



# EMPLOYEE HANDBOOK

October, 2013

# ***Welcome to Polk County***

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We are very happy to welcome you to Polk County! Thank you for joining us. We want you to feel that your association with Polk County will be a mutually beneficial and pleasant one.

As a County employee, it is very important that you always present the best possible image to the public. Remember to act promptly, be courteous, and treat people, our customers, respectfully. Your actions will make a lasting impression....be sure it is a positive one.

This is your employee handbook and serves to answer most of the questions you may have about Polk County's procedures, benefit programs, and County policies. We hope this Employee Handbook gives you an indication of Polk County's interest in the welfare of all who work here. Polk County is committed to doing its part to assure you of a satisfying work experience.

I extend to you my personal best wishes for your success and happiness at Polk County.

A handwritten signature in black ink, appearing to read 'T. Bisignano', with a long horizontal flourish extending to the right.

Tony Bisignano  
Human Resources Director

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## **ABOUT THIS DOCUMENT**

This handbook has been prepared as a guide to policies, benefits, and general information which should assist you during your employment with Polk County. However, nothing contained herein is intended to be a contract of employment, a promise of continued employment, or an implied or contractual duty between Polk County and any of its employees.

This document is merely a guide and resource to provide you basic information or to direct you to a more definitive source. Refer to specific documents including, but not limited to the following:

- Internal Policy Manual
- General Policy Manual
- Collective Bargaining Agreements
- Employee Manuals

Where there are differences between this Employee Handbook and information found in any of the above documentation, the latter will prevail. It is important to note that although this manual gives general information for county wide policies and procedures, each department/office may have specific procedures that apply to employees employed within each department. Please ask your management for additional information.

This handbook may be changed, amended, revised, or discontinued as deemed appropriate by Polk County and allowable pursuant to statutes as they exist at the time is prepared for informational purposes. It summarizes your benefits and County policies. It does not constitute a contract between Polk County and its employees, and should not be construed as such.

All county employees who are employed without a specific written contract of employment entered into with the County Board of Supervisors have the right at all times and at their discretion to terminate the employment relationship. Similarly, the County has the same right. This handbook in no way alters the nature of the employment relationship.

This manual supersedes all other previous manuals published before October, 2013.

## **GENERAL POLICIES**

### ***Workplace Violence***

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The safety and security of the employees and customers of Polk County is of the utmost importance. Polk County is committed to creating and maintaining a workplace free of violence. Therefore, acts of violence including, threats of violence, intimidation or intimidating acts, threatening acts or other acts of violence by employees or members of the public will not be tolerated and will not be ignored.

Any act of violence committed by employees or members of the public while on premises owned or leased or worksites otherwise occupied by Polk County will be prosecuted as appropriate and/or will cause the use of any appropriate managerial, administrative or disciplinary measures in order to provide a workplace free from violence.

All employees of the County are responsible for reporting threats or threatening behavior.

### ***Affirmative Action (AA) Equal Employment Opportunity (EEO)***

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Polk County is strongly committed to equal employment opportunity (EEO) and affirmative action (AA) and to the benefits that come from a diverse workforce.

Appointments, promotions, assignments, training and performance evaluation are to be based on individual qualifications and merit, and shall be equally available to all qualified applicants and employees. Polk County shall not discriminate against or harass any employee or applicant for employment because of race, color, religion, creed, sex, sexual orientation, gender identity, age, national origin, disability, veteran or military status.

### ***Anti-Discrimination***

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Polk County will not tolerate or condone any form of sexual or discriminatory harassment of its employees. Immediate action will be taken to stop harassment or discrimination where it exists. If you believe you are the subject of sexual or other discriminatory harassment by anyone, you need to report your concerns to your supervisor or in accordance with County procedures.

## **EMPLOYMENT, PERFORMANCE, & COMPENSATION**

### ***Probationary Period***

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As a new employee, you will serve a period of probationary status for six months. Before your probationary period is completed, your supervisor will evaluate your work performance and determine if employment will be continued.

Upon successful completion of a probationary period, bargaining unit and excluded employees receive a salary/step increase. Information pertaining to probationary periods and pay increases can be found in the applicable Collective Bargaining Unit contract or Employee Manual, dependent on your job classification

### ***Hours of Work***

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The standard work schedule for most employees is 40 hours per workweek. In locations with round-the-clock operations, schedules and days off will vary. In some departments, employees may be permitted to use various options which give flexibility in scheduling their work hours. Your supervisors will explain any options that may be available to you.

It is important that you attend work as scheduled. Tardiness and absenteeism diminish our ability to serve our citizens and reduces the level of professionalism we seek to create. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times.

### ***Overtime***

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There may be times when your responsibilities require you to work more than 8 hours in a day or 40 hours in a week. Overtime compensation is in accordance with the federal Fair Labor Standards Act, or the applicable collective bargaining agreement. If you are eligible for overtime pay, you must have prior approval from your supervisor to work overtime.

### ***Outside Employment***

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You may accept outside employment if it does not conflict with the interest of your office/department or interfere with the performance of your job duties with Polk County. No outside work may involve the dissemination of official information not generally available to the public or other employees.

Before accepting outside employment, the employee must obtain the prior approval of his/her department head or elected official, and the Director of Human Resources.

### ***Personnel File***

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The official record of your employment is contained in the personnel file maintained in the Human Resources Department. It will contain copies of your employment application, applications for employee benefits and changes thereto, a record of all payroll and personnel actions, letters of recognition, disciplinary matters, performance evaluations, training records, and other matters pertaining to your employment.

This file is the property of the Human Resources Department but you may review its contents with a member of the Human Resources Department. In order to review your personnel file, you must contact the Human Resources Department to arrange a time. Employees who request a copy of their personnel file will be charged the cost of copying their records in accordance with chapter 91B of the Code of Iowa.

### ***Performance Review***

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All employees should know how they are performing on the job and what steps, if any, they might take to improve job performance. Performance appraisals, completed by your supervisor at regular intervals, will help you in understanding your supervisor's expectations, the requirements of the job, and goals for your department and your work unit. They also assist you in setting goals for improvement or expansion of your job knowledge and performance.

Performance may be reviewed at the end of the probationary period and annually thereafter.

### ***Transfers and Promotions***

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The County values your experience as an employee and encourages growth in the organization. To encourage this growth, job vacancies are posted for five (5) days on designated County bulletin boards and the Human Resources internet site.

Employees interested in transfers or promotional opportunities must meet the specified job requirement for consideration.

### ***Resignation***

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To resign or retire in good standing, it is expected you will submit a letter of resignation to your elected official/department head at least two weeks (14 calendar days) prior to your departure date. Your written resignation should include the effective date and the reason(s) for leaving.

## *Compensation*

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Polk County as an employer is committed to providing a competitive compensation package based on comparisons to similar employers in the public and private sectors.

Compensation is based on an assigned classification that has a pay range minimum and maximum. Each of the occupational groups has a pay plan. The pay plans are available at [www.polkcountyiowa.gov](http://www.polkcountyiowa.gov)

## *Pay Day*

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Paychecks are distributed every other Friday, unless the payday would fall on a County holiday. Federal and state income taxes, Social Security (FICA), mandatory wage withholding, and retirement system contributions will be deducted from your check as required by law.

Other voluntary deductions will be made only at your written request. These could include: health, dental, vision, supplemental life insurance premiums, credit union deductions, voluntary retirement deductions, union dues, voluntary insurance deductions, and flexible spending deduction.

Paychecks are distributed on the Friday morning of payday. For employees utilizing direct deposit, funds are available to you after 8:00 am on payday.

