

SERVICE

EXCELLENCE

COLLABORATION

ACCOUNTABILITY

POSITIVITY

INNOVATION

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TETON COUNTY  
**POLICY-MANUAL**

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2024-v2 EDITION



# ACKNOWLEDGMENT AND RECEIPT

**I have received my copy of the Teton County Policy Manual.**

The employee policy manual describes important information about Teton County, and I understand that I should consult Human Resources regarding any questions not answered in the manual. I have entered into my employment relationship with Teton County voluntarily and acknowledge that there is no specified length of employment. **Accordingly, either I or Teton County can terminate the relationship “at will,” with or without cause, at any time, so long as there is not a violation of applicable federal or state law.**

Designated Sheriff’s Office sworn deputies, as defined by Wyoming Statute §18-3-611, are an exception to employment-at-will.

I understand and agree that no representative of Teton County, other than the Board of County Commissioners, has the authority to enter into an agreement of employment for any specified period and such agreements, when they do exist, must be in writing, and require approval of the majority of the Board of County Commissioners.

This manual and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of your employment with Teton County. By distributing this manual, the County expressly revokes any and all previous policies and procedures which are inconsistent with those contained herein.

I understand that, except for employment “at-will” status, any and all policies and practices may be changed at any time by Teton County, and the County reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

**I understand and agree that nothing in the Human Resources Policy Manual creates, or is intended to create, a promise or representation of continued employment and that employment at Teton County is employment-at-will (unless I am designated as a sworn Sheriff Deputy as defined by W.S. §18-3-611), which may be terminated at the will of either Teton County or myself. Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document.** I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by Teton County or myself.

I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it.

---

Employee’s Signature

---

Employee’s Name (Print)

---

Date



# FLSA COMPENSATORY (COMP) TIME ACKNOWLEDGEMENT FORM FOR FULL- TIME NON-EXEMPT EMPLOYEES

By signing below, I acknowledge the following:

I understand that my position is covered under the Federal Fair Labor Standards Act (FLSA). I also understand that I am eligible to receive overtime pay at one and one-half times my current rate of pay, OR, in lieu thereof, to receive paid time off at the rate of one and one-half hours off for each hour of employment for which overtime compensation is required.

I understand this acknowledgment form must be executed by me before I can accrue or use comp time. I also understand that comp time, in lieu of overtime, only applies to hours worked over 40 within a workweek. For Teton County, the workweek runs from 12:01am Sunday and ends the following Saturday at 12:00am midnight.

Fire/EMS Shift Personnel subject to the §207(k) exemption of the Fair Labor Standards Act shall be paid overtime compensation at the rate of one and one-half (1.5) times their regular hourly rate only after the employee's actual work hours exceed the maximum hours defined by the FLSA work cycle. For Payroll purposes, the Fire/EMS work cycle begins at 7:00am and ends at 7:00am after 24 consecutive days.

I further understand that comp time may be limited, used or paid out consistent with the provisions of the current Teton County Human Resources Manual and the law.

I understand that I must at all times maintain an accurate and truthful record of my hours worked each day and each work period. I further understand that if I would resign or be terminated from my position, transfer from my Department/Office/the Library, or be promoted into a new position, the Department/Office/Library in which the overtime was incurred is responsible for arranging for me to use or be paid the balance of my accrued compensatory time at my final hourly rate of pay prior to termination or a change in position.

I understand that this acknowledgment form will remain in effect during my employment at Teton County, unless revoked, revised, or updated, due to a change in my position, or due to any changes to applicable law.

Acknowledged By:

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Date



NOTE: FLSA exempt employees are not entitled to FLSA compensatory time. If unsure of FLSA status, please check with your hiring official. This completed form is to be maintained in the official personnel file.

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## Section 1 Personnel Policies



# CHAPTER 1 INTRODUCTION AND DEFINITIONS

## 1-1 PURPOSES

- A. The Human Resources Policy Manual has been adopted for the purpose of guiding the County's efforts for quality performance, equity in employment and career development of its employees.
  - a. The County reserves the right to alter, amend or revoke these policies in its sole discretion at any time for any reason.
- B. The policy is a guideline and general statement of the County's present policies and benefits. It is not intended to be all-inclusive. Nothing herein is intended, nor shall it be construed or deemed to create any contract between the County and any of its officers or employees, nor is it intended, nor shall it be construed to create any property rights in employment or an expectation of continued employment, or in the continuation of any benefits of any County employee or officer. The County's failure to adhere to any provision hereof shall not create any additional rights or remedies for any employee.

## 1-2 AT-WILL EMPLOYMENT

- A. All persons hired by the County, unless otherwise provided for by written contract, are hired "At-Will," meaning that they may be terminated at any time, for any reason, or for no reason at all. Employees may also terminate their employment at any time, for any reason, or for no reason at all.
- B. Sworn Sheriff Deputies shall not be discharged from employment, reduced in rank, or suspended without pay except for cause and after notice and opportunity for a hearing pursuant to Wyoming Statute §18-3-611.
- C. Teton County retains the right to change the contents of this Manual at any time, with or without notice.

## 1-3 SEVERABILITY

- A. In the event that any provision of this Human Resources Policy Manual shall be declared illegal, void, or unenforceable by a court of competent jurisdiction to violate any state or federal laws, the other provisions shall not be affected and shall remain in full force and effect.

## 1-4 DEFINITIONS

- A. **ALTERNATIVE SCHEDULING** – Allows an employee to choose, as their regular work schedule, an arrival and departure time outside of the traditional 8:00 a.m.–5:00 p.m. All alternative schedules require an Alternative Scheduling Agreement, signed by the employee and approved by their Department Director, Elected Official, or the Library Director.
- B. **ALTERNATE WORK LOCATION** – Approved work location in which an employee is authorized to conduct telework other than employee's primary work location. In most cases, the alternate work location is the employee's home.
- C. **ANNIVERSARY DATE** – For the purpose of compensation, calculations will be determined by the date of the most recent hire.

- D. **BOARD** – The Teton County Board of County Commissioners. Also referred to as Board of County Commissioners.
- E. **CALL-BACK** – An unscheduled request in which a non-exempt, on-call employee is required to physically return to the workplace after leaving the work location at the end of the employee's regular shift and before the beginning of the next regularly scheduled shift or on a regularly scheduled day off.
- F. **THE COUNTY** – Refers to the government of Teton County.
- G. **COMMISSIONERS** – The elected Board of Teton County Commissioners, five in number, consisting of a chairperson, vice chairperson and three commissioners, and designated by statute as the governing board of Teton County.
- H. **COMPRESSED WORKWEEK** – Allows an employee to choose, as their regular schedule, a forty-hour workweek completed in fewer than five full days by increasing the number of hours worked on certain days. All compressed workweeks require a Compressed Workweek Agreement, signed by the employee and approved by their Department Director, Elected Official, or the Library Director
- I. **COUNTY COMMISSIONER'S ADMINISTRATOR** – Board appointed position who is responsible for administering the affairs of the Board of County Commissioners. W.S. §18-3- 107(g).
- J. **CLASSIFICATION** – The assignment of a position to a specific job title and pay grade based on the nature and level of the assigned duties and responsibilities, authority, and minimum qualifications common to various individual positions of employment that permit combining them under a single job title.
- K. **COMPENSATORY TIME** – Paid time off in lieu of wages, which may be taken with pay for overtime worked by a non-exempt employee, figured at time and one-half for each hour worked in excess of forty (40) hours in one work week. (Refer to Non-exempt)
- L. **DEMOTION** – The movement of an employee, either voluntarily or involuntarily, from one classification to another classification having a lower maximum rate of pay.
- M. **DEPARTMENT** – Division of county government created by the Board of County Commissioners which may be statutorily mandated, usually delineated by specific service function, and supervised by a Department Director.
- N. **DEPARTMENT DIRECTOR OR DIVISION MANAGER** – A supervisor of a county department or division of said department, responsible for normal daily office procedures and workflow, employee training, appraisals, direction and proficiency, departmental supplies and equipment; having the authority to exercise management rights, develop management policies or to effectively make such recommendations requiring the use of independent judgment not of a routine nature. Responsible to and under the direction of the County Commissioner's Administrator or Library Director. The Library Director is responsible to and under the direction of the Library Board.
- O. **DRIVING CRITERIA GUIDELINES** – Drivers of County vehicles must meet Teton County and the Wyoming Association of Risk Management driving record criteria guidelines in order to qualify for employment and for continued employment. Driver records are verified for employment purposes and again annually thereafter for designated safety-sensitive employees required to have a CDL to perform specific duties for their position.
- P. **ELECTED OFFICIAL** – An individual elected by popular vote to administer statutorily mandated responsibilities and duties on a county level; directs the work of employees within their office and regularly exercises discretionary powers; a person lawfully holding the position of County Assessor, County and Prosecuting Attorney, County Clerk, Clerk of District Court, County Commissioner, County Sheriff, County Treasurer, or County Coroner, in accordance with W.S. § 18-3-101 through 18-3-907.

- Q. **EMPLOYEE** – Individual hired or appointed by Teton County Government, for prescribed compensation, to fulfill prescribed duties, tasks and services during fixed time periods for an indeterminate length of time, over which management has the right to direct and control the way the person works, both as to the final results and as to the details of when, where and how the work is done.
- R. **EXAMINATION** – Any process, procedure, rating, interview, test, evaluation or assessment, whether scored or not scored, formal or informal, which affects a person’s eligibility for, or consideration for, appointment or hire.
- S. **EXEMPT** – Classification of a position or employee, whose position has been determined by Human Resources to be exempt from the minimum wage and overtime provisions of the Federal Fair Labor Standards Act regulations. Teton County exempt classifications are not eligible to receive overtime payments or earn compensatory time for hours worked over forty (40) hours in one week. The workweek for a full-time exempt employee is normally considered to be forty (40) hours and full-time exempt employees are expected to be present at work during their scheduled work times; however, greater emphasis is placed on meeting the responsibilities assigned to the position than on working a specified number of hours. Exempt employees are expected to work whatever hours are necessary in order to meet the performance expectations outlined by their supervisors.
- T. **FAMILY MEMBER** – Includes the employee’s spouse, siblings, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law, grandparents, grandchildren.
- U. **FLEX TIME** – For the purpose of managing overtime, a discretionary allowance made by an Elected Official, Department Director, or the Library Director for an employee to work a prescribed 40-hour workweek at times other than the employee’s regular work schedule.
- V. **FULL-TIME** – A regular status employee, or limited term employee, scheduled to work forty (40) hours per week on a full workweek basis is considered a full-time employee for compensation and benefit purposes. In the case of Fire/EMS shift employees, a full-time employee is one who is scheduled to work one-hundred, ninety-two (192) hours in a 24-day work period.
- W. **GOOD STANDING** – An employee in good standing is defined as one who within one (1) year prior has not been suspended, involuntarily demoted, or received a written warning and is not currently under review in any manner, including but not limited to a performance improvement plan or investigation.
- X. **HOURS WORKED** – Hours worked includes all time the employee is on duty or on County premises or at a prescribed workplace during which the employee is required or permitted to work for the County. Hours worked does not include paid leave of any kind.
- Y. **IMMEDIATE FAMILY MEMBER** – Includes the employee’s spouse, siblings, parents, children or stepchildren, grandparents, or grandchildren.
- Z. **INDEPENDENT CONTRACTOR** – A person or entity, as defined by the Fair Labor Standards Act (FLSA), providing products or services to Teton County pursuant to a specific agreement where the contract identifies the services to be performed and the contractor is responsible to exercise independent judgment in meeting the contract terms. Independent contractors are not employees under the terms of these policies, do not perform responsibilities related to the work of existing employees, and derive no rights from these policies. Independent contractors are responsible for payment of any applicable payroll or other taxes.
- AA. **JOB DESCRIPTION** – A description of each classification of work defined in the Teton County Classification and Compensation Structure.
- BB. **JOB PLACEMENT** – Jobs are placed on the Teton County Classification and Compensation plan according to analysis of the job content, external market and internal equity.

- CC. **LIMITED-TERM EMPLOYEE** – An employee who is hired into a vacant or grant-funded position to perform a described set of duties and responsibilities on a non-project basis for a limited duration intended to be at least six (6) months. The conditions for these positions do not provide for attainment of regular, year-round employment and such employees can be released at any time from a position for reasons such as budget restrictions or termination of grant funding. Limited-term employees are benefit eligible.
- DD. **LEAVE OF ABSENCE** – Leave from regularly scheduled duties that, under the terms of this policy manual, may be paid or unpaid, authorized by the Elected Official, Department Director, Library Director, or County Commissioner’s Administrator for medical, military, or personal reasons without loss of employment status.
- EE. **LIBRARY BOARD** – The Teton County Library Board
- FF. **LIBRARY DIRECTOR** – The Library Director is responsible to and under the direction of the Library Board.
- GG. **NON-EXEMPT** – An employee whose position with Teton County has been determined by Human Resources to be eligible for overtime payments, figured on the employee’s regular rate of pay, at time and one-half for time worked in excess of forty (40) hours in one week. (JH Fire/EMS and the Sheriff’s Office policies may differ.) The County classifies non-exempt employees through the guidelines established by the Federal Fair Labor Standards Act regulations.
- HH. **PARENT** – An individual who is the biological or adopted parent, stepmother or stepfather, or who stands in loco parentis of an employee.
- II. **PART-TIME** – a regular status employee, whose work schedule is less than full-time (less than forty (40) hours a week) on a full workweek basis is considered part-time.
- JJ. **PERSONNEL FILE** – All hard copy records pertaining to an employee’s personal information and job-related records will be contained in a personnel file. The file is maintained by the County Clerk in a locked, secure area with access limited to those who have a need for such access. Such records include date of hire, position title(s), performance evaluations, disciplinary notices and payroll records. Records on workplace investigations and medical data are kept in separate confidential files.
- KK. **PERFORMANCE APPRAISAL SYSTEM** – The system by which an employee’s performance is evaluated, and upon which any merit or performance increase is based.
- LL. **POOL EMPLOYEE** – A group of employees who work on a temporary, as needed basis, typically on short notice, and work less than 1,560 hours per year and are in a non-benefited status. Teton County provides a “premium pay” of \$1.00 for each hour worked which is added to the regular rate or base pay for each work shift completed.
- MM. **POSITION** – A group of current duties and responsibilities requiring the full-time or part-time employment of one person.
- NN. **PROMOTION** – Movement of an employee from one position to another position with a higher salary range by competitive evaluation or examination.
- OO. **RECLASSIFICATION** – The assignment of a filled position to a different class based upon a logical and gradual change to the duties or responsibilities of a position.
- PP. **RECORDS** – Records do not include drafts or documents that are works in process, only final versions of documents.
- QQ. **REGULAR STATUS** – Any person who is not an Elected Official, temporary employee, independent contractor or contract employee who performs assigned duties for compensation and is regularly scheduled to work a specified number of hours per week. The status of an individual hired to fill an authorized position which is established in the fiscal year budget for Teton County and whose employment does not have a specified ending date.

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- RR. **SALARY PLACEMENT** – The proper salary grade of a position based on the duties performed, authority and responsibilities exercised and the grade level of comparable “market-based” positions.
- SS. **SALARY PLAN/STRUCTURE** – A logical and integrated system of salary grades. The County’s pay plan with salary grades and classifications in the service of the County.
- TT. **SENIORITY** – The length of an employee’s continuous service with the County since the employee’s most recent date of hire as a regular full-time employee, adjusted for periods of leave(s) of absence according to applicable leave, rehiring or recall policy.
- UU. **SEPARATION** – A break in service resulting from a resignation, termination, retirement, dismissal or reduction in force.
- VV. **SUPERVISOR** – Any employee who has been delegated supervisory duties by an Elected Official, a Department Director or the Library Director, or positions with authority to supervise employees within a department or division.
- WW. **TELEWORK** – A work arrangement in which Teton County may direct or permit an employee to perform their position responsibilities at an alternate work location. Telework requires a Telework Agreement, signed by the employee and approved by their Department Director, Elected Official, or the Library Director.
- XX. **TEMPORARY STATUS** – The status of an individual hired to fulfill prescribed duties, tasks and services for a prescribed rate of pay afforded by Teton County for a prescribed length of time, either part-time or full-time, and who works less than 1,000 hours for no more than a six-month period within a fiscal year. Individuals hired in a temporary status are not eligible for accrual of sick or vacation leave, holiday pay, or retirement or health care benefits. This includes short periods of employment such as seasonal months, peak periods, or to address an employee shortage.
- YY. **VITAL STATUS** – A designation applied to certain positions or employees which or whose absence during specific circumstances might jeopardize lives or crucial or mandated county services (e.g. Public Works during a weather or snow emergency, Emergency Management or Combined Communications, before, during, after a disaster).
- ZZ. **VOLUNTEER** – An individual who performs services for the County who receives no compensation other than expenses, reasonable benefits or a nominal fee and who is not otherwise employed by the County to perform the same type of services.
- AAA. **207(K) EXEMPT EMPLOYEES** – Pursuant to section 207(k) of the FLSA and 29 CFR Part 553, employees engaged in fire protection or law enforcement activities, whose overtime is determined on the basis of work periods longer than one week and up to twenty-eight (28) days. Overtime premium pay is determined and paid out at the end of the 207(k) work period. Fire/EMS shift personnel’s hourly rate is based on annualized hours of 2912.

# CHAPTER 2 GENERAL BUSINESS POLICY AND PRACTICE

## 2-1 REVOCATION OF PREVIOUS POLICIES

- A. This Human Resources Policy Manual revokes and supersedes all previous policies and procedures, handbooks, or memoranda.

## 2-2 RESPONSIBILITY FOR ADMINISTRATION OF POLICIES

- A. Dissemination of the Manual and any amendments shall be the responsibility of the Human Resources Department.
  - a. Supervisors shall be responsible for ensuring all employees within the supervisor's respective area of responsibility have received the Manual and all amendments.
- B. The Human Resources Director, in consultation with the County Attorney, shall assist in providing interpretations of these policies in cases of internal conflicts between policies, or when questions arise about the application to specific situations, procedures or policies.
- C. Elected Officials, Department Directors and the Library Director may establish policies particular to their own offices/departments, as supplements to this Manual.
  - a. In the event of conflict in any section, the Teton County HR Policy Manual shall prevail.
- D. Teton County Government Elected Officials, the County Commissioner's Administrator and Department Directors/Division Managers/the Library Director, and the Human Resources Department and County and Prosecuting Attorney's Office shall work together in ensuring the Human Resources Policies are administered and applied uniformly by all departments, divisions and offices.

## 2-3 HIRING PRACTICES

- A. **Overview**
  - a. Employees are hired and advanced through open competition based on qualifications and potential for quality job performance and overall job-person fit.
  - b. To assist in achieving non-discriminatory recruiting and employment, the County complies with all applicable Equal Employment Opportunity (EEO) laws and its EEO policy.
- B. **Authority to Hire**
  - a. W.S. §18-3-107(e) and W.S. §18-3-602(b) require Elected Officials to obtain consent from the Board to appoint deputies and assistants to assist the Elected Official in the performance of his or her duties. This consent may be provided by the Board's adoption of a document, supplement to the annual budget, which provides a list of the positions that are requested to be filled by the various Elected Officials. The Board may adopt other procedures for providing consent.
    - i. The Board may withdraw consent during or after approval of the budget, during periods of economic uncertainty or revenue shortfalls, or for other reasons including any condition which requires layoffs or a hiring freeze.



- b. When a vacancy exists in a position which had received consent from the Board, unless the Board has provided any contrary procedure, the Elected Official may fill the vacancy without obtaining any additional consent from the Board.
- c. When needing additional staffing that has not previously been authorized by the Board in the office of the County Sheriff, County Assessor, County and Prosecuting Attorney, County Coroner, County Treasurer, County Clerk, or Clerk of District Court the requesting Elected Official shall obtain the consent of the Board prior to recruiting, extending offers of employment or otherwise staffing positions within his or her respective offices [See W.S. §18-3-107 (e), W.S. §18-3- 602(b)]. A budget amendment is required to properly fund any authorized additional staffing, if the current departmental budget does not have sufficient funding for the requesting staffing.
- d. Department Directors, including the Library Director, experiencing a vacancy in their departments may staff such vacancies provided that such position had been previously consented to by the Board during the budget process, or otherwise. This consent may be provided by the Board's adoption of a document, supplement to the annual budget, which provides a list of the positions that are requested to be filled by the various Department Directors or Library Director. The Board may adopt other procedures for providing consent.
  - i. The Board may withdraw consent during periods of economic uncertainty or revenue shortfalls, including any condition which requires layoffs or a hiring freeze.
  - ii. After approval of the budget, the Board may also withdraw consent when the circumstances change to the degree that the position, which was previously funded, is no longer necessary.
- e. To request additional staffing that has not previously been approved, the requesting Department Director shall notify the Human Resources Department. The Human Resources Department and County Commissioner's Administrator shall review the request in a timely manner. The Human Resources Department shall then forward their recommendation for the requested position to the Board. The Board shall review the application and any staff recommendations and approve or deny filling the position. If approved by the Board, the Human Resources Department, in cooperation with the requesting Department Director, will begin the recruitment process.
- f. To request additional staffing at the Library that has not previously been approved, the Library Director shall notify the Human Resources Department. The Human Resources Department shall review the request in a timely manner and present its recommendation to the Library Board for consideration. If the Library Board approves the position, Human Resources shall then request a budget amendment for the requested position to the Board of County Commissioners. The County Commissioner's Administrator shall review the application and any staff recommendations and approve or deny filling the position. If approved by the County Commissioner's Administrator, the Human Resources Department, in cooperation with the Library Director or requesting Division Manager, will begin the recruitment process.
- g. Reclassification of approved positions may occur only when there are significant changes to the job's duties and responsibilities. A significant portion of a position's duties and responsibilities must be cited as justification for reclassification and must have been satisfactorily performed by the employee for at least six months, unless the change is a result of a reorganization or removal of supervisory reporting responsibilities. Minor changes in the job will not warrant a reclassification. Elected Officials, Department Directors, Division Managers and the Library Director are to consult with Human Resources when there is a significant change to a job's responsibilities. A Position Description Questionnaire form must



be completed to reflect changes. Compensation will be evaluated based on the designated job classification determination and an appropriate grade assignment will be determined by the Human Resources Director. If the change reflects an upgrade, Board of County Commissioners' approval is required prior to implementing the change and potential pay adjustments will be determined by the promotion guidelines. If the change reflects a downgrade, pay actions will be determined by the demotion guidelines. A job may not be considered for reclassification more than once per year.

**C. Types of Recruitment**

- a. In-House: The County may fill a position by in-house recruitment and need not advertise publicly.
  - i. The hiring manager or Elected Official may request that the vacancy be advertised in-house.
    1. The hiring manager or Elected Official shall indicate to the Human Resources Representative if in-house recruitment is to be done instead of, or prior to, public advertising of the position.
  - ii. Internal recruitments will be posted within the County's departments for a minimum of eight (8) calendar days concurrent with or prior to publicizing outside the County departments.
  - iii. In-house recruitment consists of posting available positions in at least one conspicuous place at each of the County's facilities, placing notices in each County department's mailbox, or sending notice by County-wide email.
  - iv. Participation in in-house recruitment is limited to employees currently in full-time, part-time or temporary positions.
- b. Outside Advertising. If the County elects to recruit outside applicants, the process for in-house recruitment shall be utilized and, additionally:
  - i. The vacancy shall be listed on the County website,
  - ii. An advertisement shall be placed in one or more area newspapers,
  - iii. Other publications or additional notices may be utilized as well.
- c. Prior Applicant Pool: The County reserves the right to fill a position from a prior applicant pool.
- d. The Sheriff's Office and JH Fire/EMS Department may select applicants from an established pool of candidates that have been pre-qualified for hiring consideration.

**D. Recruitment of Employees**

- a. In support of the County's equal employment opportunity obligation, the County shall staff vacancies with those applicants most qualified and capable of performing the essential duties of the vacant position, with or without reasonable accommodation.
- b. At no time should any representation or promise be made to a job applicant during the recruitment or hiring process that the applicant has permanent or guaranteed employment.
  - i. No document should be referred to as a "contract" or "agreement," unless an actual written agreement has been properly executed.
- c. The Human Resources Department shall receive, log, review and maintain all applications for all full-time positions.
  - i. All part-time and temporary applications are maintained within the hiring department.
- d. The Library Director and Department Directors, or Elected Officials who have obtained proper consent to hire employees should consult with the Human Resources Department to develop fair, lawful and effective recruitment, interview and selection procedures.

- e. The Americans with Disabilities Act (ADA) and other federal provisions that prohibit discrimination must be complied with during all stages of the hiring process.
- f. The Elected Official, Department Director, Division Manager, Library Director and/or supervisor, and the Human Resources Department will work together to determine the most effective recruitment plan, including advertising in one or more of the following:
  - i. Internal County Postings
  - ii. Newspapers
  - iii. Wyoming Job Service
  - iv. Radio
  - v. Internet, the County's Website, e-mail
  - vi. Specialized Publications and Professional Journals
  - vii. Any other method that may enhance the number of candidates applying for the position.
- E. The obligation to advertise vacancies in section C. - D. above may not apply to vacancies in which there are qualified employees who are eligible for transfer, or qualified former employees who were laid off and eligible for recall. In these instances, the department may consider applying the County's internal hiring guidelines.
- F. **Promotion, Transfer and Demotion**
  - a. Promotions: Vacancies in positions above the lowest rank in any classification services may be filled by promotions of current County employees or by an individual not currently in the County's employment. The County encourages employees to apply for promotions. Regular, full- or part-time employees, and temporary employees are eligible to apply for positions in which they are qualified, whether internal or external recruitments. The hiring manager will consider each applicant's record of performance, attendance and work records; maintenance of effective working relationships; and other relevant job-related qualifications.
  - b. Transfers: Transfer of an employee from one department to another, from one division to another, or within a department from one position to another in the same or different job classification which have the same salary grade, may occur following recommendation of the Department Director, Library Director or Elected Official. No employee will be allowed to transfer to a position for which the employee does not possess the qualifications.
    - i. A transfer will not be used to avoid discipline or to circumvent procedures regarding promotions, demotions, terminations or other management decisions.
    - ii. The transferred employee should continue at the rate of pay received in the employee's prior position.
  - c. Demotions. Demotion by reassignment, employee request, or to prevent layoff: A demotion may be authorized by the Department Director, Library Director or Elected Official due to management's discretion based on non-performance, for any employee who requests it, or to prevent a layoff of the employee if a vacant position exists in a lower classification. An employee who takes a voluntary or involuntary demotion or transfer will be placed within the new grade commensurate with the employee's qualifications and performance.
- G. **Applicant Evaluation**
  - a. All applications must be screened on the basis of the job-related knowledge, skills and abilities which indicate the greatest potential for quality job performance. Applicants are screened first on minimum qualifications. Applicants not meeting the minimum employment qualifications are eliminated. The applicants meeting minimum qualifications are then screened on the basis of best qualified in terms of job-related criteria. All candidates must be screened and interviewed in the same manner and with the same core questions.

- b. When an applicant submits an application, the applicant is certifying the accuracy and truthfulness of the information submitted and it is understood that any material misrepresentation or misstatement may be cause to disqualify the applicant, or if it is not discovered until after the applicant has been employed, the employee may be disciplined in an appropriate fashion, including immediate dismissal.
- c. The County may employ several methods to evaluate applicants to determine qualifications for employment, depending on the nature of the position vacated.
  - i. Such methods may include written and oral examinations, interviews, background checks, references, results of polygraph examinations, psychological examinations, and various performance evaluations. The testing and selection procedures must be properly tailored to the position, and comply with all applicable laws, particularly for interviews (formal and informal), polygraphs, and psychological and physical examinations.
  - ii. Structured interview panels should normally be comprised of the hiring manager, a representative from Human Resources, and employees at a peer level or above from alternate divisions, departments or offices. Subordinates are not included on structured interview panels.
    - 1. Employees participating in structured or unstructured interviews or other candidate screening opportunities (e.g. staff interviews, meet and greets, etc.) shall have received County-approved interview training within the prior twelve (12) months.
- d. All materials documenting the evaluation process shall be filed and retained in accordance with applicable federal and state retention laws.
- e. If the background check, the medical examination or any other subsequent investigation discloses any material misrepresentation on the application form, or if there is other information indicating that the individual is not suited for employment with the County, the applicant will be refused employment or, if already employed, may be terminated.
- f. Human Resources should notify all candidates of the status of their application within fifteen (15) days of a posting close date.

#### **H. Hiring Decision**

- a. The hiring decision is generally under the purview of the supervisor.
- b. There may be circumstances in which the Department Director, or the Library Director, or Elected Official may exercise the authority to make the final hiring decision.

#### **I. Employment Offer**

- a. Once the final decision has been made by the Supervisor/Department Director, Library Director or the Elected Official, the Elected Official, Department Director or Library Director shall inform the Human Resources Department of the selection. The Human Resources Department will prepare either a conditional offer of employment or an offer of employment for the Department Director, Library Director or Elected Official.
- b. Once the candidate accepts the job offer, the signed offer letter, employment application, and payroll change form are submitted to the Human Resources Department for payroll processing.
  - i. Any remaining printed applications are to be shredded by the department.
  - ii. Any interviewing and hiring documents must be stored by the hiring department for the appropriate records retention period.
- c. If an employee from one County department or office is hired by another, the hiring department or office assumes all leave time and any other applicable benefits the

transferred employee has accrued. Hiring supervisors may review the personnel file of any employee wishing to make an internal transfer by contacting Human Resources.

- d. Background Checks. Prior to employment, an applicant may be required to submit to one or more of the following means to verify and evaluate identity, work experience and the existence of a criminal record:
  - i. Photographs
  - ii. Polygraph examination (only if in compliance with law)
  - iii. Reference Check
  - iv. Motor Vehicle Record Check (MVR)
  - v. Criminal Background check and the submission of fingerprints to the Division of Criminal Investigation, or within the Sheriff's Office, a query may be made with the National Crime Information Center (NCIC).

**J. Post-Offer Medical Testing**

- a. Drug and Alcohol Testing
  - i. Certain applicants who aspire to occupy positions with the County that are "safety sensitive" may be required to submit to tests for alcohol or controlled substances, depending on the particular position. Employment offers may be rescinded based on results.
- b. Cost of Examination(s)
  - i. Medical examinations required by the County will be paid for by the County and will be performed by an approved physician or licensed medical facility designated or approved by the Department Director, Library Director or Elected Official.
  - ii. The results of medical examinations which have been paid by the County are the property of the County, and the examination records, including any results, are deemed confidential and shall be kept in a separate medical file located within the County Clerk's office.

**K. Recruitment and Relocation Expenses**

- a. Recruitment: Reasonable expenses incurred by applicants applying for employment in positions which are difficult to staff, including certain professional, supervisory or other positions requiring specialized expertise, and invited to the County for the selection process may be reimbursed for some portion of their travel, lodging and meals. All expenses must first be approved by the Human Resources Director. The Library Director will approve all recruitment expenses for library positions.
- b. Relocation: Relocation expenses may be paid to those employees who have been hired to fill difficult to staff positions in the County. The Human Resources Director and the hiring manager must pre-approve relocation reimbursement requests. For approved requests, relocation expenses may be paid following Human Resource Director review and approval of the associated receipts and voucher.

**L. Employee Referral Program**

- a. As part of a comprehensive recruitment strategy, it is the policy of Teton County to encourage its own employees to assist with the recruitment of new employees for hard-to-fill jobs with special skills requirements. A referral bonus is only used in extraordinary circumstances where there is a need to fill a position and usual recruitment methods are demonstrated to be unsatisfactory. Human Resources will use the following factors in determining whether a referral bonus is appropriate:
  - i. Recent efforts to fill the position including the number of qualified applicants, recruitment methods utilized, why the job offers are declined, etc.;
  - ii. Turnover history, number of existing vacancies, frequency and length of vacancy;

- iii. Labor market data factors such as information indicating the availability in the labor market of the skills/professions being recruited, current market rate of pay for occupation and unemployment rate; and
- iv. Special qualifications such as education, experience, skills or licensure/certification, which make the position more difficult to fill.
- b. All applicants shall receive equal consideration without regard to race, religion, sex, marital status or disability.
- c. To reward employees for referring qualified candidates who subsequently are hired, the County pays the referring employee a cash bonus of \$500, up to a maximum of \$2,000 per employee per calendar year, for each successful referral made in accordance with the following general provisions.
- d. Provisions
  - i. Positions that are eligible for an employee referral bonus payment will be identified as being eligible for a bonus payment on the bottom of the "Notice of Vacancy" announcement that is released by Human Resources. The statement will read: "This position is eligible for an employee referral bonus payment of \$500. Employees referring candidates must comply with the current Employee Referral Bonus Policy."
  - ii. For each qualified candidate referred, the referring employee must complete an Employee Referral Form and submit it to the Human Resources Department prior to an offer letter being extended. This form is logged in and a record of the referrals is maintained by Human Resources. Employees making a referral are responsible for informing the candidate of the vacancy, obtaining the individual's consent to having their name submitted, and having the individual submit a complete Teton County application through the online payroll system. The County application form must list the name of the employee who made the referral.
  - iii. All candidates must meet the stated qualifications for the eligible job openings.
  - iv. All candidates will receive equal consideration and are processed in the same way as other applicants.
  - v. A referral date cannot be earlier than the date the job opening is posted. The hiring of a referred employee must occur within 180 days (six (6) months) of the initial referral date.
  - vi. Referring employee will only be informed of the hiring decision if their candidate is hired.
  - vii. All information regarding the hiring decision will remain strictly confidential.
  - viii. Employees who refer a qualified candidate who is subsequently hired and remains employed for at least six (6) months are eligible for a referral-bonus payment. The bonus will be paid after the new hire completes six (6) months of employment.
  - ix. Employees are reminded that the County does not hire family members for any position that would involve a direct or indirect supervisor-subordinate relationship or otherwise create the appearance of a conflict of interest.
  - x. No referral bonuses are paid for referrals of candidates who are already employed by the County, retirees, rehires or persons returning from a leave of absence.
  - xi. To be eligible for the referral bonus payment described herein, the referring employee must still be on the County's payroll at the specified dates or qualify as an official retiree of Teton County.
  - xii. In the event the same candidate is referred by more than one employee, the date of the earliest referral will govern.

- xiii. Any disputes or interpretations of this employee referral program will be handled through Human Resources.
- xiv. Temporary, summer, contract and former employees of Teton County are not eligible candidates for receiving a referral bonus.
- xv. To avoid any possible conflicts of interest, referral bonuses are not paid to relatives of applicants hired or the hiring manager, Elected Officials, or to employees working in the Human Resources Department.
- xvi. The County reserves the right to deny bonus payments to any employee who improperly makes promises or assurances of employment to prospective or actual candidates, or otherwise engages in improper or inappropriate conduct related to this program or other workplace activities.

