operating **NKWD** vehicles.
38. Fail to immediately report damage to, or an accident involving **NKWD** equipment.

#### **D. RELATIONSHIP POLICY**

1. No employee of **NKWD** shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
2. No employee of **NKWD** shall supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.

3. No employee of **NKWD** shall hire a paid employee who is related to the supervisor within the second degree of affinity or consanguinity pursuant to state law (I.C. § 18-1359 or its successor).
4. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.

## **V. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS**

For varied reasons, employee status must be organized by class or category in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. **NKWD** will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his/her service is properly addressed.

With the exception of elected officials, any employee, regardless of designation, may utilize the unlawful discrimination and "name-clearing hearing" procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination or involves an allegation entitling him/her to a name-clearing hearing.

### **A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES**

#### **1. Employment Status**

- a. **Except as otherwise provided by this Policy, or as required by law, or pursuant to a written contract approved by the Board of Directors, employees of NKWD are AT-WILL EMPLOYEES.**
- b. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the Board of Directors. Therefore, **NKWD** retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he/she may utilize the opportunity to be heard using or following procedures set out in this manual.
- c. Employed Attorneys. Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and his/her client, attorneys employed by **NKWD** are considered

to be at-will independent contractors, and they serve at the pleasure of the Board of Directors. They can be employed or removed at the pleasure of the officials for whom they serve.

- d. Temporary or Seasonal Employees. Employees who work on an irregular or temporary basis are considered to be temporary or seasonal employees. Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.
- e. Veteran's Rights Following Reinstatement. Any veteran, who has been restored to his/her position in accordance with Idaho Code § 65-512, 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 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.

## 2. Employee Classification for Benefit Purposes

The classification of the position you hold with **NKWD** may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

### a. Elected Officials

Elected officials are not considered regular employees. Elected officials receive employment benefits by action of the Board of Directors.

### b. Full-Time Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 40 hours are considered Full-time Employees. Full-time employees shall receive all employee benefits provided by **NKWD** as such benefits now exist or may be subsequently changed by action of the Board of Directors.

### c. Part-Time Employees

Employees whose employment is sustained and continuing, but whose typical work week consists of less than 40 hours on a regular basis are considered Part-time Employees. Part-time employees shall receive reduced employee benefits in accordance with specific policies adopted by the Board of Directors. The scope of benefits received may vary proportionately with the number of hours typically