**POLK COUNTY DOES NOT MAKE PAY ADVANCES.**

## *Direct Deposit*

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Direct Deposit is a safe and efficient way of handling your paycheck. You are encouraged to have your net pay deposited directly to an account (maximum of four accounts) at the financial institution(s) of your choice.

## **GROUP BENEFIT PROGRAMS**

As a regular full-time or part-time employee working more than 24 hours each week, you are eligible for a variety of group benefit plans. You have 31 days from your date of hire to enroll in the various plans and your coverage is effective on the 1<sup>st</sup> of the month following the date of hire. Typically you must wait for the next annual open enrollment period if you do not enroll at the time of hire. Examine all group benefits materials carefully in order to make informed decisions as a wise consumer of health care.

Once you enroll in a group benefit plan, you have certain responsibilities: verify the accuracy of enrollment selections and employee contribution amounts, provide any coverage or address changes to the Human Resources department, and become familiar with your plan.

Certain events, such as marriage or the birth or adoption of a child, may provide an opportunity for an employee to add eligible members to, or delete members from coverage. The changes must be made within 31 days following the event.

### ***Medical, Dental, and Vision Insurance***

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The County offers group plan coverage for eligible employees and their eligible dependents. The County pays a portion of the single-policy and family-policy monthly premium. Your contributions to the monthly premium are deducted on a bi-weekly basis. The cost of insurance may change each fiscal year.

### ***Life Insurance***

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All eligible employees are provided basic life insurance, and accidental death and dismemberment (AD&D) coverage. The County pays 100% of the monthly premium.

Optional supplemental group term life and AD&D coverage are also available for you, your spouse, or dependent children.

### ***Disability Income Plan***

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Disability income benefits are available to eligible employees who are totally disabled from performing their usual and customary work duties.

Further information regarding who is eligible for the disability program and specifics regarding disability benefits can be found in the Collective Bargaining Agreements or Employee Manuals.

## ***Flexible Spending Accounts***

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Flexible spending accounts allow you to pay for certain health care and dependent day care expenses on a pre-tax basis. The County offers two different types of flexible spending accounts:

*Health Care* – used for reimbursement of qualifying health care expenses not covered by insurance for yourself and any tax dependents. Eligible expenses may include deductibles, co-insurance, co-payments, orthodontia, vision, etc.

*Dependent Day Care* – used for reimbursement of eligible day care expenses.

You may enroll within 30 days of your employment or during annual open enrollment and you must re-enroll every year. Changes can only be made during the open enrollment period or at the time of a qualified life event.

## ***IPERS (Iowa Public Employees' Retirement System)***

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Public employment provides most employees with coverage under the Iowa Public Employees Retirement System (IPERS). Participation in IPERS is mandatory for all public employees. The County is required to deduct a specified amount from your gross pay based on percentages specified by IPERS. Your deduction is contributed on a pretax basis for federal and state income tax purposes. In addition, Polk County contributes a specified amount to IPERS on your behalf.

Even if you do not retire under IPERS, the contributions you make will always be your money. If you leave public employment before retirement age, you may withdraw your contributions and any accumulated interest or you may leave them in your account and retire when you reach normal retirement age as defined by IPERS.

You must be a vested member of IPERS to be eligible to receive a monthly retirement benefit. If you remain in public employment for at least seven years, or you've reached age 65, you will be a vested member of IPERS. As a vested member you are entitled to a retirement benefit.

Your retirement benefit is calculated using your years of service in public employment; and your highest five years of covered wages..

For more information, contact IPERS at 515-281-0020 or visit [www.ipers.org](http://www.ipers.org) or email [info@ipers.org](mailto:info@ipers.org).

### ***Voluntary Retirement Program***

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The Voluntary Retirement Program is an excellent way for you to supplement your retirement income through tax-deferred savings. The Program allows you to defer a portion of your salary from current state and federal taxes. This program is available to all employees who are eligible for Polk County benefits.

Employees are eligible to receive a match from Polk County. Specifics regarding the match can be found in the Collective Bargaining Agreements or Employee Manuals.

## TIME AWAY FROM WORK

### *Holidays*

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Polk County provides eligible full-time and part-time employees with eleven (11) paid holidays per year. Unless otherwise provided in a collective bargaining agreement, County holidays include:

- New Year's Day
- Martin Luther King Jr.
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

### *Vacation*

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Employees will accrue vacation based on a schedule of consecutive years of service. Most regular full-time employees accrue 80 hours of vacation per year during the first four years of employment. Regular scheduled part-time employees accrue vacation on a pro-rated basis.

You may use accrued vacation time with your supervisor's prior approval.

Further information on vacation accruals, scheduling of, and payout of vacation can be found in the Collective Bargaining Agreements or Employee Manuals.

### *Sick Leave*

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Regular full-time employees accrue 4 hours of sick leave each pay period. Regular scheduled part-time employees accrue sick leave on a pro-rated basis. Employees are encouraged to use their sick leave sparingly and to accrue a significant sick leave balance to use in case of medical emergency or long-term illness.

Further information on sick leave accruals and appropriate use of sick leave can be found in the Collective Bargaining Agreements or Employee Manuals.

### ***Personal Days***

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Employees with six months of continuous service earn personal days, which can be used at the employees' discretion.

Further information regarding accruals and appropriate use of personal days can be found in the Collective Bargaining Agreements or Employee Manuals.

### ***Civic Duty***

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From time to time, employees may be called to serve the community as a member of a jury. Employees may be granted a paid leave of absence if summoned to non-voluntary petit jury or grand jury or when subpoenaed to appear as a witness in a civil or criminal proceeding in which you are not directly involved as a plaintiff or defendant.

An employee shall submit certification of the number of hours spent in civic duty and shall assign all remuneration received for jurors' fees and mileage expense to the County.

Check your Collective Bargaining Agreements or Employee Manuals for further details.

### ***Bereavement***

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Employees (employed more than 30 days) are eligible for paid leave because of the death of a member of their immediate family.

Information concerning specific situations, time limits, and eligibility is available in your Collective Bargaining Agreement or Employee Manuals.

### ***Military Leave***

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If you are called for military duty as a member of the National Guard, organized reserve, or any component part of the military of the State of Iowa or the United States, you will be granted military leave in accordance with chapter 29A of the Code of Iowa and applicable federal law.

### ***Leave without Pay***

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Leave without pay may be granted to an employee for any reason considered acceptable by the employee's supervisor. You must submit a request for this type of leave in writing and receive

prior written approval from your supervisor to use this type of leave. Other requirements or stipulations may also apply. Check your Collective Bargaining Agreement or Employee Manuals for further information.

### ***Family and Medical Leave Act (FMLA)***

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The Family Medical Leave Act allows employees up to 12 weeks per year time away from work for certain family and medical reasons. Employees are eligible if they have worked for at least one year and for 1,250 hours during the previous 12 months and met other eligibility requirements. FMLA is not an additional type of leave; it is a way of designating leave that the employee already has. In most cases, employees must exhaust all paid leave before unpaid leave is granted.

### ***Donated Leave***

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Employees may donate up to eight (8) hours of accrued vacation or personal leave to regular full-time employees who have been approved for a paid leave of absence under the County's Family and Medical Leave Act Policy, but do not possess the necessary leave hours or are not eligible for disability income benefits.

Contact the Human Resource Department for additional information.