**M. Applicant Recruitment Incentive Program**

- a. As part of a comprehensive recruitment strategy, Teton County may elect to offer a recruitment incentive to attract applicants to certain positions. A recruitment incentive is only used in extraordinary circumstances where there is a need to fill a critical position and usual recruitment methods are demonstrated to be unsatisfactory.
  - i. Applicants are persons not currently employed with Teton County.
  - ii. Recruitment Incentive is a bonus payment, which is not part of an employee's base salary, paid to recruit a new employee in hard-to-fill positions.
- b. Provisions. Human Resources will use the following factors in determining whether a recruitment incentive is appropriate:
  - i. How critical the position is to the County's operations and mission;
  - ii. Recent efforts to fill the position including the number of qualified applicants, recruitment methods utilized, why the job offers are declined, etc.;
  - iii. Turnover history, number of existing vacancies, frequency and length of vacancy;
  - iv. Labor market data factors such as information indicating the availability in the labor market of the skills/professions being recruited, current market rate of pay for occupation and unemployment rate;
  - v. Special qualifications such as education, experience, skills or licensure/certification, which make the position more difficult to fill; and
  - vi. Availability of budgeted salary dollars within the hiring office, department or division budget for this purpose.
- c. Positions that are eligible for a recruitment incentive will be identified as being eligible on the bottom of the "Notice of Vacancy" announcement that is released by Human Resources.
- d. Recruitment incentives shall not apply to internal candidates.
- e. Recruitment incentives shall apply to regular, full-time positions only.
- f. New employees must sign the Recruitment Incentive Form prior to receiving a recruitment bonus payment.
- g. Recruitment incentives will be paid in two parts – 50% after the first ninety (90) days of employment, and the balance after 180 days of employment. If an employee separates or informs of resignation from the organization prior to the dates mentioned above, employee will not be entitled to receive the recruitment incentive bonus payment(s).
- h. The amount of the recruitment incentive may be determined by the hiring office or department in collaboration with Human Resources and contingent on available funding, but may not in any case exceed \$1,500.
- i. Payment of the recruitment incentive is subject to state and federal taxes and withholding.

## 2-4 NEPOTISM

- A. In order to promote fair employment practices and to acknowledge that the appearance of fairness is important for the daily operation of all County departments, the County discourages the practice of hiring a relative of the immediate family, or individuals involved in a dating or cohabitating relationship within the same County department.
- B. Elected Officials are prohibited from advocating or causing the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the County. In addition, Elected Officials are prohibited from supervising or managing a family member who is in an office of the County. (See W.S. §9-13-102 (a) (xiv) for definition of Elected Official and W.S. §9-13-104(a) and (b).)
- C. No Elected Official, acting in their official capacity, shall participate in their official responsibility or capacity regarding a matter related to the employment or discipline of a family member. (See W.S. §9-13-104(b); W.S. §9-13-102 (a) (v) for definition of family member.)
- D. A member of an employee's immediate family or individuals involved in a dating or cohabitating relationship will be considered for employment by the County if the applicant possesses all of the qualifications for the position. However, if the applicant's relationship to a current County employee is that of an immediate family member or they are involved in a dating or cohabitating relationship within the same department, they shall not be hired if the employment would:
  - a. Create either a direct or an indirect supervisor or subordinate relationship;
  - b. Create an actual conflict of interest or the appearance of a conflict of interest;
  - c. The employee would be responsible for financially auditing the work of another; or
  - d. The employee would handle confidential material which might create the appearance of improper or inappropriate access to the material by the other.
  - e. These criteria shall also apply when assigning, transferring, or promoting an employee. For the purposes of this section, "family member" includes those relatives noted in the definition of family member, as well as any other members of the employee's household.
  - f. If two employees marry or become members of the same household during their employment, one of the employees may be required to transfer to another department or division. The option that they may continue employment is subject to the requirements that there is not:
    - i. A direct or indirect supervisor/subordinate relationship with an immediate family member;
    - ii. An actual conflict of interest or the appearance of a conflict of interest;
    - iii. The employee would not be responsible for financial auditing of the work of another; or
    - iv. The appearance of improper or inappropriate access to confidential material.
- E. Should one of the situations referenced in section D above exist, the Elected Official, Department Director, or Library Director shall attempt to find a suitable position within the County to which one of the affected employees may transfer. If accommodations of this nature are not feasible in the opinion of the Department Director, Library Director or Elected Official, the employees must decide among themselves which one will submit their resignation. If the employees cannot decide which one of them will resign, the Department Director, Library Director or Elected Official shall make the final decision.



## 2-5 GRIEVANCE/COMPLAINTS

- A. It is the policy of Teton County that County employees should have an opportunity to present their complaints/grievances, arising from the application of this Policy Manual, through a dispute resolution procedure. The County will attempt to promptly resolve all complaints/grievances that are appropriate for handling under this policy. Employees with concerns about discrimination, harassment, safety, their job or other employment issues are encouraged to engage in a good faith effort with their supervisor, Department Director, Elected Official or the Library Director to resolve the concerns. Where possible, all grievances should be resolved at the lowest administrative level. Formal written complaints may also be given, as long as they are signed and dated by the employee, to the Human Resources Department.
- B. **Definition:** An appropriate complaint/grievance is defined as an individual's expressed dissatisfaction concerning any interpretation or application of this Policy Manual by Elected Officials, Department Directors, the Library Director, management, supervisors or other employees. All disciplinary matters, including decisions to verbally reprimand through and including decisions to terminate, are not subject to this section. Any complaints of unlawful discrimination or sexual harassment should be reported and handled pursuant to the policies and procedures contained in this Policy Manual. Examples of matters that may be considered appropriate complaints/grievances under this section include:
  - a. A belief that County policies, practices, rules, regulations or procedures have been applied unfairly to an individual.
  - b. Treatment considered unfair by an individual, such as coercion, reprisal, harassment or intimidation.
  - c. Improper or unfair administration of County benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary or seniority.
  - d. Employee safety.
- C. **Informal Discussion:** Informal discussions between the employee and the employee's Elected Official or supervisor are initially required. For departments under the purview of the Board, if resolution is not achieved with the supervisor or Division Manager, the employee may present their grievance/complaint to the Department Director or Library Director for review. The Elected Official, Department Director or Library Director will evaluate the complaint, attempt to resolve it, and give a decision to the employee within a reasonable time. If the Elected Official, Department Director or Library Director are the subject of the complaint, or are perceived to be biased by the employee, the employee may file their formal complaint directly to Human Resources.
- D. **Formal Written Grievance to Human Resources**
  - a. Formal written grievances must be filed with the Human Resources Department within fifteen (15) calendar days from the date of issuance of the Elected Official's, Department Director's or Library Director's written summary of the dispute and the proposed resolution, or the date when the complaint/grievance is first received.
  - b. The written grievance should also include a concise explanation of the reason for the employee's dissatisfaction with the proposed resolution from the Elected Official, Department Director or Library Director.
  - c. Human Resources will confer with the individual and any other members of management considered appropriate, investigate the issue, and communicate a proposed solution in writing to all the parties within fifteen (15) calendar days from the date on which the written grievance is received.
- E. **Appeal of Decision of Human Resources to the Board**



- a. For departments under the purview of the Board, in the case of an appeal of the proposed solution of the Human Resources representative, the employee must request a meeting with the Board to appeal the decision within fifteen (15) calendar days from the employee's receipt of the Human Resources proposed solution.
  - b. In the case where Human Resources has been bypassed, the employee must file a formal written complaint/grievance within fifteen (15) calendar days from receipt of the Department Director's or Library Director's summary and proposed resolution.
  - c. The Board shall consider the findings and/or further investigate the allegations if necessary. After considering all of the available information, the Board's decision shall be in writing and delivered to the complaining employee and to the appropriate County officials. The decision by the Board shall be a final decision.
- F. **Elected Official Provision:** For employees under the purview of an Elected Office, after consultation with Human Resources, the decision by the Elected Official shall be a final decision.
- G. **Miscellaneous Provision:** The County, after an investigation is conducted, may refuse to proceed with any dispute it determines is inappropriate or unfounded under this policy. The standard of reasonableness will apply in these circumstances.

## 2-6 CONFIDENTIALITY

- A. Because of the nature of the County business, employees may have access to information of a confidential nature. This information shall not be disclosed except with authorized personnel. Documents and copies generated in the course of County employment are the exclusive property of the County and are not to be used for personal use or retained in the possession of an employee.
- B. If any situation arises concerning confidential information in which an employee has a question, the employee should discuss it with his or her supervisor immediately.
- C. Misuse or disclosure of confidential information obtained in the course of County employment could result in personal legal liability and disciplinary action, up to and including termination of employment.

## CHAPTER 3 EMPLOYEE CONDUCT

### 3-1 WORKPLACE APPEARANCE

- A. It is the policy of the County that each employee's dress, grooming and personal hygiene should be appropriate for the work situation. Department Directors, Elected Officials and the Library Director should develop specific operational policies within their respective departments/offices addressing this issue and considering the following:
  - a. Employee safety, OSHA compliance, including personal protective equipment.
  - b. Appropriate appearance given the nature of the work and degree of public contact.
  - c. Required uniforms.

### 3-2 ABSENTEEISM AND TARDINESS

- A. Absenteeism and tardiness place a burden on other employees and on Teton County. The County is committed to providing the highest level of governmental services and functions to better serve the community. In order to accomplish this, prompt and regular attendance is required.
  - a. All employees are expected to arrive on time, ready to work, every day.
  - b. If you are unable to arrive at work on time, or must be absent for an entire day, you must contact your supervisor as soon as possible (at least 30 minutes prior to the start of work). If possible, you must speak with your supervisor and not a co-worker. The Elected Official, Department Director, Division Manager or Library Director may have a specific department/office policy that governs how and when to report when an employee is going to be late or absent from work. Generally, voicemail, text and email messages are acceptable methods of notification, unless otherwise communicated by your Elected Official, Department Director, Division Manager or the Library Director.
  - c. Tardy is defined as reporting to work after the normal starting time or leaving before regular closing time.
  - d. Employees who, because of personal business, must be absent from work for one (1) hour or more should arrange with their supervisor to be excused in advance.
  - e. Excessive absenteeism or tardiness will result in discipline that may include termination. The standard of what is excessive is determined by the needs of the particular department or office.
  - f. Failure to show up or call in for a scheduled shift without prior approval may result in termination. Employees failing to return to work by the expected return date after an approved absence will be considered to have resigned voluntarily as of the date of the expected return.
  - g. Absences taken under applicable medical or family leave laws are not counted as unexcused absences under this policy. Employees that need reasonable accommodation for a disability are encouraged to notify their supervisor or Human Resources.

### 3-3 EMPLOYMENT IN MORE THAN ONE COUNTY JOB & OUTSIDE EMPLOYMENT

- A. When a regular or limited-term employee works at two or more different jobs, even when the jobs are in different County departments or offices, and their "actual" time worked is over the 40-hour workweek threshold, the employee is entitled to overtime.

- a. When an employee works occasional or sporadic hours on a part-time basis for the second job from their regular employment, the overtime rate is based on the second job, not the primary job. This must be communicated to the employee prior to them accepting the part-time job.
- b. If the amount of time spent by an employee in the second job is more often than sporadic or occasional, then the overtime rate may be calculated using the weighted average — where the earnings from both jobs are added together and the total hours worked is then divided by the total number of hours worked at all jobs. This rate is then used to calculate the overtime rate. Alternatively, the employee may agree in advance of the performance of the work in the second job that they will be paid during overtime hours at a rate not less than one and one-half times the hourly non-overtime rate established for the type of work they are performing during such overtime hours.
- B. Employees may take outside jobs in addition to their County job under these conditions:
  - a. The employee must inform his or her Elected Official, Department Director, Division Manager or the Library Director prior to accepting outside employment;
  - b. There is no conflict with required County business hours;
  - c. The employee's efficiency in the County job is maintained; and
  - d. There is no conflict of interest.
- C. Employees may not engage in personal business activities or in activities for an outside job during the employee's scheduled work hours.

### 3-4 EMPLOYEES SERVING ON COUNTY BOARDS

- A. All County employees are prohibited from serving on any board, committee or commission where appointments are made by the Board of County Commissioners, except for serving as advisers or staff liaisons for that board, committee or commission.
- B. County Boards or Joint Boards with the Town of Jackson that call specifically for county employees to be named to the board, as part of the resolution creating the board, are exempt from this policy.

### 3-5 PARTICIPATION IN COMMUNITY AFFAIRS

- A. It is the policy of Teton County to encourage employees to participate in the community service affairs of charitable, educational or civic organizations. Employee participation in community activities should not adversely affect the employee's job performance.
  - a. Time spent on community affairs, when not undertaken at the request of the employee's supervisor, should be outside of the employee's regular working hours, and therefore would not be compensable.
  - b. Employee-initiated participation in community affairs that necessitate absence from the job for an extended period of time should be addressed as an extended leave of absence, pursuant to the provisions of this Manual.
- B. **County-Requested Participation**
  - a. The Elected Official, Department Director, or Library Director may identify certain community activities or organizations in which they have determined it would be meritorious for them to designate employees to become members in the organization.
  - b. Designated employees who represent Teton County in an organization or community activity are expected to promote the County's interests.
  - c. The employee's time in participating in such activities may be compensable as if it were work time.

### 3-6 CIVILITY IN THE WORKPLACE

- A. **Employee Responsibility:** All employees are expected to conduct themselves in a professional manner that promotes a safe, healthy, inclusive and productive work environment.
  - a. Employees are expected to exhibit a high degree of personal integrity, civility and professionalism at all times while on the job.
  - b. This expectation applies to all interactions with coworkers, supervisors, subordinates, customers, vendors, contractors, and/or visitors. Interactions may be verbal, nonverbal, physical, written, or through imagery, electronic, or digital means.
- B. Disrespectful, unprofessional, intimidating, and/or uncivil behavior is unacceptable and may result in corrective action, up to and including termination. Such behavior includes, but is not limited to, behaviors that a reasonable person would find embarrassing, offensive, intimidating or humiliating, such as:
  - a. Use of profanity or otherwise offensive language or jokes
  - b. Obscene or indecent gestures
  - c. Shouting, yelling or other aggressive behavior
  - d. Degrading, demeaning, humiliating or insulting comments
  - e. Discriminatory remarks
  - f. Racist, sexist or other slurs or symbols
  - g. Name-calling
  - h. Horseplay
  - i. Harassment
  - j. Retaliatory actions
  - k. Personal attacks
  - l. Acts of insubordination
- C. The above reasons are neither mutually exclusive nor collectively exhaustive. Teton County may discipline for any combination of reasons, for reasons not listed or for non-communicated reasons at any time as long as the employee's constitutional protected liberty interests are not violated.
  - a. Further, acts that constitute a violation of the Teton County's Workplace Discrimination, Harassment and Retaliation policy (8-4), or the Workplace Violence policy (8-5) could lead to corrective action up to and including termination of employment.
- D. **Supervisor Responsibility:** Supervisors are expected to demonstrate leadership in exhibiting and promoting professionalism, civility and respect. This includes setting clear expectations and managing the performance of those they supervise in accordance with these standards through regular communication and performance feedback. Supervisors are expected to address professionalism and civility and respect concerns and deficiencies through coaching and/or corrective action as appropriate.

# CHAPTER 4 EMPLOYMENT POLICIES & JOB CLASSIFICATIONS

## 4-1 EMPLOYMENT STATUS

- A. **Regular Status:** Either the employee or Teton County may end the employment relationship at any time, for any reason, with or without advance notice.
- a. **Full-Time Status:** Full-time status is designated to an employee who is scheduled to work forty (40) hours per week. All full-time employees are eligible for the fringe benefits that the County currently offers.
  - b. **Part-time, Benefited Status:** Scheduled part-time status is designated as an employee who works thirty to thirty-nine (30-39) hours per week year-round. Any employee working at least thirty (30) hours per week or at least 1,560 hours per year in a regular position is eligible for fringe benefits that the County may offer. Accruals and compensation for absences due to vacation, sick leave, personal leave and holidays will be calculated on a pro-rated basis according to the number of scheduled hours per workweek.
  - c. **Part-Time, Non-Benefited Status:** Scheduled part-time status is designated to an employee who is scheduled to work a set number of hours per week of fewer than thirty (30) hours per week or 1,560 hours annually. Employees assigned this status are not eligible for group medical, dental, vision and life insurance coverage or other fringe benefits that the County currently offers, except as specified elsewhere in this Manual for part-time employees regularly scheduled to work between fifteen and twenty-nine (15-29) hours per week. Non-benefited, part-time employees shall not be allowed to work more than twenty-nine (29) hours/week without prior approval from the Department Director, Library Director, or Elected Official.
- B. **Temporary Status:** The designation of an employee who is hired in a job established for a temporary period or for a specific assignment. Temporary employees are currently ineligible, except as required by law, for fringe benefits. An employee filling a temporary position, either part time or full time, must work less than 1,000 hours and for no more than a six-month period within a fiscal year.
- C. **Probationary Status:** All sworn persons hired by the County Sheriff's office, unless otherwise provided by contract, shall be considered on probation beginning on the date of employment or a promotion and ending on the date an employment status change is fully authorized. During probation, either the employee or the County Sheriff may end the employment relationship, without notice, cause or access to the Review or Appeal Process, as outlined in the Sheriff's Office Policies.
- a. If the probationary employee is still employed at the end of the first twelve-month period, the probationary employee will receive a written evaluation and, if appropriate, a one-step salary increase. If the probationary employee is still employed at the end of the first twelve (12) months of probation, a supervisor may either extend the probationary period for up to an additional six-month period or authorize a change for the employee to move from probationary status to regular status.
  - b. If an employee does not successfully complete the probationary period or the extended probationary period, the employment relationship shall be terminated.

- c. In the case of a promotion, the employee may be returned to his or her former position and pay at the sole discretion of the Elected Official, provided that a vacancy for that position exists.
- d. When appropriate, the supervisor shall process a Personnel Action form stating the action to be taken regarding the probationary period. Until a Personnel Action form has been processed and approved in accordance with these policies, the employee remains on probation.

## 4-2 EMPLOYMENT CLASSIFICATIONS

- A. It is the policy of Teton County to classify County officials and employees as: Elected Officials, full-time, part-time, temporary, or contract employees, and as exempt or non-exempt for the purposes of compensation, administration and compliance with the Fair Labor Standard Act (FLSA).
  - a. Elected Official includes County Assessor, Clerk of District Court, County Clerk, County and Prosecuting Attorney, County Sheriff, County Treasurer, County Coroner, and County Commissioner.
    - i. Salaries are set by the Board of County Commissioners. (W.S. §18-3-107)
    - ii. Elected Officials are eligible for health, dental, life and retirement benefits and receive the same contribution rate as regular full-time employees who are eligible.
    - iii. If subsequently hired into a regular employee status position, individuals will carry all health insurance and retirement benefits, and accrue vacation and sick leave benefits at the rate associated with their original service date (adjusted for any interrupted county service).
  - b. Full-Time Employee: an employee occupying a position in which the normal workweek is forty (40) hours per week and the position is intended to continue ongoing for an undefined period. Full-time employees are eligible for all Teton County benefits set forth in these policies subject to the terms, conditions and limitations of each benefit program.
  - c. Part-Time Employee
    - i. PART-TIME, BENEFITED STATUS: An employee hired for part-time work and occupying a position in which the normal workweek is at least thirty (30) hours a week, but less than forty (40) hours per week and the position is intended to continue ongoing for an undefined period. Part-time employees will be paid on an hourly basis.
      - 1. Employees designated as this type of employee are eligible for County health insurance benefits at a pro-rated basis and accruals, and compensation for absences due to vacation, sick leave and holidays will be calculated at a pro-rated basis according to the number of scheduled hours per workweek.
    - ii. PART-TIME, NON-BENEFITED STATUS: Employees hired for part-time work and occupying a position in which the normal workweek is less than thirty (30) hours per week during the calendar year. Employees designated as this type of employee are paid on an hourly basis and do not receive county benefits except for those provided for by law such as workers' compensation, and do not accrue vacation, sick leave or receive holiday pay, except that employees regularly scheduled to work between fifteen and twenty-nine (15-29) hours per week are eligible for holiday and sick leave as specified elsewhere in this manual.

- B. The County may supplement the regular workforce, as needed, with other forms of flexible staffing, including contract employees, independent contractors, temporary employees or individuals acquired through staffing agencies.
  - a. Contract Employee means a position or employee hired to temporarily provide additional personnel support, assist in the completion of a specific project, or to work on an intermittent and/or unpredictable basis, and all seasonal positions unless otherwise stated. The hours worked shall be submitted each pay period.
  - b. Temporary Status Employee may not work more than 1,000 hours within a six-month period of a fiscal year and requires a description of duties submitted to the Human Resources Department. Temporary employees are paid on an hourly basis and are not eligible for County benefits except as otherwise provided by the Affordable Care Act of federal law.
    - i. If not classified in the County's pay structure, the temporary appointment will be assigned a pay rate by Human Resources in consultation with the Department Director, Library Director or Elected Official. Temporary status employees are considered "at-will" and may be terminated without notice and without cause.

#### 4-3 PAYROLL ADMINISTRATION

- A. In the event there is an error in the amount of pay, including any overpayments made to the employee, the employee should promptly bring the discrepancy to the attention of their supervisor, the payroll clerk in the Clerk's Office, or the Human Resources Department so that corrections can be made as quickly as possible.
- B. Teton County reserves the right to make any and all payroll corrections deemed necessary and appropriate.
- C. **Recording Time Worked:** Federal and State laws require Teton County to keep accurate payroll records, including but not limited to, actual time worked, leave taken, holiday, compensatory time earned, overtime, etc. All non-exempt employees are required to complete an individual time record showing daily hours worked.
  - a. All hours worked must be recorded on the County's authorized timekeeping system. Employees must accurately record all hours worked, not scheduled hours, and any leave time taken on the County's official timesheet. Time worked is all time actually spent on the job performing assigned duties. Time worked does not include lunches or meal periods (with the exception of on-duty Firefighter/EMS and Patrol Deputies), personal appointments, etc. and may be different than what was originally or normally scheduled.
  - b. Time records shall cover one complete work cycle and shall be completed at the end of each work shift. Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.
  - c. Time worked should never be "averaged" or carried over from one day or pay period to the next. All hours worked must be reported on the date and in the pay period in which they were actually performed.
  - d. Altering, falsifying, tampering with the records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
  - e. Unapproved absences shall not be considered as hours worked for pay purposes. The Elected Official, Department Director, Division Manager or Library Director shall inform the employee if the employee will not be paid for certain hours of absence.



- f. It is the employee's responsibility to submit their time records and to certify the accuracy of all time recorded. The supervisor will review and approve the time record before submitting it for payroll processing.
- D. **Time Not Worked:** Paid absences that are considered non-worked time such as jury duty, paid holidays, vacation time or sick leave shall be documented in the time record. These paid hours will not be considered as time worked for purposes of computing overtime compensation.
- E. **Payroll Processing**
  - a. All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Time records must be completed, approved and submitted to the respective payroll offices no later than 10:00 a.m. on the Monday following the close of a pay period. Failure to provide time sheets by the stated deadline may result in a delay in an employee receiving pay or may result in disciplinary action.
  - b. Non-exempt employees are responsible for documenting all scheduled work hours regardless of location and submitting time records to their direct supervisor at the conclusion of each pay period.
  - c. Exempt employees are not required to fill out hourly time records but must report any full day of vacation, wellness, executive or sick leave that is used by submitting a leave request through the online payroll system.
  - d. All employee time records shall be reviewed and submitted to payroll by the supervisor and shall be verified by the Department Director, Division Manager, Library Director or Elected Official prior to submittal to the payroll office.
  - e. Elected Officials, Department Directors, the Library Director and Division Managers will not release paychecks or pay statements to anyone other than the employee unless written authorization is given in advance by the employee.
- F. **Payroll Deductions**
  - a. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in County approved benefit programs. Employees should review any discrepancies in payroll deductions with payroll.
  - b. No payroll deductions will be authorized for unsponsored programs such as memberships in professional associations or for charitable gifts or organizations.
  - c. Teton County prohibits improper pay deductions to FLSA-exempt employees. If an employee in an FLSA-exempt position feels that improper pay deductions have been made in their wage they should contact Human Resources immediately.
- G. **Time Record Retention:** Time records shall be stored in the payroll office and be kept for not less than five years.

#### 4-4 EXEMPT EMPLOYEES AND SALARY DEDUCTIONS

- A. In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quality or quantity of work performed. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform no work at all for the County.
- B. An exempt employee is paid an established annual salary and is expected to fulfill the duties of their position regardless of hours worked, without regard to overtime. Department Directors, Division Managers, the Library Director, supervisors and other professionals in the exempt classification are expected to work a standard workweek due to the nature of County business and public service



expectations. This requires a customary workweek of Monday through Friday. Part-time exempt employees will be compensated proportional to the equivalent percentage of a standard workweek.

**C. Time Off**

- a. While it is recognized that exempt employees have more flexibility in their work schedules, exempt employees are expected to be present and work a minimum of forty (40) hours per week during their department's or office's scheduled work times in order to perform work that is essential to the operations of the County.
- b. Exempt employees should not be allowed to independently set their own schedule. If an exempt employee will not be at work during some hours of a typical workday, it is common courtesy for that employee to coordinate and inform management of the change in work schedule for the day.
- c. Exempt employees may "flex" or "float" a holiday within the pay period that it occurs, given prior authorization from their supervisor.
- d. Exempt employees are subject to the same sick, vacation, executive and wellness day policies as outlined in this Policy Manual.
- e. A Leave Request must be submitted to the supervisor for approval for any full day the employee plans to use vacation, wellness, executive or sick leave.

**D. Deductions**

- a. Deductions from pay cannot be made as a result of absences due to circumstances listed below. Such improper pay deductions are specifically prohibited by Teton County, regardless of the circumstances. Managers or supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures.
  - i. Jury Duty
  - ii. Attendance as a witness
  - iii. Temporary Military leave
  - iv. Absences caused by the employer
  - v. Partial day amounts other than those specifically discussed below
- b. Deductions of pay may be permissible as long as they are consistent with other County policies and practices and generally include the following:
  - i. Absences of one or more full days for personal reasons may be deducted only when all vacation or paid time off leave is exhausted.
  - ii. Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week.
  - iii. Unpaid disciplinary suspensions of one or more full days for violation of workplace conduct policies.
  - iv. Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act (FMLA).
  - v. Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt employees in the same circumstances.
- c. It is the policy of Teton County to prohibit improper deductions from the salary of exempt employees. Exempt employees who believe that they have been subject to an improper deduction should immediately inform their supervisor or contact the Human Resources Department who shall take appropriate steps to investigate and resolve the complaint. Should the County determine that an improper deduction was made, the County will promptly reimburse the employee in the amount of the improper deduction.

**E. Reductions from Leave Time**

- a. Reductions shall be made from an exempt employee's sick, vacation, wellness or executive leave benefits in full day increments according to the County's leave policies.
  - i. EXCEPTION: Under Family Medical Leave, exempt employee partial day deductions from sick leave are permitted.

#### 4-5 WORK SCHEDULES AND HOURS OF WORK

- A. **General Workweek or Work period:** The general workweek shall be defined as the time between 12:00 a.m. Sunday through 11:59 p.m. on the following Saturday. The workweek consists of seven (7) consecutive 24-hour periods. Law Enforcement employees and fire protection employees may have separate work periods established from at least seven to twenty-eight (7-28) consecutive days. The work period will begin at 12:00 a.m. Sunday morning and continue to run for the then most currently established number of days (24-hour periods).
  - a. The "work period" for shift personnel engaged in fire protection activities, as defined in 29 C.F.R. §553.224(a), is a 24-day cycle under the FLSA 7(k) exemption. For payroll purposes, the 24-day work period begins at 7:00 a.m. and ends at 7:00 a.m. after 24 consecutive days.
- B. The Board of County Commissioners has defined usual business hours as being 8:00 a.m. to 5:00 p.m. Monday through Friday, except County holidays authorized by the Board. Department Directors, Division Managers, Elected Officials or the Library Director shall establish the time and duration of working hours as required by the workload, the needs associated with providing efficient service to the public, the efficient management of human resources and any applicable law related to conducting County business.
- C. The Library Board establishes hours of operation for each branch location.
- D. **Non-Traditional Work Schedules.** For those non-exempt employees normally subject to a traditional work schedule of 8:00 a.m. to 5:00 p.m., Monday through Friday, the following additional schedule options are offered to increase the flexibility afforded to employees:
  - a. Alternative Scheduling
    - i. Through an Alternative Scheduling Agreement, employees normally subject to a traditional schedule may request approval for a schedule with a regularly scheduled start time between 7:00 a.m. and 9:00 a.m. and a regularly scheduled end time between 4:00 p.m. and 6:00 p.m. All employees working on an alternative schedule shall be present in the workplace between 9:00 a.m. and 4:00 p.m. and must be scheduled for eight (8) hours of work and an unpaid meal break of at least thirty (30) minutes each day.
    - ii. **CONDITIONS FOR APPROVAL.** Alternative schedules may be approved only when the following conditions are met:
      - 1. Alternative schedules shall meet the business needs of the organization, as well as the business needs of the specific office, department or division.
      - 2. Employees on alternative schedules must work forty (40) hours per week within the County's defined workweek.
      - 3. Approval of an alternative work schedule or schedules shall not diminish a department, division or elected office's level of service to the public. Sufficient staffing shall be scheduled to serve the public at all times during regular business hours.
      - 4. Employees on alternative work schedules are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in cancellation of the Alternative Scheduling Agreement or disciplinary action.

5. Alternative Scheduling Agreements shall be approved by the Department Director, Library Director or Elected Official. All alternative work schedules shall be forwarded by Human Resources to the Director of General Services for planning and support purposes (e.g., planned availability of IT and Facilities-related services).
  6. Employees on an Alternative Scheduling Agreement shall be scheduled for a minimum of eight and one-half (8.5) hours per day, to include a lunch period of no less than thirty (30) minutes per day, per Teton County policy guidelines. Alternative work schedule hours will be specified as a part of the Alternative Scheduling Agreement.
  7. Alternative Scheduling Agreements may be combined with telework agreements.
  8. The Alternative Scheduling Agreement is not an employment contract and may be canceled by Teton County at any time. Teton County has the right to instruct the employee to resume traditional work hours at any time.
  9. At a minimum, Alternative Scheduling Agreements shall be reviewed annually as a part of an employee's performance review.
- iii. COMPRESSED WORKWEEK
1. Through a Compressed Workweek Agreement, employees normally subject to a traditional schedule may request approval for a compressed workweek, in which scheduled work hours are completed in fewer than five (5) days by increasing the number of hours worked per day.
  2. Compressed workweek options include a four-day workweek of ten and a half to eleven (10.5-11) hour days or a five-day workweek of four (4), nine and a half to ten (9.5-10) hour days and one (1), four and a half to five (4.5-5) hour day. Compressed workweek schedules must include a meal period of at least thirty (30) minutes per day per Teton County policies.
  3. **Holidays:** For employees on a Compressed Workweek Agreement, eight (8) hours is the maximum number of hours allowed for holiday leave and employees shall be required to use accrued vacation, compensatory time leave, or other available paid leave to make up the difference in scheduled work hours (e.g. regularly scheduled to work ten (10) hours on the holiday, employee would receive eight (8) hours holiday leave and use two (2) hours vacation leave to equal the 10 hours). Alternatively, if approved by their supervisor, employees may flex the time and make up the missing holiday hours on another regularly scheduled day, so long as total hours scheduled in a single day do not exceed twelve (12). Employees shall float the holiday within the same workweek if it falls on their day off.
  4. For employees on a Compressed Workweek Agreement, use of leave shall require charging a like number of hours as the employee is regularly scheduled to work.
  5. **Conditions for Approval:** Compressed workweek schedules may be approved only when the following conditions are met:
    - (a) Compressed workweek schedules shall meet the business needs of the organization, as well as the business needs of the specific office, department or division.
    - (b) Employees on compressed workweek schedules must work forty (40) hours per week within the County's defined workweek.

- (c) Employees on a compressed workweek schedule must be scheduled to work during the core hours of 9:00 a.m. to 4:00 p.m.
- (d) Approval of a compressed workweek schedule or schedules shall not diminish a department, division or elected office's level of service to the public. Sufficient staffing shall be scheduled to serve the public at all times during regular business hours.
- (e) Employees on compressed workweek schedules are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in cancellation of the Compressed Workweek Agreement or disciplinary action.
- (f) Compressed Workweek Agreements shall be approved by the Department Director, Library Director or Elected Official. All compressed workweek schedules shall be forwarded by Human Resources to the Director of General Services for planning and support purposes (e.g., planned availability of IT and Facilities-related services).
- (g) Compressed workweek schedule hours will be specified as a part of the Compressed Workweek Agreement.
- (h) Four-Day Compressed Workweek Agreements may not be combined with telework agreements.
- (i) The Compressed Workweek Agreement is not an employment contract and may be canceled by Teton County at any time. Teton County has the right to instruct the employee to resume traditional work hours at any time.
- (j) At a minimum, Compressed Workweek Agreements shall be reviewed annually as a part of an employee's performance review.

#### 4-6 FLEX TIME

- A. **Employer:** For the purpose of managing overtime, an Elected Official, Department Director, Division Manager or the Library Director may direct an employee to work a prescribed forty-hour workweek at times other than the employee's regular work schedule.
- B. **Employee:** So as to accommodate unexpected personal issues or emergencies that arise within the workweek, an employee may request, within the workweek, to work a prescribed forty-hour workweek at times other than the employee's regular work schedule.
  - a. Personal flex time may be approved by an Elected Official, Department Director, Division Manager or the Library Director under the following conditions:
    - i. Approval does not negatively impact the business needs of the organization or the business needs of the specific office, department or division
    - ii. Request and approval may only be made within the workweek in question (i.e. no pre-approvals — personal flex time is intended for unexpected issues or emergencies only).
    - iii. Personal flex time may not exceed four (4) hours within a single workweek.

#### 4-7 OVERTIME

- A. Elected Officials, Department Directors, and the Library Director are responsible for monitoring, approving and budgeting overtime pay. Employees who work unauthorized overtime may be subject

to disciplinary action. In the event the department's overtime exceeds the amount budgeted, further use of overtime must be authorized in advance by the Board of County Commissioners.

- a. Note: Employees subject to the §207(k) exemption of the Fair Labor Standards Act (law enforcement and fire protection employees) fall under a different formula for calculating overtime and compensatory time. Fire/EMS shift personnel's hourly rate is based on annualized hours of 2912.
- B. **Overtime Work:** Non-exempt employees are permitted to work overtime only when expressly authorized by the appropriate authority. Any "actual" hours worked in excess of forty (40) hours during the workweek shall be compensated at time and one-half as overtime.
  - a. For shift personnel, overtime is invoked only after the employee's actual work hours exceed the maximum hours defined by the FLSA work period. Vacation, holiday and sick time do not count toward the calculation of overtime. Following this requirement, overtime pay would apply in the following:
    - i. For fire shift personnel, overtime pay would apply when actual hours worked exceed the applicable FLSA threshold or 182 hours in a work period of twenty-four (24) consecutive days.
    - ii. For Sheriff's Deputies, overtime may be calculated on a daily basis rather than the workweek.
- C. **Overtime Compensation:** Overtime pay is based on actual hours worked. Time taken for sick leave, vacation, holiday or any other leave of absence will not count toward hours worked when overtime is calculated. When it is necessary for a Department Director, Division Manager, Elected Official or the Library Director to require non-exempt employees to work overtime, the supervisor will direct the method of compensation by choosing one of the following options:
  - a. Non-exempt employees shall be paid at the rate of one and one-half times their normal hourly rate of pay for each (1) hour worked in excess of forty (40) hours in any one workweek; or
  - b. Non-exempt employees shall be given compensatory time off at the rate of one and one-half hours of compensatory time off for each one (1) hour worked in excess of forty (40) hours in any one workweek.
  - c. Fire/EMS Shift Personnel: Personnel subject to the §207(k) exemption of the Fair Labor Standards Act shall be paid overtime compensation at the rate of one and one-half times their regular hourly rate only after the employee's actual work hours exceed the maximum hours defined by the FLSA work cycle.
  - d. Sheriff's Office Deputies may receive overtime pay for hours worked over their regular daily shift.
  - e. All overtime must be reported during the pay period in which it is earned, using the approved time record currently in use by Teton County.
  - f. Premium pay is not used in the calculation of overtime wages. This includes special event pay, holiday pay or pool employee premium pay.
  - g. Employees who are not covered by, or who are classified exempt from the Fair Labor Standards Act, are not allowed to earn or accrue overtime or compensatory time.