## OTHER INFORMATION

### *Employee Attire*

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In general, Polk County does not have a uniform dress code. Although some departments have established a dress code and others require the wearing of identifying uniforms, or identification badges. Even so, the general rule of thumb is to wear clean, neat, and appropriate items of clothing while on the job. Use your good judgment when choosing clothing that is appropriate for the office. Your department or office may provide additional guidelines. If you have questions on dress for the office, discuss them with your supervisor or Human Resources.

### *Parking Assistance and Monthly Bus Pass Program*

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It is the employee's responsibility to secure individual parking. Parking may be provided, depending upon your assignment and worksite location.

Polk County offers a Parking/Bus assistance program for all eligible employees. This program reimburses employees for parking or Mass Transit expenses on a pre-tax basis.

Polk County also offers employees the option to obtain monthly passes for the Des Moines Area Regional Transportation (DART) bus routes. Contact Human Resources for additional information and fees. Additional information regarding routes and fees can be found online at: [www.ridedart.com](http://www.ridedart.com)

### *Employee Assistance Program*

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From time-to-time, all of us feel the stresses of daily living. Most of the time we manage successfully; however, there are times when some outside help might be welcomed. The Employee Assistance Program (EAP) provides professional consultation and referral services, short-term counseling, and life coaching to assist employees with a broad range of personal problems, including substance abuse, family or marital problems, financial concerns, career issues, and emotional problems. The services provided by the EAP are confidential and offered at no initial cost to the employee. Services can be accessed by calling (515) 244-6090 in Des Moines or 800-327-4692.

### *Smoking*

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Smoking is prohibited on County property and leased spaces except for designated areas. Designated areas are determined by each location. Please ask your supervisor for the designated area for your place of business.

## ***Communications***

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Polk County strives to keep employees updated with information that is helpful or of importance to our workforce. Information is posted through the following means of communication:

County Internet Site: <http://www.polkcountyiowa.gov>

County Intranet Site: <https://portal.polkcountyiowa.gov>

*Polk Future Newsletter* (published monthly)

Bulletin Boards (located in designated areas of each building)

In addition, formal policies and procedures can be found in the following Handbooks located on the Polk County website: [www.polkcountyiowa.gov](http://www.polkcountyiowa.gov)

Polk County Internal Policy Manual

Polk County General Policy Manual

Each department/office may also have a set of rules and procedures that are specific to the employees employed within their department/office. Please ask your management for further details.

## ***Credit Union***

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All employees working for Polk County Government and their immediate family members are eligible to join the Polk County Credit Union. Some of the many services provided are: share accounts, payroll deduction, consumer loans, and holiday club accounts.

A complete listing of services and additional information can be found by calling (515) 244-8647 or online at [www.polkcountycrreditunion.com](http://www.polkcountycrreditunion.com).

## ***Loss of Personal Property***

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Personal property required in the performance of work duties, which is damaged while performing assigned work duties and is damaged through no fault of an employee may be repaired or replaced.

Refer to the Personal Property Repair or Replacement Policy in the Polk County Internal Policy Handbook for more information.

# Policies

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## POLICY SUMMARIES

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### Equal Employment Opportunity/ Affirmative Action/ American Disabilities Act

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It is the policy of Polk County Government to provide equal employment opportunity for employees and applicants. Polk County shall not discriminate against or harass any employee or applicant for employment because of race, color, religion, creed, sex, sexual origin, gender identity, age, national origin, disability, veteran or military status.

It is the policy of Polk County Government that no individual will be discriminated against in violation of the Americans with Disabilities Act (ADA) on the basis of disability in the admission, access to, treatment of, or employment in its programs or activities.

### Sexual Harassment

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Polk County Government strives to maintain a work environment free of Sexual Harassment. Harassment on the basis of sex is a violation of Section 703 Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature **may** constitute sexual harassment and will not be tolerated.

### Drug Free Workplace

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Employees who conduct County business under the influence of alcohol or an unauthorized controlled substance present a threat to the health, safety, and welfare of their own person, their fellow employees, and the public at large. Polk County is committed to ensuring that its employees remain free from the effects of alcohol or controlled substances while conducting County business.

### Workplace Violence

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Polk County is committed to creating and maintaining a violence-free workplace. Threats, intimidation, harassment, or acts of violence will not be tolerated. All threats or threatening behaviors will be immediately investigated and will be grounds for disciplinary action up to and including discharge.

### Family and Medical Leave Act (FMLA)

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The Family and Medical Leave Act (FMLA) guarantees employees the right to take leave without loss of employment or status for the birth, adoption, or foster placement of a son or daughter, the employee's own serious illness, or to care for a seriously ill son, daughter, spouse, or parent.

## Safety

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Polk County is very concerned about the safety of its employees, citizens, and guests. It is the desire of Polk County to provide a safe place of employment. The County believes that the various tasks performed by the personnel of the County are invaluable for the orderly and productive functioning of the County

## Computer Procedures, Internet and E-Mail

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Polk County provides its employees with electronic mail communication. The primary purpose of the electronic mail system is to expedite necessary business communications between two or more individuals. As such, the use of electronic communication is for Polk County business purposes. Use of computer equipment is a privilege and each employee is responsible for all of the actions taken while using County computer equipment.

## Clean Air

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It is the objective of Polk County to establish and maintain a clean-air environment within all County owned and leased buildings and office space. Smoking will be prohibited at all times on the grounds of any publicly owned building, leased or operated, by Polk County except in designated smoking areas.

## Gift Law

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The Iowa Gift Law applies to all Polk County employees. The law prohibits County employees and their immediate family members from receiving gifts worth over \$3.00 in any given day from "restricted donors".

## Health Insurance and Portability Act of 1996 (HIPAA)

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Polk County is a covered hybrid entity as defined by HIPAA. Polk County has made a commitment that HIPAA privacy and security provisions will apply to protected health information (PHI) maintained by Polk County.

HIPAA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances; health information privacy, health information security and health information electronic transmission. Polk County will consider any breaches in the privacy and confidentiality of handling of PHI to be serious, and disciplinary action will be taken in accordance.

Employees may be subject to additional Department/Office Guidelines relevant to the Department/Office they serve.

Further information and training materials on HIPAA Policies and Procedures can be found in the HIPAA binders located in each Department/Office.

## **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ ADA POLICY STATEMENT**

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It is the official policy of Polk County to provide equal employment opportunity for all employees and applicants and equal access to programs/services for members of the public (program beneficiaries). This policy shall be in accordance with all applicable Equal Employment Opportunity/Affirmative Action statutes, directives and regulations of the federal government, State of Iowa and Polk County Board of Supervisors, including: the Equal Pay Act of 1963, as amended; Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Title I and Title II of the Americans with Disabilities Act of 1990, as amended; the Genetic Information Nondiscrimination Act (GINA) of 2008; the Vietnam Era Readjustment Assistance Act of 1974, as amended; Presidential Executive Order 11246 of 1965, as amended; the Iowa Civil Rights Act; Iowa Code Chapter 216; and other applicable sections of the State of Iowa Codes, and Polk County policies.

Polk County shall not discriminate against or harass any employee or applicant for employment because of race, color, religion, creed, sex, sexual orientation, gender identity, age, national origin, genetic information, disability, or veteran or military status. Polk County shall take all actions necessary to ensure that the county's employment practices and other personnel actions are administered in an equitable and impartial manner. This includes, but is not limited to: terms and conditions of employment, advertising, recruitment, examinations, selection, promotions, demotions, transfers, classification decisions, layoffs, disciplinary action, termination, rates of pay and/or other forms of compensation, benefits, and selection for training.

Polk County will provide programs and facilities which are accessible to people with disabilities and administer its programs/services in a manner that does not discriminate against any person because of race, color, religion, creed, sex, sexual orientation, gender identity, age, national origin, genetic information, disability, or veteran or military status. Any person, who feels they have been excluded from participation in, denied the benefits of or be otherwise subjected to discrimination under any program or activity has the right to file a Title VI complaint.

Polk County shall commit the necessary time and resources, both financial and human, to achieve the goals of EO/AA expressed in the EO/AA plan. This shall include the evaluation of the performance of its management and supervisory personnel on the basis of their support in achieving EO/AA objectives as well as other established criteria. Any employees of this County who do not comply with the EO/AA policies and procedures as set forth in this statement and plan shall be subject to disciplinary action.

Polk County fully supports incorporation of non-discrimination and EEO/AA regulations into all contracts and taking steps to ensure subcontractors comply with all applicable EEO/AA statutes, directives and regulations of the federal government and State of Iowa codes.

The County Board Chair and ADA Coordinators (employment) and (program and service accessibility) will receive and review reports on the progress of the program. This will include monitoring all EO/AA activities and reporting the effectiveness of the County's EO/AA program.

Employees, applicants, and program beneficiaries who believe they have been discriminated against or who wish to file a complaint can do so by contacting the Labor Relations Manager/ADA Coordinator for employment at (515) 286-3200, or the Risk Manager/ADA Coordinator for program and service accessibility at (515) 286-3200, or by writing to the Affirmative Action Program, Suite 390, Polk County Administration Building, 111 Court Avenue, Des Moines, Iowa 50309, without fear of reprisals.

## SEXUAL HARASSMENT POLICY

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### Purpose

It is the purpose of this policy to create a work environment free of sexual harassment and to sensitize employees to the issue of sexual harassment. The policy was prepared in accordance with the Equal Employment Opportunity Commission's Rules and Regulations, 29 CFR Part 1604, and reaffirms that sexual harassment in the workplace is an unlawful employment practice under Title VII of the Civil Rights Act of 1964 as amended.

### Applicability

This policy is applicable to all County employees.

### General

The Equal Employment Opportunity Commission's Rules and Regulations provide that harassment on the basis of sex is a violation of Title VII, Section 703 of the Civil Rights Act of 1964 as amended. More specifically, Section 1604.11 of the Rules of the Equal Employment Opportunity Commission set forth criteria for determining whether behavior constitutes sexual harassment. The criteria are as follows:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to the conduct is either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

For the purpose of this policy, sexual harassment is defined as unsolicited, non-reciprocal behavior by an employee who is in a position to control or affect another employee's job out of fear that he or she would be punished for refusal to submit. Sexual harassment also includes any employee conduct unreasonably interfering with another employee's work performance by creating an intimidating, hostile or offensive working environment.

Sexual harassment may consist of a variety of behaviors by a County employee directed to employees but not limited to, subtle pressures for sexual activity, inappropriate touching,

inappropriate language (sexual jokes), demands for sexual favors, posting of sexually graphic material and physical assault.

### Employee's Responsibilities

An employee who perceives the comments, gestures or actions of another employee or supervisor to be sexually harassing should communicate to that person that such behavior is unwelcome. However, failure to express unwelcomeness does not prevent the employee from filing a complaint nor does it in any way exonerate the harasser.

Any employee, including a supervisor, who believes he or she has been sexually harassed or asked to perform a sexual favor should immediately report the incident to his/her immediate supervisor. If the harasser is the employee's supervisor or if the employee does not feel that the situation was adequately resolved, he or she should report the incident(s) to the Labor Relations Manager or the Employment Manager located in the Human Resources Department, by filing a written complaint on forms provided by the employer.

Any employee who witnesses this type of behavior has a responsibility to report it to an appropriate supervisor. If the harasser is an employee's immediate supervisor, the witness should support the harassed employee in reporting the incident to another supervisor or to the Labor Relations Manager or the Employment Manager located in the Human Resources Department.

### Supervisor's Responsibilities

A supervisor must listen to the complaint and regard it seriously. A supervisor should not shrug off the complaint, minimize it or otherwise discourage employees from reporting such complaint. The supervisor shall record and document the complaint and perform an immediate preliminary investigation to determine the validity of the complaint. The supervisor shall provide a copy of the report to the Labor Relations Manager regardless of the supervisor's findings.

### Complaint Procedures

All complaints filed under these procedures are confidential and this policy prohibits the intimidation, reprisals and/or retaliation against any person who files a complaint under these procedures or with other enforcement agencies.

Any person who feels that they have encountered sexual harassment may file a complaint with the Labor Relations Manager. The Labor Relations Manager or the Employment Manager will assist the complainant in filling out the appropriate form and offer any other technical assistance needed. Complaints should be filed as soon as possible following any alleged harassment.

The Labor Relations Manager will investigate the complaint and present the findings to the Director of Human Resources no later than 20 work days after it is received. Before a determination is rendered by the Human Resources Director, the complainant, if desired, will be given the opportunity to appear before the Director of Human Resources to offer any additional information relative to the case.

The Human Resources Director will have 15 work days upon receipt of the information from the Labor Relations Manager to render a determination. In the event the complaint is not resolved to the complainant's satisfaction, the complainant shall be advised of the outcome and shall be given the opportunity to file with other federal and state enforcement agencies.

When a "finding of fact" of sexual harassment is determined, corrective action will be taken immediately. The scope of disciplinary action shall range from a written warning or reprimand to suspension without pay and possible termination.

## DRUG-FREE WORKPLACE POLICY

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### Purpose

It is the purpose of this policy to provide and maintain a drug-free, healthful, safe and secure work environment, and to comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690 Title V, Subtitle D).

### Policy

- I. Notice will be given to prospective employees that a drug test will be part of any pre-employment process in any notice of advertisement soliciting applicants for employment. Temporary “summer” employees will be excluded from this policy unless the job duties to be assigned to the employee require the employee to drive Polk County vehicles or are of a safety sensitive nature. Temporary employees moving to regular positions shall be subject to the pre-employment drug testing policy. All prospective employees who have been extended a conditional offer of employment with Polk County shall be required to sign an authorization/release form prior to the pre-employment drug test. Prospective employees whose pre-employment drug test is verified as positive shall be ineligible for employment with Polk County for a period of six months from the testing date. Drug tests that are adulterated will be considered positive.
- II. Current employees transferring or bidding into positions covered by federally mandated drug and alcohol testing shall be eligible for testing under the provisions of drug testing laws applicable to the respective position. If a pre-employment test under section I or a test under this section (II) is determined to be a dilute specimen but is determined negative the prospective employee will be allowed to resubmit a specimen. However, if the dilute specimen is determined positive the positive test shall stand.
- III. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work.
- IV. The unlawful manufacture, distribution, dispensation, possession, or use of controlled substance on the employer’s premises or while conducting the employer’s business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- V. The County recognizes drug and alcohol dependency as illnesses and a major health problem. Accordingly, employees who think they have an alcohol or drug usage problem are urged to seek confidential assistance through the Employee Assistance Program. The County will be supportive of those who seek help voluntarily. The County also recognizes drug and alcohol abuse as a potential health, safety and security problem. The County will be firm in identifying and disciplining employees who continue to be

substance abusers and do not seek help and/or do not remain drug and alcohol free during work situations.

- VI. In order to comply with the Drug-Free Workplace Act of 1988, employees are required to report any convictions under criminal drug statute for violations occurring on the employer's premises or off the employer's premises while conducting County business. A report of a conviction must be made to the employee's supervisor or other appropriate official within five (5) days after the conviction.
  
- VII. Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.