#### 4-8 COMPENSATORY TIME OFF

- A. In accordance with the Fair Labor Standards Act, the County may give non-exempt employees who are required to work overtime the choice of receiving monetary compensation for overtime work or compensatory time off in lieu of monetary overtime compensation. No employee shall be permitted to work and receive compensatory time in lieu of monetary overtime compensation, unless the

employee has first read and executed the Teton County FLSA Compensatory Time Acknowledgement Form for Non-Exempt Employees and submitted the executed form to the County Clerk's Office.

- B. Non-exempt employees may be required, at the discretion of the Elected Official, Department Director, or Library Director to accrue compensatory time off in lieu of overtime pay for hours worked (including job-related travel time) in excess of forty (40) hours per week. Such time off shall be on the basis of one and one-half (1.5) hours of compensatory time for each one (1) hour of overtime worked.
- C. Unless otherwise approved by the Department Director, Library Director or Elected Official, employees will be required to take time off, or "flex hours," within the established workweek if it appears that the employee will accumulate more than the maximum allowable hours in the same workweek.
- D. **Accrued Compensatory Time:** Employees may not carry more than eighty (80) hours of compensatory time notwithstanding the number of overtime hours worked. Compensatory hours worked in excess of eighty (80) hours shall be paid at one and one-half times the regular compensation. Fire/EMS employees shall not carry more than 112 hours of compensatory time.
  - a. When an employee has both accrued vacation time and compensatory time available to use at the time of submitting a leave request, compensatory time shall be used before vacation time.
  - b. At the end of the fiscal year, at the discretion of the Board or Elected Official, all non-exempt employees who have comp time remaining may be required to be paid out for their accrued comp time, at the employee's current hourly rate, thereby creating a zero balance in compensatory time accruals at the beginning of the next fiscal year.
  - c. At the end of the fiscal year, employees who have comp time remaining may request payment for their accrued comp time, at the employee's current hourly rate, thereby creating a zero balance in compensatory time accruals at the beginning of the next fiscal year. If budgeted funds are not available, Teton County reserves the right to deny an employee's request for compensatory time payout.
  - d. An employee may only use compensatory time after it is earned, not before.
  - e. If an employee is promoted to a new position or transfers to a new department, whether exempt or non-exempt status, all accrued comp time will be paid at the employee's current hourly rate, thereby creating a zero balance in compensatory time accruals.
  - f. In the event an employee leaves the employment of Teton County, either voluntarily or involuntarily, including layoff, the employee shall receive compensatory pay for all accrued and unused compensatory time, to be paid at the rate for the classification that they were assigned at the time of departure from Teton County.

#### 4-9 SPECIAL EVENT PAY

- A. The community has many special events that require JH Fire/EMS and the Sheriff's Office to provide medical care, safety and protection. Qualified shift personnel who work special events will receive special event pay of "double time" for hours worked for the events.
- B. Working an event that occurs during normally scheduled hours does not qualify for special event pay.
- C. Special events will be defined and approved by the Fire Chief and Sheriff prior to their occurrence.
- D. JH Fire/EMS pool employees who work a special event will not receive additional premium pay for time worked.



#### 4-10 BREAKS AND MEAL PERIODS

- A. Meal periods are scheduled by supervisors to ensure proper staff coverage during the workday. Unless extenuating circumstances exist, non-exempt employees shall take a meal period of at least thirty (30) minutes and must be completely relieved of all work duties during the period.
- B. Meal periods may not be scheduled during the first or last hours of a workday or combined with break periods to shorten an employee's workday or workweek.
- C. Emergency personnel within the Sheriff's Office and JH Fire/EMS, assigned to 10-, 12- or 24-hour shifts shall be paid for their meal periods within their shifts as these meal periods may be interrupted to respond to emergencies.
- D. Unless extenuating circumstances exist, Teton County will not require an employee to work more than six (6) hours without an interval of at least thirty (30) minutes for a meal.
- E. Employees may take a paid 15-minute break for every four (4) hours of work, if approved by the appropriate Department Director, Elected Official or the Library Director. The Department Director, Elected Official or Library Director will determine when the rest periods are taken. In compliance with state and federal rules, rest periods will be paid if less than 20 minutes, and will be unpaid if longer than 20 minutes.
- F. Specific internal policies or practices concerning lunch and rest periods are to be established by the Department Director, Library Director or Elected Official in accordance with the provisions set within this policy. Any such policies must be reviewed by the Human Resources Director prior to implementing.

#### 4-11 INCLEMENT WEATHER

- A. County offices shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the Board. All employees will be given, when possible, advance notice of any authorized early closing or other deviation.
- B. Employees who, of their own volition, leave work before an official early closing time has been announced or report to work more than one (1) hour after the scheduled start of their shift, will be required to use vacation time or compensatory time for all time taken.
- C. If an employee chooses to not come to work due to concerns of inclement weather affecting road conditions, the employee must notify their supervisor within thirty (30) minutes of the start of their shift, and must use vacation, compensatory time or personal time for all time taken.
- D. If an employee's primary commuting route is impacted by a road closure and the employee chooses not to come to work, the employee may choose to use vacation time, compensatory time, a personal day or unpaid time.
- E. Elected Officials, Department Directors, Division Managers and the Library Director have the option of allowing employees to make up missed work time, if done within the same pay period. If that is not the decision of the Elected Official, Department Director, Division Manager or Library Director and if an employee does not have accumulated vacation, compensatory leave, or personal days, then leave without pay must be taken.
- F. Unless official notification has been broadcast or published that the County has closed its offices or operations, employees are expected to be at their work sites for normally scheduled hours. Absence from work without prior approval will be treated as an unauthorized absence and may lead to disciplinary action. Benefited employees who were previously approved to be absent when the County facilities are open for business will be required to use the leave that was previously approved.

## 4-12 PERSONNEL ACTIONS & EMPLOYEE RECORDS

- A. **Payroll Changes Forms:** Employment, salary, job classification, terminations and other related human resource matters shall be established and memorialized by individual Payroll Change forms maintained as a part of each employee's personnel file. The Human Resources Department shall make available standardized forms which shall be used by all County offices and departments in personnel administration (i.e. FMLA notification and requests, ADA requests for accommodation and related personnel change forms). Any change in an employee's personnel status or salary shall be made by a Payroll Change form.
- B. **Approval:** Payroll Change forms shall be approved by the appropriate Department Director, Library Director, Elected Official or designated representative. The Payroll Change form shall then be submitted to the Human Resources Department for verification that salary, title and grade are in agreement according to the current classification and salary plan and for review of compliance with Human Resource Policies and other policies and processes as established.
  - a. No payroll change shall be reflected on the payroll until approved by the appropriate supervisor and Department Director, Library Director or Elected Official.
    - i. If the supervisor is the Department Director, then the form must be counter-signed by the County Commissioner's Administrator, pursuant to the review procedure established.
    - ii. If the supervisor is the Library Director, then the form must be counter-signed by the Library Board Chair.
- C. **Personnel Records:** The County Clerk's Office maintains the official personnel files. The personnel file contains formal documentation on employees' employment and salary history.
  - a. The County shall maintain personnel files on each employee. All records in an employee's personnel file shall remain confidential in accordance with the Wyoming Public Records Act, and are available for examination by the employee, or by an attorney representing an employee. The employee's supervisor, Department Director/Library Director, Elected Official, County Commissioner's Administrator, Library Board Chair, or County Attorney, or the Human Resources Department who have an employment-related need for information about an employee may also examine the employee's personnel file.
  - b. Contents of Personnel File. Employee personnel records should include the following (but may be filed separately):
    - i. Original Employment Application
    - ii. I-9 Form (filed separately)
    - iii. Performance Evaluations
    - iv. Disciplinary action
    - v. Special Commendations
    - vi. Education Achievement
    - vii. Status changes affecting employee's work and salary history
    - viii. Employee's resume
    - ix. Other relevant documents as determined by management
  - c. Employees have a responsibility to make sure their official personnel records are up to date and should notify the Human Resources Department in writing of any changes in:
    - i. Name
    - ii. Address
    - iii. Telephone/cellphone number
    - iv. Marital status



- v. Number of dependents, address and telephone numbers of dependents and spouse or former spouse, beneficiary designations for any of the County's insurance, disability, pension plans
    - vi. Persons to be notified in case of emergency
    - vii. Authorized payroll deductions
  - d. Employees may inspect their own official personnel file and may copy, but not remove, documents in the file. Such an inspection must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resources Department and written record of the request will be placed in the file inspected.
  - e. Employees may not solicit or place any document in their file without authorization from their supervisor. Documents must be relevant and appropriate, as deemed by the employee's supervisor.
  - f. Confidential employee medical files and/or documents shall be maintained in a separate locked file in the County Clerk's office or Library Administration.
- D. **Timesheets and Leave Records:** Department Directors, the Library Director and Elected Officials shall maintain and provide (on forms or electronic systems approved by the County Clerk's Office) timesheets, vacation and other leave records for all employees as required. The County Clerk's payroll representative shall maintain records on all employees showing time worked, vacation, personal days, leaves and accumulated compensatory time earned and taken as appropriate. These records shall also be deemed to be a portion of the employee's central personnel file.
- E. **Investigation Files:** All materials and documents that are produced in the course of internal investigations of employees shall remain confidential in separate files designed for such matters. The Director of Human Resources shall be the custodian of all investigation files not involving law enforcement personnel. The designated Personnel Investigations Coordinator of the Sheriff's Department shall be the custodian of all investigation files involving law enforcement personnel.

#### 4-13 EMPLOYEE REFERENCE AND BACKGROUND CHECKS

A. **Reference Checks**

- a. All offers of employment at Teton County are contingent upon a job reference check. A reference check is conducted to obtain information from a current or former employer about a candidate's job knowledge, work habits (attendance, dependability), integrity, ability to work with others, quality and quantity of work, and other factors relevant to specific jobs.
- b. In conducting reference checks, hiring managers may ask only those questions that are related to a candidate's ability to perform the responsibilities of the position. Questions about an individual's race, sex, age, color, religion, national origin, sexual orientation, disability or any other matter not directly related to the position are prohibited.

B. **Background Checks**

- a. Types of Background Checks. Certain offers of employment are contingent upon clear results of a thorough background check due to the nature of the duties performed by the position. There are different types of background checks that may be conducted depending upon the position for which the candidate is being screened. Background checks which may be performed include:
  - i. **SOCIAL SECURITY:** Used to validate that the applicant's social security number matches the applicant's name. Used to reveal any names and addresses associated with an SSN. Essential to criminal records searches.

- ii. STATEWIDE CRIMINAL RECORD CHECK (applicable State Attorney General's Criminal Database): Used to help identify past instances of criminal felonies and misdemeanors. Will be compared with the results of the social security search. This will include counties of past residence for a period up to seven (7) years.
  - iii. NATIONAL CRIMINAL HISTORY DATABASE: Checks for any crimes committed in violation of federal law and may include state convictions and crimes.
  - iv. WYOMING CENTRAL REGISTRY: Checks for cases involving inappropriate behavior with children or vulnerable adults in the state of Wyoming. Includes active investigations as well as closed.
  - v. NATIONAL SEX OFFENDER REGISTRY/DATABASE: Used to determine if a candidate has been included in any state sexual offender registry, based on address history.
  - vi. MOTOR VEHICLE RECORDS (MVR): Used to determine candidate's past driving records and/or to ensure candidate is permitted to operate various types of machinery as required by position responsibilities. This search will be run when driving is an essential requirement of the position.
- b. Types of Positions Required to be Background Checked. Employees occupying the certain designated positions requiring a background check will be subject to a background check, pursuant to the following categories:
- i. All candidates who may have direct or indirect access to criminal history records or restricted levels of information technology systems or data must have a background check prior to an offer of employment. Persons within this category include all candidates for employment with the Information Technology Department;
  - ii. All candidates seeking employment, independent contractors or volunteers who will have direct or indirect access to children or vulnerable adults;
  - iii. All candidates who have been offered employment in the position of Department Director, Library Director, Division Manager or supervisor;
  - iv. All candidates seeking employment with the County in positions requiring a valid driver's license or Commercial Driver's License or expected to drive a County vehicle;
  - v. All persons seeking employment with the County in positions where access to private homes or property of citizens is part of the regular and customary duties of the job assignment;
  - vi. All persons seeking employment with the County in positions where the regular and customary duties of the job assignment require direct access to or control over cash, checks, and/or credit/ debit card account information on behalf of the County;
  - vii. Existing employees being considered for County transfers, demotions and promotional positions within the categories requiring background checks be conducted.
- C. **Offer of Employment:** All offers of employment, independent contractor services and acceptance of volunteers will be subject to the results of the background check. Repeat background checks may be conducted every three (3) years, or sooner, if deemed appropriate and necessary by the Human Resources Director.
- a. MVR checks shall be conducted annually for designated safety-sensitive employees required to have a CDL to perform specific duties for their position. All employees who drive a County vehicle in any capacity must comply with the Teton County and the Wyoming Association of Risk Management driving record criteria guidelines and are subject to MVR checks at the discretion of Teton County.

- b. Once a candidate has been identified for hire, the hiring manager must inform the candidate that the offer is contingent upon the successful results of the background check. The Human Resources Department then conducts any and all applicable background checks on the final candidate and will notify the hiring department accordingly once the results are received.
- D. **Authorization:** The County must obtain a signed Employment Background Check Authorization form before initiating a background check on a candidate, employee, volunteer or independent contractor. New authorization forms shall be obtained for each subsequent inquiry on transfer or promotion.
- E. **Verification of Background Check:** The results of the background check reports will be sent to the Human Resources Department. HR will review the report. If any discrepancies or criminal history are noted, the Human Resources Director, in consultation with the County Chief Civil Attorney, will make the final determination and notify the hiring manager.
  - a. In determining an individual's suitability for employment where the applicant has a record with criminal convictions, consideration will be given to the specific duties of the position, the number of offenses, and circumstances of each, the length of time since the convictions(s) and the accuracy of the explanation on the application.
  - b. If the background check is favorable, the Human Resources Department will notify the hiring manager that the candidate is approved to begin employment.
  - c. An existing employee that does not agree to submit to a background check may be subject to discipline up to and including termination.
- F. **Barrier Crimes.** An individual with a felony conviction for any of the following offenses will be automatically disqualified from employment with Teton County:
  - a. Homicide
  - b. Kidnapping and Related Offenses
  - c. Child Abuse
- G. **Disqualifying Results.** A reported criminal offense conviction will not necessarily disqualify a candidate from employment. In determining whether or not an individual's criminal background disqualifies the individual from employment with the County, the following factors may be considered:
  - a. The number of convictions in the applicant's/employee's past
  - b. The nature and seriousness of the offending conduct
  - c. How the past conduct relates to the particular functions of the job or the ability, capacity or fitness required to perform the duties of the job
  - d. The degree of public contact in the job
  - e. The length of time since the conviction
  - f. The circumstances of any convictions
  - g. The applicant's/employee's employment history prior to and since the offending conduct
  - h. Evidence of rehabilitation of the individual
  - i. How such conduct could affect the integrity of the workplace
  - j. The age of the individual at the time of conviction
  - k. The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved
- H. **Notifications to Employer:** Any employee who is convicted of a felony or misdemeanor offense that may disqualify them in their performance of their associated duties and responsibilities or who incurs a citation or charge that may prevent them from driving a County vehicle, is obligated to notify Human Resources within seven (7) calendar days of the conviction date. Failure to notify the County may result in disciplinary action.

- I. **Dissemination of Results:** All background search results shall be accessed solely by the Human Resources Department, in consultation with the County Civil Attorney. If a background check is returned with unfavorable results, the HR representative will notify the hiring manager only that the background check was not completed successfully. No privileged information will be relayed to the hiring manager. The Human Resources Department will contact the candidate to inform that individual that Teton County is rescinding its contingent offer of employment.
- J. **Appeal:** If background check results are unfavorable, the County will give the candidate or employee the opportunity to review a copy of the report and inform that individual of their right to dispute inaccurate information. If an individual disputes the accuracy or completeness of any information reported in a background check (including criminal records) that person will have five (5) business days to conclusively demonstrate the inaccuracy of the information obtained in a background check, after which time an employment decision may be made without further delays. Once the accuracy of the background check is confirmed, individuals have no right of appeal.
- K. **Confidentiality:** The Human Resources Department shall maintain, classify and retain all background check records in a separate, confidential file. The Human Resources Department shall maintain the confidentiality of all records received pursuant to the background search. Departments will not be provided with copies of the background investigation unless needed to defend a grievance or legal action. Records shall be maintained in compliance with all applicable state and local laws and a minimum of one (1) year from date of hiring decision or employment-related actions.
- L. **Open Charges:** An applicant or volunteer with open felony charges shall be prohibited from employment or participation in any capacity. It is the responsibility of the individual to notify the hiring manager as to the judgment of the court.
- M. **Expunged Records:** An individual is not required to disclose information regarding criminal charges or convictions that have been expunged by a court of law.

#### 4-14 PERFORMANCE EVALUATIONS

- A. This section relates to procedures specific to the responsibility of supervisory personnel and Elected Officials in a supervisory capacity. A performance evaluation for regular, full-time and part-time employees shall be conducted annually to clarify job expectations, provide feedback on performance, set goals for further development of skills and performance, provide information to the supervisor on departmental factors which assist or hinder job performance, etc. Regular employees receive merit increases based on Performance Evaluations and according to availability of funds as allocated by the Board of County Commissioners through the budget process. Performance Evaluations are based upon employee performance of an employee's specific job class description and demonstration of the County's employee values.
- B. The Director of Human Resources shall provide for and administer policies, procedures and training to be utilized for periodic evaluations of employees and subsequent issuance of annual merit increases, if budgeted.
- C. Employees should understand that their work will be measured not only on quantity but also on the quality of work performed as well as their overall contribution to the success of the department in which they are employed. Performance objectives will be written in such a manner that they are measurable and subject to objective opinion as far as possible, based upon measurement criteria of the department and from the supervisor who is writing the evaluation.
- D. Employees must receive a written Performance Evaluation annually (no later than thirty (30) days from their anniversary date) from their supervisor or Elected Official. Additional time may be requested to the Director of Human Resources by the Department Director, Division Manager, Library Director or Elected Official operating in a supervisory capacity. Retroactive payments of

salary increases shall be considered an exception and must be approved by the County Commissioner's Administrator, Department Director, Library Director or Elected Official prior to submitting to payroll for processing.

- a. Part-time employees regularly scheduled to work between fifteen and thirty-nine (15-39) hours per week shall receive a performance evaluation every twelve (12) months.
  - b. Other regular part-time employees shall receive a performance evaluation every eighteen (18) months or upon working 1,040 hours, whichever comes first.
  - c. Seasonal employees shall receive a performance evaluation at the end of seasonal employment. Seasonal employees who return for subsequent seasons are eligible for a merit increase upon working 500 hours in the previous season, so long as the employee does not receive more than one increase within a 12-month period.
- E. Performance evaluations do not necessarily result in a merit increase. A merit increase is recommended only if a satisfactory performance level has been maintained by the employee and no active performance improvement plan or disciplinary issues are present. Employees in a disciplinary status, such as a Performance Improvement Plan, are not eligible for annual merit increases.
- F. Employees receiving an overall satisfactory performance evaluation are eligible for a merit increase within the pay grade. Salary increases will be effective on the first day of the pay period in which the employee's anniversary date falls.
  - a. Newly hired employees will have the current compensation guidelines explained to them in detail at their new employee orientation. Existing employees will have any new or revised information explained to them by their Department Director, Division Manager, Elected Official or the Library Director upon implementation of change to current compensation guidelines.

#### 4-15 LENGTH OF SERVICE

- A. An employee's length of service is measured from the original date of employment with the County in a full-time position, as long as there has not been a break in service greater than 30 days. Credit for service represents the number of calendar months during which work was actually performed and which has not been interrupted by separation since his or her most recent date of hire. Employees with a break in service greater than one (1) year will receive credit for service only from their most recent hire date with the County. Length of service criterion applies to all policies including leave accruals and Service Recognition Awards.
- B. Reduced credit will be given for a calendar month in which an employee works less than eighty-six (86) hours due to leave without pay.

#### 4-16 PERSONAL INFORMATION CHANGES

- A. Employees are required to promptly make appropriate changes online or notify Human Resources if they have changes in personal information such as address, name, marital status, dependents or benefits status.

#### 4-17 TELEWORK

- A. Due to the nature of public service, Teton County does not support the use of full-time teleworking. However, Teton County does recognize the value of flexibility for employees and the efficiencies, cost savings and support for Continuity of Operations (COOP) associated with telework. For these

reasons, for eligible positions, telework may be approved for up to three (3) full days in an employee's five-day workweek. This allowance applies to both non-exempt and exempt employees.

- B. Telework Agreements may be approved under specific conditions and permit employees in designated positions to perform their job duties away from their primary work location in accordance with the established Telework Agreement. Eligibility is determined at the sole discretion of the Department Director, Library Director or Elected Official, with no implied or specific right to participation granted to an employee. As such, telework is a management option and not a universal employee benefit or right. Telework is not suitable for all positions. Selection of eligible positions shall be based on specific, work-related criteria.

a. Conditions of Approval

- i. Telework shall meet the business needs of the organization, as well as the business needs of the specific office, department, or division.
- ii. Telework Agreements shall be approved by the Department Director, Library Director or Elected Official.
- iii. All telework agreements shall be forwarded to Human Resources.
- iv. In evaluating the appropriateness of a position for telework, the Department Director, Library Director or Elected Official shall consider the following:
  1. The extent to which the position requires in-person contact with the public.
  2. The extent to which the position requires in-person contact with other employees.
  3. The extent to which the position requires in-person attendance at meetings or other on-site events.
  4. The extent to which the position requires in-person access to County-based equipment, resources, materials or property.
  5. Whether or not the employee has materials, resources, etc. available to support telework.
  6. The extent to which the position requires work in the field.
  7. Whether or not the position is tasked with direct supervision of other on-site employees.
  8. The extent to which the position requires direct supervision.
  9. The extent to which the position schedule can accommodate a telework opportunity.
  10. Whether or not the confidentiality of work can be maintained in a telework setting.
- v. Telework may be combined with an alternative schedule but may not be combined with a compressed schedule.
- vi. In extenuating circumstances or emergency events, short-term telework may be considered by the Department Director, Library Director or Elected Official for employees not on a Telework Agreement but who have the materials, resources, etc. available to support telework, are not bound by other obligations related to the extenuating circumstances or emergency event (e.g., childcare obligations), and can be appropriately supervised away from the primary work location.
- vii. Telework may be rescinded on any day when on-site presence is required for meetings, customer service, etc.
- viii. No in-person meetings may be held at the alternate work location



- ix. The alternate work location must be identified and approved as part of the Telework Agreement. Work from alternative work sites, other than the alternate work location, must be pre-approved.
  - x. If a power or internet outage occurs at the remote work location and extends past two hours, the employee must notify their supervisor and may be required to return to their primary work location or use leave for hours not worked.
  - xi. **DEPENDENT CARE:** Teleworking is not designed to be a replacement for appropriate dependent (child or adult) care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the telework arrangement must remain on job performance and meeting business demands. Employees are encouraged to discuss expectations of teleworking with family members. Appropriate dependent care must be arranged for during periods of telework.
  - xii. Employees must provide internet service at the remote location. Internet service must be of sufficient speed to support all work-related programs, applications, systems and devices. Potential costs associated with maintaining the remote work location, including telephone and internet connectivity, insurance, etc. must be borne by the employee.
  - xiii. The Telework Agreement is not an employment contract and may be canceled by Teton County at any time. Teton County has the right to instruct the employee to resume work at the primary work site at any time.
  - xiv. Employees must maintain satisfactory job performance at all times while on a Telework Agreement.
  - xv. At a minimum, Telework Agreements shall be reviewed annually as a part of an employee's performance review.
- b. **Conditions of Telework:** An employee's duties, responsibilities, schedule and status of employment while teleworking remain the same as if the employee were working at his or her primary work location. Employee salary and benefits shall not change as a result of telework. The employee shall be responsible for the security and confidentiality of data as well as the protection of County-provided equipment used or accessed during telework. The employee shall maintain a clean, safe work station. The employee shall continue to comply with federal, state, and County laws, policies, and regulations while working at an alternate work location. The employee shall remain subject to all Teton County disciplinary policies and procedures while performing work at the alternate location.
- i. **ON-SITE VISITS:** An alternate work location visit during scheduled telework hours may be conducted in consultation with the Human Resources Department and County and Prosecuting Attorney's Office. To ensure the safety of all employees, the visit will be conducted by one Human Resources representative and one Department/Library or Elected Office representative. In no instance shall an alternate work location visit be conducted by only one Teton County representative. An alternate work location visit does not require advanced notice to the employee.
  - ii. **MEETINGS:** In-person business meetings or any other Teton County business which involves interaction with other people including, but not limited to, employees, co-workers, clients, customers, licensees, providers or other County employees, may not be conducted at the employee's alternate work location. The supervisor will determine in-person versus virtual meeting attendance requirements.
  - iii. **TELEWORK HOURS:** Telework hours are specified as a part of the Telework Agreement. Employees must be reachable by customers, co-workers, managers,

supervisors and Teton County leadership during agreed-upon hours with standard provisions for allowable breaks.

- iv. **POLICIES:** Teleworkers are subject to the same policies as non-teleworking employees.
- v. **WORK SCHEDULE ADJUSTMENTS:** Any changes to the work schedule due to flex time, overtime or other situations must be pre-approved by the teleworker's supervisor.
- vi. **COMMUTE TIME:** Normal scheduled commute time between an alternate work location and the primary work location is not work time and is not subject to mileage reimbursement. Non-scheduled commute time to the primary work location due to same-day management request is work time, but not subject to mileage reimbursement.
- vii. **OPERATING COSTS:** Teton County assumes no responsibility for any operating costs associated with an employee using their personal residence or other location as an alternate work location. This includes, but is not limited to, home maintenance or modification, furniture, telephone and internet connectivity, insurance, or utilities.
- viii. **INJURY:** Teton County does not assume responsibility for any injuries or property damage to/from family members, animals, visitors or other guests at the employee's alternate work location.
- ix. **WORKERS' COMPENSATION:** An employee is covered by workers' compensation laws while acting in the course and scope of employment while in telework status. The employee's designated alternate work location is considered an extension of Teton County workspace only during scheduled teleworking hours for purposes of workers' compensation. Any injury that occurs within the course and scope of employment must be reported to the supervisor immediately, using Teton County's standard workplace injury reporting process. If an agency representative visiting the alternate work location on County business is injured, the injury may be covered by workers' compensation. If an employee chooses to work from a location other than their specified alternate work location(s) set forth in their Telework Agreement, Teton County workers' compensation will not apply to that location and the employee will assume sole responsibility for any and all liabilities and risks associated with working at such location.
- x. **INCLEMENT WEATHER:** Any employee with a signed Telework Agreement is expected to work on a day with a delay, early release or closure due to weather. If an employee is typically able to telework but unable to do so due to closure-related limitations, such as dependent care, the employee is expected to use annual leave.
- xi. **CLOSURE OF TETON COUNTY FACILITY:** If an agency facility is closed due to a natural, health or human-caused emergency, any employee with a signed Telework Agreement is expected to telework. If an employee is typically able to telework but unable to do so due to closure-related limitations, such as dependent care, the employee is expected to use annual leave.
- xii. **INFORMATION TECHNOLOGY SECURITY REQUIREMENTS:** Employees must comply with Teton County security procedures and ensure adequate security measures are in place to protect the equipment and information housed or stored on assigned computers at their alternate work location. Failure to comply with security procedures and regulations may be grounds for disciplinary action.
- xiii. **DATA PRIVACY:** The teleworker shall be responsible for the security and confidentiality of data as well as the protection of Teton County-provided



equipment used or accessed during telework. Any perceived threats, phishing attempts or other data breaches must be reported to the Information Technology Division. Employee-owned computer equipment is not authorized to be used for teleworking.

- xiv. **PRIVACY AND SECURITY:** Employees must arrange with their supervisors regarding any necessary access to confidential or sensitive information while working at an alternate work location. Employees are responsible for protecting the privacy and confidentiality of data and information at their alternate work location, which includes compliance with IT policies.

**C. Employee Responsibilities**

- a. Employees are responsible for establishing and providing home internet for the purposes of telework. Internet service must be of sufficient speed to support all work-related applications, systems and devices. Failure to meet this obligation may lead to cancellation of the Telework Agreement.
- b. Employees must be available at the alternate work location for telephone and electronic communications. Employees are responsible for providing a phone at the alternate work location that they can be reached at and receive messages on and must forward their desk phone to this number during all telework hours. Additionally, all teleworking employees must set up their Teton County voicemail system to deliver voice messages to their Outlook inbox. Teleworking employees must also be available on the appropriate messaging platform (e.g. Teams, Google, etc.) as designated by their Department Director, Elected Official or the Library Director for the duration of all telework hours.
- c. Employees are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in cancellation of the Telework Agreement or disciplinary action.
- d. Teton County claims no responsibility for potential personal costs associated with utilizing an alternate work location. Teleworkers are responsible for purchasing personal insurance for the alternate work location, employee-owned furniture, supplies and equipment. Teton County is not responsible for any loss or damage to any employee-owned equipment. Teleworkers must remit any insurance payments received for claims on County-owned items to Teton County. If the teleworker has not purchased sufficient coverage or insurance does not cover any County-owned items, the teleworker will be personally responsible for reimbursing Teton County for the cost of the lost or damaged items.

#### 4-18 EMPLOYEE HOUSING PROGRAM POLICIES

- A. Teton County owns multiple rental units used for employee housing, which are managed through the Town/County Affordable Housing Department. Notice for available units is communicated through the Affordable Housing Department. Employees must complete an application within a 10-working-day timeframe and submit it to the Affordable Housing Department.
- B. For Teton County employee housing units with recorded deed restrictions, the Jackson/Teton County Housing Department Rules and Regulations shall prevail in any conflict between County policies and the Rules and Regulations.
- C. The manner of selection for employees is through a priority process based on the following criteria:
  - a. All regular, full-time County employees who have completed at least ninety (90) days of employment and are in good standing.
  - b. All regular, part-time County employees who have completed at least ninety (90) days of employment and are in good standing.

- c. Town of Jackson, jointly funded department employees (as selected under the Town's employee housing selection criteria).
  - d. All other Town of Jackson employees (as selected under the Town's employee housing selection criteria). While the default selection criteria above will be used in most cases, the Human Resources Director and the County Commissioner's Administrator may make independent placement decisions as appropriate for certain units and/or positions (e.g. transitional units, executive housing units, Adams Canyon unit, etc.).
- D. **Eligibility for rental units:** Employees must not directly have home ownership or own a home through a marriage, partnership, corporation or other means of any residential housing unit within seventy-five (75) miles of their place of work.
- E. **Terms**
  - a. The minimum lease term shall be three (3) months and the maximum lease term shall be one (1) year. After six (6) years of residency in a unit, the County may decide not to renew the lease if competing demand for the County employee unit exists.
  - b. County Transitional Unit(s) will lease for a maximum of three (3) months and then renew month-to-month until they are needed for another County employee.
  - c. Pets may be allowed under the terms of the Teton County Pets in Employee Housing Rules, which are available through the Affordable Housing Department. Teton County reserves the right to evict tenants or revoke permission to have pet(s) if such pet(s) become a nuisance to the neighbors or the area. Pet owners shall be liable for any damage caused by their pets.
  - d. Family size shall be consistent with the size of the unit being rented according to the Affordable Housing Department rules and regulations and as determined by the Affordable Housing Department.
  - e. Tenant(s) are responsible for the cost of utilities.
- F. Rental rates will be set at an amount that is affordable for the household in question, determined as 26% of the employee's household income.
  - a. Household income includes pre-tax income for the employee and post-tax income for all wage-earning adults in the household.
    - i. Employees renting or seeking to rent a County unit will be required to provide household financial information to the Jackson/Teton County Affordable Housing Department to assist in these calculations.
    - ii. Withholding of income information for all household wage-earning adults will result in market rate rent being charged.
  - b. Employees will be responsible for any taxable benefit incurred should the rental rate applied be lower than the Market Rate, which will be managed as a payroll deduction.
    - i. The Market Rate for each unit will be determined by the Jackson/Teton County Affordable Housing Department using annual Fair Market Rents (FMR) data published by the Department of Housing And Urban Development (HUD) annually and biannual appraisal data provided through an independent appraisal.
    - ii. The Market Rate will be calculated using the FMR plus a percentage increase based on the appraisal data, as follows:
      - a. If the Fair Market Rent (FMR) is lower than the appraised market value (AMV), the percentage difference between the two amounts will be calculated. The percentage difference will be converted to points (ie. 98% would be 9.8 points, 111% would be 11.1 points, 8% would be 0.8 points), and the Points Scale Chart below determines the increase to be

**TETON COUNTY POLICY MANUAL**  
**2024-v2 EDITION**

applied for each unit. For example, if the FMR for a unit is \$1260/month and the AMV is \$2500/month, the percentage difference is 98%. The points assigned would be 9.8 and a 15% increase would be applied using the Points Scale Chart below. The Market Rate would be \$1449/month.

b. Points Scale Chart

Points Scale Chart	
0 - 5 points	= 0
5.1 - 7 points	= 5% increase
7.1 - 9 points	= 10% increase
9.1 - 11 points	= 15% increase
11.1 - 13 points	= 25% increase
13.1 - 15 points	= 30% increase

- iii. Rents will be capped at market rates.
  - iv. The FMR base rent may be adjusted to account for anomalies such as bedrooms without doors or dormitory-style units.
- G. If Tenant is an employee whose employment terminates voluntarily, and there is demand for the unit by other County employees, the tenant will be given 30-days' notice to vacate, or at lease termination, whichever is sooner. If Tenant is an employee who terminates voluntarily and there is no demand for the unit by County employees, the Tenant may remain in the unit on a month-to-month lease for up to three (3) months from the termination date. If the Tenant is an employee whose employment terminates involuntarily, the employee will be required to vacate within five (5) days of the termination date.
- H. The County may request a tenant, who is not a full-time employee of the County, to vacate the premises with a minimum of 30-days' notice so that a full-time or part-time employee may be housed.