## **WORKPLACE VIOLENCE PREVENTION POLICY**

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### **Purpose**

Polk County is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Polk County has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

### **Statement of Policy**

It is the intent of Polk County to provide a safe workplace for all employees. Behavior that is physically or verbally threatening, either overtly or implicitly, as well as behavior that is coercive, intimidating, violent or harassing will not be condoned. Polk County is committed to working with its employees to maintain a work environment that is free of violence and intimidation.

### **Scope**

This policy applies to all Polk County full time, part time, temporary employees, volunteers, contractors, or the public on County premises.

### **Definitions**

For the purposes of this policy the following definitions apply:

**Intimidation:** Stalking or engaging in actions intended to coerce or induce duress. Such actions can include oral or written statements, gestures, or expressions, the use of profanity or other personally insulting remarks, whether made by telephone, voice mail, face-to-face, in writing, or via e-mail.

**Physical Attack:** Unwanted or hostile physical contact such as hitting, fighting, pushing shoving, or throwing objects.

**Property Damage:** Intentional or unintentional damage to property, which includes property owned by the County or employees.

**Threat:** Any behavior, physical or verbal, either overt or implicit, which communicates an intent to cause physical, emotional or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

**Weapons:** As defined in Section 702.7 of the Code of Iowa, any dangerous instrument or device which is designed to inflict or capable of being used to inflict death or injury to a

human being or animal. This includes, but is not limited to, any pistol, revolver, gun or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five (5) inches in length.

Workplace Violence: Intimidation, threats, or acts which adversely affect employee morale or employee/departmental performance or which results in physical, emotional and/or property damage.

### **Weapons**

Polk County prohibits all employees from carrying handguns, firearms, explosives, or weapons of any kind onto County property. County property includes, without limitation, all County parking lots, building (leased and owned); grounds and vehicles used for County business. Employees who are off County property but performing a task for the County are covered by this policy.

This section shall not apply to County employees who are authorized to use weapons in the performance of their job responsibilities (such as sheriff), or for those who are authorized to use hazardous tools or devices as bona fide portions of their jobs.

### **Prohibited Conduct**

Polk County will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities toward any employee of Polk County or any member of the general public while on duty for Polk County.

Although not all-inclusive, the following are examples of behaviors included in this policy:

- Causing physical injury to another person.
- Making threatening remarks in person, in writing, by telephone, or other means of communication.
- Aggressive or hostile behaviors that create a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging County property or property of another employee.
- Unauthorized possession of a weapon while on County property or while on County business.
- Committing acts motivated by, or related to any form of prohibited harassment or domestic violence.

### **Procedure**

If any employee observes, or has information regarding violent, threatening, intimidating, or other disruptive behavior, such as those listed above, by anyone on County premises, they

are to report it immediately to a supervisor or manager. If you are uncertain about an observed behavior or situation, or have questions or concerns regarding workplace violence, advise your supervisor, or contact the Human Resources Department immediately. This does not eliminate the initial responsibility of every employee to work to resolve conflicts promptly and, if possible, without the need for external, or management intervention.

Employees can also help to prevent violence in the workplace by reporting any suspicious behavior that they observe that could contribute to violence in the workplace.

### **Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts or any employee who fails to report such acts committed by others shall be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts toward County employees will be reported to the proper authorities and may be banned from County property and fully prosecuted.

## FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

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### A. Purpose

Up to twelve (12) weeks of unpaid, job protected leave will be provided each fiscal year to eligible employees to care for a newborn or newly placed adopted or foster child, to care for a child, spouse or parent with a serious health condition, or because of the employee's own serious health condition. The terms in this policy will be defined in the same way as those terms are defined in the Family and Medical Leave Act of 1993 and its applicable rules and regulations. A copy of the law and the rules and regulations is available to employees who request a copy from the Human Resources Department.

The federal Family and Medical Leave Act (FMLA) also entitles eligible employees to take leave for a covered member's service in the Armed Forces (including the National Guard or Reserves). FMLA leave for this purpose is called "military caregiver leave" and can be utilized for up to twenty-four (24) weeks. This policy provides notice of employee rights to such leave.

### B. Applicability

This policy applies to all county employees who have been employed for at least 12 months and who have worked at least 1250 hours the previous 12 months prior to the date the leave is to begin.

### C. General

Eligible employees may receive up to 12 weeks of unpaid, job protected leave each year for the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, son, daughter or parent of the employee with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform his or her job functions.

5. Military caregiver leaves when absence is due to a “Qualifying Exigency”:

An eligible employee may take up to twenty-six (26) workweeks of job protected leave during each year period to care for an injured or ill servicemember. Leave to care for an injured or ill servicemember, when combined with other FMLA qualifying leave may not exceed twenty-six (26) weeks in a single twelve (12) month period.

The term "year" is determined as a twelve month period based on the County’s fiscal year.

Entitlement to leave for a birth and to care for a son or daughter, for placement of a son or daughter for foster care, or adoption expires at the end of the 12 month period beginning on the date of such birth or placement.

Where both spouses are employed by the County, the amount of leave provided for care of a newborn or newly placed adopted or foster child, or to care for a parent with a serious health condition is limited to a total of 12 weeks for both spouses. The leave may not be used by the employee to care for a parent-in-law with a serious health condition. Where leave is taken to care for a spouse or child with a serious health condition and both spouses are employed by the County, each may take 12 weeks of leave.

**D. Paid Leave**

Eligible employees shall utilize available accrued paid leave if County policies permit their use for any part of the 12 week period. Consistent with County policies the following shall apply:

- Use of FMLA for the employee’s own serious health condition shall utilize sick leave until such leave is exhausted (employee may choose to use Personal time, Vacation time, or Compensatory time for purpose of sick leave). If sick leave is exhausted employee shall be required to use Personal time and then Vacation time before leave status is considered unpaid.
- Use of FMLA for an employee to care for a newborn, newly placed adopted or foster child, or to care for a child, spouse, or parent with a serious health condition shall utilize any accrued but unused family Sick leave (maximum six days per fiscal year), Personal time and then Vacation time (if any accruals are available) before leave status is considered unpaid.

The County is not by this policy authorizing the use of paid leave in any situation not otherwise authorized by its current policies, nor is it abrogating the requirement that paid leave be exhausted for receipt of any benefits authorized by its current policies.

All requests for leave of any type shall state on the leave form submitted to the department whether the leave is for Family and Medical Leave Act purposes.

**E. Intermittent Leave**

Leave for childbirth or adoption shall not be taken intermittently or on a reduced leave schedule. However, leave taken to care for a spouse, child, parent or for the employee's own serious health condition may be taken intermittently or on a reduced schedule, if it is medically necessary. Certification of need shall be provided. The taking of leave intermittently or on a reduced leave schedule does not reduce the total amount of leave for which the employee is entitled.

**F. Notice Requirement**

When leave for an expected birth or adoption or foster placement is foreseeable, employees shall provide the County with at least 30 days notice of their intention to take leave, or as much notice as is practicable under the circumstances.

When leave for planned medical treatment is foreseeable, employees shall provide the County with at least 30 days notice of their intention to take leave, or as much notice as is practicable under the circumstances. If an employee requests intermittent leave or leave on a reduced leave schedule, the County may require the employee to transfer temporarily to an alternate position with equivalent pay and benefits which better accommodates the leave schedule.

Employees shall make a reasonable effort to schedule treatment so as not to unduly disrupt the operation of the County.

**G. Certification**

Each employee shall provide with his or her leave application, certification issued by the health care provider of the eligible employee. Should the leave request be for the care of a spouse, son, daughter or parent of the employee, then a certification issued by their respective health care provider should accompany the leave application. The certification will be considered sufficient if it includes the date on which the illness commenced, the probable duration of the illness, the appropriate medical facts, and where applicable, a statement that the employee is (1) unable to perform his/her job, or (2) is needed to care for his/her child, spouse, or parent. In addition, for intermittent leave requests, the health care provider must certify that such leave is medically necessary, and state the expected duration and expected schedule of the intermittent leave or reduced leave schedule.

In any case in which the County has reason to doubt the validity of the certification for leave to care for a child, spouse, or parent with a serious health condition or

because of the employee's own serious health condition, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the County. Where the second opinion differs from the opinion provided in the original certification, the County may require that the employee obtain the opinion of a third health care provider approved jointly by the County and the employee. The opinion of the third health care provider shall be final and binding on both the employer and the County.

#### **H. Employment Protection**

Eligible employees who take leave under the Family and Medical Leave Act are entitled to return to the same position they held before taking leave, or to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

#### **I. Benefits Protection**

All benefits which eligible employees had accrued prior to taking leave shall be retained. However, employees restored to their former or equivalent positions shall not be entitled to the accrual of seniority or employment benefits during any period of leave except as authorized by County policy.

The County shall, during any period that an eligible employee takes leave, maintain his/her coverage under its group health, dental, and life insurance plan for the duration of such leave at the level and under conditions of coverage which would have been provided if the employee had continued in employment for the duration of such leave. However, if the employee fails to return from leave within the time required under the Act, the employer may recover any group health plan premiums paid for maintaining that coverage while the employee was on leave. If, however, the employee fails to return from leave due to the continuation, recurrence or onset of a serious health condition, covered under the Act or due to circumstances beyond the employee's control, such premiums may not be recovered.

#### **J. Military Caregiver FMLA**

1. Military Caregiver FMLA provides eligible employee's unpaid leave for any one, or for a combination of the following reasons:
  - A "qualifying exigency" arising out of a covered family member's active duty or call to active duty to a foreign country (areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including deployment to international waters) in the Armed Forces (including the National Guard or Reserves) of the United States in support of a contingency plan: short notice (seven days or less) deployment, making

alternative child/parent care arrangements for a child/parent of the deployed military member, attending certain military ceremonies and briefings, school activities (enroll or transfer to new school/ day care, counseling, rest and recuperation (time with a servicemember who is on short-term leave during deployment) or making financial or legal arrangements to address the military member's absence; and/or

- To care for a covered family member or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces of the United States provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating.
2. The "next-of-kin" of a current servicemember is the nearest blood relative, other than the current servicemember's spouse, parent, son or daughter in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins. The servicemember may designate in writing another blood relative as his or her nearest blood relative of military caregiver leave under the FMLA. Other individuals such as a mother-in-law or domestic partner are not included in the definition of "next-of-kin".
  3. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.
  4. Use of FMLA for an employee who is an immediate family member (spouse, child, or parent) of military personnel and/or reservists who have a "qualifying exigency" shall utilize personal time and then vacation time (if any accruals are available) before leave status is considered unpaid.
  5. Use of FMLA for an employee who is an immediate family member (spouse, child, or parent) who is a member of the armed forces of the U.S. and who have been injured or wounded in the line of duty shall utilize any accrued but unused family sick leave (maximum six days per fiscal year), personal time and then vacation time (if any accruals are available) before leave status is considered unpaid.
  6. To use FMLA, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.
  7. A covered servicemember is either:
    - a **current** member of the Armed Forces (including the National Guard or Reserves who has been injured or wounded in the line of duty, receiving

medical treatment, recuperation , or therapy or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness (A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty) or

- a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

## SAFETY POLICY

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POLK COUNTY is very concerned about the safety of its employees, citizens, and guests.

It is the desire of POLK COUNTY to provide a safe place of employment. The COUNTY believes that the various tasks performed by the personnel of the County are invaluable for the orderly and productive functioning of the COUNTY. But no task is either so urgent or so important that it cannot be done in such a fashion as to ensure the personal safety of employees and the public.

The COUNTY Safety Policy consists of a desire to follow all applicable laws and regulations; and attempts to provide employees with the training and resources to perform their tasks in a safe manner and a willingness to listen to all safety related employee suggestions.

The care, concern, cooperation, and common sense of all are necessary in order to achieve a work environment which is as safe as it is practical. With these four elements, the COUNTY hopes to constantly improve its safety record.

### RESPONSIBILITIES AND ROLES.

#### Responsibilities of the COUNTY:

- A. Support the Safety program and encourage cooperation.
- B. Give fair evaluation and consideration to suggestions of the Safety Committee.
- C. Purchase needed safety equipment when possible.
- D. Encourage safety training programs.
- E. Promote safety awareness, and encourage attitudes by example.

#### Responsibilities of the Employees:

- A. Understand and comply with safety rules and policies. If you don't know, ask.
- B. Make written suggestions for improvements or to point out hazards in the work place.
- C. Use safety equipment that is provided.
- D. Operate only equipment that you have been authorized and instructed to use, and only in the manner intended.
- E. Report all incidents promptly, and fully complete the County Incident Report.
- F. Cooperate with all incident investigations.
- G. Attend safety meetings.

#### Responsibilities of Departments and Supervisors:

- A. Be sure first aid is readily available in all areas.
- B. Promote safety by example.

- C. Encourage written safety suggestions of subordinates, and forward these to the Risk Manager.
- D. Do not take shortcuts at the expense of safety.
- E. Maintain a safe working environment for employees.
- F. Require the wearing of safety equipment that is provided by the County.
- G. Train new, as well as current employees, on safety practices.
- H. Coordinate with safety representatives to conduct safety meetings.
- I. Investigate all incidents as soon as they occur. Sign off on the Incident Report and submit the report to the Risk Manager within 24 hours of the incident.

Responsibilities of the Risk Manager:

- A. Promote safety awareness.
- B. Make arrangements for training and special class.
- C. Perform on sight safety inspections.
- D. Develop appropriate safety forms, safety records, and manuals.
- E. Chair the Safety Committee.
- F. Keep an incident file, safety suggestion reports for the Board of Supervisors.

Responsibilities of the Safety Committee:

- A. Review reports collected, compiled and/or proposed by the Risk Manager, and make recommendations.

## COMPUTER PROCEDURES, INTERNET AND E-MAIL POLICIES

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### Executive Summary

Polk County has an applications-driven strategy that allows employees and departments to deliver service, define problems, and participate in technology solutions. The Information Technology Department endeavors to stay current with hardware and software configurations. IT will maintain the professional expertise necessary to sustain current County technology and incorporate service innovations in the business process.

Polk County continues to upgrade and improve computer systems in order to fulfill our mission and better serve Polk County citizens. This acceleration of our technological base, especially personal computers, has expanded and decentralized our employee user base. The power of the individual workstation and ability to communicate externally makes it appropriate for the County to have guidelines for the procurement and utilization of Information Technology resources.

## **Computer Procedures - Including E-Mail and Internet Policies**

### **I. PURPOSE:**

This policy establishes guidelines and standards for the use of County-owned computing equipment, software, data, electronic mail and the Internet. These guidelines and standards must be understood by each End User. Further, revisions to these guidelines and standards may be expected as new products and services are introduced and as the understanding of information processing and Polk County business practice evolves.