# CHAPTER 5 CLASSIFICATION & PAY POLICIES

## 5-1 CLASSIFICATION AND PAY POLICIES

- A. **Overview:** It is the policy of Teton County to maintain and update a classification and pay plan for all positions in the County government. This is in recognition of the need for a means of orderly identification of specific classes of work, as well as a determination of equitable pay levels for the classes of work identified. Such a pay plan also provides a mechanism for the Board of County Commissioners to manage a large share of the County's budget dedicated for employee salaries.
- B. **Description of Classification Plan.** The Classification Plan shall consist of the following:
  - a. A grouping in classes of positions which are approximately equal in responsibility, which require the same range of pay under similar working conditions;
  - b. Class titles, descriptive of the work of the class, which identify the classes; and
  - c. Written specifications for each class of positions which will be regularly reviewed.
- C. **Compensation Objectives**
  - a. Administering compensation to reflect this philosophy and these objectives means:
    - i. Salaries will be reviewed on an ongoing basis by the Board of County Commissioners. As funding permits, salary increases will focus on maintaining market alignment and recognizing employee length of service.
    - ii. Salaries for new employees will be established at levels that recognize the individual's skills and years of experience while considering the levels of current employees performing similar duties and tasks. Salaries for new employees or employees being promoted must be coordinated with Human Resources prior to being communicated to the employee.
  - b. Provide a rational and equitable basis for distributing salary dollars among the diverse positions within County government;
  - c. Provide a basis for developing standards of work performance;
  - d. Establish career paths for promotional opportunity;
  - e. Assess employee training needs and development potential;
  - f. Provide the fundamental basis of the compensation program and other aspects of the personnel program;
  - g. Develop and maintain written job class descriptions, including performance criteria for all classes; and
  - h. Standardize job class titles such that each indicate a definite range of duties and responsibilities and has the same meaning throughout County employment.
- D. **Salary Plan Structure:** Salary structures establish the minimum and maximum limits of compensation for specific jobs. Salary structures provide Human Resources and County leadership with direction that enables them to make equitable and competitive pay recommendations and decisions.
  - a. Teton County's salary structures consist of a series of grades.
    - i. Salary grades represent a wide band (or range) of competitive pay, matched to increasing responsibility levels. Grades are designed to be broad and represent a current range of "market value" for each responsibility level. Each salary grade has a minimum, a midpoint and a maximum.

- b. Human Resources, utilizing the expertise of a Classification and Compensation Consultant, supports the Board of County Commissioners in assessing the competitiveness of Teton County's pay structures using salary data reported in surveys from counties and cities similar in size, as well as private sector salary survey data, and considering the high cost of living which exists in Teton County.
- E. **Position Classification and Job Description:** All positions will be allocated to a classification in accordance with duties, responsibilities and standards of the job. Teton County employees have job descriptions stating the duties, responsibilities and requirements of each position, or job classification, for which an employee is hired. These descriptions are a component of the Teton County Classification and Compensation Plan. Elected Officials, Department Directors and the Library Director may administrate more detailed job-related tasks on a department basis. Class specifications do not prohibit the assignment of job-related tasks not specifically listed. Revised and new job descriptions shall be prepared when there are substantial and permanent changes in tasks performed by the incumbent, or when required by a department restructure.
- F. **Class Title:** The job class title will be the title of each position in the job description and will be used in all personnel records, payroll and personnel transactions. The Elected Official, Department Director or Library Director may approve working titles to be used within a department and for recruitment purposes and which may be used in parentheses on business cards. Work titles will not be deemed official titles and cannot imply licenses or certifications not required in the job class specification.
- G. **Reclassification:** Requests for reclassification of a position shall be done by a Department Director, the Library Director, or an Elected Official and submitted to Human Resources for the purposes of salary and job classification when significant changes occur in a position's responsibilities, duties and/or qualifications.
  - a. This request must be based on a significant change in job content, not on an increase/decrease in work volume and pace, or the addition/deletion of minor duties.
  - b. Elected Officials and/or Department Directors and/or the Library Director should consult with the Human Resources Department for the appropriate procedure for requesting a change in classification.
  - c. Reclassifications resulting in assignment to a higher salary range must be approved by the Board of County Commissioners.
- H. **Temporary Assignment Pay Adjustments:** Each position consists of core duties and responsibilities that an employee regularly performs. However, a job description and those core duties and responsibilities do not define the limits of what is to be performed in any position. The volume, flow and nature of an employee's work could change periodically and for a limited period of time. Employees are expected to adapt to the changes and accept the responsibility for new and different functions even if they are part of a job in a higher pay grade. Normally, there will be no adjustments to an employee's base pay under those limited circumstances.
  - a. Teton County recognizes the need to compensate a regular, non-exempt employee who assumes a temporary assignment to a different position of a higher pay grade requiring higher level duties for more than thirty (30) days due to another employee's prolonged absence, a position vacancy or an emergency. In this instance, the assignment must be in writing, the employee may be temporarily promoted, and the employee will be paid an additional five percent (5%) of his or her present salary, or the minimum of the salary grade into which temporarily promoted; whichever is greater, not to exceed ten percent (10%). Such a pay adjustment ends when the temporary assignment ends. At that time, the employee's pay reverts to his or her previous base pay.

- b. A regular, non-exempt employee whose duties and responsibilities increase by twenty-five percent (25%) or more for more than thirty (30) days due to another employee's prolonged absence, a position vacancy or an emergency may receive temporary extra duty pay of five percent (5%) of their present salary. Such a pay adjustment ends when the temporary assignment ends. At that time, the employee's pay reverts to his or her previous base pay.
- c. Ending date of pay adjustment: The ending date of the temporary assignment pay adjustment shall be the date upon which the assignment duties end.
- d. Pay adjustment limits: If an employee is temporarily assigned under this policy, such temporary assignment shall be reviewed every three (3) months with the Human Resources Department to evaluate the ongoing need for such a temporary arrangement.

**I. Promotion**

- a. A promotion occurs when an employee is reassigned to a position in a higher salary grade that requires job responsibilities of greater complexity or responsibility and/or increased education, experience or training.
- b. Promotional increases are based on business needs and budgetary considerations.
- c. A promoted employee may be given an increase in pay in any amount up to that which is calculated by taking half the percentage increase between the new and previous salary grade midpoints. While this range is fixed, actual placement within the range shall be based on factors such as years of service, education, certifications/licenses, internal equity, knowledge, skills and effort. Internal equity must also be considered when determining any increases. The formula for calculating is  $(\text{New Wage} - \text{Original Wage}) / \text{Original Wage} \times 100$ .
  - i. For example, if an employee is promoted to a new position that has a salary range with a midpoint of \$81,058 and their current grade midpoint is \$72,382, the percentage increase between the midpoints of the two jobs is twelve percent (12%). Therefore, the employee would be eligible for up to a six percent (6%) increase in base salary, if approved.
- d. A promoted employee may be moved to the minimum of the new range, even if this exceeds the standard above, if the employee possesses the minimum qualifications for the job.
- e. Alternatively, if experience, training, or proven competence related to the new position warrant compensation above the method explained in I.c. an employee may be placed between the minimum and Midpoint in the new grade. Promotion offers made outside of the parameters of I.c. that exceed Midpoint must be approved by the Board of County Commissioners.
- f. No increase should be communicated to an employee until it has been reviewed by Human Resources.

**J. Demotion**

- a. A demotion is the reassignment of an employee to a job in a lower-graded position in the County and occurs in any of the following circumstances:
  - i. An employee knowingly and intentionally seeks a lower-graded position.
  - ii. The County requests an employee transfer to a lower-level position because of performance concerns or other circumstances.
- b. Demotions do not automatically result in a salary reduction.
  - i. If an employee voluntarily transfers to another position, their salary will be reviewed in relation to the salary information specific to the new position. This may or may not result in a salary reduction.
  - ii. If an employee involuntarily transfers to another position the employee's salary will be placed within the salary grade of the new classification.

- K. **Transfer:** When a regular employee who has been employed longer than six (6) months is transferred to a position in the same classification or within the same salary grade, the salary will not change.
- L. **Salary Placement for Temporary Employees:** An employee hired in a temporary, extra hire, special appointment, or emergency status will be paid an hourly rate between minimum and Q2 of the grade classification into which the employee is hired. All exceptions shall be brought to the Board of County Commissioners for review and approval.

## 5-2 SALARY AND PAY ADMINISTRATION

- A. It is the policy of the County to compensate employees fairly and competitively within the financial capabilities of the County. All employee positions and merit increases are subject to available funding. In the adopted budget, the Board of County Commissioners approves the number and type of funded positions and a list of classifications by salary grade. The Board of County Commissioners adopts a Salary Plan and approves the salaries to be paid as part of the annual budget process. The Salary Plan is maintained by the Human Resources Department.
- B. The ongoing administration of the plan is conducted by the Human Resources Department. Adjustments to pay grades may be made in response to market analysis results with budget approval. Surveys and comparable external salary information are reviewed regularly by the Human Resources Department.
  - a. This information is used to make appropriate salary adjustments to positions that are not in line with the information.
  - b. A professional Human Resources Consultant is retained to make classification decisions on an as-needed basis.
    - i. This occurs if a new position is created which is currently not classified or if it is determined by Human Resources that the responsibilities of an existing position have changed to the point that the classification needs to be amended.
    - ii. For existing position changes, the actual job evaluation process involves the incumbent completing a Position Description Questionnaire form, which is also reviewed and signed by the supervisor and approved by the Department Director, Library Director or Elected Official.
      - 1. Factors used in the evaluation include: knowledge required for the position; decision making; complexity; scope and effect; significance and purpose of personal contacts; physical demands; work environment; and kind, degree and character of supervision exercised.
      - 2. Reclassifications that result in assignment to a higher salary grade must be approved by the Board of County Commissioners.
- C. **Human Resources Responsibility:** The Human Resources Department is responsible for coordinating the continuing internal review of all compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects the responsibilities and duties outlined in the job class description.
- D. **Compensation Surveys:** All market research is conducted under the direction of the Human Resources Department. The data from this research is used to assist in determining hiring practices and pay policies; the relative competitive position of the County's pay structure; and to establish occupational classification and salary grade assignments.
- E. **Supervisor's Responsibility:** Department Directors, the Library Director and Elected Officials are responsible for informing the Human Resources Department of any substantive changes in job duties



for each employee at least annually to ensure an employee's compensation is in accordance with the pay plan and each employee's responsibilities.

- F. **Employee Concerns:** Employees who have questions or concerns about the County's salary administration and benefits program should direct those to their supervisor, Elected Official or Department Director/Library Director.
- G. **Annual Salary Range Adjustments**
  - a. Annual salary range adjustments will be considered by the Board of County Commissioners. Annual salary range adjustments are subject to Board approval and based on budget, key economic indicators and market survey information.
  - b. Annual salary range adjustments are intended to maintain Teton County's competitive market position.
- H. **Merit Increases**
  - a. Effective on the employee's anniversary date, Teton County employees will be eligible for an annual merit increase adjustment to their base salary. This increase shall be in the form of a percentage, subject to annual approval by the Board of County Commissioners and based on budget, key economic indicators and market survey information.
    - i. The purpose of the merit increase is to recognize employee performance.
      - 1. An employee who fails to achieve an overall satisfactory rating on their annual performance evaluation shall not be eligible for a merit increase.
      - 2. Employees receiving a satisfactory annual performance evaluation are eligible for a merit increase on the first day of the pay period in which their anniversary date falls, until they have reached the maximum of their assigned grade.
    - ii. MERIT INCREASES AT END OF PAY GRADE
      - 1. Employees who have reached the end of the pay grade for their job classification assignment and are eligible for a merit increase based on satisfactory job performance will receive a one-time lump sum payment equal to the employee's annual amount of the approved merit increase for that fiscal year and each year following, if a merit increase is approved for each fiscal year. If a partial merit increase puts the employee at the end of the pay grade, the remainder will be distributed in a lump sum payment.
    - iii. MERIT INCREASES FOR PART-TIME EMPLOYEES: A part-time employee will receive a merit increase on their anniversary date with the County and with a satisfactory performance review if they are regularly scheduled between fifteen and twenty-nine (15-29) hours per week.
  - i. **Merit Increased Not Granted:** If an employee receives two or more unsatisfactory ratings on their annual Performance Evaluation, the employee shall be placed on a Performance Improvement Plan for up to ninety (90) days and shall not be eligible for any step increases until successful completion of the Performance Improvement Plan.
- J. **Hiring Salary**
  - a. To determine a new employee's appropriate salary within the established salary grade, hiring managers shall consider:
    - i. The salary grade for the position being filled
    - ii. Experience and job-related qualifications — employees should be paid based on their experience and time in job
    - iii. Internal equity — salaries of present staff in related positions
  - b. Hiring managers have the discretion to hire new employees between the minimum and Q2 of the position grade.

- c. Department Directors, Elected Officials and the Library Director have the discretion to hire new employees up to the midpoint of the position grade.
  - d. Requests to hire above midpoint must be approved by the Board of County Commissioners.
- K. Upon reinstatement of a regular employee, job offers above the employee's pay rate at time of separation must be approved by the Board.
- L. **Out of Cycle Increases:** With the exception of allowances made elsewhere in these policies, any out-of-cycle salary increase approved by an Elected Official shall be reported, in writing, to the Board of County Commissioners' Chairperson and Vice Chairperson within thirty (30) days.

### 5-3 COMPENSATION FOR TEMPORARY WORK ASSIGNMENTS

- A. Teton County recognizes that circumstances may exist when supervisors are unavailable for work due to serious illness, injury or family emergencies or other events requiring an extended absence from work. In these situations, it may be necessary for a subordinate employee to be temporarily appointed to fill this vacancy to ensure adequate levels of supervision and work safety for subordinate employees, and/or to maintain continuity of operations within the department. As such, it is the policy of Teton County to compensate employees promoted to these temporary positions in accordance with the following policies. In general, supervisors should try to fill in for a subordinate supervisor when circumstances demand that said supervisors are absent from work. However, while this is a practical solution for short-term absences, it is recognized that longer periods of leave may make it impractical to provide adequate levels of supervision without temporary replacement of the absent supervisor.
- B. **Short-Term Absence:** When supervisors are absent for short periods, such as vacation, illness, training, etc. the Department Director, Library Director or Elected Official should try to first assess whether or not replacement supervision is necessary, considering safety, training, workflow and other relevant issues. If replacement supervision is deemed necessary by the Department Director, Library Director or Elected Official, that individual, at their discretion, may assign a subordinate staff member to temporarily act in place of the absent supervisor. Working out of the job class on a short-term basis shall not result in additional compensation unless the assignment is greater than thirty (30) days, in which case compensation shall follow policy under Temporary Assignment Pay Adjustments.
- C. **Supervisor Training:** No person shall be given supervisory responsibilities temporarily or otherwise without adequate training. Any requisite supervisor training shall be filed in the employee's official personnel file prior to being promoted to any supervisory position. The Human Resources Department can assist in designing, providing or implementing a supervisory training program.
- D. **Fairness:** Promotion of temporary supervisors under this policy shall provide equal opportunity to all employees and occur without favoritism.

### 5-4 TRAVEL TIME

- A. **Non-paid Travel Time**
  - a. Normal travel time from home to work is not work time, whether a non-exempt employee works at a fixed location or at a different job site. (29 CFR 785.35)
  - b. Travel away from home outside of regular working hours as a passenger on an airplane, train, boat or bus is not compensable, unless the employee performs work while traveling, as authorized by the County. (29 CFR 785.39)
- B. **Paid Travel Time**

- a. Travel all in a day's work: Time spent by an employee in travel as part of the employee's principal activity, such as travel from job site to job site during the workday, will be counted as hours worked. (29 CFR 785.38)
- b. Home to Work Special Assignment: A non-exempt employee will be paid for time spent traveling to a seminar, training session or work assignment that lasts for a day. Additionally, they will be paid for all time spent at the seminar or training session, or while working on assignment. However, the employee's normal commute time to work and any meal periods not spent performing work will be deducted. (29 CFR 785.37)
- c. Overnight Travel: Travel which keeps an employee away from home overnight is hours worked when it coincides or cuts across the employee's normal work hours. Overnight travel time outside the regular daily work hours is not considered compensable. However, time spent traveling during an employee's normal work hours is counted even if on a non-working day like Saturday or Sunday. (29 CFR 785.39)
- d. Personal Car Use for Travel Away from Home: If an employee requests permission to drive their personal car instead of other economical means of public transportation, the County may count as hours worked either the time spent driving the car or the time the employee would have had to count as hours worked for hours that cut across the employee's regular working hours; whichever is more economical for the County. (29 CFR 785.40)
- e. Work Performed While Traveling: Employees will be compensated for travel time outside the normal work hours if during that travel time they are operating a motor vehicle. (29 CFR 785.41)

## 5-5 TRAVEL EXPENSES

- A. County Elected Officials or employees required to travel on overnight trips for official County business are eligible to receive reimbursement for transportation expenses, lodging expenses, meal expenses and incidental expenses submitted according to procedures for payment pursuant to W.S. §18-3-110 and W.S. §18-3-304.
- B. A Pre-Travel Authorization form shall be completed and approved by the Department Director, Library Director or Elected Official prior to making any travel arrangements. This form shall be submitted with the voucher(s) and itemized receipts when submitting expenses for travel reimbursement(s).
- C. Reimbursement for travel-related expenditures shall not allow payment for travel expenses unless there are itemized receipts for all monies expended. Travel reimbursement limits for lodging, meals and incidentals shall be determined using the U.S. General Services Administration (GSA) rates. ([www.gsa.gov](http://www.gsa.gov))
- D. **Definitions**
  - a. Destination means the location of the employee at midnight, or if still traveling at midnight, the location where the lodging is secured.
  - b. Incidental Expense means fees and tips given to drivers, baggage carriers and hotel staff.
  - c. Meal means expenses for breakfast, lunch, dinner, and related tips and taxes, but does not include expenses incurred for alcoholic beverages, entertainment or any expenses incurred for other persons.
- E. **IRS Criteria**
  - a. The amount, date, time, place and business purpose must be given.
  - b. Reimbursements must be based on what was actually spent as proven by itemized receipts.
  - c. Expenses must not be lavish but reasonable based on circumstances.
  - d. The expense must be both ordinary and necessary.

**F. Meal Expenses**

- a. Meals included in registration, seminar and conference fees paid by the County on behalf of the official or employee are considered part of the meal and incidental expense reimbursement, and no duplicate meal reimbursement will be allowed.
- b. Meal expenses incurred when travel does not include an overnight stay or does not meet the IRS standards for “substantial rest or sleep” will not be reimbursed.
- c. Travel for a one-day meeting, seminar or conference not in excess of a 150-mile radius of Jackson does not meet the IRS standards requiring an overnight stay or “substantial rest or sleep” and any cost for meals incurred under such travel will not be reimbursed.
- d. No meal reimbursement for meals benefiting a non-County employee shall be allowed, unless authorized pursuant to specific grant funding guidelines.
- e. No reimbursements shall be approved for a County employee not on approved County business.

**G. Transportation Expenses**

- a. If common carrier transportation is used, the actual expense not to exceed economy fare charged the general public is reimbursable.
- b. Employees should use a County vehicle for travel, if available. The mileage rates for reimbursing county employees for use of personal vehicles upon county business will be determined pursuant to the current published IRS rates when no County vehicle is available. A reduced rate, consistent with the current allowable reimbursement rates determined by the State of Wyoming, will be reimbursed when the use of a personal vehicle is for the preference of the employee.
- c. If rented, chartered or contracted vehicle transportation is used, reimbursement is limited to reasonable rates for necessary use with official receipts submitted for audit and payment. Shuttle service or public transportation is to be used when available. Reimbursement for rental cars will be made only with justification, only for business use, and only with prior approval by the Department Director, Library Director or Elected Official. Rental car insurance is not a reimbursable expense.
- d. If a County-owned vehicle is used, the driver must hold a valid driver’s license and be authorized to use County vehicles for official County business. Reimbursement is limited to actual expense of fuel purchased and parking costs, if any. Fines for traffic or parking violations against a County vehicle are the responsibility of the employee to whom the vehicle is assigned, and all violations must be reported to the Elected Official, Department Director, Library Director or Division Manager, and then to the Human Resources Director.
- e. All mileage is based on the nearest practical highway route as indicated on official state maps, from the point of business origin (Jackson, Wyoming) to the city of destination. A copy of the mileage calculator (Google Maps, State of Wyoming Mileage Chart, etc.) is required with the voucher for reimbursement. The total mileage reimbursement shall not exceed commercial economy air fare.
- f. If a private vehicle is used on County business, it is the responsibility of the employee to maintain insurance on the vehicle. Mileage reimbursement is for all expenses in using a personal vehicle.

**H. Lodging Expenses**

- a. Lodging will be reimbursed or paid directly to the vendor on the basis of a single occupancy rate unless two or more County employees share accommodations.
- b. Employees are responsible for requesting tax exemption for all lodging prior to payment.
- c. If a non-County employee travels with an employee, any amount over the single occupancy rate shall be the responsibility of the employee.

- d. Lodging reimbursements are limited to the night preceding, the night(s) of, and in some cases, upon approval, the night following the seminar, meeting or conference. No reimbursement will be made for additional stays preceding the start or following the conclusion of the seminar, meeting or conference.
- e. If the meeting, seminar or conference is held at a facility which includes lodging or recommends other lodging facilities, lodging reimbursement will not exceed the negotiated reduced conference room rates at such facilities. If the negotiated conference room rates exceed the GSA rates, pre-approval from the Department Director, Library Director or Elected Official is required.

**I. Procedure for Payment**

- a. All payments made under this Section will require vouchers pursuant to the requirements of W.S. §18- 3-510 signed by an authorized Elected Official, a Department Director or Division Manager, or the Library Director under the conditions of W.S. §6-5-303(b).
- b. Registration fees required to be paid prior to the start of the class, seminar, conference or meeting will be reimbursed to the County employee or paid directly to the vendor. If the employee who is approved for the expense fails to attend, that individual is responsible for reimbursing the County for the fee unless the class, seminar, conference or meeting is canceled by the vendor or an approved, substitute County employee attends.
- c. Transportation costs such as airfare will be reimbursed to the County employee or paid directly to the vendor upon submission to the Clerk's Office with an official fare receipt. Any payment or reimbursement made in advance of travel will require employee reimbursement to the County in the event the employee fails to travel in accordance with pre-approval unless a reason for the failure is documented, substantiated and approved.
- d. Lodging costs will be paid to the vendor or reimbursed to the County employee upon submission of an itemized billing from the lodging facility. Costs for meals charged to the room must be substantiated by itemized meal receipts attached to the billing invoice.
- e. Meal costs will be reimbursed to the County employee upon submission of itemized receipts to the Clerk's Office attached to a voucher form prescribed by the Clerk's Office.
- f. Mileage reimbursement for use of personal vehicles will be made upon submission of a voucher form prescribed by the Clerk's Office.
- g. Reimbursement for fuel purchased for County-owned vehicles will be made upon submission of original receipts to the Clerk's Office attached to a voucher form prescribed by the Clerk's Office.

## 5-6 COURT COMPENSATION FOR SHERIFF'S OFFICE SWORN EMPLOYEES

- A. Employees will receive their regular rate of pay for a court appearance as a juror/witness subpoenaed by a government agency when the appearance is required during the employee's regular scheduled working hours. Employees are not entitled to the witness/jury fee while receiving their regular rate of pay.
- B. Employees will receive compensation for court or official hearing appearances as a witness, subpoenaed by a government agency while off-duty, using the following criteria:
  - a. Off-duty appearances are considered time worked and will be documented on the employee's timecard.
  - b. The employee will be compensated from the time of the required appearance until the time released by the prosecutor or other authority.

- c. Minimum compensation is three (3) hours. If an employee is required to stay past three hours, the actual time worked will be paid. Travel time to and from appearances is not time worked.
- C. When an employee is required to appear on two or more separate appearances in one (1) day, the employee will receive the minimum three (3) hours pay for each appearance only if the time lapse between subpoenas is at least three (3) hours.
  - a. If the employee is required to appear on a subpoena before a regular shift the subpoena must reflect the employee's appearance was required at least three (3) hours before the regular shift to receive the minimum three (3) hours pay. Otherwise, the employee will be compensated for the time actually worked.
  - b. If an employee is required to remain in court past the end of the regular shift, the employee will be paid for actual time worked.
- D. Court preparation time for cases arising out of the employee's official duties will be considered time worked. Supervisors will determine whether court preparation will be completed on-duty or off-duty.
- E. Compensation requests for off-duty court appearances and off-duty court preparation time for cases arising out of the employee's official duties will be recorded on the timecard.
  - a. A copy of the subpoena showing the beginning time, release time, and signature of prosecutor or other authority, and the witness fee check must be submitted to the Payroll Clerk in the Clerk's Office.
  - b. Employees reporting to Teton County District or Circuit Court on a subpoena while off-duty will be required to sign the Justice Court log to verify their appearance.
  - c. To receive compensation, employees must submit the required signed subpoena, witness fee check (if applicable) and timecard.

## 5-7 CALL-BACK PAY

- A. Non-exempt, on-call employees required by their supervisor to report back to the work site after leaving at the end of their regularly scheduled shift, or an unscheduled request to report to the work site on a day off, shall be paid a minimum of three (3) hours in compensation.
  - a. If an employee is required to stay past three (3) hours, the actual time worked will be paid.
  - b. For the purpose of call-backs only, commute time to and from the employee's residence to the work site will be considered in the total of hours worked.
  - c. In situations when an employee's actual hours worked do not total forty (40) or more before call-back time is considered, due to the use of leave within the same week in which the call-back occurs, a supervisor may record one and one-half times the actual call-back hours worked in order to simulate overtime pay for the hours in question.

## 5-8 BILINGUAL SERVICES STIPEND

- A. An employee may be eligible for a bilingual services stipend if the following conditions are met:
  - a. The employee's assigned Elected Official, Department Director, or the Library Director has determined that the employee will use bilingual skills (oral or written) frequently to perform their work; and
  - b. The employee demonstrates a proficiency in the second language according to procedures established by the Human Resources Department.



- i. Only employees who successfully test at or above the equivalent of an “Intermediate Mid” proficiency per the standards established by the American Council on the Teaching of Foreign Language (ACTFL) are eligible for a bilingual services stipend.
  - ii. Recertification is required every two years.
  - iii. The cost for certification exams is split equally between the assigned Teton County Office or Department or Library and the employee.
- B. Eligible employees may receive up to a maximum of \$200 per month for a bilingual services stipend.
  - a. Employees may receive up to \$100 per month for demonstrated oral proficiency and up to \$100 per month for demonstrated written proficiency, with a total stipend not to exceed \$200 per month.
- C. The effective date of the bilingual services stipend shall be at the beginning of the pay period following the employee’s demonstration of proficiency in a second language.
- D. Employees receiving a bilingual services stipend may be asked to perform work outside of their normal scope of duties, either within their assigned department or office or for another office or department, related to the application of their second language skills. Employees receiving a bilingual services stipend are, as their workload allows, expected to support the County’s needs in this regard. The Human Resources Department will maintain a list of employees receiving a bilingual services stipend to assist in identifying employees who are potentially available to offer such support.
- E. When an employee changes positions and the language skills are not required frequently to perform the work of the new position, the bilingual services stipend shall cease.

## 5-9 LONGEVITY BONUS

- A. Teton County recognizes and appreciates the importance of rewarding long-term employees for their years of service. The Longevity Bonus is a bonus paid to full-time and part-time benefited employees who have reached their fifth (5th) anniversary date and every anniversary thereafter (as of the Longevity Bonus Look Date), until separated from employment. Employees must be actively employed at the time the Longevity Bonus is distributed in order to be eligible to receive it. Longevity Bonuses are distributed by Payroll after the Longevity Bonus Look Date; actual distribution timing is at the discretion of the Clerk’s Office. No bonus will be paid to employees on a separation notice period, after employment has ended, if terminated for any reason or who are otherwise not in good standing.
  - a. For the purposes of this policy, years of service is defined as the years an employee has been continuously employed in a full-time or part-time benefited status, with no lapse in their employment or service, as outlined in policy 4-15 Length of Service.
  - b. The Longevity Bonus Look Date is January 1 of each year.
  - c. A Longevity Bonus may, on request, be made to an employee’s 457(b) account. Longevity Bonuses paid to a 457(b) are not eligible for the matching funds outlined in policy 6-6 C. b.
- B. After completion of five (5) years of service as of the Longevity Bonus Look Date, the employee shall receive a \$250.00 Longevity Bonus. In the sixth (6th) and succeeding years thereafter, \$50 will be added to the Longevity Bonus annually, for up to thirty (30) years of service.
  - a. Longevity Bonus Schedule (see following page)



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<b>Years of Service Completed</b>	<b>Longevity Bonus Amount</b>	<b>Years of Service Completed</b>	<b>Longevity Bonus Amount</b>
5 Years	\$250	18 Years	\$900
6 Years	\$300	19 Years	\$950
7 Years	\$350	20 Years	\$1,000
8 Years	\$400	21 Years	\$1,050
9 Years	\$450	22 Years	\$1,100
10 Years	\$500	23 Years	\$1,150
11 years	\$550	24 Years	\$1,200
12 Years	\$600	25 Years	\$1,250
13 Years	\$650	26 Years	\$1,300
14 Years	\$700	27 Years	\$1,350
15 Years	\$750	28 Years	\$1,400
16 Years	\$800	29 Years	\$1,450
17 Years	\$850	30+ Years	\$1,500

## CHAPTER 6 BENEFITS

### 6-1 OVERVIEW

- A. Benefits provided by Teton County are designed to increase the employee's total compensation package beyond the salary component, to create an attractive employment package and to help achieve a high level of employee satisfaction. This policy is intended to describe how the County will conduct benefits administration and related issues and serve to inform employees and guide them in the area of benefits provided to them by the County.
- B. The following elective benefits are provided to eligible County employees:
  - a. Medical Healthcare Coverage
  - b. Dependent Health Care Coverage
  - c. Dental & Vision Coverage
  - d. Group Supplemental Life Insurance
  - e. Supplemental Accidental Death & Dismemberment (AD&D) Insurance
  - f. Voluntary Ancillary Group Insurance Policies (125 Cafeteria Plans)
- C. Information regarding the above is available separately through the Human Resources Department. Should you have any questions regarding your benefits plan, contact the Human Resources Department.
- D. This policy applies to all regular, full-time and part-time benefited employees of Teton County.

### 6-2 DEFINITIONS

- A. **Regular Employees:** These employees are eligible for all benefit coverages and all forms of paid leave, except as specifically exempted.
  - a. Regular Full-Time: Employees with standard hours of forty (40) per week.
  - b. Regular Benefited Part-Time: Employees with standard hours from thirty to thirty-nine (30-39). Insurance premiums, Teton County contributions to employee Health Savings Accounts (HSA), and leave accrual rates are pro-rated.
- B. **Elected Officials:** All Elected Officials who are on the County payroll are considered employees for the purpose of group insurance benefits. (Reference Chapter 1-4)
- C. **Limited Term Employees:** Reference Chapter 1-4.
- D. **Reinstated Employees:** If a benefited employee separates employment with the County and is rehired, accrual of benefits starts over as a newly hired employee and as legally mandated. The only benefits reinstated are the vesting status in the mandatory Retirement Plan and the vacation leave accrual rates pursuant to length of service policy. An exception is made for employees reinstated after layoff under certain circumstances.
- E. **Temporary Employees:** Temporary employees are not eligible for benefits coverages or paid leave except those benefits that are legally mandated.

### 6-3 EFFECTIVE DATE OF BENEFITS

- A. An employee's coverage begins on the first (1st) day of the month following the date of hire. If the employee's start date is on the first (1st) day of the month, coverage begins on that date. The employee must be actively employed on a continuous and regular basis for coverage under our health benefits.

- a. For example, if employment starts March 2-31, insurance coverage is effective April 1; if employment starts March 1, coverage is effective March 1.
- B. Elected Officials' coverage begins the day of official service.

#### 6-4 CHANGES IN EMPLOYMENT STATUS

- A. Employees must be actively employed on a "continuous and regular basis" and average 130 hours per month to maintain all benefits and meet the eligibility rules for coverage under our Group Health Insurance Plan. Benefits include County HSA contributions, leave accruals, holiday pay and insurance benefits. Should a regular, full-time or benefited part-time employee be on an unpaid leave status, that individual may be responsible to reimburse the County for insurance premiums at the current Consolidated Omnibus Reconciliation Act (COBRA) rate. Employees shall not accrue vacation or sick leave or receive holiday pay for periods in which they are on an unpaid leave of absence. For more information, contact the Human Resources Department.
- B. Should the employee have a qualified change of life status during the benefits year, the employee may change their enrollment elections. Notice must be made to the Human Resources Department within thirty (30) days of the event. Failure to do so may result in the employee incurring liability for all or part of the insurance premium. See the Summary Plan Description for a complete list of qualifying events.
- C. Should a Full-time employee change to Part-time status, wages for all vacation accruals and compensatory time will be distributed to the employee. Sick leave accruals will be adjusted to reflect the new employment status by reducing the accruals by 50%. If an employee who previously transferred sick leave from full-time to part-time accruals later changes back to full-time employment status, an equal amount of hours may be reverted to reflect full-time accruals.

#### 6-5 BENEFIT DEDUCTIONS

- A. Payroll deductions for insurance products will only be permitted for employee benefit plans sponsored by Teton County. The Board of County Commissioners approve the list of providers which may be reviewed and evaluated from time to time.
- B. Teton County shall not deduct from an employee's paycheck any fees or dues for personal or professional clubs or associations.

#### 6-6 TYPES OF BENEFITS

- A. **Overview**
  - a. Teton County retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement. While the County intends to maintain these employee benefits and asserts its commitment to do all it can to that end, it reserves the right to modify, amend or terminate these benefits as necessary.
  - b. Teton County maintains a comprehensive insurance program which provides basic life, accidental death & dismemberment, long-term disability, and dental, vision, and health coverage for the benefit and protection of all eligible employees. Complete details of these benefits are provided in your insurance booklets and Plan documents.
- B. **Employee Group Insurance Policies:** The County may provide employee and family coverage in a variety of group insurance policies to benefited employees. The terms and conditions of each separate group policy are governed by the specific contract for each policy. The Summary Plan

Description details Teton County's medical, dental and vision plans. Employees are strongly encouraged to refer to this document for specifics on health care coverage and contact information.