### **II. DEFINITIONS:**

Hardware	Physical equipment used for processing or data communications
Software	Programs, programming languages, instructions, or routines which are used to perform work on a computer
Data	Information such as records, images, e-mail, or other textual material stored on or accessible through a computer whether that data resides on County computers or is accessible through the Internet or other on-line services through the use of County computers

### **III. COMPUTER PROCEDURES**

The first and foremost rule for using these technologies is:

*Don't say, do, write, view, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are laid bare.*

#### **1. Inappropriate Conduct**

Conduct which violates the County's Computer Usage Policy with respect to computing resources includes:

- A. Copying County-owned or licensed software or data to another computer system for personal or external use;
- B. Attempting to, or modifying County-owned or licensed software without approval from IT;
- C. Attempting to, or accessing Operating System prompts or executing Operating System commands without approval from IT;
- D. Attempting to, or damaging or disrupting operation of computing equipment, data communications equipment, or data communications lines;
- E. Attempting to, or intentionally accessing or modifying data files, databases, directories, or software without proper authorization;

- F. Using County computing resources for purposes other than those intended, including:
  - 1. Allowing access by unauthorized persons
  - 2. Using County resources for external purposes or personal gain
  - 3. Transporting computers, data, data media, programs, documentation and/or equipment to another location unless authorized by IT
- G. Invading the privacy of an individual by using electronic means to ascertain confidential information;
- H. Copying or altering another user's software or data without permission from that user;
- I. Knowingly accepting or using software or data which has been obtained by illegal means;
- J. Abusing or harassing another user through electronic means;
- K. Using the County's computing facilities in the commission of a crime;
- L. Using the County's computing resources to access, transmit, store, display or request obscene, pornographic, erotic, profane, racist, sexist or other offensive material (including messages, video, images or sound);
- M. Connecting or attaching equipment not purchased by Polk County to County-owned workstations and equipment without approval from IT; and
- N. Installing or using software not purchased by Polk County on County-owned workstations and equipment; or knowingly copying or using programs in contravention of copyright laws

## 2. Identification & Passwords

The County's computer systems require that each user have a unique identity, referred to as a "User ID", protected by a "Password", to gain access to devices and the network. This identity and password are used to represent an End User in various system activities, to provide access to certain software and data based on his/her duties and purpose for requiring such access. As such, this computer identity is another instrument of identification and its misuse constitutes forgery or misrepresentation.

Conduct which involves misuse of User ID and Password includes:

- A. Allowing another individual to use the identity and password;
- B. Using another individual's computer identity and password even if the individual has neglected to safeguard his or her computer identity

## 3. Security Concerns

The placement of a computer system in a user area and the portability of the equipment and associated data media creates special user concerns, as outlined below:

- A. IT and the End Users must insure that all equipment is located in a secure area where the opportunities for theft are minimized.
- B. The End User must insure that only authorized personnel have access to the computer system and that only legitimate items of County business are processed thereon.
- C. Local data files must be safeguarded from unauthorized access.

The ability to load a large amount of data on an easily transported media makes it imperative that confidential data be carefully controlled and safeguarded.

#### 4. Equipment Care, Maintenance, and Disposal

Users must insure that their computers are not exposed to extremes of heat or cold, dust, smoke, or other potential contaminants. Drinks and food should be kept away from the equipment or storage media.

IT should be advised of any malfunctions arising with the equipment. IT will maintain a repository of computer system components and will supply user areas with available components as needed.

Hardware and software components should be transferred to IT for disposal.

#### 5. Reporting Violations

Abuses of County computing resources should be brought to the attention of the appropriate departmental manager or office supervisor. If this is not possible, report such abuses to IT.

#### 6. Sanctions

Anyone found to have violated any section of this policy will be subject to disciplinary action which could result in termination of system access, termination of employment and/or criminal prosecution, if appropriate. Disciplinary actions shall be determined by the appropriate Department Head/Elected Official in consultation with the Human Resources Department.

### **IV. E-MAIL POLICIES**

Polk County provides electronic mail to employees for business purposes. All electronic messages are the property of the County and therefore are not considered private unless otherwise protected by law.

The County provides access to its electronic mail system to external users, such as consultants, temporary employees, special task force members and others as deemed

necessary to conduct Polk County business. External users will only be given access to the County's electronic mail system if they agree to abide by all applicable rules.

#### Prohibited Use of E-Mail

The following uses of the County's Electronic Mail System are prohibited:

- I. To send County-wide mail not related to County business;
- II. To send copies of documents in violation of copyright laws;
- III. To compromise the integrity of the Polk County and its business in any way;
- IV. To advertise personal business;
- V. To send messages containing offensive, abusive, threatening or other language inappropriate for the workplace;
- VI. To send messages that violate the County's Sexual Harassment Policy or any other Polk County Policy; and
- VII. To obtain access to the files or communications of others for no substantial business purpose

#### 1. Monitoring of Electronic Mail and Data

All electronic mail messages and related data are the property of the Polk County. The County reserves the right to access messages and related data whenever there is a legitimate purpose to do so or under the following circumstances:

- A. Upon the discontinuation of County employment for any reason, a user's mail and data may be accessed for the purpose of saving those messages and files that pertain to County business. This access will be granted only upon notification from the Department Head/Elected Official to IT. These files may be subject for transfer to another user if necessary to conduct County business;
- B. If required by law to do so;
- C. In the course of an audit or investigation triggered by indications of impropriety or as necessary to locate substantive information;
- D. When necessary to investigate a possible violation of a County policy or a breach of the security of the electronic mail system; and
- E. In the event there is reasonable suspicion that a user has committed or is committing a crime against the County or for which the County could be held liable

#### 3. Disclosure of Mail Accessed by Monitoring

The contents of electronic mail created and sent for legitimate business purposes, such contents not being protected by the Privacy Act, are subject to Open Records Law and may be disclosed without the permission of the End User.

However, disclosure of the unprotected contents of a message not created or sent for business purposes, such disclosure being without the consent of the employee, shall be limited to investigative employees who have need for access to such information or in the course of an investigation.

Any electronic mail message, except those protected by the Privacy Act, may be disclosed to law enforcement officials, if legally required. The Director of IT will review any such requests and provide the contents of electronic mail without the consent of End User, sender or recipient.

#### 4. Retention of Electronic Mail Messages

Messages that have been moved/stored in the Trash Folder are subject to be automatically deleted after 7 days.

All messages stored in a user's "mailbox" folders are retained at the discretion of the End User. We recommend that these messages be periodically purged to conserve storage space. IT recommends that messages retained after 180 days be archived and stored for the End User.

### **V. INTERNET POLICIES**

Polk County provides Internet connectivity for authorized employees in Polk County facilities for business purposes.

Internet connectivity is provided to employees and acknowledged by their Department Head or Elected Official. These End Users will be granted the appropriate access and security setup after the End User Agreement is signed.

IT will initiate and administer controls to the access, security, firewalls and all Internet applications.

#### 1. Responsibilities

End User responsibilities are to:

- A. Secure their network account and passwords. IT will presume that all use of the account and passwords to be by the authorized End User of that account and passwords. End Users must take reasonable precautions to prevent the account and passwords from becoming known to other persons;
- B. Ensure they are the sole user of the assigned network account;
- C. Take reasonable effort to use the Internet resources effectively and economically;
- D. Obey all instructions, written or verbal, given by IT in regard to Internet use;

- E. Advise IT or their supervisor/manager if information to which the End User is not entitled has been inadvertently obtained or sent, or they become aware of a breach of security; and
- F. Sign an End User Agreement

## 2. Unauthorized Use:

End Users are not permitted to use Internet resources to:

- A. Copy, disclose, transfer, examine, rename, change, or delete information or programs belonging to another End User or Polk County without the express permission of that End User or Polk County IT;
- B. Avoid any restrictions or security placed on the use of their Internet account;
- C. Knowingly store, transmit, or receive any material of an obscene, vulgar, slanderous, offensive, harassing, or illegal nature;
- D. Obtain unauthorized access to any computer facility or service;
- E. Send any material over the Internet that identifies the End User and/or portrays Polk County in an unprofessional manner; and
- F. Install software or download files without approval to purchase required licensing from IT

**VI. END USER AGREEMENT**

1. Valid signatures are required for permission to use Polk County’s Local Area Network, Wide Area Network and/or provided Internet accounts.
2. Permission is in effect for the duration of the End User’s employment with Polk County or until the Office/Department Supervisor and/or IT rescinds permission.