- C. **Retirement Plan:** Terms and conditions of the County's Retirement Plan are governed by the Retirement Plan Document, as adopted by the Board of County Commissioners. The County offers two types of retirement benefits: a Pension Plan and a Deferred Compensation 457(b) Plan.
- a. Pension Plan: The County offers three Pension Plans: Public Employees' Pension Plan; Law Enforcement; and Paid Fire B Plans.
    - i. **CONDITION OF EMPLOYMENT:** As a condition of employment, all benefited employees must participate in the Pension Plan upon hire.
    - ii. **ELIGIBILITY:** Employees become eligible for a lifetime monthly retirement benefit upon vesting and meeting the age and service requirements of the particular plan. Employees become "vested" after contributing for forty-eight (48) months.
    - iii. **CONTRIBUTIONS:** Mandatory employer and employee contribution rates for each plan are set by state statute. Employee and employer contributions may vary pursuant to changes made by the Wyoming Legislature.
  - b. Deferred Compensation 457(b) Plan: Benefited employees are eligible to enroll in the Wyoming Retirement System 457(b) Plan. Employees can invest pre-tax or after-tax or both contributions through payroll deductions into the Plan at any time during their employment. Employees participating in the Plan shall receive a matching contribution from the County, up to \$50 monthly and in an amount not to exceed fifty percent (50%) of the employee's contributions. Contributions will be over twenty-four (24) pay periods. In months where there are three (3) paychecks, no deductions will occur on the third (3rd) paycheck of the month. Refer to the Plan document for details specific to the benefits provided. The IRS sets maximum annual contribution limits for a 457(b) plan and employees are required to be aware of these contribution limits and manage their elective contributions accordingly.
- D. **Workers' Compensation:** All Teton County employees are covered by the State Workers' Compensation Act for injuries or illnesses sustained while working on County premises, traveling on official County business, or attending any activity officially sponsored by the County. If an employee becomes ill or injured, the employee shall seek medical attention at once and must also report the details to their Elected Official, Department Director, Division Manager, the Library Director or their designee immediately. An employee must complete a report for every injury, no matter how small, to keep the coverage in force and to receive any benefits or other compensation to which the employee may be entitled. (Reference Workers' Compensation Policy and Procedures, chapter 10-5 for details.)
- E. **Health Insurance for Retirees:** Upon retirement, an employee at age fifty-five (55) years or older, but not over sixty-five (65) years of age, and with nine (9) or more years of continuous, full-time service, may elect to continue health insurance coverage for up to five (5) years under the County's current group Retiree Health Plan. The employee shall pay the monthly insurance premiums.
- a. Coverage is open to employees and any spouse or dependent covered under the County Health Plan at time of separation of employment from Teton County.
  - b. Employees who have worked for Teton County for more than nine (9) years are eligible for one (1) additional year for each two (2) years over nine (9) they have been employed in a full-time capacity. This additional time shall be granted in one-year increments.
  - c. Regardless of age at retirement, employees may not elect to continue health insurance coverage under the County's current group Retiree Health Plan once they have reached sixty-five (65) years of age.
  - d. Detailed information and forms for the Teton County Retiree Health Plan may be obtained from the Human Resources Department.

- F. **Employee Recognition Programs:** The County provides benefited employees with employee recognition programs in recognition of length of service and/or outstanding accomplishments throughout the year. The County's program is multi-tiered, allowing for recognition for various types of accomplishments.
- a. **Service Awards:** Seniority shall be based upon the employee's regular, full-time hire date. Only continuous full-time service in segments of ninety (90) days or more count toward the employee's seniority date.
    - i. If the employee has a break in service that is unpaid, the service time for the purpose of determining a service award shall be adjusted to include paid time only.
    - ii. Should the employee be rehired within one year of termination, the employee's previous time of service with the County shall be used for the purpose of calculating the employee's seniority date.
    - iii. Military leave and/or FMLA leave shall not constitute a break in service.
  - b. **Employee Recognition Program:** Awards are designed to recognize outstanding achievements at every level and to make receiving an award an event of which to be proud. Recognition may be awarded under a departmental or county-wide program for significant individual and team accomplishments in the course of normal work; performance that contributes to the success of the County or highlights the County's values; outstanding contributions to the County; and county-wide employee-based recognition and appreciation events on an annual basis. Funding is appropriated through the Human Resources Department to ensure fair application and distribution across all County departments.

## 6-7 TYPES OF LEAVE

### A. Overview

- a. The County provides various approved leave benefits to all benefited employees except as specifically exempted.
- b. The following types of leave are described in this policy:
  - i. Administrative leave
  - ii. Bereavement leave
  - iii. Volunteer emergency response leave
  - iv. Victim/survivor protection leave
  - v. Holiday leave
  - vi. Jury leave
  - vii. Military leave
  - viii. Personal leave without pay (LWOP)
  - ix. Sick leave
  - x. Vacation leave
  - xi. Wellness leave
  - xii. Paid family leave (PFL)
  - xiii. Voting time off
  - xiv. Executive leave

### B. Administrative Leave

- a. Administrative leave may be granted to any regular full-time employee with or without pay.
- b. An Elected Official or the County Commissioner's Administrator, as appropriate on an individual basis, may grant a reasonable amount of "paid" administrative leave for good and sufficient cause.
- c. Administrative leave may be initiated by the County for the follow reasons:

- i. Time away for a County-sponsored event;
  - ii. To recognize an exempt employee, who is not eligible for executive leave, for working at an unusually high level and/or working an unusually high number of hours above their normal work schedule, not to exceed three (3) days in a calendar year; leave for this purpose may be approved by an Elected Official, Department Director or the Library Director;
  - iii. Pending completion of an investigation: In cases where no viable alternatives are available, an employee may be placed on administrative leave pending a review, investigation or disciplinary proceeding surrounding the situation that resulted in the employee being placed on leave;
  - iv. Questions of fitness for duty;
  - v. Preventing contact with certain employee groups or access to sensitive resources;
  - vi. To remove an employee who may be behaving disruptively and/or inappropriately pending assessment of a situation (e.g. harassment, bullying, discrimination, retaliation, theft, threats, etc.);
  - vii. Unusual and extenuating situations that arise that do not fall under any of the other leave policies.
- d. An employee's status as paid or unpaid while on administrative leave will be based on the circumstances and the employee's status with the County. Contact the Human Resources Department for guidance.
  - e. Leave of more than three (3) days per incident must be approved in advance by the Board, Elected Official, Department/Library Director, and the Human Resource Director must be notified. Approved administrative leave will be recorded as such on the employee's timesheet.
  - f. During administrative leave, the employee will remain an active participant in all benefit plans and programs that they participated in prior to administrative leave. During a period of unpaid administrative leave, the employee will be responsible for benefit payments that would ordinarily be paid through paycheck withholdings.
  - g. Vacation and sick time accruals will continue during paid administrative leave only.
  - h. The Supervisor is responsible for submitting time to Payroll noting the proper pay status (paid or unpaid) for the time the employee is on leave.

**C. Bereavement Leave**

- a. A supervisor or manager may grant an employee up to five (5) business days of paid bereavement leave per occurrence in the event of the death of an employee's immediate family member. JH Fire/EMS shift personnel are entitled to three (3) 24-hour shifts.
  - i. For the purposes of this bereavement policy, immediate family member is defined as: spouse/partner, parents, legal guardians, children (born or unborn), siblings, grandparents, grandchildren, (including step and in-law relationships). Aunts, uncles, cousins, nieces and nephews are not considered immediate family members.
  - ii. The employee must request the leave from their supervisor or manager. The employee may use leave without pay or other appropriate forms of paid leave if the employee requests additional time off beyond the initial leave allowance.
  - iii. If a legal holiday falls within a bereavement leave, the employee shall receive regular holiday pay for the holiday up to eight (8) hours.

**D. Volunteer Emergency Response Leave**

- a. County employees shall have Elected Official, Department Director, or Library Director approval prior to accepting a position for a life-safety volunteer organization or board that will require his or her time during normal work hours.

- b. To be considered for emergency response leave, the employee must be part of an emergency response organization.
- c. Employees may be granted leave from work by their Elected Official, Department Director, or the Library Director in order to participate as an unpaid member of an approved emergency response organization or for training necessary in order to participate in emergency responses as part of such organization.
- d. Time off for emergency responses or training shall be without loss of pay or benefits.
- e. The Elected Official, Department Director, or Library Director shall determine to what extent the employee can participate utilizing County time and/or personal time as workload allows.
  - i. In no event shall County time be granted in excess of one (1) shift per incident. Thereafter, vacation time may be used, or the employee may be considered for leave without pay. Within a calendar year, no employee may be authorized for more than (forty) 40 hours of County paid time.
- f. Examples of this kind of emergency volunteer work include civil air patrol duty, search and rescue duty, participation as a member of a volunteer fire department, Community Emergency Response Team (CERT) duty and other similar activities that are unpaid.

**E. Victims/Survivors Protection Leave**

- a. Employees are eligible for up to three days of emergency leave in any 12-month period if the employee, or a member of the employee's household, has been the victim of domestic violence or abuse. This form of emergency leave may be used only for the following purposes which arise from domestic violence or abuse:
  - i. Seeking a civil restraining order to prevent domestic abuse;
  - ii. Obtaining medical care or mental health counseling or both for the employee or the employee's children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, sexual assault or other crimes involving domestic violence;
  - iii. Making the employee's home secure from the perpetrator of the act of domestic abuse, stalking, sexual assault or other crimes involving domestic violence, or seeking new housing to escape said perpetrator;
  - iv. Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, sexual assault or other crimes involving domestic violence, and/or attending and preparing for court-related proceedings arising from the act or crime; or
  - v. Any other protections provided under the Domestic Violence Protection Act (W.S. §35-21-101 et seq.)
- b. Employees may use up to three (3) days of paid victim/survivor protection leave first and then make use of other appropriate forms of leave as may be necessary and appropriate. A supervisor or manager, as appropriate, may limit an employee's absence to the three (3) days of victim protection leave but may grant more time using other types of leave if it is requested by the employee and, in the judgment of the supervisor or manager, the additional time is reasonable or necessary.
- c. Except in cases of imminent danger to the health or safety of an employee or an employee's children, an employee seeking to leave work for any of the reasons provided for in this policy must provide the supervisor or manager with advance notice of the need to be absent. The advance notice should be provided as soon as the employee knows or reasonably expects that they will need to be absent.
- d. Information related to an employee's use of this type of leave shall be kept confidential.



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- e. Any County managerial or supervisory employee who receives a request for time off from work for the purpose of engaging in any of the activities described in this section should contact the Human Resources Department immediately.

**F. Holiday Leave**

Benefited and certain part-time, non-benefited employees receive eleven (11) paid holidays per calendar year. For payroll purposes a holiday is considered an eight-hour workday for full-time employees and pro-rated for benefited and non-benefited employees regularly scheduled to work less than forty (40) hours as indicated below. The Board reserves the right to proclaim other holidays not listed.

EMPLOYMENT STATUS	HOLIDAY HOURS
Full-Time (40 hours)	8
35-39 Hours	7
30-34 Hours	6
15-29 Hours	4

- a. Sheriff's Office employees who perform work on a designated County holiday will receive holiday premium pay based on the employee's regular scheduled shift. When a holiday falls on an unscheduled day, compensation for the holiday shall be at the normal rate of pay (straight time) for eight (8) hours.
- b. Fire/EMS Shift personnel who perform work on a designated County holiday are entitled to holiday pay of up to twelve (12) hours at a rate based upon the employee's normal rate of pay. When a holiday falls on a day off, compensation for the holiday shall be at the normal rate of pay (straight time) for eight (8) hours.
- c. Holiday(s) When on Other Paid Leave: Holiday leave will be received only when an employee is in a paid status for at least half of the regularly scheduled work hours in the pay period in which a recognized County holiday occurs, except when the employee is on an approved leave under FMLA. Employees on an approved FMLA leave will receive holiday leave regardless of paid status.
- d. Schedule of Holidays: Most County offices are closed on the designated holidays. When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed on the following Monday.
- e. Christmas Eve: When Christmas Eve falls on Monday through Thursday, all employees shall be granted four (4) hours of holiday leave. When Christmas Eve falls on Friday through Sunday, employees scheduled to work on Christmas Eve shall receive up to four (4) hours of Holiday pay depending on the employee's scheduled hours.

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<b>HOLIDAY</b>	<b>OBSERVED</b>
New Year's Day	January 1
MLK/Equality Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veterans Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after 4th Thursday in November
Christmas Day	December 25

- f. Alternate Holiday: If a supervisor or manager must continue operations on any of the fixed County holidays, the supervisor or manager must either:
  - i. Grant an alternate day off (deferred holiday) to observe the holiday to any eligible employee who is required to work on the observed holiday, or
  - ii. Pay any eligible employee who is required to work on the holiday for the hours actually worked and the hours of the observed holiday.
- g. "Floating" a Holiday: An employee may be allowed to defer an observed holiday on which they did not work if the employee has enough "actual" hours worked to make their scheduled workweek whole.
  - i. If an employee requests to "float" their holiday leave, it must be used during the pay period in which the observed holiday falls or within the following pay period.
- h. Religious Holiday Leave: If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with Department Director, Library Director, or Elected Official approval, take the day off using vacation leave, compensatory time or leave without pay.

**G. Jury Leave**

- a. Benefited employees are entitled to paid jury leave not to exceed ten (10) business days during a calendar year. For jury leave purposes, a business day is defined as the number of

hours an employee was or would have been scheduled to work on a day missed due to jury duty. Employees may use leave accruals or leave without pay following the initial ten (10) business days of paid jury leave. All monies received by the employee from the court shall be reimbursed to the County.

- b. Temporary employees who were scheduled to work during the first three (3) days of a period of jury duty will receive the pay they would have earned if they had not been called to jury duty. After the first three (3) days of jury duty, temporary employees may be granted the necessary time off to serve, but such time is unpaid by the County.
- c. The County will not deprive an employee called to jury duty their right to employment or benefits, nor harass, threaten or coerce an employee because the employee receives a juror summons, responds to, or performs any obligation or election of juror service. (W.S. §1-11-401)

#### H. **Military Leave**

- a. Teton County complies with applicable state and federal regulations in granting paid military leave to benefited employees.
- b. Giving Notice: Service members are required to provide advance written or verbal notice to their supervisor for all military duty unless giving notice is impossible, unreasonable or precluded by military necessity.
- c. Amount of Paid Military Leave: Any benefited employee who is a member of an organized military reserve unit of the United States government and on active military duty or training will be granted, per calendar year, a maximum of fifteen (15) business days of County paid leave, which includes necessary travel time. For military leave purposes, a business day is defined as the number of hours an employee was or would have been scheduled to work on a day missed due to active military duty or training. The employee may keep their regular County pay and their military pay.
- d. Military Leave Without Pay: If an employee's period of uniformed service exceeds the period of available County paid military leave and/or any accrued leave the employee chooses to use, the employee will be eligible for military leave without pay during the period of uniformed service. An employee's eligibility for military leave without pay will end upon their return to work or the exhaustion of the applicable reporting period.
- e. Benefit Coverages: If an employee is absent from work due to military service, benefits will continue as follows:
  - i. Employees performing federal active military duty of more than (thirty) 30 days may elect to continue County-sponsored group health plan insurance for up to twenty-four (24) months at 102% of the overall premium rate. Prior to departure for service, the employee should coordinate their coverage under Tri-Care with their military unit.
  - ii. The group basic life/AD&D insurance provided by the County will terminate the day the employee becomes active military.
  - iii. The group long-term disability insurance will terminate the day the employee becomes active military.
  - iv. Voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary life insurance coverage.
  - v. Holiday pay is not provided while an employee is on unpaid military leave.
- f. Retirement Benefits: The County must report the employee who is on extended leave without pay on a "service break" with the Wyoming Retirement System until they return from duty. This allows the employee to be treated as if they had been continuously employed

for retirement purposes and applies to determining vesting and the amount of monthly contributions. Upon return from duty, the employee is required to pay the County for his or her share of missed contributions, and the County is required to pay both the employer and employee contributions.

- g. Vacation/Sick Leave Use and Accrual: Service members are able, but are not required, to use accrued vacation leave and comp time while performing military service. Vacation and sick leave will continue to accrue during the employee's County-paid leave for uniformed service. Employees do not accrue vacation, wellness, executive or sick leave while on unpaid military leave status. Upon return, an employee on leave for uniformed service will receive seniority credit for their scheduled vacation accrual rate increase while on active duty.
- h. Family and Medical Leave Act: Federal active military duty time counts toward hours worked for eligibility.
- i. Pay: The returning service member is entitled to their pre-service rate, adjusted by merit increases and/or market adjustments added during their absence.
- j. Probationary Status: A probationary employee called to military service is eligible for reemployment under County policy. When a probationary employee is reemployed, the employee will return to the same status as existed prior to the military service. For example, if a six-month probationary employee is called to active military service after completing four (4) months of probationary employment, upon return-to-work status, the employee will be in a probationary status for the remaining two (2) months.
- k. Reemployment Rights. Returning service members must meet the following conditions or eligibility criteria:
  - i. Must hold a County job (jobs held for a brief, non-recurring period with no reasonable expectation of continuing for a significant period do not qualify);
  - ii. Must have given written or verbal notice to supervisor prior to leaving the job for military training or service except when precluded by military necessity;
  - iii. Must not have exceeded the five-year cumulative limit on periods of service;
  - iv. Must have been released from active service under conditions other than dishonorable;
  - v. Must report back to the County in a timely manner or submit a timely application for reemployment. Time limits are:
    - 1. **Military Service Less Than Thirty-One (31) Days**: Employees must report for reemployment "at the beginning of the first full regularly scheduled working period on the first full calendar day following completion of service and expiration of eight (8) hours after time for safe transportation back to their residence."
    - 2. **Military Service More Than Thirty (30) Days but Less Than 181 Days**: Employees must submit an application for reemployment (written or verbal) no later than thirty (30) days after completion of service (reference W.S. §19-11-108).
    - 3. **Military Service over 180 Days**: Employees must submit an application for reemployment (written or verbal) no later than ninety (90) days after completion of service.
- l. If an employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service, they must report to or submit an application for reemployment at the end of the period necessary for recovering from the illness or injury. This period may not exceed two (2) years from the date of the completion of service.

In addition, the two-year period could be further extended by the “minimum time required to accommodate the employee’s disabilities.”

- m. Five-Year Limit Defined: An employee is not entitled to reemployment or other benefits if their cumulative period of absence for military service, from one employer, exceeds five (5) years. Eight (8) categories of service are exempt from the five-year limitation. These include:
  - i. Service required beyond five (5) years to complete an initial period of obligated service;
  - ii. Service from which the employee, through no fault of the employee, is unable to obtain a release within the five-year limit;
  - iii. Required training for reservists and National Guard members;
  - iv. Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations;
  - v. Service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress;
  - vi. Active duty (other than for training) by volunteers supporting “operational missions” for which Selected Reservists have been ordered to active duty without their consent;
  - vii. Service by volunteers who are ordered to active duty in support of a “critical mission or requirement” in times other than war or national emergency and when no involuntary call-up is in effect;
  - viii. Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion or to execute the laws of the United States.

**I. Personal Leave Without Pay**

- a. Personal Leave Without Pay (LWOP) is unpaid leave that can be approved for full-day absences for which another form of Leave Without Pay is not appropriate.
- b. Personal Leave Without Pay is not intended to be used for absences related to sick leave.
- c. When requested by a benefited employee, an Elected Official, Department Director, or the Library Director may grant LWOP upon review of the following considerations:
  - i. Does the request create any undue burden to staffing needs and/or workload;
  - ii. Is the request during peak season of business;
  - iii. Are there current performance issues;
  - iv. Frequency of LWOP requests; and/or
  - v. Is there a valid or exceptional cause for the request.
- d. The County assumes no contractual obligation and the employee has no contractual right to extend leave time beyond that required by applicable law. The Elected Official, Department Director, or Library Director will base any decision to grant or deny LWOP on staffing needs and other appropriate considerations, including the requesting employee’s duties and responsibilities, the impact on the department or office, etc.
- e. Employees requesting LWOP must submit their request in writing to their Elected Official, their Department Director, the Library Director or their designee using the Leave Request form. The requesting employee must indicate the basis for the leave. Prior to granting LWOP, the Elected Official, Department Director or Library Director must consult with the Human Resources Director and provide a copy of the Leave Without Pay Notification.
- f. If an employee is on LWOP for fifty percent (50%) or more of their regularly scheduled work hours in a pay period, the employee will not accrue vacation, sick or holiday leave and may be required to pay a portion of their benefit premiums.

- g. Employees are required to exhaust all accrued leave, with the exception of sick leave, prior to using LWOP.
- h. LWOP constitutes a “break in service” for determining the employee’s benefit accrual rates or the employee’s vesting in the County’s Retirement Plan.
- i. Should a benefited employee be on LWOP and work less than 130 hours in any month, the employee shall be responsible to reimburse the County for insurance premiums at the current COBRA rate.

**J. Sick Leave**

Teton County recognizes that employees need days off from work from time to time to address medical needs. Sick leave with pay is granted to all benefited employees and part-time, non-benefited employees regularly scheduled to work fifteen to twenty-nine (15-29) hours per week.

a. Accrual of Sick Leave

- i. Sick leave shall be accumulated and earned according to the number of hours worked on a proportional tier basis. Employees must be in paid status for more than fifty percent (50%) of their regularly scheduled work hours in a pay period to accrue sick leave.

1. **Monthly Accrual Rates**

EMPLOYMENT STATUS	SICK LEAVE HOURS EARNED EACH MONTH
Full-Time (40 hours)	8
35-39 Hours	7
30-34 Hours	6
15-29 Hours	3

- ii. Newly hired benefited employees will begin accruing sick leave with the first full pay period of employment.
- iii. The maximum accrual limit for benefited employees is proportional to their employment status:
  - 1. **Full-time employees (100% FTE)** may accrue up to 480 hours of sick leave. Any accrued sick leave in excess of 480 hours shall be forfeited.
  - 2. **35-39 hour employees** may accrue up to 420 hours of sick leave. Any accrued sick leave in excess of 420 hours shall be forfeited.
  - 3. **30-34 hour employees** may accrue up to 360 hours of sick leave. Any accrued sick leave in excess of 360 hours shall be forfeited.
  - 4. **15-29 hour employees** may accrue up to 180 hours of sick leave. Any accrued sick leave in excess of 180 hours shall be forfeited.

- iv. Employees on FMLA-qualifying leave in an unpaid status or who are absent from work due to a work-related injury or illness will not continue to accrue vacation or sick leave or receive holiday pay during the leave time.
- b. Sick Leave Conversion
  - i. FULL-TIME STATUS EMPLOYEES with at least 440 hours of sick leave recorded after the last pay period in April may choose to cash out up to 40 hours of sick leave at a rate of 50%.
  - ii. 35-39 HOUR EMPLOYEES with at least 380 hours of sick leave may choose to cash out up to 35 hours of sick leave at a rate of 50%.
  - iii. 30-34 HOUR EMPLOYEES with at least 320 hours of sick leave may choose to cash out up to 30 hours of sick leave at a rate of 50%.
  - iv. 15-29 HOUR EMPLOYEES are not eligible for sick leave conversion.
  - v. Sick leave payout is processed in the first pay period in June.
  - vi. Sick leave payouts may, on request, be made to an employee's 457(b) account. Sick Leave payouts made to a 457(b) are not eligible for the matching funds outlined in policy 6-6 C. b.
  - vii. Eligible employees who choose to convert sick leave may not also donate sick leave under the provisions of policy 6-7 J. c. iv. in the same calendar year.
- c. Sick Leave Donation
  - i. In certain circumstances, eligible employees may donate sick leave to another employee who is or will be on approved leave and does not have sufficient paid leave available to cover their anticipated absence(s). Donated sick leave will be credited to the receiving employee as sick leave. Employees in need of and willing to accept donated leave should contact the Human Resources Director. The amount of donated leave an employee is eligible to receive annually is limited to the amount of time needed or 480 hours, whichever is less, must be approved by the Human Resources Director, and may not in any case push the employee's accrued sick leave balance beyond the maximum accruals allowed by current policy.
  - ii. Eligible employees may donate sick leave in one-hour increments to the affected employee, except that the donors may not transfer more hours than they have available to them in their accruals. Once donated, hours will not be transferred back to the donor. All of the receiving employee's own accrued leave must be utilized prior to receiving and utilizing donated leave. The conversion rate for Fire/EMS 207K employees will be 1.4 times the number of regular employee hours.
  - iii. Donated leave shall be converted to a dollar value and then converted to hours based on the recipient's hourly rate. The Human Resources and Payroll Departments will establish an audit track for the approved leave transfers.
  - iv. For the purposes of sick leave donation, employees eligible to donate and approved donation rates are as follows:
    - 1. **Full-time status employees** with at least 440 hours of sick leave recorded may choose, no more than once per calendar year, to donate up to 40 hours of sick leave at a rate of 50%.
    - 2. **35-39 hour employees** with at least 380 hours of sick leave recorded may choose, no more than once per calendar year, to donate up to 35 hours of sick leave at a rate of 50%.
    - 3. **30-34 hour employees** with at least 320 hours of sick leave recorded may choose, no more than once per calendar year, to donate up to 30 hours of sick leave at a rate of 50%.



4. **15-29 hour employees** are not eligible for sick leave donation.
5. Eligible employees who choose to donate leave may not also convert sick leave under the provisions of policy 6-7 J. b. in the same calendar year.

d. Use of Accrued Sick Leave

- i. Sick leave may be used for an employee's personal illness, injury, or other medical or mental health conditions, including pregnancy and complications thereof, and to attend to their health care-related appointments.
- ii. Employees may also use sick leave to attend to sick family members. For purposes of this sick leave policy, family members include the employee's spouse, parents, children, (including step relationships), and those who are in the legal guardianship of the employee.
- iii. Employees may use sick leave to attend the birth of their child; to care for the child after birth (within one (1) year after birth); and for placement of a child with the employee for adoption or foster care (within one (1) year after placement).
- iv. A manager or supervisor may require an eligible employee to leave work and be placed on appropriate leave when they reasonably believe that the employee is unable to satisfactorily perform their job duties and/or may endanger the health of other employees or the public due to sickness, injury, and/or a risk of spreading infection.
- v. Before returning to work, the employee may be required to provide documentation from a health care provider of the employee's ability to satisfactorily perform their job duties without endangering the health or safety of themselves, other employees or the public.
- vi. Employees must state the reason for the sick leave request so that the Elected Official, Department Director, Division Manager or Library Director, as appropriate, can determine if the requested leave is covered under the Family and Medical Leave Act (reference Chapter 7).
- vii. For any sick leave absence of any length, the Elected Official, Department Director, Division Manager, Library Director or designee, as appropriate, may require an employee to provide a health care provider's statement confirming the medical necessity of the absence.
- viii. Periods of incapacity of more than three (3) days (i.e. an employee on sick leave for more than three (3) days) may be indicative of an FMLA-qualifying serious health condition or event and employees shall be required to consult with the Human Resources Department and/or submit an FMLA request to determine eligibility for any incapacity lasting more than three (3) days. Employees or their supervisor must contact Human Resources as soon as possible following the third (3rd) day of incapacity, but in no cases later than the fifth (5th) day of incapacity. Notification is required regardless of whether the employee has returned to work in the interim.
- ix. Sick leave may not be used prior to accrual. If sick leave is exhausted, other leave accruals will be used in its place.
- x. Paid sick leave used cannot exceed the employee's accrued sick leave balance as of the end of the current pay period.

e. Sick Leave Without Pay

- i. An employee who is not eligible for FMLA, who does not wish or is not required to use their paid leave balances, and/or has exhausted their paid leave balances needed for a medical absence, may be eligible for sick leave without pay (SLWOP).

For sick leave without pay situations involving FMLA qualifying leave, see FMLA policy (Chapter 7).

- ii. When requested by a benefited employee, an Elected Official, a Department Director, or the Library Director may grant SLWOP as appropriate, such as by the hour or workday. The Elected Official, Department Director, or Library Director will base any decision to grant or deny SLWOP on the nature of the medical condition(s), staffing needs and other appropriate considerations, including the requesting employee's duties and responsibilities, the impact on the department or office, etc. SLWOP shall be limited to no more than ten (10) days in a calendar year.
  - iii. If an employee is on SLWOP and their paid time is less than thirty (30) hours in a workweek, the employee will not accrue vacation or sick leave. If an employee is on SLWOP and their paid time is less than thirty (30) hours in a workweek in which a recognized County holiday occurs, the employee will not receive holiday pay. Employees will be required to use enough accrued leave each pay period to cover the cost of any insurance premiums, or other appropriate deductions.
  - iv. Should a benefited employee be on SLWOP and work less than 130 hours in any month, the employee will be required to pay the monthly insurance premiums while on SLWOP or make health insurance payments under COBRA at the current COBRA rate. If premiums are not paid, the coverage will lapse. The employee will be required to use enough accrued leave each pay period to cover the cost of any insurance premiums, or other appropriate deductions.
  - v. The Elected Official, Department Director, or Library Director will base any decision to grant or deny SLWOP on the office, department, division or library's staffing needs and other appropriate considerations, including the requesting employee's duties and responsibilities, the impact on the office, department, division, library, etc.
  - vi. If leave balances have been exhausted, an employee must submit their request in writing to their Elected Official, Department Director, Division Manager or the Library Director using the County's Extended Sick Leave Without Pay Request form. The requesting employee must indicate the medical basis for the leave and present documentation by the appropriate health care provider of the inability to work due to medical reasons. Subsequently, additional documentation may be required, for example on a monthly basis, but no less than on a quarterly basis.
  - vii. SLWOP that extends beyond a pay period will constitute a break in service for determining the employee's benefit accrual rates or the employee's vesting in the County's Retirement Plan.
- f. Disbursement of Accrued Sick Leave at Separation: Upon separation with less than seven (7) years of continuous service as measured from the employee's current service date, an employee's accrued sick leave balance is lost. Upon separation with seven (7) or more years of continuous service as measured from the employee's current service date, employees receive the monetary value of a certain portion of their accrued sick leave as follows:
- i. With the exceptions noted below, upon termination of employment, employees with seven to eleven (7-11) years of continuous service shall receive pay for the monetary value of forty percent (40%) of the number of hours remaining in their accrued sick leave balance.
  - ii. With the exceptions noted below, upon termination of employment, employees with twelve to sixteen (12-16) years of continuous service shall receive pay for the

monetary value of sixty percent (60%) of the number of hours remaining in their accrued sick leave balance.

- iii. With the exceptions noted below, upon termination of employment, employees with seventeen (17) or more years of continuous service shall receive pay for the monetary value of eighty (80%) of the number of hours remaining in their accrued sick leave balance.
- iv. The monetary value will be calculated using the employee's current pay rate at the time of separation.
- v. EXCEPTION: Upon death of an employee (while still employed), the employee's estate will receive a cash payout for the monetary value of the applicable percentage as noted above of the number of hours remaining in their accrued sick leave balance.
- vi. Part-time employees regularly scheduled to work fifteen to twenty-nine (15-29) hours per week are not eligible for sick leave disbursement at separation.

g. Exceptions to Sick Leave Accrual

- i. In accordance with state statute, Elected Officials cannot receive compensation in addition to salaries and do not accrue sick leave balances.
- ii. Sick leave for employees engaged in fire protection activities, covered under the FLSA §207(k) exemption, accrue at a rate of 11.2 hours per calendar month, or 134.4 hours per year. Any accrued sick leave in excess of 672 hours shall be forfeited.

**K. Vacation Leave**

All benefited employees receive paid vacation.

a. Accrual of Vacation Leave for Non-Exempt Employees

- i. Benefited non-exempt employees accrue vacation leave with pay on the basis of continuous accumulative service in accordance with the following schedules:

Hours Worked Per Week	Regular and Limited-Term Employees Vacation Leave Hours Accrued (per Bi-weekly Pay Period and annual equivalent)			Fire/EMS - 207(k) Shifts Vacation Leave Hours Accrued (per Bi-weekly Pay Period)		
	0-2 Years	3-7 Years	8+ Years	0-2 Years	3-7 Years	8+ Years
<b>40</b>	4.62	6.15	7.69	6.47	8.61	10.77
<b>Max</b>	120	160	200	168	224	280
<b>35-39</b>	4.04	5.38	6.73			
<b>Max</b>	105	140	175			
<b>30-34</b>	3.47	4.62	5.77			

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<b>Max</b>	90	120	150
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<b>Hours Worked Per Week</b>	<b>Maximum Vacation Accruals</b>	
	<b>Regular &amp; Limited Term Employees</b>	<b>Fire/EMS 207(k) Shifts</b>
<b>Full-Time (40 hours)</b>	240	336
<b>35-39 Hours</b>	210	
<b>30-34 Hours</b>	180	

- b. Accrual of Vacation Leave for Exempt Employees
- i. Exempt employees accrue vacation leave with pay on the basis of continuous accumulative service in accordance with the following schedules:

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<b>Exempt Full-Time Employees</b>	<b>Vacation Accruals</b>	
	Accruals	Maximum Accruals
0-4 years	6.15 hrs (20 Days)	240 hrs
5+ years	7.69 hrs (25 Days)	240 hrs

c. Eligibility

- i. Newly hired eligible employees will begin accruing vacation leave with the first full pay period of employment.
- ii. Eligible non-exempt employees must be in a paid status for at least thirty (30) hours in a workweek to accrue vacation leave.
- iii. Employees on unpaid FMLA qualifying leave or who are absent due to a work-related injury or illness will not accrue vacation leave during the unpaid leave time.

d. Use of Accrued Vacation Leave

- i. Vacations must be scheduled in advance, generally at least two (2) weeks, and with prior written approval of the employee's supervisor. Employees typically can use vacation leave on dates of their choice; however, the County must ensure adequate staffing levels are maintained at all times.
- ii. No more than two (2) weeks of vacation shall be taken at one time without prior approval by the Elected Official, Department Director, or Library Director.
- iii. Vacation leave used cannot exceed the employee's accrued vacation leave balance, as of the end of the current pay period.
- iv. When an employee has both accrued vacation time and compensatory time available to use at the time of submitting a leave request, compensatory time shall be used before vacation time.
- v. The employee must use their accrued vacation leave balances concurrently with any designated "non-workers' compensation" FMLA leave. (Reference Chapter 7 for FMLA policy.)
- vi. Vacation leave can be used during a medical absence if an employee's accrued sick leave has been exhausted.
- vii. If an employee is on vacation and becomes sick or injured, the vacation leave cannot be changed to sick leave.
- viii. Vacation is accrued according to seniority, and the employee can accrue up to the appropriate accrual limits (see tables above). Any accrued vacation in excess of the accrual limit shall be forfeited.

e. Vacation Leave Donation

- i. Vacation leave may be donated to another employee who is or will be on approved leave and does not have sufficient paid leave available to cover their anticipated absence(s) related to the employee's personal illness, injury, or other medical or mental health conditions or to attend to sick family members. Donated vacation leave will be credited to the receiving employee as sick leave. Employees in need of and willing to accept donated leave should contact the Human Resources Director. The amount of donated leave an employee is eligible to receive is limited to the amount needed to supplement the approved absence and may not in any case push the employee's accrued sick leave balance beyond the maximum accruals allowed by current policy.
- ii. Employees may donate vacation leave in one-hour increments to the affected employee, except that the donors may not transfer more hours than they have available to them in their accruals. Once donated, hours will not be transferred back to the donor. All of the receiving employee's own accrued leave must be utilized prior to receiving and utilizing donated leave.
- iii. The conversion rate for Fire/EMS 207K employees will be 1.4 times the number of regular employee hours.
- iv. Donated leave shall be converted to a dollar value and then converted to hours based on the recipient's hourly rate. The Human Resources and Payroll Departments will establish an audit track for the approved leave transfers.
- f. Payment of Accrued Vacation Leave at Separation
  - i. Upon separation, employees are paid for all unused, accrued vacation leave. Employees will be paid using their current pay rate at the time of separation.
- g. Exceptions to Vacation Leave Accrual
  - i. In accordance with state statute, Elected Officials cannot receive compensation in addition to salaries and do not accrue vacation leave balances.
  - ii. Vacation accruals for employees engaged in fire protection activities, covered under the FLSA §207(k) exemption, can accrue up to 336 hours. Any accrued vacation in excess of 336 hours shall be forfeited.

#### **L. Wellness Leave**

Teton County provides wellness leave to eligible employees to encourage time off to be used at the discretion of the employee for wellness-related purposes (e.g. exercise and physical activity, meditation training/retreats, financial workshops, volunteer opportunities, children's school activities). This policy applies to all full-time and part-time, benefit-eligible employees.

- a. Accrual timing and usage
  - i. Regular, full-time employees, or the equivalent of 1 FTE (Full-Time Equivalent), will be granted (thirty-two) 32 hours of wellness leave each calendar year.
  - ii. Part-time benefit-eligible employees who are scheduled thirty to thirty-nine (30-39) hours a week are granted twenty-four (24) hours of wellness leave per calendar year.
  - iii. Wellness leave will be allocated to eligible employees on January 1 of each calendar year. If hired on or after January 2, wellness leave will be allocated as follows: twenty-four (24) hours if hired within the first (1st) quarter (January 2-March 31), sixteen (16) hours if hired within the second (2nd) quarter (April 1-June 30), eight (8) hours if hired within the third (3rd) quarter (July 1-September 30).

- iv. Eligible employees hired during the fourth (4th) quarter of the calendar year will not receive wellness leave days until January 1 of the following calendar year.
  - v. Wellness leave is to be used at the employee's discretion, subject to supervisor review and approval.
  - vi. Accumulation beyond the calendar year is not permitted. All unused wellness leave is lost at the end of the calendar year, even if the employee is on leave.
- b. Separation of Employment
- i. Upon separation from the County, the employee shall not be entitled to any payment for wellness leave.
- c. Recording of Time
- i. Wellness leave must be recorded on the employee's timecard as part of the regular payroll processing cycle.
  - ii. Any balance of unused wellness leave is transferred with an employee transferring from one department to another.

#### **M. Paid Family Leave**

The purpose of this policy is to provide a one-time benefit to employees who are not eligible for FMLA, due to less than one (1) year or 1250 hours of employment with the County, additional flexibility and time to bond with their new child or to care for a parent or immediate family member with a serious medical condition or illness. Paid family leave (PFL) may be used only after the employee's paid sick leave is exhausted. Paid family leave is not charged against the employee's other paid leave credits, and the amount of paid days received is provided proportional to the employee's regularly scheduled hours per week.

- a. Annual Limits. The maximum annual limit for benefited employees is proportional to their employment status:
- i. Full-time employees (100% FTE) may use up to forty (40) hours of PFL.
  - ii. Fire/EMS employees are limited to two (2) consecutive, 24-hour shifts.
  - iii. 35-39 hour employees are limited to thirty-six (36) hours of PFL.
  - iv. 30-34 hour employees are limited to thirty (30) hours of PFL.
- b. Eligibility. Eligible employees with less than one (1) year or 1250 hours of employment will be granted a one-time benefit of paid family leave for a maximum of one (1) week during the period for which the employee is not eligible for FMLA for one of the following reasons:
- i. Maternity/paternity/adoption leave under this policy is associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care.
  - ii. To care for the employee's spouse, child, or parent who has a serious medical condition or illness.
- c. Definitions
- i. A PARENT is defined as a person identified on a child(ren)'s birth certificate, adoption certificate or other legal document certifying an adoption or foster placement.
  - ii. A QUALIFYING EVENT under this policy is defined as:
    - 1. Time off for the live birth, adoption, or placement of a child; or
    - 2. An employee who needs to take time off work to care for a seriously ill spouse, child of any age, or parent with a serious illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital,



hospice, or residential medical facility, or inability to perform regular daily activities.

- d. To be eligible, employees must have maintained continuous, regular benefited employee status for at least sixty (60) days from hire date.
- e. Eligible employees must provide timely documentation of the upcoming event. Forms of documentation include a health care provider certificate, or a certified copy of an adoption order listing the eligible employee as a parent.
- f. The start date of the employee's PFL is the first day of absence due to a qualifying event under this policy. Employees may only be approved for PFL once.
- g. Employees shall provide documentation to verify absences greater than three (3) consecutive days.
- h. Paid Family Leave may only be used once sick leave is exhausted.
- i. Spouses who are both employed by the County are jointly entitled to a combined paid family leave benefit if neither employee is eligible for FMLA.
- j. Employees may not use PFL benefits intermittently and PFL may not be taken in units of less than one (1) full day.
- k. If an official holiday occurs while the individual is on an approved PFL, the employee will receive holiday pay and will not count against the PFL.
- l. All unused PFL days are lost at the end of the qualifying event.
- m. Failure to return to work at the end of the approved leave period will be considered a voluntary resignation, effective as of the day following the last day of the authorized leave period.

**N. Time off to Vote**

- a. Employees are encouraged to vote outside of working hours.
  - i. When this is not possible, full-time employees shall be granted paid leave not to exceed one (1) hour in order to vote.
  - ii. Such leave shall also be granted to part-time employees scheduled to work eight (8) hours on that day unless the employee has three (3) or more consecutive non-working hours during the time the polls are open.

**O. Executive Leave**

- a. Overview/Purpose
  - i. Teton County recognizes that certain employees who are exempt for purposes of overtime pay often put in hours that extend beyond the standard workweek, without additional compensation, to meet the demands of their position. While incidental extra work time is an expected component of these positions, Teton County acknowledges that occasionally the demands are extraordinary.
  - ii. As an equitable measure, Teton County provides certain exempt employees with annual paid executive leave.
  - iii. This leave is provided to Department Director-level and above employees.
- b. Accrual timing and usage
  - i. Regular, full-time employees at the Director Level or above will be granted one week of executive leave on January 1 of each calendar year.
  - ii. Executive leave will be allocated to eligible employees on January 1 of each calendar year. If hired on or after January 2, executive leave will be allocated as follows: four (4) days if hired within the first (1st) quarter (January 2-March 31), three (3) days if hired within the second (2nd) quarter (April 1-June 30), two (2) days if hired within the third (3rd) quarter (July 1-September 30). Employees hired in the fourth (4th)

quarter will not receive an executive leave allocation until January 1 of the following year.

- iii. Executive leave is to be used at the employee's discretion, subject to supervisor review and approval. Executive leave must be taken in full-day increments.
- iv. Accumulation beyond the calendar year is not permitted. All unused executive leave is lost at the end of the calendar year, even if the employee is on leave.

## 6-8 LEAVE ADMINISTRATION

- A. **Notice/Request:** Employees requesting any leave, paid or without pay, must provide their Elected Official, Department Director, Division Manager, the Library Director or their designee with as much advance notice as possible and must follow all County and departmental policies and practices regarding the requesting of leave.
- B. **Recording:** Non-exempt employees must record the use of any and all leave time, paid or without pay, on their timesheet. The supervisor is required to review all timesheets for accuracy.
- C. **Misuse:** Abuse or inappropriate use of any leave is cause for corrective or disciplinary action. Supervisors are responsible for reasonably monitoring their employees' leave usage and leave recording to ensure appropriate use.
- D. **Limitation on Use:** Unless precluded or restricted by law, a manager or supervisor may limit or deny the ability of an employee to take certain types of leave, including accrued vacation and sick leave, in cases of emergency or in situations where the absence of the employee would result in a halt of service or production or impose a business hardship.
- E. **Failure to Return from Leave:** If an employee does not return at the end of an approved leave, it may be cause for disciplinary action up to and including separation.
- F. **Workers' Compensation and Leave Use:** An employee who is off work and receiving workers' compensation in place of regular pay may not use their accrued leave (vacation, sick, holiday, personal days, or comp time) for the same hours for which they are receiving wage continuation payments. (Reference the Workers' Compensation Policy and Procedure Section 10-5for details.)

# CHAPTER 7 FAMILY AND MEDICAL LEAVE

## 7-1 ELIGIBILITY REQUIREMENTS

An employee who has been employed for at least one (1) year and has worked for at least 1,250 hours during the preceding 12-month period is eligible for Family Medical Leave Act leave.

## 7-2 ACCEPTABLE USES OF FAMILY MEDICAL LEAVE

- A. Eligible employees will be granted Family Medical Leave for a maximum of twelve (12) weeks during a single, rolling 12-month period for the following reasons:
  - a. Incapacity due to pregnancy, prenatal medical care, childbirth;
  - b. To care for the employee's child after birth, or placement for adoption or foster care;
  - c. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
  - d. Serious health condition that makes the employee unable to perform the employee's essential job duties.
- B. **Definition of Serious Health Condition:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.
- C. **Continuing Treatment:** Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## 7-3 ACCEPTABLE USES OF MILITARY FAMILY LEAVE

- A. The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 workweeks of unpaid, job-protected leave in a rolling 12-month period for a "qualifying exigency" and 26 workweeks of unpaid leave during a "single 12-month period" to provide care for a service member.
- B. Qualifying Exigency leave is 12 workweeks of unpaid, job-protected leave during a 12-month period for eligible employees whose spouse, child of any age, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.
  - a. For members of the **Regular Armed Forces**, covered active duty is duty during deployment of the member with the Armed Forces to a foreign country. For members of the **National Guard and Reserves** covered active duty is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.
  - b. Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.
  - c. Qualifying exigencies. Qualifying exigencies may include:
    - i. Attending certain military events;

- ii. Arranging for alternative childcare;
  - iii. Addressing certain financial and legal arrangements;
  - iv. Attending certain counseling sessions;
  - v. Attending post-deployment reintegration briefings.
- C. Military caregiver leave is up to a total of 26 workweeks of unpaid, job-protected leave during a “single 12-month period” to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. Qualifying caregiver leave may include:
  - a. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or
  - b. 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 service member.

## 7-4 LEAVE GRANTED

Family Medical Leave and military family leave will use the same measurement for a single 12-month period. The 12-month period is rolling, measured backward from the first day of the approved leave. Teton County will not delay the designation of FMLA-qualifying leave or designate more than 12 weeks of leave (or 26 weeks of military caregiver leave) as FMLA leave, regardless of the preference by the employee. An employee cannot use non-FMLA leave for an FMLA-qualifying reason and cannot decline to use FMLA leave.

### A. Manner of taking leave

- a. Continuous. A number of consecutive days up to twelve (12) workweeks, or up to twenty-six (26) weeks for military caregiver leave;
- b. Intermittent or Reduced Schedule Leaves: Based only on planned medical treatment or when medically necessary.
  - i. For birth or adoption, intermittent leave can only be taken if the employee and the appropriate Department Director, Elected Official or the Library Director agree to such an arrangement.
  - ii. Employees are expected to consult with their supervisor before scheduling treatment and must make reasonable efforts to schedule leave so as not to unduly disrupt the County’s operations.
  - iii. Employees taking intermittent or reduced schedule leave based on medical necessity may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

### B. When Teton County employs both spouses

- a. Spouses who are both employed by the County are jointly entitled to a combined leave of twelve (12) weeks of FMLA leave for the birth, adoption, foster care placement, and to bond with the child. However, each spouse is eligible for a separate entitlement of FMLA leave to care for each other, their children or themselves.
- b. Additionally, Teton County offers spouses who are both employed by the county and eligible for FMLA an additional combined leave of twelve (12) weeks of non-FMLA leave for the birth, adoption, foster care placement, and to bond with the child. This leave is jointly

entitled, and the total time taken by either spouse for this purpose shall be limited to twelve (12) weeks. This additional time will follow standard FMLA parameters.

## 7-5 SUBSTITUTION OF PAID LEAVE

- A. While on Family Medical Leave or military family Leave, the county requires employees to use accrued paid leave, unless collecting Teton County workers' compensation benefits.
- B. FMLA leave is without pay when paid leave benefits are exhausted.
- C. Employees must generally use all paid leave available to them while on FMLA but may elect, as an exception, to hold back up to 40 hours (one week) of sick leave for use after the FMLA period.

## 7-6 BENEFITS AND PROTECTIONS

- A. During FMLA leave, the County maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work.
  - a. Employees must continue to pay their portion of any insurance premium while on leave.
    - i. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the County for payment of insurance premiums during leave.
- B. Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
  - a. Certain highly compensated employees (key employees) may have limited reinstatement rights.
- C. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- D. As with other types of unpaid leaves, vacation and sick leave will not continue to accrue during any unpaid leave. When on unpaid leave, holidays, jury duty, executive, and wellness leave are not granted and no contributions are made to the employee's retirement plan or health savings account.
- E. The employee will not receive accumulation of seniority or any other employment benefits during leave without pay.
- F. Employees who have exhausted paid leave and are working intermittently or on a reduced schedule may be entitled to accrued leave on a pro rata basis, as long as they work a minimum of 30 hours per week.

## 7-7 EMPLOYEE RESPONSIBILITIES

- A. **Notice**
  - a. Employees must provide to the Human Resources Department thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable.
    - i. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable and generally at a minimum must comply with their supervisor's normal notification requirements for unexpected leave.
- B. **Sufficient Information**
  - a. Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
  - b. Sufficient information may include:
    - i. The employee is unable to perform job functions;
    - ii. The family member is unable to perform daily activities;

- iii. The need for hospitalization or continuing treatment by a health care provider or
    - iv. Circumstances supporting the need for military family leave.
  - c. Employees also must inform the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- C. Certification and Recertification**
- a. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.
    - i. Request for certification will be made by the Human Resources Department if, in the opinion of management, it is necessary.
    - ii. The County may require second and third medical opinions at the County's expense.
      - 1. Documentation confirming family relationship, adoption, or foster care may be required.
    - iii. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action.
  - b. The County reserves the right to designate leave as Family & Medical Leave Act leave if an employee on leave has not followed the above procedures.

## 7-8 THE EMPLOYER'S RESPONSIBILITY

- A. The County will provide up to twelve (12) weeks, or up to twenty-six (26) weeks for Military Caregiver Leave, of unpaid, job-protected leave to employees who meet the eligibility requirements above.
- B. The County will inform employees requesting leave whether they are eligible under FMLA.
  - a. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities.
  - b. If they are not eligible, the County will provide a reason for the ineligibility.
- C. The County will inform employees taking leave if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement.
  - a. If the County determines that the leave requested is not FMLA-protected, the Human Resources Department will notify the employee.

## 7-9 RETURN TO WORK FOLLOWING LEAVE

- A. Before returning to work, an employee who has taken medical leave for a personal medical condition must present proof that they are physically able to return.
  - a. This should be done by presenting a "Fitness for Duty" form or any equivalent, completed by the attending physician.
    - i. Fitness for Duty forms may be obtained from the Human Resources Department.
    - ii. The Fitness for Duty form must state that the employee can return to his/her regular work schedule and resume performance of all the essential duties required in the employee's position; or can return to his/ her position on a restricted or modified duty basis, as defined by the attending physician, resuming performance of all the essential duties required in the employee's position with reasonable accommodation.
- B. Teton County reserves the right to deny modified or restricted duty.

- C. Employees on leave must contact the Human Resources Department at least two days before their planned return to work.

#### 7-10 FAILURE TO RETURN FROM LEAVE

- A. The failure of an employee to return to work upon the expiration of an FMLA leave of absence will subject the employee to possible termination unless an extension is granted prior to the return date.
- B. An employee should refer to Section 6-4 TYPES OF LEAVE for information on requesting additional leave.

#### 7-11 UNLAWFUL ACTS

- A. FMLA makes it unlawful for the County to:
  - a. Interfere with, restrain or deny the exercise of any right provided under FMLA;
  - b. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### 7-12 ENFORCEMENT

- A. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Organization.
- B. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights.



## CHAPTER 8 LEGAL COMPLIANCE

### 8-1 EQUAL EMPLOYMENT OPPORTUNITY

- A. Teton County is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. The County does not discriminate against applicants or employees on the basis of age (40 and over), race, sex, color, religion, national origin or ancestry, disability, genetic information, sexual orientation, veteran status, political affiliation, or any other status protected by federal, state or local law. Teton County is an equal employment opportunity employer.
- B. The Human Resources Director shall have overall responsibility for compliance with all federal and state equal employment opportunity laws and regulations for the implementation of the policy of equal employment opportunity. All questions, complaints and suggestions concerning the equal employment opportunity policy shall be directed to the Human Resources Director.
- C. All employees are to cooperate in the implementation of the County's equal employment opportunity policy and work with it in mind. All personnel with responsibilities for employment and personnel decisions are to exercise their responsibilities under the guidance of this policy.

### 8-2 AMERICANS WITH DISABILITIES ACT (ADA)

- A. The County will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination and access to benefits. Employees needing such accommodation are instructed to contact their supervisor or the Human Resources Director immediately.
- B. The County is required to provide reasonable unpaid break time or permit an employee to use paid break time, meal time, or both, each day to allow an employee to express breast milk for her nursing child. The County will provide such time for up to two years after the child's birth. The County will make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in private.

### 8-3 IMMIGRATION REFORM AND CONTROL ACT (I-9)

- A. Teton County shall comply with the Immigration and Naturalization Act of 1986 and shall have on file, for all employees hired after November 7, 1986, a copy of INS Form I-9 along with a photocopy of the documents used to prove identity and authorization to work in the United States.
- B. The Human Resources Department, with the assistance and cooperation of supervising Elected Officials and hiring managers, shall complete the form for each and every newly hired individual, regardless of status. The provision of documentation to provide identity and authorization to work in the United States shall be a condition of employment with the County.
- C. In the event that a new employee is unable to produce the required documentation within three business days, the hiring department or office will be notified immediately. The employee may not continue to perform further work for the County until the employee is able to produce the required documents.
- D. The County Clerk's Office shall maintain each employee's I-9's and photocopies of the employee's eligibility documentation in separate files. These files will be kept confidential and used only for the

purpose of compliance with applicable law. Hiring departments or offices will not maintain duplicate copies of the I-9 forms and substantiating documents.

#### 8-4 WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

- A. **Overview:** Teton County is committed to providing a work environment that is fair, civil and respectful of each person's dignity and is free from all forms of discrimination, harassment or retaliation on the basis of race, religion, color, national origin or ancestry, disability, genetic information, pregnancy, sexual orientation, sex, including gender or gender identity, or age. It shall be a violation of this policy for any employee to engage in any form of discrimination or harassment, whether verbal or physical, arising out of the work environment. Discrimination, harassment, and/or retaliation are not only inappropriate but also violate state and federal law. Violations of these policies not only constitute serious workplace misconduct but may also violate federal and state law. In addition to the regular worksite, this policy specifically applies to work assignments that are off-site or at Teton County-sponsored functions. In addition, any actions or efforts by a supervisor to use authority or position granted by the County to engage in discriminatory/harassing/retaliatory acts outside the workplace are also prohibited. Any violation of this policy may result in discipline, up to and including termination.
- B. **Sexual and Gender Discrimination/Harassment:** For purposes of this policy, gender and sexual discrimination/harassment is defined as discrimination in the terms and conditions of employment on the basis of sex or gender, unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, language or actions which ridicule, demean or degrade others on the basis of their gender and either (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or (2) the conduct substantially interferes with an individual's employment or creates a pervasively intimidating, hostile, or offensive work environment.
- a. Examples of sexual harassment include, but are not limited to: unwanted sexual advances, demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature, graphic commentary about an individual's body, sexual prowess, or sexual deficiencies; jokes or comments which ridicule, demean or degrade on the basis of gender; leering; whistling; touching; assault; coerced sexual acts; suggestive insulting; obscene comments, gestures, and emails; and display in the workplace of sexually suggestive objects or pictures.
- C. **Pregnancy Discrimination:** Discrimination on the basis of pregnancy constitutes a form of sex discrimination and is contrary to federal law. Teton County will not discriminate against persons who are pregnant in the terms and conditions of employment. Pregnancy will generally be treated as any other health condition.
- a. The employee may utilize sick leave, family and medical leave, or other benefits on the same basis as is permitted for other health conditions. The length of an employee's absence for childbirth, and related health conditions, shall be determined on the basis of the period of time the employee is disabled, as verified by appropriate medical personnel. In addition, pregnancy leave is a circumstance qualifying under the Family and Medical Leave Act, and pregnant employees shall be entitled to applicable benefits or protections of FMLA, if otherwise eligible for FMLA benefits.
  - b. Employees who are pregnant and are exposed to toxic or dangerous substances or perform duties where performing the job while pregnant may present a danger to the employee, an

unborn child or others, shall inform the supervisor as soon as possible for purposes of determining what actions need to be taken in the interests of safety.

- c. Nothing in this policy authorizes paternity leave, and the rights of any other person other than the pregnant individual shall be limited to those circumstances set forth in the federal Family and Medical Leave Act.
- D. **Racial/Ethnicity/National Origin Discrimination and Harassment:** For purposes of this policy, discrimination in the terms and conditions of employment on the basis of race, ethnicity or national origin is prohibited. All inappropriate conduct and activity taken against an individual because of his or her race/ ethnicity/national origin shall constitute unlawful harassment under circumstances where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or where the conduct substantially interferes with an individual's employment or pervasively creates an intimidating, hostile or offensive work environment.
  - a. Examples include, but are not limited to, racial/ethnic comments; racial/ethnic jokes through any medium; degrading, insulting or demeaning comments based on race/ethnicity; racial or ethnic stereotyping and similar conduct which tends to demean or degrade or deny equal treatment on the basis of race or ethnicity.
- E. **Age Discrimination/Harassment:** The federal Age Discrimination in Employment Act (ADEA) prohibits discrimination against workers who are age 40 or older. For purposes of this policy, all inappropriate conduct and activity taken against an individual because of his or her age (over 40) shall constitute unlawful discrimination or harassment where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment or where the conduct substantially interferes with an individual's employment or pervasively creates an intimidating, hostile or offensive work environment.
  - a. Examples include, but are not limited to, jokes or comments communicated through any medium; degrading, insulting or demeaning comments based on age; suggestions or implications that employees should retire; comments employees are too old to work, should give younger people a chance at job or are too old to learn new things; stereotyping on the basis of age; and any similar conduct which tends to demean, degrade or deny equal employment opportunity on the basis of age.
- F. **Disability Discrimination/Harassment:** The federal Americans with Disabilities Act (ADA) prohibits discrimination against persons who have disabilities and requires employers to make reasonable accommodations for those employees with disabilities. For purposes of this policy, all inappropriate conduct and activity taken against an individual because of a disability where submission or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment where the conduct substantially interferes with the individual's employment or pervasively creates an intimidating, hostile or offensive work environment. Decisions may be made on the basis of disability where permitted under applicable federal law, such as requiring an employee to fulfill all the essential functions of a job or declining to provide unreasonable requests for accommodation.
  - a. Examples include, but are not limited to, jokes or negative comments communicated through any medium; degrading, insulting or demeaning comments based on disability; suggestions or implications that a disabled employee should not work or is incapable of working.
- G. **Religious Discrimination/Harassment:** As a governmental body, Teton County does not endorse or oppose any religious belief or affiliation. An employee's membership, participation, or adherence to any religious organization or belief or nonbelief/nonadherence shall not be a consideration in any decision regarding the terms and conditions of employment. Supervisors and employees shall refrain from religious proselytizing at the workplace. For purposes of this policy, all conduct and activity

taken against an individual because of the individual's affiliation, or lack of affiliation with any religious denomination, or the employee's belief or religious practices or lack of such belief or practices shall be prohibited.

- a. For example, conduct or actions which seek to demean or ridicule an employee's religious beliefs or activity, or to intimidate the employee where the conduct interferes with the individual's employment or pervasively creates an intimidating hostile or offensive work environment are prohibited.
  - b. If an employee requires an accommodation in regard to a particular religious belief or practice, the employee should make the request to the immediate supervisor.
    - i. Supervisors shall consult with the Human Resources Department regarding any requests received for religious accommodation.
- H. **No retaliation:** Employees who make a complaint of discrimination shall not be subjected to retaliation or reprisal because of the filing or processing of such a complaint under these policies. Whether as a party or a witness, employees shall not be retaliated against for opposition to any unlawful employment practice.
  - a. Retaliation constitutes an unlawful act and is a violation of County policy in and of itself regardless of whether or not the original complaint of discrimination/harassment was found to be valid.
  - b. An employee who engages in retaliation is subject to appropriate disciplinary action, up to and including termination.
- I. **Misconduct in relation to a discrimination complaint:** An employee who makes a malicious or knowingly false complaint of discrimination/harassment/retaliation, where there is no good faith basis for the complaint, is subject to disciplinary action.
  - a. All employees are expected to cooperate with any investigation conducted under this policy.
  - b. Any employee who intentionally provides false information, intentionally withholds relevant information during an investigation, or attempts to obstruct or interfere with the ability to investigate a complaint of discrimination/ harassment/ retaliation, shall be subject to discipline.

## 8-5 WORKPLACE VIOLENCE

- A. **Zero Tolerance**
  - a. Teton County has zero tolerance for workplace violence. Employees must not engage in any intimidation, threats, or hostile behaviors, physical/verbal abuse, vandalism, sabotage, bullying or any other act considered inappropriate to the workplace, or which causes an employee to reasonably fear for their own safety. Bizarre or offensive comments or jokes regarding violent events and/or behavior are not tolerated.
- B. **Weapons at Work**
  - a. Definitions: For the purpose of this Policy, the following are defined:
    - i. County Property: Any land, buildings, and/or other facilities or structures owned by, leased to, or occupied by Teton County, and any vehicles owned or leased by Teton County.
    - ii. Handgun: A pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches. Handgun does not include a machine gun.
    - iii. Weapons: Any object that has as its primary purpose the infliction of physical injury such as, but not limited to, firearms, knives or explosives. If employees have

questions as to whether an item is a weapon subject to this policy, they are to contact their supervisor or Human Resources Director for a determination.

- b. Possession and Use of Weapons on County Property
  - i. Unconcealed weapons: Teton County prohibits employees' possession or use of unconcealed weapons on County Property, except where there is a work requirement to do so.
  - ii. Concealed weapons: Teton County prohibits employees' possession or use of concealed weapons on County Property, except:
    - 1. Where there is a work requirement to do so or
    - 2. The weapon is a handgun and the employee holds a valid permit for the handgun and possesses or uses the handgun consistent with the terms and conditions of the permit.
- c. Weapons Authorized to be Possessed on County Property: Employees who hold a valid permit for a handgun or are legally authorized to possess or use an unconcealed or concealed weapon on County Property are subject to the following conditions:
  - i. Such weapons must be kept on the person holding the permit or authorization. Weapons may not be stored in desks, in personal belongings or other employee storage areas.
  - ii. The employee is requested to report to the Elected Official, Library Director or Department Director that they are allowed to possess and use a weapon on County Property and show the Elected Official, Department Director or Library Director the permit allowing such possession and use. The County may take additional reasonable precautions relative to the weapon depending upon the circumstances.
  - iii. A permit that allows an employee to possess a concealed handgun pursuant to W.S. §6-8-104(t) does not authorize the employee to carry the concealed handgun into a public building (i) used primarily for law enforcement operations or administration without written consent of the County Commissioner's Administrator; (ii) any detention facility, prison or jail; (iii) any courtroom; (iv) any meeting of a governmental entity; and (v) any place where the carrying of firearms is prohibited by federal law or regulation or state law.
  - iv. A permit to possess or use an unconcealed or concealed weapon does not authorize an employee to use that weapon in a manner that would violate any provision of State law.
- d. Weapons in Personal Vehicles
  - i. Employees may keep a legal weapon in their personal vehicle when the vehicle is parked or driven on County Property provided the employee keeps the weapon securely locked within the vehicle at all times.
- e. Weapons Possessed as a Requirement of the Job
  - i. This Policy does not apply to employees who are required to carry weapons in order to carry out the duties of their jobs. Elected Officials, Department Directors and the Library Director, in consultation with the County Attorney's office, will approve authorized possession and use of weapons in accordance with the law.
- f. Required Reporting
  - i. Employees are required to immediately report any behavior or acts believed to be in violation of this policy to a supervisor, Human Resources Director or Elected Official.
  - ii. Employees should directly contact law enforcement personnel if they believe there is an imminent threat to the safety and health of County employees or property.

- iii. The Human Resources Department will investigate all reports of workplace violence promptly.
  - 1. Based on the results of the investigation, action will be taken as appropriate. If applicable, the Teton County Sheriff's Office and the issuer of a Weapons permit will be notified of any violation or inappropriate behavior or acts by the Weapons Permit holder.
- iv. Teton County may report violence or threats of violence to the appropriate law enforcement agency.
- v. All Teton County employees are expected to cooperate fully in any law enforcement investigation consistent with the employee's constitutional rights.

## 8-6 ETHICAL STANDARDS

Holding public office or employment is a public trust. In order to ensure that the confidence of the public in Teton County is not harmed by the perception that official decisions are inappropriately influenced by gifts or compensation from organizations and individuals with which the County does business or serves, County officials and employees must comply with the following policy provisions.

- A. A County official or employee will not acquire or hold an interest in any business or undertaking that the official or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which that official or employee has substantive authority.
- B. A County official or employee will not perform an official act directly or substantially affecting a business or other undertaking to its economic detriment when that official or employee has a substantial interest in a competing firm or undertaking.
- C. **Rules of Conduct**
  - a. A County official or employee shall not:
    - i. Disclose or use confidential information acquired in the course of their official duties in order to further substantiate their personal financial interests.
    - ii. Accept a gift or gifts of substantial value or an economic benefit that amount to a gift of substantial value:
      - 1. that total more than \$250.00 [with exceptions as listed in W.S. §9-13-102(a)(vi)]; or
      - 2. which would tend to improperly influence a reasonable person in their position to depart from the faithful and impartial discharge of their public duties; or
      - 3. which the County official or employee knows or which a reasonable person in their position should know under the circumstances is primarily for the purpose of rewarding the County official or employee for official action they have taken; or
      - 4. which the activity brings discredit to the County.
  - b. It shall not be a breach of fiduciary duty and the public trust for a County official or employee to use County facilities or equipment to communicate or correspond with the County official's or employee's constituents, family members or business associates.

## 8-7 POLITICAL ACTIVITY

- A. The County encourages an employee to exercise the employee's responsibility in supporting good government by voting for those issues and candidates of their choice. Teton County will not interfere with the conduct of County employees engaged in political activities as long as such activities:
  - a. Are in compliance with state and federal laws;
  - b. Are confined to hours when the employee is not on duty; and
  - c. Do not impair the employee's job performance.
- B. **Employees may not:**
  - a. Campaign in their official County uniforms, County Logo attire or while wearing County identification badges or name tags.
  - b. Use their official capacity or influence to interfere with or affect the result of elections or nomination for office.
  - c. Identify themselves as County employees, for example by identifying their job title, while engaging in campaign activities.
  - d. Use their official capacity or influence to interfere with or affect the result of elections or nominations for office.
- C. **Campaigning:** Public Officials and employees may, on their own time and without reimbursement of expenses, publicly state an opinion for or against a referred measure.

## 8-8 SEARCHES AND WORKPLACE PRIVACY

- A. Employees of Teton County have no reasonable expectation of privacy concerning County property.
  - a. County work areas such as offices, cubicles, lockers, computer files, and other equipment and/or vehicles belonging to the County are considered areas for limited personal use and are subject to search at any time.

## 8-9 NURSING MOTHERS

- A. Recognizing that breastfeeding is important for many women and their babies, the County will provide a clean, comfortable private area within a designated County Building or Department to express breast milk. This will be a nonsmoking area. The area will be shielded from view and free from intrusion from coworkers and the public.
- B. A nursing mother who returns to work full-time may take breaks for lactation purposes for her nursing child for two years after the child's birth. Generally, the amount of time for breaks will be the same as under the break policy. The timing of the break can be altered to best accommodate the nursing mother and her work schedule.
- C. A nursing mother may request a flexible work schedule that better accommodates breastfeeding her child.
- D. A nursing mother may request a part-time work schedule that better accommodates breastfeeding her child. The part-time work schedule may affect other policies and will be used to determine whether other criteria for such a schedule are met.



## CHAPTER 9 SEPARATION OF EMPLOYMENT

### 9-1 VOLUNTARY TERMINATIONS

A termination is the ending of an individual's employment relationship with the County. Terminations can be voluntary or involuntary. An employee's decision to leave employment is defined as a voluntary termination. Resignation, retirement, leaving by mutual agreement, job abandonment and failure to return from a leave of absence all constitute voluntary terminations.

- A. **Resignation:** The employee should provide their supervisor with a resignation letter at least two weeks before the planned effective date of resignation. The supervisor must report a resignation to Human Resources and Payroll Office upon receiving a notice of resignation, whether written or verbal.

### 9-2 INVOLUNTARY TERMINATIONS

- A. **Employment "At-Will":** Employees who do not have a written employment contract or are not sworn law enforcement officers are employees "At-Will" of the County. Misconduct described in these Policies which may lead to discipline or termination is by no means an exclusive list. Notwithstanding any statement in these Policies describing specific misconduct which may lead to discipline or termination, the County reserves the right to terminate the employment of an employee any time, with or without cause or reason. In order to dismiss an employee "At-Will," Teton County is not required to give the employee any prior disciplinary warning, verbal or written, or to otherwise provide any advance notice of dismissal.
- B. **Reduction in Force (RIF):** Occasionally, changes in public policy, business strategy, technology, operating procedures or organizational structure may result in the elimination of certain positions. If a transfer is not feasible, these changes may result in an involuntary termination. This policy addresses two (2) "reduction in force" (RIF) options an Elected Official, Department Director, or the Library Director may consider in response to changes in funding and/or work needs.
  - a. **Layoff:** The separation of an employee filling a position that has been eliminated due to (1) a need to promote more effective and efficient operations, (2) a lack of funds, and/or (3) a lack of work.
    - i. The following order of layoff will be considered when eliminating one or more employees:
      1. Temporary employees and limited-term employees in the identified positions would be separated first.
      2. Employees with the least favorable performance evaluations, corrective actions and/or disciplinary actions issued within five (5) years prior to the proposed effective date will be considered next.
      3. If the evaluated performance of two or more employees is considered equal, the employee with the lowest number of years of current consecutive County service would be laid off before the employee(s) with greater seniority. Periods of employment as a Temporary employee cannot be counted in determining years of service.

- b. **Full-Time Equivalent (FTE) Reduction:** The permanent reduction of an employee's work hours as a result of a reduction in the authorized FTE allocation of the position due to (1) a need to promote more effective and efficient operations, (2) a lack of work and/or (3) a lack of funds.
  - i. An FTE reduction will not result in an employee's work hours being reduced to less than 20 hours per week. When FTE reduction leads to a decrease in an employee's work hours, it may result in a change in the affected employee's insurance premiums and leave accruals.
- c. **Procedure:** The specific circumstances will determine whether a layoff or FTE reduction is most appropriate and the timing and order of an action. A plan for the layoff or reduction of an FTE should include a general description of the proposed action, current and proposed organizational chart, the reasons for the proposed action, the anticipated benefits and results of the proposed action, the anticipated impacts of the proposed action on the department's employees and any other information deemed helpful for the review and approval process. Department Directors must present their request to the County Commissioner's Administrator for approval. The Library Director shall seek approval from the Library Board.
- d. The Human Resources Director, in concert with the County Attorney's Office, will review any proposal before it is implemented and work with the Department Director/Library Director or Elected Official to ensure compliance with County policies and applicable laws as well as provide support services to any affected employees.
- e. The final payment of wages and benefits to employees separated by a reduction in force will comply with all County policies, plan provisions and applicable law.

### 9-3 COMPENSATION UPON TERMINATION

Pursuant to Wyoming Statute §27-4-104, an employee will be issued a final paycheck no later than the employer's usual practice on the next regularly scheduled payroll date.