By signing this agreement, I \_\_\_\_\_ (print name) agree to abide by the terms and conditions outlined in this Computer Usage Policy. I realize that the Computer Usage Policy is provided to improve access to information and enhance productivity throughout Polk County. I agree to use Polk County’s equipment and facilities legally, efficiently and in a manner consistent with County purposes and with general standards of decency.

I acknowledge that some material available through the Internet may be offensive, defamatory, graphic, inaccurate, illegal, or otherwise objectionable. However, I agree that Polk County shall not be held liable for any objectionable materials that I might encounter.

By my signature, I agree that I hold sole responsibility for my conduct regarding network, e-mail and Internet accounts. I am also responsible for any materials that I access through the Internet, and for any consequences that I incur as a result of improper network use.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
IT Director

\_\_\_\_\_  
Office/Department Manager

\_\_\_\_\_  
Date

## CLEAN AIR POLICY

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These rules apply to all employees and visitors that enter grounds of County-owned or leased buildings and offices including parking lot areas.

1. Vending machines that contain cigarettes or other smoking tobacco will not be permitted on County-owned or leased property.
2. Smoking will be prohibited at all times on the grounds of any public owned building, any building leased by Polk County, or any building operated by or under the control of Polk County, except as designated below.
3. No smoking areas will include:
  - a. All buildings owned, leased, or controlled by Polk County;
  - b. All County-owned trucks, automobiles and equipment at any time.
4. Designated smoking areas shall be limited to the following:
  - c. Designated areas on County owned or leased parking lots. Smoking in parking lots of public buildings shall not interfere with the ingress or egress of any public owned building, any building leased by Polk County, or any building operated by or under the control of Polk County.
  - d. Smoking in personal vehicles on County owned or leased parking lots shall be allowed.
5. Department heads/elected officials and managers are responsible for ensuring and actively maintaining compliance within their respective departments/offices.

## IOWA GIFT LAW POLICY

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The Iowa Gift Law applies to all Polk County employees. The law prohibits county employees and their immediate family members from receiving gifts worth over \$3.00 in any given day from “restricted donors”. A “restricted donor” is:

1. a person or entity who is or is seeking to enter into sales, purchases, a lease or a contract with your agency; or
2. a person or entity who could benefit financially from the way you perform your job (differently from a benefit to the general public).

Family members, including spouse, children, parents, grandparents, grandchildren, aunts and uncles, are not restricted donors; therefore, you may receive gifts from them. There are other exceptions to the law as well. If you have questions about whether you can receive gifts from an individual or business, or other public or private entity, contact the Human Resources Department or the Civil Bureau of the County Attorney’s Office.

# HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA) POLICY

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## INTRODUCTION

For the first time, Congress has enacted a comprehensive law regulating the use and dissemination of protected health information about health care consumers within the United States. The law comes in response to the increasing mass of information which can be stored and disseminated electronically.

While Congress is regulating the unintended release of protected health information and enforcing new Federal standards for the privacy of health care information, it is most concerned about the sale or resale of protected health information for commercial gain.

When State laws are more stringent and offer more protection to the consumer than the new Federal law, the State law will control. A team of health care professionals in Iowa has reviewed all of the laws in which State law appears to control Federal law.

In addition to the privacy standards, Federal law now requires that Polk County process claims electronically for any provider who seeks to bill on a new universal claim form in electronic format. There are also new standards for the security of electronically stored health information.

## DEFINITIONS

**Protected Health Information (PHI):** Health information about an individual consumer containing a name associated with a diagnosis.

**Consumer:** A person who uses health care.

**Provider:** An entity who provides health care. Examples at Polk County include the health department, the jail, and youth services shelter and detention.

**Plan:** An entity who pays for health care based on criteria. Examples at Polk County include Polk County Health Services and the Auditor for some general assistance and Veteran's Affairs claims.

**Inmate:** A person residing in a correctional institution such as a jailor a juvenile detention center.

**Hybrid entity:** An entity which is mixed because it contains both covered health care functions and non-covered functions.

**Business Associate:** A separate entity which performs work for the County, such as, the independent Auditor, labs who do overflow work for the health department, out of county jails, and the like. Within the County, there are business associate type units such as General Services and the County Attorney's Office.

**Incidental disclosures:** The situations in which a small amount of information which is health care related is disclosed, but it is not substantial in amount. Examples would be that a taxi driver knows that the rider is going to the doctor, but does not need to know why.

## **POLICIES**

**Public policy:** Polk County operates in a public (open records) environment in using and disclosing information which in some instances is protected from disclosure by State or Federal law. Polk County will apply State and Federal law to determine what information to disclose when a request is received. Federal and State law also control the use and disclosure in the absence of a request. A Notice of Privacy Practices will be available to describe the specific uses and disclosures Polk County makes of PHI. Inmates will not receive a Notice unless Federal law is changed to require it. When required by State or Federal law, a written authorization will be obtained before PHI is disclosed.

**Consumer Access:** Polk County will permit consumers to have access to their own PHI records and will permit amendments to the records under appropriate circumstances. Offices and departments of Polk County will have appropriate procedures to permit access, amendment, restrictions and manner of communication with consumers.

**Minimum Necessary:** Only the minimum amount of information will be disclosed as appropriate in the context of the use or request. Electronically stored information will be safeguarded so that only appropriate personnel have access. When required by law or when circumstances warrant, the consumer will be given an opportunity to object to the release of PHI. There is no penalty for the incidental release of medical information.

**Work station practices and physical storage:** Care will be taken in the physical and electronic storage of PHI. Each office of Polk County will determine the level of appropriate care which should be taken in work station practices of officials and employees.

**Business associate agreements:** The Board will enter into appropriate business associate agreements on behalf of the County. Offered to employees regarding the implementation of HIPAA and appropriate use and disclosure of PHI. Appropriate disciplinary sanctions will be managed by the elected official in charge of each office or by the Board for employees reporting to the Board.

**Complaints and monitoring:** Dissatisfied or concerned persons may make an inquiry or complaint to the Privacy Officer. In addition, the Privacy Officer will periodically review with various offices and departments their compliance with the laws.

## **HYBRID ENTITY DESIGNATION**

Pursuant to 42 C.F.R §164.504(a) and (b), Polk County is required to designate which elements of the County are health care components as part of County operations.

Polk County is a hybrid organization with the following health care components:

- Board of Supervisors
- Sheriff's Office
- Veteran's Affairs
- Public Health Department
- Community, Family, and Youth Services
- Auditor's Office
- General Services
- Human Resources/Risk Management
- Information Technology
- Medical Examiner's Office
- County Attorney

The following offices and departments are not subject to HIPAA privacy provisions:

- Recorder's Office
- Treasurer's Office
- Polk County Conservation Board and employees
- Public Works
- Regional Facilities
- Planning and Development
- Special Projects