- A. **Vacation Leave:** A separated regular status employee shall receive payment for the current balance of unused vacation leave, computed on the employee's hourly compensation rate at the time of separation.
- B. **Sick Leave:** Upon separation with less than seven years of continuous service as measured from the employee's current service date, an employee's accrued sick leave balance is lost. Upon separation with seven or more years of continuous service as measured from the employee's current service date, employees receive the monetary value of a certain portion of their accrued sick leave as follows:
  - a. With the exceptions noted below, upon termination of employment, employees with 7-11 years of continuous service shall receive pay for the monetary value of 40% of the number of hours remaining in their accrued sick leave balance.
  - b. With the exceptions noted below, upon termination of employment, employees with 12-16 years of continuous service shall receive pay for the monetary value of 60% of the number of hours remaining in their accrued sick leave balance.
  - c. With the exceptions noted below, upon termination of employment, employees with 17 or more years of continuous service shall receive pay for the monetary value of 80% of the number of hours remaining in their accrued sick leave balance.
  - d. The monetary value will be calculated using the employee's current pay rate at the time of separation.

- e. Exception: Upon death of an employee (while still employed), the employee's estate will receive a cash payout for the monetary value of the applicable percentage as noted above of the number of hours remaining in their accrued sick leave balance.
  - f. If separation occurs before seven continuous years of employment, the employee is not eligible to receive payment for any accrued sick leave hours.
  - g. Part-time employees regularly scheduled to work 15-29 hours are not eligible to receive pay for the monetary value of any portion of their sick leave balance at separation.
- C. **Compensatory Time:** A separated employee shall receive payment for the current balance of unused compensatory time, computed using the employee's hourly compensation rate at the time of separation.

#### 9-4 TERMINATION DATE

- A. The termination date may not be advanced because of earned and unused vacation or other forms of leave. An employee leaving the employment of Teton County will be paid for hours worked through the final day of active work in which the employee is physically present at the work location, which will be established as the last day of employment at Teton County. Any applicable accrued and unpaid leave shall be paid based on the effective termination date. (Reference Chapter 9, Section 3 for details)
- B. Upon notice of a termination, an employee is not eligible for sick leave within the final two (2) weeks of employment. If extenuating circumstances occur, vacation and compensatory leave will be used in lieu of sick leave.
- C. In cases where an individual does not return to work at the end of a medical, military or personal leave, the date of termination is the date of the end of the leave, not the last day of work.

#### 9-5 TIMELY NOTIFICATION REQUIRED

- A. When an employee is terminated, whether voluntarily or involuntarily, there may be a risk to the County should the employee have continued access to facilities, equipment, credit cards, ID badges, the County's IT network, Town fuel pumps, etc. in that the employee could attempt to leverage that access to commit a criminal or otherwise nefarious act.
- B. Department Directors, the Library Director and Elected Officials must notify all appropriate departments and offices (Human Resources, Payroll, and Information Technology) as soon as possible of impending terminations, preferably in advance of such actions.
  - a. If advanced notification is not possible, notification must be made within 60 minutes of any involuntary termination and within 24 hours of any voluntary termination in order to help reduce the County's risk of inappropriate action(s) from the departing employee.
  - b. Resignation letters should be forwarded to Human Resources for review and will be retained in the employee's personnel file.

#### 9-6 EXIT INTERVIEWS

- A. When an employee voluntarily leaves the County's employ, the Human Resources Department may conduct an exit interview either before or soon after termination.
  - a. This interview allows the employee to provide information about the reason(s) for leaving the County's employment and allows the County to obtain information that might improve policies and working conditions.

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- b. The Human Resources Department, in turn, provides information to the employee about the disposition of benefits and final compensation arrangements.

## CHAPTER 10 SAFETY

### 10-1 GENERAL PRACTICES

- A. All County employees are required to work in accordance with good safety practices, ensuring activities are performed in a safe manner, and to continually be aware of situations where liability to the County may be reduced. The objectives of the safety program are to:
  - a. Provide a physically safe environment to County employees;
  - b. Increase employees' level of awareness concerning safety and safe working habits, and;
  - c. Record and monitor the County's incidents for the purpose of designing and maintaining an incident prevention program.
- B. All new employees will be presented with general and departmental safety rules. Department Directors, Division Managers, the Library Director, Elected Officials, and supervisors shall be responsible for providing safe and suitable working conditions within their means and for making recommendations to the Elected Official or County Commissioner's Administrator for alleviation of unsafe or unsuitable conditions not within their means of correction. Employees have the responsibility to safely perform their duties, to practice safe working habits, and to bring to the attention of their supervisor any unsafe working conditions or practice.
- C. The Department shall supply whatever safety equipment or specialized clothing it deems necessary to allow an employee to safely perform the employee's duties and responsibilities.
- D. Incidents involving possible County liability are to be reported immediately to the employee's Elected Official, Department Director, Division Manager, the Library Director, the County Human Resources Department, and the County Attorney & Prosecuting Office.
- E. In accordance with W.S. §1-39-104(b), when liability is alleged against any Teton County employee, if Teton County determines that the employee was acting within the scope of his or her duty, whether or not alleged to have been committed maliciously or fraudulently, Teton County shall provide a defense at its expense.

### 10-2 SMOKE & TOBACCO-FREE ENVIRONMENT

- A. Due to the acknowledged hazards from exposure to nicotine and environmental tobacco smoke, it shall be the goal of Teton County to provide a safe and tobacco free work environment for all employees and visitors. The use of tobacco and nicotine products, including but not limited to cigarettes, e-cigarettes, pipes, smokeless and chewing tobacco, etc. is prohibited throughout the workplace including all County buildings, vehicles and equipment.
  - a. Buildings and Facilities: There will be no smoking within a County building or common work areas, or within 25 feet of the perimeter of any County building.
  - b. Vehicles and Equipment: There will be no smoking or tobacco use in any County vehicle or while operating County equipment.
- B. Violations of this policy will be cause for disciplinary action up to and including termination.

### 10-3 SUBSTANCE ABUSE AND DRUG TESTING

It is the policy of Teton County to maintain a workplace that is free from the effects of drug and alcohol abuse. To maintain this standard, Teton County will comply with the W.S. § 27-14-201 Workers' Compensation Drug and Alcohol testing program protocols. This policy will apply to all County employees, including workers' compensation-covered volunteers.

- A. **Purpose:** The purpose of this policy is to:
- a. Establish and maintain a healthy, safe, and productive work environment.
  - b. Prevent personal injury, property damage, absenteeism, tardiness, unsatisfactory work performance and criminal activity, which are the results of the use of controlled substances or alcohol to the degree that the employee is impaired at work.
  - c. Comply with all state and federal laws, rules, regulations as they pertain to Teton County and its designation of employee and volunteer positions.
  - d. Provide rehabilitation assistance for any employee who seeks the County's help in overcoming controlled substance or alcohol use, dependency or addiction.
- B. **Prohibited Conduct**
- a. County Premises: Teton County prohibits the use, sale, dispensing, manufacture, distribution or possession of alcohol or drugs on any Teton County premises, worksites or while conducting County business, unless otherwise allowed under the Teton County Rules and Regulations.
  - b. Operation of Vehicles & Equipment: At no time will an employee operate a County owned vehicle, a personal vehicle being used for County business or parked on County property, or County equipment if the employee is or is reasonably suspected of being impaired by drugs and/or alcohol.
  - c. Reporting to Work: All employees are expected to report to work in a fit mental and physical condition to perform their assigned duties. No employee may report for work or remain on duty if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol.
  - d. Prescribed Drugs: Drugs are defined as illegal drugs or legal controlled substances either not prescribed to the employee or not used as prescribed. When drugs are prescribed by a health care professional, the employee will inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the health care professional is yes, the employee will obtain a statement from the health care professional indicating any work restrictions and the duration. The employee will present that statement to their supervisor prior to going on duty. The supervisor need not be told what the drug is, only how it may affect the employee's work performance.
  - e. Apparent Drug/Alcohol Influence: No employee will report to work or be at work with any detectable amount of prohibited drugs or alcohol in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing or a positive alcohol or drug screen. If an employee appears to be affected by or under the apparent influence of drugs/alcohol while on duty or in the workplace, the employee may be required to submit to drug/alcohol testing.
  - f. Off Duty Abuse: The County prohibits the off-premises abuse of alcohol or illegal use of drugs when those activities adversely affect job performance or job safety. Departments or Offices may require employees to report convictions or pleas of guilty or no contest to illegal use of drugs or alcohol off duty to the County.
- C. **Categories of Substance Testing:** All drug and alcohol testing protocols shall comply with the Wyoming Workers' Compensation Rules, Chapter 10, Section 2. Human Resources shall be responsible for managing the substance testing program. The applicable County Department/Office will pay the costs of specimen collection and testing for alcohol and drugs. The testing program applies to all Regular, Limited Term and Temporary positions.
- a. Reasonable Suspicion/Impairment Testing: Any employee may be asked to submit to tests for alcohol and/or drugs when the employee is reasonably suspected of being impaired in

the performance of their job. Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:

- i. Specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
- ii. Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe the employee's functioning is impaired; or
- iii. Admission of use of alcohol and/or drugs; or
- iv. Observation or reports of observation of the employee using alcohol or drugs; or
- v. Other physical, circumstantial, or contemporaneous indicators of impairment.

When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will contact the Human Resources Director and follow the steps outlined in the Reasonable Suspicion Checklist. The employee will be placed on paid administrative leave pending the receipt of drug testing results by Teton County.

- b. Post-Accident Alcohol and Drug Testing: All employees and volunteers who operate a vehicle or motorized equipment for the purpose of conducting County business will be tested for alcohol and drugs when one or more of the following occur:
  - i. The employee/volunteer is involved in an accident resulting in major physical injury (immediately receives medical treatment away from the scene of the accident) or loss of human life;
  - ii. The employee/volunteer is involved in an accident resulting in a citation;
  - iii. The employee/volunteer is involved in an accident more than once in a 90-day period; or
  - iv. There is reasonable suspicion that the employee is under the influence of alcohol or drugs.

Following a vehicle accident, the supervisor or designee will inform the employee involved in an accident of the requirement for alcohol and drug testing as outlined in this Manual.

Any employee or volunteer subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.

- c. Return to Duty/Follow-Up Testing: If Teton County elects to allow an employee to return to work following a positive test result, it is mandatory that the employee must first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.
- d. Law Enforcement Drug Testing Policy: The Sheriff's Office has a separate drug use and drug testing policy which has been communicated to those affected by the policy.
- e. Refusal to Test: Refusal to submit to drug/alcohol testing, or adulterating, tampering or otherwise hindering the testing process or results, shall constitute an admission of guilt and will be cause for disciplinary action up to and including termination of employment.

**D. Testing Procedure**

- a. Pursuant to 49 CFR Part 40, testing will include the following substances or their metabolites:
  - i. Amphetamines (including methamphetamines)



- ii. Marijuana (cannabinoids)
  - iii. Cocaine
  - iv. Benzodiazepines
  - v. Opiates (codeine, morphine, heroin)
  - vi. Phencyclidine (PCP)
  - vii. Alcohol and/or
  - viii. Any other “controlled substance” as defined by the Wyoming Controlled Substances Act of 1971, W.S. §35-7-1001 et seq., as amended.
- b. Safeguards and Confidentiality
  - i. A test for drug or alcohol use will be conducted by a trained and certified technician from a County-contracted independent laboratory using an accepted and recognized testing method. The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing. A Medical Review Officer (MRO) must review and verify all positive drug tests.
  - ii. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody, and maintain confidentiality. All test results provided to Teton County Human Resources shall be treated with confidentiality and will generally be released only to the employee’s Elected Official, Department Director, supervisor, the Library Director, the County Commissioner’s Administrator and the Teton County Attorney’s Office.
- c. Review of Results
  - i. The accepted laboratory standards will be utilized in determining when an employee tests positive for substance abuse. The employee is prohibited from performing any duties while the testing is being performed.
  - ii. Positive: A positive result for controlled substances or alcohol shall be considered a per se (in and of itself) violation of this policy. An employee who does not pass a drug test may request that the original sample be analyzed again at the individual’s expense by a government-certified laboratory.
  - iii. An employee who receives a positive test result may contest or explain the result within five (5) calendar days of notification of a confirmed positive test result. All requests for an independent analysis must be made in writing to the testing facility and Human Resources Director within the five (5) calendar day period.
  - iv. The MRO will contact the employee personally, in the case of a positive result. The MRO has the responsibility of reporting to Teton County whether the test results are positive or negative.
  - v. Negative Results. If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the testing facility. The MRO or the testing laboratory reports the negative results to the Teton County Human Resources Director. In this instance, no additional tests on the specimen will be done.
- E. **Violations:** If Teton County determines that an employee’s behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment. Please contact the Human Resources Director if you have any questions.
  - a. The following are violations of this policy:
    - i. Testing Positive. A positive drug test for alcohol or drugs constitutes a violation of Teton County’s drug and alcohol policy and may lead to termination of employment.
    - ii. Refusal to comply with testing.

- iii. Interference with testing. Employees and volunteers who adulterate, tamper or otherwise interfere with accurate testing are in violation of this policy.
- F. **Assistance:** Teton County provides a resource file of programs and organizations designed to assist employees seeking assistance for drug or alcohol addiction, abuse or concerns.
  - a. In the case of a positive and confirmed test for controlled substances or alcohol addiction, Teton County may require an evaluation by a Substance Abuse Professional (SAP) and that the employee successfully complete all recommendations of the evaluation at the employee's expense as a condition of continued employment. Failure to comply with the requirements of an approved SAP evaluation shall result in disciplinary action, up to and including termination of employment.
  - b. No employee will be disciplined or discriminated against in any way because the employee has undertaken a rehabilitation plan. However, participation in counseling or rehabilitation shall not exempt an employee from compliance with the provisions of this policy and all other terms and conditions of his or her employment.
  - c. Upon completion of all recommendations of the SAP evaluation, the employee may be required to agree to random drug/alcohol testing for a specified time period or to comply with other requirements intended to assure that the employee has not relapsed.
  - d. An employee who enters an inpatient rehabilitation program shall not be permitted to return to work until the director or other authorized representative of the program provides certification to the Human Resources Department that the employee is capable of performing his or her job in a safe and satisfactory manner without limitation.
  - e. If the employee again tests positive for alcohol or substance abuse following return to the workplace, the employee shall be immediately discharged.
- G. **Voluntary Rehabilitation:** Any Teton County employee who thinks they have a problem with substance abuse either in or out of the workplace may approach their Elected Official, Department Director, Division Manager, the Library Director or Human Resources, and request voluntary entrance into a rehabilitation program. Voluntary participation does not preclude discipline or termination if the employee is subsequently found to be in violation of the Substance Abuse Policy.
- H. **Criminal Conviction:** An employee who is convicted or who pleads guilty or no contest to a Drug or Alcohol related offense, shall notify the Elected Official, Department Director/Division Manager, or Library Director within five (5) calendar days, whether such offense took place in or out of the workplace. Such convictions may result in disciplinary action or termination of employment. The Human Resource Director should be notified immediately by the Elected Official, Department Director, Division Manager or Library Director.
- I. **Employees Driving County Vehicles:** Those employees chosen for employment (or employed) in County positions for which driving a County vehicle or County equipment is required may be subject to drug and alcohol testing under: Reasonable Suspicion, Random, and Post-Accident testing.
  - a. Those positions requiring a Class A Commercial Drivers' License (CDL) are subject to provisions of the regulations of the United States Department of Transportation. Compliance with the minimum requirements of the U.S. Department of Transportation and its minimum consequences does not guarantee an employee will be returned to work following a violation of Teton County Policy.
  - b. Employees driving county vehicles are required to maintain an acceptable driving record and a valid driver's license.
  - c. Driver records are verified for employment purposes and again annually thereafter for any employee required to drive to perform specific duties for their position.
  - d. Any County driver whose status is in violation of the Teton County driving record criteria guidelines, the Wyoming Association of Risk Management unacceptable driving record

criteria, and/or whose driver's license becomes suspended or revoked, may not drive any vehicle on County business, and may be subject to duty reassignments, discipline or termination.

- J. **Supervisor Reporting Guidelines:** Any supervisor who believes they have reasonable suspicion that an employee is impaired or under the influence of a controlled substance or alcohol, shall immediately consult with the Human Resources Director and shall determine whether the employee shall be tested for a controlled substance and/or alcohol. Employees believed to be under the influence of controlled substances or alcohol will be required to leave the premises as soon as safe transit can be arranged.

## 10-4 ACCIDENTS AND INJURIES

### A. County Vehicle Accidents

If an employee is involved in an accident while acting within the scope of their duties as a Teton County employee and/or while driving a Teton County vehicle, the employee shall follow the instructions in the Safety Manual.

- a. Employees are required to submit to a post-accident drug test and will be directed to report to the collection site so that a drug test may be performed. The employee involved may not consume alcohol for eight (8) hours after the accident, or until the employee has taken an alcohol test, whichever comes first. The employee must remain readily available for such testing and may not take any action to interfere with the testing or the results of testing.
  - b. Definition of an Accident: An unplanned, undesired event, not necessarily resulting in injury, but damaging property and/or interrupting the activity in process, to the point where it is judged to be more than a minor incident.
- B. In all cases where there is injury or death, or significant property damage, a post-accident test shall be done.
- a. Report the accident as soon as possible to your supervisor, Elected Official, Department Director, Division Manager, or the Library Director.
  - b. Observe and record all information in a written accident report to the Human Resources Department, attaching a copy of the police report. If the damage is estimated to be \$1,000 or more, or in case of death or bodily injury, a Wyoming Traffic Accident Report SR21 must be submitted to the Wyoming Department of Transportation and the County's liability insurance carrier within ten (10) days of the incident.
- C. **Medical Emergency or Injury/Public/Employee:** If an employee or member of the public experiences a medical emergency or injury on County property, the employee witness should call 911 and request an ambulance and notify the County Clerk's Office (for liability insurance purposes) as soon as possible. If an employee is injured on the job, that employee's supervisor, director or manager should be informed and a workers' compensation and injury report should be filed with Human Resources.

## 10-5 WORKERS' COMPENSATION

- A. Teton County complies with workers' compensation insurance laws and provides payment for medical treatment and part of any income the employee may lose while recovering from an on-the-job illness or injury. Regular full-time, part-time, seasonal, and temporary employees who are injured or disabled on the job while working within their scope of employment and designated volunteers engaged in extra-hazardous occupation while responding to situations where health and safety of the public are at risk as defined under W.S. §27-14-108(e), are covered by workers' compensation

insurance. The total cost of the insurance premiums is paid by the County. Workers' compensation Insurance is administered by the Human Resources Department and Wyoming Workforce Division of Workers' Compensation.

- a. Application: Workers' compensation insurance pays for an employee's medical expenses and a percentage of the employee's loss of income for an injury or illness incurred within the scope of the employee's job duties. The employee must report the injury or illness to his or her supervisor immediately, regardless of the severity, and sign and submit all appropriate forms to the Human Resources Department within seventy-two hours after the injury or illness has occurred. Failure to promptly report a job-related injury or illness may result in a loss or reduction of benefits, so long as the employee is capable of notifying the supervisor.
- b. Definition: An employee will be deemed to be on workers' compensation leave until the employee is able to resume essential job functions on his or her regular work schedule, when approval is granted by the County to return to the regular work schedule on a restricted basis as defined by the employee's attending physician, resuming performance of all of the essential duties required in the employee's position with reasonable accommodation, or when the employee is separated from County employment.
- c. Benefits: An employee on workers' compensation leave will be entitled to receive the statutory benefits available under the Workers' Compensation Act of Wyoming, W.S. § 27-14-207, et seq., and as may be determined by Teton County's workers' compensation. Benefits may be reduced if it is determined that the injury or illness was not job related, that the injury was caused by a willful failure of an employee to use safety devices provided by the employer or willful failure to obey a reasonable safety rule adopted by the employer, or where the injury results from intoxication of the employee from drugs or alcohol.
- d. Report Medical Status: During leave for a workers' compensation injury or illness, employees, if they are capable, must keep their supervisors informed on at least a weekly basis of their medical status in regard to their ability to return to work. Teton County reserves the right to request periodic reports regarding the employee's medical status from the designated medical provider.
- e. Termination: A workers' compensation claim does not preclude an employee from being separated from employment pursuant to the other provisions of this Policy Manual.
- f. Modified Schedule or Restricted Duty: While recovering from an on-the-job injury, an employee may return to work on a temporary basis with a modified work schedule and/or with restricted duties as the case may allow. The County reserves the right to limit or deny return to work on a modified schedule or restricted duty. (Reference Light Duty Policy (10-6) for details.)

**B. General Requirements**

- a. Any Teton County employee or designated volunteer who may be injured or disabled on the job, or who is exposed to or suffers an occupational illness of any kind, is required to report such incident or condition immediately to their supervisor, or as soon as practical, but not later than seventy-two (72 hours) after having sustained an injury. In addition, the injured employee/volunteer shall file a Wyoming Report of Injury form within ten (10) work days after the accident to the Workers' Compensation Division; a copy of the form is sent to the Human Resources Department. Failure to submit timely reports may delay or endanger applicable indemnity and/or medical benefits to individuals.
- b. Workers' compensation may pay for:
  - i. Hospital and medical bills from the date of the compensable injury;
  - ii. Temporary total disability (TTD) or temporary light duty; i.e. time lost from work as allowed by law;

- iii. Permanent loss of body function;
- iv. Artificial replacement as set by statute;
- v. Death benefits as set by statute.

### C. Reporting Procedures

- a. Office/Department/Division Responsibilities: Each Office/Department/Division shall take responsibility for providing a safe work environment in order to help prevent injuries and ensure that the individual receives prompt medical attention should an injury occur in the workplace.
  - i. It is the responsibility of all supervisors to investigate and report all on-the-job injuries or illnesses to Human Resources within 24 hours of the incident.
  - ii. Within 24 hours of notification, review with the individual the details of the incident to include: what the individual was doing when the injury occurred, what could have prevented the accident/injury, and any other pertinent facts regarding the incident.
  - iii. Complete and sign the back section of the Workers' Compensation Injury Report Form and forward a copy to the Human Resources Department within 72 hours of the incident. Forms for these reports are available through the Human Resources Department or online through the Wyoming Department of Workforce Services.
  - iv. If applicable, counsel the individual regarding safety precautions specific to performing tasks in the individual's work environment.
  - v. Notify Human Resources if the employee will miss any work.
  - vi. Forward all Physician Notices or Releases to Human Resources upon receipt.
  - vii. When feasible and necessary, provide modified or light duty to the employee to allow the employee to return to work as soon as possible.
- b. Employee/Volunteer Responsibilities. Each employee is responsible for adhering to these policies and procedures and keeping their supervisor informed of their workers' compensation status:
  - i. Report all on-the-job injuries or illnesses, no matter how slight, to their supervisor as soon as possible.
  - ii. Complete and sign the Wyoming Report of Injury form and submit it to immediate supervisor for signature within 72 hours of the incident.
  - iii. Seek medical attention, if necessary, at the nearest medical facility; non-emergency injuries to an urgent care facility and critical or emergency medical needs to the hospital emergency room.
  - iv. Inform the medical facility/provider that the injury is job related, all claims should be filed through workers' compensation, and that the employee/volunteer is employed by or a volunteer for Teton County.
  - v. After treatment, if the employee is released to return to work, the employee must obtain a written release from the physician. This statement must include any work restrictions or physical limitations necessary.
  - vi. If the employee is not released to return to work, the employee must obtain a statement from the physician stating:
    - 1. That the employee is unable to return to work.
    - 2. When the employee may be expected to return to work.
    - 3. Any work restrictions or physical limitations which may be necessary.

4. All physician statements or fitness-for-duty forms must be provided to the employee's supervisor either prior to, or on the day the employee returns to duty, but in no case later than 24 hours.

c. Human Resources Responsibilities

- i. Conduct a review of County-wide workers' compensation data on a quarterly basis. Communicate trends and/or necessary follow-up to the Elected Official, Department Director, or Library Director.
- ii. Contact Employee and Physician, as necessary, to discuss injury, return to work date, and/or temporary light duty/modified work program.
- iii. Coordinate temporary light duty between Workers' Compensation Case Manager, the employee, and the employees' supervisor and complete agreement with employee.
- iv. Contact supervisor monthly to monitor temporary light duty and employee's condition.

D. **Medical Certification of Occupational Injury or Illness**

- a. If an employee is unable to return to work due to an occupational injury or illness, the employee must provide a written certification from the health care provider to the employee's Elected Official, Department Director, Division Manager, the Library Director, and the Human Resources Department.
- b. Medical re-certification may be requested if the absence is for an extended period of time.

E. **Wage Replacement Payments and Payroll Procedures**

- a. An employee who sustains a compensable injury or illness and is unable to work after a waiting period of three (3) days is entitled to income benefits (TTD) which are calculated at a rate of two-thirds (2/3) of the injured employee's actual monthly gross earnings at the time of injury but shall not exceed the statewide average monthly wage.
- b. Employees who elect to receive workers' compensation benefits will receive wage replacement in the following manner:
  - i. When an employee loses time on the date of injury due to seeking medical attention, supervisors should record the employee's time as sick leave hours with a notation of "WC."
  - ii. If an employee loses up to eight (8) consecutive days, the first three (3) days of absence shall be taken as paid sick leave. TTD payments are not allowed for the first three (3) days unless the incapacity extends beyond eight (8) consecutive days.
  - iii. If more than eight (8) days are lost, an employee may elect to receive workers' compensation benefit wages for all lost work days.
  - iv. Weekends and holidays are included when counting the number of days off.
  - v. An employee may not use accrued leave or compensatory time while being compensated through workers' compensation.
  - vi. Following a doctor's declaration that an employee may return to full duty, occasional absence from work related to the original injury will be charged to sick leave.

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Medical Release from Work	Wage Replacement
Day of Injury	Paid sick leave is used for lost time
3 days or less than	Paid sick leave is used for lost time
More than 3 but less than 8 days	TTD benefits are paid for time out after third day
8 days or more	TTD benefits are paid from the initial first day out or retroactively

Supervisors are responsible for accurate timecard related reporting. The law requires that what is reported must be paid; not reporting time accurately may be considered falsifying an official document and therefore needs to be reviewed carefully.

**F. Workers' Compensation and Other Benefits**

When accessing workers' compensation benefits, the injured employee and supervisor must be aware of how the employee's status may impact other county benefits and applicable policies. They include, but are not limited to, the following:

- a. Reporting Lost Time: Each time an employee is absent from work due to a workers' compensation injury, the employee must provide documentation from his health care provider to his supervisor not less than every 30 days. This includes intermittent lost time.
- b. Workers' Compensation and Family Medical Leave: An employee who is off work on workers' compensation leave who also meets the eligibility requirements of the FMLA will have that time designated as FMLA leave. This time will count toward the 12-week FMLA entitlement.
- c. Insurance Benefits: If an employee exhausts FMLA or is not eligible for FMLA, and exhausts all leave accruals, the employee is in "leave without pay" status (LWOP). When an employee reaches LWOP and is not protected under FMLA, they then are required to pay the County's Insurance premiums out of pocket to continue health benefits. In addition, all leave accruals, holiday pay and contributions to the employee's health savings account and Wyoming Retirement Pension cease. Employees may elect to suspend their health insurance coverage; however, they will be subject to the eligibility waiting period upon returning to active status. If an employee elects to maintain coverage and fails to pay the premiums, all insurance will be canceled.
- d. Accrual of Leave: Employees shall not continue to earn vacation leave, sick leave, or holiday pay while an employee is out due to a sustained absence under a workers' compensation period.
- e. Supplementing Workers' Compensation Wage Replacement Payments: Upon receipt of the workers' compensation wage replacement check, an employee may opt to use available sick leave to supplement workers' compensation payments but may not exceed total gross earnings. To use accumulated sick leave for a workers' compensation injury, the employee must remit a copy of their workers' compensation check to Human Resources prior to



receiving any accumulated leave payments. The difference between such benefits and the employee's regular gross earnings will be calculated and a sick leave deduction will be processed on the next payroll cycle. Employees are not obligated to use their accrued sick leave benefits to supplement the workers' compensation wage payments.

- f. Employees who have questions or disputes regarding workers' compensation benefits and payments should contact the Human Resources Department. Employees may also request a hearing with the Wyoming Workers' Compensation Division.

## 10-6 WORKERS' COMPENSATION LIGHT DUTY

- A. **Policy:** It is the intention of Teton County to return ill or injured employees, with appropriate medical release, to light duty on a temporary basis at the earliest possible opportunity. The County may make a written offer of temporary light duty work to an employee receiving temporary total disability benefits under workers' compensation. Workers' Compensation Act §27-14-404 (j)
  - a. Eligibility
    - i. An employee will be eligible for transitional or light duty based on:
      - 1. The employee's medically determined physical limitations;
      - 2. The availability of transitional or light duty positions or assignments;
      - 3. The employee's vocational skills, additional abilities, and work experience; and
      - 4. Specific work force needs and fiscal responsibilities of the office, department, or division and the County.
    - b. Unless unusual circumstances warrant, this period shall not exceed one (1) year cumulatively for any one injury and will be evaluated monthly for appropriateness by the Workers' Compensation Case Manager, Human Resources, and the employee's physician. County leave policies and benefit programs may be impacted.
- B. **Procedures:** A light duty offer must be in writing and detail the proposed hours, starting date and work requirements. The employee's doctor must certify that the work proposed for light duty will not harm the employee. If there is no light duty work available, then the employee is entitled to full disability (TTD) until released back to full-duty work. An employee who refuses a bona fide written offer of temporary light duty work shall have a reduction of two-thirds (2/3) TTD benefits unless the employee provides written proof to the Workers' Compensation Division of their inability to perform the light duty assignment.
  - a. Employee Responsibility
    - i. Sign Wyoming Worker's Safety and Compensation Division's Agreement of Temporary Light Duty/Restricted Work form.
    - ii. Cooperate with the Physician's treatment plan and Temporary Light Duty program.
    - iii. Attend all appointments and therapy as directed by Physician.
    - iv. Work as scheduled.
  - b. Supervisor's Responsibility
    - i. Work with Human Resources to develop a list of modified duty activities available within the office, department or division, if applicable.
    - ii. Provide employee with a written light duty agreement which outlines modified schedule and/or task assignments.
    - iii. Orient employee to temporary light duty tasks.
    - iv. Report attendance, compliance and tolerance of employee in the Temporary Light Duty program to Human Resources.
    - v. Identify and track time to timecards, and track time under FMLA if applicable.

In the event that a subsequent medical evaluation indicates no possibility of future assignment to full duty, or in the event there is no longer light duty available for the employee, said employee may be required to return to workers' compensation status or be laid off from the County.

Upon an employee returning to full duty status after having been off duty due to a job-related injury, a complete medical release statement or fitness-for-duty form will be required from the employee's physician.

**C. General Provisions**

- a. Temporary light duty assignments may be drawn from a range of technical, administrative and support areas that include, but are not limited to, the following:
  - i. Administrative: Report review, special projects, research and compiling information, etc.
  - ii. Clerical: Filing, data entry, answering phones, sorting mail, etc.
  - iii. Technical: Designing manuals, procedures, operational standards; performing repairs and troubleshooting issues; or conducting technical trainings, etc.
- b. Temporary light duty positions and/or assignments may be limited in number and variety. In the event that a light duty assignment causes undue hardship as a result of the reassignment from normally assigned shifts, the impacted employee is to notify the Elected Official, Department Director, Division Manager or Library Director in writing to consider whether an alternative option is available.
- c. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, or retirement benefits.
- d. Employees on temporary light duty are prohibited from engaging in outside employment in which they may be reasonably expected to perform similar functions for which they have been determined medically unable to perform and that form the basis for their temporary light duty assignment.
- e. Depending on the nature and extent of the disability, a sworn deputy on temporary light duty will not wear the departmental uniform, drive a county vehicle equipped with lights and siren, nor shall they be authorized to carry a weapon for the purposes of on-duty police functions and otherwise are limited in employing police powers as determined by the Sheriff.
- f. If an employee refuses light duty for any reason other than to attend college, vocational retraining, general education development or other program designed to retrain the employee for employment in an occupation other than previously offered by the employer, temporary total disability benefits shall be reduced by two-thirds (2/3).
- g. If there is no light duty work available, the employee is entitled to their full disability under workers' compensation TTD benefits, until released back to full duty.

## Section 2 County Operations Policies



# CHAPTER 11 COUNTY FINANCIAL POLICIES

## 11-1 COUNTY EMERGENCY RESERVE/CAPITAL PROJECTS FUND POLICY

- A. **Authority:** The Teton County Board of County Commissioners are responsible for policy setting and overall direction of County government. This includes the approval of financial policies. This policy shall be administered on behalf of the Board of County Commissioners by the Teton County Clerk, Treasurer and County Commissioner's Administrator.
- B. **Purpose:** Teton County desires to maintain a prudent level of financial resources to provide financial flexibility to react to an extreme event that poses significant threat to life and property particularly winter storms, wildfires, floods, landslides, and earthquakes or to repair or replace an asset that fails unexpectedly or catastrophically — the Emergency Reserve. Teton County also desires to annually allocate and maintain financial resources to fund capital projects in the County's 5-year Capital Improvement Plan (CIP). In addition, this policy is intended to document the appropriate Reserve level to protect the County's credit rating.
- C. **Applicability and Scope**
  - a. This policy shall apply to the Teton County Emergency Reserve/Capital Projects Fund – Fund 37.
- D. **Policy:** This policy establishes the amounts the County will strive to maintain in the committed General Fund Emergency Reserve and Capital Projects Reserve, how the Reserves will be funded, and the conditions under which the Reserves may be used.
  - a. Reserve Levels: The County holds over \$130 million in capital assets such as bridges, roads, buildings, culverts and pathways. The County will maintain a minimum of 20% of the total General Fund Revenues for the committed Emergency Capital Reserve. For the purposes of this calculation, the total General Fund Revenues for the prior audited fiscal year will be utilized. The County Clerk will calculate the Reserve level after the year-end audit and prepare a budget amendment. If revenues decline, the Reserve amount will remain the same.
  - b. The County will appropriate and maintain a Capital Projects Fund balance in Fund 37 designated by the Board of County Commissioners during the annual budget process to fund yearly capital projects in the County's 5-year CIP. For this determination, the County will evaluate the final year-end audited unassigned General Fund Balance by December 31st of each year.
  - c. Cash Balance: In order to provide liquidity adequate to meet the needs and demands of providing government services including unanticipated reductions in revenues or unplanned increases in expenses, Reserve levels will be maintained and managed through the Pooled Cash method in such a way as to minimize short-term borrowing. This reduces overall cost to the taxpayers by minimizing interest expense. The Emergency/Capital Reserve is intended to support this effort and counterbalance cycles that are experienced in revenue collections.
  - d. Funding the Reserve: Funding of the Emergency Reserve targets will generally come from excess revenue over expenses or one-time revenues in the General Fund.
  - e. Funding for the Capital Projects will be allocated and appropriated from the General Fund as a budgeted interfund transfer annually determined by the Board of County Commissioners

- during the budget process. The interfund transfer will occur after final year-end account information is available.
- f. **Conditions for Use of Reserves/Fund Balance:** It is the intent of the County to limit use of the Emergency Reserve to address extreme emergency events or a catastrophic loss of a capital asset, or a one-time capital asset acquisition. Reserves shall not normally be applied to recurring annual operating expenses. The General Fund Emergency Capital Reserve may, however, be used to allow time for the County to restructure its capital assets after an extreme event in a deliberate manner, but such use will only take place in the context of an adopted plan.
  - g. Unexpended Capital Projects funds from the prior year will be credited to the interfund transfer for the current year.

## 11-2 COUNTY GENERAL FUND OPERATIONS STABILIZATION RESERVE POLICY

- A. **Authority:** The Teton County Board of County Commissioners are responsible for policy setting and overall direction of County government. This includes the approval of financial policies. This policy shall be administered on behalf of the Board of County Commissioners by the Teton County Clerk, Treasurer and County Commissioner's Administrator.
- B. **Purpose:** Teton County desires to maintain a prudent level of financial resources to provide financial flexibility to react to unexpected revenue shortfalls or unpredicted one-time expenses. In addition, this policy is intended to document the appropriate Reserve level to protect the County's credit rating.
  - a. This policy establishes the amounts the County will strive to maintain in the General Fund Operations Stabilization Reserve, how the Reserve will be funded, and the conditions under which the Reserve may be used.
- C. **Applicability and Scope:** This policy shall apply to the Teton County General Fund – Fund 10.
- D. **Policy**
  - a. **Reserve Levels:** The County will maintain a minimum of 2.5 months of regular, ongoing operating expenses (including transfers out). For purposes of this calculation, the total General Fund operations expenses for the next fiscal year budget will be used. The County Clerk will calculate the Reserve level during the annual budget process.
  - b. **Cash Balance:** In order to provide liquidity adequate to meet the needs and demands of providing government services including unanticipated reductions in revenues or unplanned increases in expenses, Reserve levels will be maintained and managed through the Pooled Cash method in such a way as to minimize short-term borrowing. This reduces overall cost to the taxpayers by minimizing interest expense. The 2.5-month Operations Stabilizations Reserve is intended to support this effort and counterbalance cycles that are experienced in revenue collections.
  - c. **Funding the Reserve:** Funding of the Operations Stabilization Reserve targets will generally come from excess revenue over expenses or one-time revenues.
  - d. **Conditions for Use of Reserves:** It is the intent of the County to limit use of the Operations Stabilization Reserve to address unanticipated, non-recurring needs. Reserves shall not normally be applied to recurring annual operating expenses. The General Fund Operations Stabilization Reserve, may, however, be used to allow time for the County to restructure its operations in a deliberate manner (as might be required in an economic downturn), but such use will only take place in the context of an adopted plan.
  - e. **Authority over Reserves:** The Board of County Commissioners may authorize the use of the Operation Stabilization Reserve.

- f. Replenishment of Reserves: In the event that the Reserves are used resulting in a balance below the 2.5-month minimum, a replenishment plan will be developed during the annual budget process.
- g. Periodic Review of the Target Level: Annually, during the budget process, the County Clerk shall review the Reserves to ensure they are appropriate given the current and future economic and financial risk factors to the County.

### 11-3 COUNTY SPECIAL REVENUE FUND BALANCE POLICY

Adopted May 18, 2021

- A. **Authority**: The Teton County Board of County Commissioners are responsible for policy setting and overall direction of County government. This includes the approval of financial policies. This policy shall be administered on behalf of the Board of County Commissioners by the Teton County Clerk, Treasurer and County Commissioner's Administrator.
- B. **Purpose**: Teton County desires to maintain a prudent level of financial resources to provide financial flexibility to react to unexpected revenue shortfalls or unpredicted one-time expenses. In addition, this policy is intended to document the appropriate Reserve levels in Special Revenue Funds.
  - a. This policy establishes the amounts the County will strive to maintain as unassigned Fund Balance in the County Special Revenue Funds and the conditions under which the Special Revenue Fund Balance may be used.
- C. **Applicability and Scope**: This policy shall apply to Teton County Special Revenue Funds, where applicable. There is one Fund where a policy has been previously adopted, which is Fund 32 (County Fair Fund).
- D. **Policy**
  - a. Fund Balance Levels: The County will maintain a minimum of 15% of prior year audited revenue excluding inter-governmental transfer. The minimum unassigned fund balance level will be calculated after the year-end audit.
  - b. Cash Balance: In order to provide liquidity adequate to meet the needs and demands of providing government services including unanticipated reductions in revenues or unplanned increases in expenses, Special Revenue Fund levels will be maintained and managed through the Pooled Cash method in such a way as to minimize short-term borrowing. This reduces overall cost to the taxpayers by minimizing interest expense. The Special Revenue Fund unassigned Fund Balance is intended to support this effort and counterbalance cycles that are experienced in revenue collections.
  - c. Funding the Minimum Fund Balance: Funding of the unassigned Special Revenue Fund Balance targets will generally come from excess revenue over expenses or one-time revenues.
  - d. Conditions for Use of Fund Balance: It is the intent of the County to limit use of the minimum Fund Balance to address unanticipated, non-recurring needs. Minimum Fund Balance shall not normally be applied to recurring annual operating expenses.
  - e. Excess of Fund Balance: For Joint Town/County Funds, in the event the minimum Fund Balance exceeds the 15% threshold, any excess will be utilized in the next year's budget to offset General Fund contributions from the Town and County.
  - f. Authority over Fund Balance: The Board of County Commissioners may authorize the use of the Minimum Fund Balance in an unanticipated expenditure.

- g. Replenishment of Reserves: In the event that the Fund Balance is used resulting in a balance below the 15% minimum, a replenishment plan will be developed during the annual budget process.
- h. Periodic Review of the Target Level: Annually, during the budget process, the County Finance Team shall review the minimum fund balance of each Special Revenue Fund to ensure they are appropriate given the current and future economic and financial risk factors to the County.

#### 11-4 CAPITAL RESERVE FOR FUTURE USE FUND POLICY

Approved July 20, 2021

- A. **Authority**: The Teton County Board of County Commissioners approve the financial policies of Teton County. This policy shall be administered on behalf of the Board of County Commissioners by the Teton County Clerk, County Treasurer, and the County Commissioner's Administrator.
- B. **Purpose**: Prudent financial management dictates that some portion of the County's funds be reserved for future use. Reserve funds will not be spent for any function other than the specific purpose of the Reserve account from which they are drawn without specific direction in the annual budget, or by a separate Board of County Commissioners action.
  - a. This policy establishes the amounts the County will strive to maintain in the committed Capital Reserve for Future Use Fund, how the Reserve will be funded, and the conditions under which the Reserve may be used.
- C. **Applicability and Scope**: This policy shall apply to the Teton County Capital Reserve for Future Use Fund.
- D. **Policy**
  - a. Reserve Levels: The County will maintain a minimum of \$2.5 million (Two Million Five Hundred Thousand dollars) for the committed Capital Reserve for Future Use Fund.
  - b. Appropriation: The County will appropriate and maintain a Capital Reserve for Future Use Fund in the Capital Projects Fund 37. Monies will be designated by the Board of County Commissioners during the annual budget process or at any time it is deemed that monies should be appropriated.
  - c. Funding the Reserve: Funding of the Capital Reserve for Future Use Fund will generally come from excess revenue over expenses or one-time revenues in the General Fund. Funding for the Capital Projects for Future Use Fund will be allocated and appropriated from the General Fund as a budgeted interfund transfer determined by the Board of County Commissioners during the annual budget process or at any time it is deemed that monies should be appropriated. If it is determined that funds will be transferred outside of the budget process, such transfer will be included in the next budget amendment of the current fiscal year.
  - d. Conditions for Use of Reserves/Fund Balance: It is the intent of the County to use the Capital Projects for Future Use Fund when deemed necessary to purchase an asset or for capital asset construction. The Capital Projects for Future Use Fund shall not be applied to recurring annual operating expenses. The Capital Projects for Future Use Fund may, however, be used to allow time for the County to restructure its capital assets after an extreme event in a deliberate manner, but such use will only take place in the context of an adopted plan.
  - e. **Authority over Reserves**: The Board of County Commissioners may authorize the use of the Capital Projects for Future Use Fund at any time.



- f. Replenishment of Reserves: In the event that the Reserves are used resulting in a balance below the minimum \$2.5 million (Two Million Five Hundred Thousand dollar) threshold, a replenishment plan will be developed during the annual budget process.
- g. Periodic Review of the Target Level: The County will maintain a minimum of \$2.5 million (Two Million Five Hundred Thousand dollars) for the Capital Projects for Future Use Fund. Annually, during the budget process, the County Commission shall review the Capital Projects for Future Use Fund to ensure they are appropriate given the current and future economic and financial risk factors to the County.

## 11-5 BALANCED BUDGET POLICY

- A. Wyoming statute 16-4-110 requires an adoption of a balanced budget which means that available revenues and cash reserves equal expenditures for the fiscal period.
- B. Aside from the statutory requirements of a balanced budget, a balanced budget is an essential instrument and helps the County make sound financial decisions.

## 11-6 CAPITAL IMPROVEMENT PLAN

- A. **Overview/Purpose**: Nearly all Teton County expenditures fall into one of two broad categories: operations and capital. While the total of operational expenditures tends to be relatively consistent year-over year, the amount expended for capital can vary widely. As a result, having some preview of potential capital requests on the horizon can be very beneficial in long-term planning efforts. Seeing capital projections as a holistic package allows decision-makers to prioritize those requests, to identify potentially "heavy" expenditure years and adjust project timelines accordingly, to allow for a more consistent (year-over-year) outflow of funding, and to attempt to schedule expenditures to correspond with times of complementary revenue receipts. The Capital Improvement Plan (CIP) is intended to serve as a forecasting tool that can help to inform its readers and guide decision-making in this regard.
- B. The CIP in Teton County is broken into four primary categories
  - a. New projects and assets;
  - b. New vehicles and equipment;
  - c. Repair/replacement/maintenance of assets; and
  - d. Repair/replacement/maintenance of vehicles and equipment.
  - e. The distinction between the "new" and "repair/replacement/maintenance" categories allows for the relatively quick ability to differentiate between those projects intended to maintain the status quo, and those which indicate some degree of expansion or growth for the County.
- C. The CIP includes a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, an estimate of project costs and funding sources, and estimated annual operating and maintenance costs.
- D. The CIP is a working document and is updated annually to reflect changing community needs, priorities and funding opportunities. The CIP is a planning document and, as for all planning documents, it is subject to revision in order to reflect changes in community needs and service requirements, environmental factors and Board of County Commissioners priorities.
- E. The presence of the CIP helps our community to achieve other financial goals such as securing a good credit rating (thus lowering borrowing rates), promoting economic development, avoiding unexpected expenditures and competing more successfully for state or federal funds.

- F. Formal approval of and funding for capital improvements happens during the budget process itself. Teton County Offices/Departments/Divisions normally submit a Capital Budget Request Form as part of their annual budget request. Those capital expenditures which are approved are normally reflected in the Capital Project budget. Financial data, including historic and projected local government revenues, expenditures and debt services are used to assess the County's ability to pay for proposed projects and to select appropriate financing tools. A variety of funding mechanisms may be used to fund individual projects, such as sales tax revenue, special purpose excise tax monies, property taxes, user fees, impact fees, special assessments, grants or bonds.

## 11-7 CREDIT CARD USAGE

- A. Credit cards are issued to Teton County Departments and/or Offices for the purchase of goods and services as it relates to the conduct of County business.
- B. Each Department Director, Elected Official or the Library Director is responsible for the use of the credit cards by their department or office. The Department Director, Elected Official or Library Director is accountable to ensure that any charges are authorized County expenditures and that adequate monies are available within the department's or office's approved budget.
- C. Each Department Director, Elected Official or the Library Director is responsible for the credit card protection and custody and shall immediately notify the issuing bank and the County Clerk if the credit card is lost or stolen.
- D. Personal expenditures by employees with County credit cards are prohibited, even if the intent is to re-pay the County at a future point.
- E. The purchase of alcohol using the County credit card is prohibited.
- F. Vouchers for credit card bills submitted to the County Clerk must include supporting documentation such as itemized receipts and invoices which clearly show what goods and services were purchased using the credit card.
- G. It is the responsibility of the Department Director, Elected Official or Library Director to process and submit the credit card bill voucher for payment in a timely manner so as to avoid late penalty fees and finance charges. The County will not pay any late fees or finance charges.
- H. Any unauthorized use of a County credit card may result in disciplinary action, including termination, consistent with the law.

## 11-8 DEBT MANAGEMENT POLICY

This Debt Management Policy sets forth certain debt management objectives for the County and establishes overall parameters for administering the County's debt. Recognizing that cost-effective access to the capital markets depends on prudent management of the County's debt program, this policy will be incorporated into an annual debt report presented to the Finance and Government Operations Committee with ultimate recommendation to the Board of Supervisors.

### A. Debt Management Goals and Objectives

- a. The County's debt issuance activities and procedures shall be aligned with the County's vision and goals for providing adequate facilities and programs that support the residents. The County shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue. When issuing debt, the County shall ensure that it:
  - i. Maintains accountability for the fiscal health of the County, including management and transparency of the County's financing programs;

- ii. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.
  - b. The purpose of this Debt Management Policy is to assist the County in pursuit of the following objectives:
    - i. Minimize debt service and issuance costs
    - ii. Maintain access to cost-effective borrowing
    - iii. Full and timely repayment of debt
    - iv. Maintain full and complete financial disclosure and reporting
    - v. Ensure compliance with applicable State and Federal laws
  - c. Responsibility for Debt Management Activities
    - i. The Finance Agency shall be responsible for managing and coordinating all activities related to the issuance and administration of debt, including the implementation of internal control procedures to ensure that the proceeds of debt are directed to the intended use. The Director of Finance is appointed by the County Executive and is subject to the County Executive's direction and supervision. In accordance with the County Charter and the County Ordinance Code, the Director of Finance is charged with responsibility for the conduct of all Finance functions. Departments implementing debt-financed capital programs will work in partnership with the Finance Agency to provide information and otherwise facilitate the issuance and administration of debt.
- B. **Debt Management Policy Review and Approval**
  - a. This policy shall be presented to the Finance and Government Operations Committee as part of the annual debt report and reviewed annually by the Finance Agency to ensure its consistency with respect to the County's debt management objectives. Any modifications to this policy shall be presented to the Finance and Government Operations Committee with ultimate approval by the Board of Supervisors.
- C. **Debt Administration Activities**
  - a. The Finance Agency is responsible for the County's debt administration activities, particularly the timely payment of debt, investment of bond proceeds, monitoring compliance with bond covenants, continuing disclosure, and arbitrage compliance for tax-exempt debt. The Finance Agency is also responsible for implementing internal control procedures to ensure that bond proceeds or other debt is directed to the intended use.

## 11-9 RESERVE POLICIES

- A. The Board of County Commissioners must weigh the adequacy of the County's reserves with whether excess fund balance should be invested in infrastructure, returned to the taxpayers through a decrease to the mill levy, or retained as reserves.
- B. During fiscal year 2015, the County implemented three separate fund balance reserve policies: Operation Stabilization Reserve Policy (OSR), Special Revenue Fund Balance Policy (SRFB), and Emergency Reserve/Capital Projects Fund Policy (ERCP). The policies set minimum fund balance standards based upon governmental best practices and proper operating and emergency reserve balances to be reviewed annually.
  - a. The OSR required the County to maintain a minimum of 2.5 months of regular, ongoing operating expenses (including transfers out) for the committed operation stabilization reserve. For purposes of this calculation, the total general fund operations expenses for the next fiscal year budget are used. The County Clerk calculates the OSR level during the annual

budget process. Upon approval, the OSR may be used to allow time for the County to restructure its operations in a deliberate manner (as might be required in an economic downturn), but such use will only take place in the context of an adopted plan.

- b. The SRFB requires the County to maintain a minimum of 15% of prior year audited revenue excluding interfund transfers in special revenue funds. The SRFB excludes Parks and Recreation, County Fair, and Integrated Solid Waste and Recycling (ISWR) funds, which adhere to independently adopted policies.
- c. The ERCP required the County to maintain a minimum of 20% of the total general fund revenues for the committed emergency capital reserve. For the purposes of this calculation, the total general fund revenues for the prior audited fiscal year are utilized. The County Clerk calculates the ERCP level after the year-end audit and prepares a budget amendment. If revenues decline, the ERCP amount remains the same.

## 11-10 USE OF COUNTY FUNDS

- A. County employees are directed by Wyoming Statutes §9-13-105(a) regarding appropriate use of county funds. The use of Teton County funds for anything other than official expenditures as outlined in these policies is strictly prohibited.
  - a. The following expenditures are not allowed using County funds, including but not limited to:
    - i. Birthday cakes, gifts or cards
    - ii. Going-away cakes, gifts or cards
    - iii. Get Well cakes, gifts or cards
    - iv. Gifts of any kind
    - v. Flowers
    - vi. Alcohol
    - vii. Personal long-distance calls
    - viii. Entertainment
    - ix. Personal postage
    - x. Finance charges or late fees
    - xi. Food Meals, other than those authorized in the Travel Policy or if part of an official County business meeting

# CHAPTER 12 INFORMATION TECHNOLOGY POLICIES

## 12-1 IT BYOD (BRING YOUR OWN DEVICE) POLICY

- A. This policy outlines the County's position on acceptable use of personal mobile computing devices and establishes an authorized method for controlling devices that contain or access information resources of the County. BYOD (Bring Your Own Device) refers to the practice of permissions to employees to bring personally owned mobile devices to the workplace and to use devices to access privileged County information and applications.
  - a. A mobile device is a portable computing device including but not limited to mobile computers (laptops), smartphones, tablets, iPads, etc.
  - b. Non-county owned devices are not allowed to access the County network.
- B. Employees receiving a phone stipend may be granted access to their Office 365 account on a personal phone device by the IT Division if authorized to have access by their supervisor and have adequate security on the phone (Password or Face ID protected). If the User's personally owned mobile device is lost or stolen, the User shall immediately notify the appropriate County IT Division so that IT can log out of all existing sessions to Office 365 email and reset the user's password.

## 12-2 IT ELECTRONIC COMMUNICATION

- A. The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of email and use of the Internet. Further, the use of passwords for security does not guarantee confidentiality.
- B. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees may not retrieve or read any electronic communication messages that are not sent to them unless authorized to do so.

## 12-3 IT HARDWARE/SOFTWARE PURCHASES

- A. The purchase of all Information Technology (IT) equipment — to include but not be limited to computers, laptops, tablets, and cellular phones — shall be requested and managed through the Teton County Information Technology Division.
- B. The purchase of any software or application must comply with Teton County's Data Privacy Agreement and Teton County's security protocols.

## 12-4 IT INFORMATION SECURITY POLICY

All users (government agency, employee, contractor or vendor) of Teton County technology systems must comply with the County Information Security Policy.

- A. **Information Protection Responsibilities**
  - a. All users are responsible and accountable for safeguarding information assets from unauthorized modification, disclosure and destruction.

- b. Critical data and removable data devices (USB drives, CDs, external drives, etc.) must be protected by appropriate physical means from modification, theft, or unauthorized access. All removable media must meet the requirements set forth in the County Portable Data Security Policy.
- c. Users may not install unauthorized network switching devices (wired or wireless) to County buildings.
- d. County data must be controlled in accordance with pertinent regulatory requirements and Teton County policies.
  - i. Access to electronic data should be appropriately limited to users.
  - ii. Documents classified as privileged or confidential must be filed and stored appropriately when not in use.
- e. When faxing private or confidential information, the recipients should be called in advance to ensure the fax is properly managed upon receipt.
- f. When finished faxing, copying or printing, all documents should be removed from the common area.
- g. Users must screen-lock their active workstations when left unattended.
- h. Users must utilize passwords to protect County-issued mobile devices and voicemail systems.
- i. All Teton County assets must be returned upon a user's end of employment or conclusion of contract.

**B. Password Confidentiality**

- a. Passwords and PINs
  - i. Must never be shared or displayed on screen.
  - ii. Must be changed when there is any indication of system or password compromise.
- b. Writing down passwords is strongly discouraged. Passwords that are written should be appropriately stored in a secure location to prevent disclosure to anyone other than the individual user. Passwords that are written should not reference the account or system they protect.

**C. Password Requirements**

- a. Passwords and PINs must have a minimum length of eight (8) characters, except for voicemail systems and mobile devices issued by the County, which must use a password or PIN of at least 4 alphanumeric characters.
- b. Passwords must be constructed using at least one alphabetic character and at least one character which is either numeric or a special character.
- c. Passwords must not be derived from easily guessed, common words or phrases such as those found in dictionaries, nor should they be constructed from user IDs, names, words, numbers, or dates readily associated with the individual user (e.g. telephone extension, social security number or zip code).
- d. Passwords must be changed every ninety (90) days.
- e. Users cannot reuse any of the past four (4) passwords.
- f. Passwords used by a person on Teton County systems should be different from any passwords used by the same person on non-Teton County systems (e.g. accounts used on social networking and other personal online sites). In the event that a personal (non-County) account password is compromised, this reduces the risk to County systems.

**D. Privacy and Confidentiality Considerations**

- a. Computer systems and all related technology equipment are the property of Teton County. Users have no right to privacy when using County technology resources. All content and traffic on County network may be monitored and reviewed by management.

- b. Unauthorized use of technology resources may result in disciplinary actions.
- c. Impersonating another user is explicitly prohibited.

## 12-5 IT INVENTORY POLICY

### A. **Inventory**

- a. Any new computers, laptops, tablets, monitors or cellphones must be purchased through the Teton County IT division. Before the IT division deploys these devices, their serial numbers, purchase date, model and manufacturer will be recorded in the IT inventory list and a Teton County asset number will be assigned to the device. Any devices deemed to be irreparably broken or past their useful life will be decommissioned by the IT division by adding a disposed of date in the inventory and taking the device to electronics recycling.

### B. **Disposal**

- a. IT staff will adequately wipe all devices prior to recycling hardware. IT will update the inventory asset manager with the disposal date and deliver devices to Teton County Integrated Solid Waste and Recycling (ISWR) for Electronic Recycling. If the device is deemed excess property and still of value, the device may be sold via the County Asset Disposal Policy.

## 12-6 MOBILE DEVICE ACCEPTABLE USE

- A. It is the policy of Teton County to provide employees, where deemed appropriate, mobile devices for the purpose of increasing work performance and responsiveness. Such provision is done pursuant to the discretion of the Elected Official, Department Director, or Library Director and the budget allocation granted by the Board of County Commissioners. Teton County policies pertaining to harassment, discrimination, retaliation and ethics apply to employee use of personal devices for work-related activities.
- B. The use of camera or other audio/visual recording capable devices by employees on County premises is prohibited without the express prior permission of the person(s) present at the time, including but not limited to, restrooms, locker rooms and premises involved in personnel matters. As required, employees may use a camera or audio/video recording device in the performance of their duties.
- C. **General Guidelines and Application**
  - a. The following criteria shall be used to determine whether the use of a mobile device for work-related reasons is required and necessary for the performance of the employee's job:
    - i. The employee provides emergency support and back-up from a mobile environment on a frequent basis.
    - ii. A mobile device is needed to ensure the safety of the employee or others who may be at risk.
    - iii. The employee is to be "on call" outside of normal business hours.
    - iv. The employee must be able to immediately communicate with staff in the department or division, and/or with other agencies to coordinate programs or to provide adequate customer service, and using a land line would not adequately meet this need.
    - v. The employee spends an extended amount of their working time (more than 50%) away from a fixed workstation where landlines and other primary radio or telephone communications are not available.
    - vi. Employee is a director, manager or a critical decision maker.



- vii. The job requires the County employee to be immediately accessible to receive and/or make frequent business calls outside of normal work hours.
  - b. The final decision on whether an employee will be authorized to use a county provided or personally owned mobile device rests with the Elected Official, Department Director, or Library Director.
  - c. Users should also be aware that pursuant to the Wyoming Public Records Act, information contained on a County-owned mobile device, or on a personally owned mobile device to the extent used for County business or used to access the County network, may be a public record and subject to public inspection.
  - d. All information or data that is contained or stored on any County-owned mobile device, or personally owned mobile device, to the extent that the device is being used for County business or being used to access the County network, is the property of the County. Such information or data is at all times subject to access, monitoring, review and disclosure by the County and its authorized elected officials, supervisors, employees, agents or other representatives, and there shall be no expectation of privacy.
  - e. If a County provided or personally owned mobile device is lost or stolen or if an employee separates from the County, the County's IT Service Desk shall be notified immediately at [tcithelpdesk@tetoncountywy.gov](mailto:tcithelpdesk@tetoncountywy.gov) so that IT can remotely wipe or lock County data and perform password reset and disconnect the device from the County network.
- D. **Ownership Options:** There are two Ownership Options available that Elected Officials, Department Directors, or the Library Director may approve for individual users to best meet the needs of the office/department and the user. The intent of this policy is to restrict the number of County-owned and allowance-eligible devices (for phone, data, or broadband service) to one device per user. There may need to be exceptions to this guideline based on business need as determined by the user's Elected Official, Department Director, Division Manager or the Library Director.
  - a. **Ownership Option 1: County-Provided Mobile Device:** The County shall issue to a user a mobile device to use as a tool to conduct County business. The value of the County-owned mobile device shall not be treated as taxable income to the user as long as all policy provisions are met. The user may use the mobile device for reasonable personal use.
    - i. **CONDITIONS**
      - 1. All mobile devices purchased by County departments or divisions must be purchased through the County IT division and in accordance with specifications established by County Contracts and Procurement policies. The Sheriff's office will purchase mobile devices through their own IT division.
      - 2. Mobile devices purchased by Teton County become the responsibility of the acquiring department or division and the assigned user. Any accessories associated with a County-owned device shall be the responsibility of the department or division. Costs of the service plan will be billed directly to the user's department or division.
      - 3. Upon receipt of a county-owned mobile device, the user must complete and sign the Receipt and Acknowledgement form, which is then placed in the employee's personnel file.
      - 4. Employees in possession of County-owned equipment, such as cellphones or PDAs, are expected to protect the equipment from loss, damage, or theft. If a County provided device is lost or stolen, the user must notify the County's IT Division immediately.

5. Employees may not alter the terms of the County's provider agreement without specific authorization of the Department Director/Library Director or Elected Official and IT Division Manager.
  6. Teton County employees are prohibited from using a County-issued mobile device while operating a motor vehicle, unless the employee is using a hands-free device or is safely pulled over. Law enforcement employees may use their cellphone, except for texting, in the performance of their duties while operating an emergency vehicle.
  7. Employees are not to use county-provided mobile devices for any illegal activity.
  8. Employees may use county provided mobile phones for personal calls on a limited and reasonable basis as per Wyoming Statute §6-5-110(c) that states that limited use of government property or resources for personal purposes is permitted if the use does not interfere with the performance of a governmental function and either the cost or value related to the use is de minimis or the public servant reimburses the government for the cost of the use.
  9. Mobile devices purchased by the County must be listed on the controlled asset list by the acquiring department or division. The department or division is responsible for tracking which County-owned device, phone numbers, service plans and costs for which it is responsible and shall update the IT division as appropriate.
  10. County-owned devices will remain the property of the County upon separation of the User from the County. The device shall be surrendered to the Information Technology division if the device is not immediately reassigned. This ensures that the mobile device is associated with a County account and that Users are assigned appropriate equipment from an IT approved list.
  11. Upon resignation or termination of employment, or at any time on request, the user may be asked to produce the phone and/or PDA for return or inspection.
    - ii. Teton County may discipline employees for using these devices in a manner that is not consistent with Teton County business, or for any use or purpose which is improper. Violation of this policy may result in disciplinary action and revocation of mobile device privileges.
- b. Ownership Option 2: Personally Owned Mobile Device with Stipend/Allowance: This option provides a monthly stipend or allowance to the user whose personally-owned mobile device is used to conduct County business. The stipend or allowance is to help defray the cost of a mobile device plan, but not to cover all costs, because it is anticipated that the user will also use the device for personal purposes. With this option, the user purchases the mobile device, and may choose any wireless carrier and service plan. Depending on the business need, employees may qualify for either a voice or data plan payment, commensurate with the requirement for County Business use.
- i. PAYMENT OPTIONS
    1. **Stipend:** Employees whose documented job duties require frequent use of a mobile device will receive a taxable monthly stipend, commensurate with the level of appropriate usage. There will be two levels of stipends provided:

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- (a) No Data/Voice Only: No data or very low usage, set at \$25/month.
- (b) Data: Business need demonstrates higher usage and combined data and voice service, typically a smartphone service. Stipend is set at \$60/month.

Payment will be received through the County payroll system as taxable income upon receipt by the County Clerk's office of an authorized Mobile Device Allowance Agreement.

- 2. **Allowance**: Elected Officials will receive a monthly reimbursement for data plan service on one device, in lieu of a stipend. All Elected Officials who receive a mobile device reimbursement will be paid through the County Clerk's office by the voucher system.

ii. CONDITIONS

- 1. Personally owned devices are the responsibility of the user. IT will provide best effort support of personally owned devices which shall be limited to configuration, connectivity to the county's internal network, and recommended business applications. IT will not provide support for data plans, setup and connectivity to the cellular provider.
- 2. Prior to connectivity to the County's network, the Mobile Device Allowance Agreement must be completed and signed by the User and approved by the Elected Official, Department Director, Division Manager or Library Director. The form is then forwarded to the Payroll Clerk for processing. The allowance will be paid starting the first full month of coverage following receipt of the approved Mobile Device Allowance Agreement in the County Clerk's office. No retroactive requests will be processed. The stipend must be based on a bona fide need for business use rather than personal convenience.
- 3. Any service plan allowance/stipend will be charged to the corresponding department or division cellphone stipend account number; the County Elected Official, Department Director, or Library Director must ensure availability of funding. Authorized monthly payments are shown in Exhibit A of this Policy.
- 4. IT shall be notified by the department or division should the user no longer need to use their personally owned mobile device as a business solution. The Payroll Clerk must also be notified immediately upon the cessation of the business need for the device so that the stipend provided to the user will cease.
- 5. The Elected Official, Department Director, Library Director or County Commissioner's Administrator may periodically request documentation of business use to determine the appropriateness of eligibility and level of the payment amount. Eligibility and the payment provided is subject to change or cancellation as determined by the Board of County Commissioners.
- 6. The monthly stipend is not considered part of base pay used for calculating percentage salary increases.
- 7. A stipend will not be paid if a County employee remains on paid or unpaid leave status for more than two payroll periods.
- 8. At any time on request, a user may be asked to produce their personal device for inspection. Personal information may be redacted prior to

submission. If requested information is not provided, the payment may be discontinued.

9. If the user's personally owned mobile device is lost or stolen, the user shall immediately notify the appropriate County IT Division so that IT can log out all existing sessions to email and VPN and reset the user's password.

No other mobile device allowance is allowed except as provided in this policy.

- E. **Supervisor's Responsibility:** As with any policy, Elected Officials, Department Director, Division Managers and the Library Director are expected to serve as role models for proper compliance with the provisions outlined in this policy and are encouraged to regularly remind employees of their responsibilities in complying with this policy. Supervisors should work with employees to determine whether a stipend is warranted and if so, what level of payment is appropriate in light of the employee's responsibilities. Thereafter, supervisors are responsible for ensuring that if an employee's job duties change, the Agreement form is updated to reflect that change.
- F. **Employee's Responsibility:** Employees are expected to follow applicable local, state and federal laws and regulations regarding the use of electronic devices at all times. While at work, employees are expected to exercise the same discretion in using their personal devices as is expected for the use of County devices.
  - a. Non-exempt employees may not use their personal device for work purposes outside of their normal work schedule without authorization in advance from their manager or supervisor, similar to any permission from a manager or supervisor to work overtime. This includes reviewing, sending, and responding to e-mails or text messages, responding to phone calls, or making phone calls.
  - b. Personal Cellphone
    - i. County employees are free to purchase and provide their own accessories at their own cost, without reimbursement.
    - ii. County employees must inform the County to discontinue the allowance when the mobile device plan is cancelled. If such notification is not submitted within 30 days, the County employee must repay any allowance received during the time in which the employee was not eligible for the allowance.
    - iii. Employees who are charged with traffic violations resulting from the use of their personal devices while driving will be solely responsible for all liabilities that result from such actions.
    - iv. Employees using their personal device for business purposes must understand and agree that their service records and/or communications may be subject to Wyoming Public Records requests.
- G. **Violation of Policy.** Any employee issued a mobile device under this policy must comply with the appropriate use provisions of this Policy, and other Teton County policies. Failure to do so will result in loss of use of the mobile device, or a stipend provided to use a personally owned device, and may be subject to discipline, up to and including termination of employment.

## 12-7 IT NETWORK ACCESS

- A. Information and related systems maintained by the County centrally and within departments and offices are vital assets that need to be available to employees who have legitimate need for them. To provide reliable and accurate data to County staff, information resources must be protected from natural and human hazards.

- B. Employees accessing data must observe requirements for confidentiality and privacy, must comply with protection and control procedures and must accurately present the data in any use.
  - a. Only County-owned devices will be allowed access to the County network (wired or wireless). All personal or public devices may access the internet via public Wi-Fi where available in County facilities.
  - b. Teton County employs the principle of least privilege.
    - i. This requires that a user be given no more privilege than necessary to perform a job.
    - ii. The enforcement of least privilege requires identifying what the user's job is, determining the minimum set of privileges required to perform that job, and defining the user's role which includes those privileges only.
- C. When necessary to protect the security and integrity of the County network, the IT Division may disable network connections used by certain computers or users. This policy will be enforced by the IT Manager and/or General Services Director. Violations may result in removal of access to County IT Systems. Where illegal activities or theft of company property (physical or intellectual) are suspected, the County may report such activities to the applicable authorities.
- D. **Unattended Access**
  - a. Users shall lock the workstation and/or equipment when unattended so that no other individual is able to access any information including confidential and/or Electronic Protected Health Information (ePHI) or other organizationally sensitive information.
  - b. County computer devices will automatically time out after 10 minutes.
- E. This policy places responsibility on Department Directors, the Library Director and Elected Officials to encourage appropriate computer use and ensure compliance with IT policies and standards by employees under their control.

## 12-8 IT NEW OR DEPARTING STAFF

- A. Supervisors must fill out an the New/Changing Staff IT Form for any staff new or departing employment with the County. This form supplies IT with information on the employee email account, computer account, desk phone and cellphone access. The form preferably will be completed at least one week in advance of the new employee start date. If equipment is needed, then a longer time period will be necessary to purchase the items.
- B. Each department/office is responsible for the prompt notice of deactivation or disabling of accounts when necessary, including but not limited to accounts subject to the following:
  - a. Terminated individuals
  - b. Transferred individuals (when an employee changes departments/offices, access privileges will need to be changed)
  - c. A termination form should be filled out immediately when the employee is either terminated or has turned in a resignation form with a last day of employment.

## 12-9 IT PASSWORD POLICY

- A. County network and Office 365 passwords will be reset every 120 days and passwords must be 8 characters minimum. Users are responsible for setting their own passwords and keeping them confidential. All employees should call IT to reset their password if they have forgotten the password or feel their account has been compromised (unauthorized access to a cellphone, lost computer, lost phone, someone lurking around their desk). No employee will receive an email from IT asking to reset a password. Employees will be asked to verify their identity by IT staff before their password is reset.

- B. Employees may never share their passwords with anyone else, including people within the company. This includes co-workers, managers, administrative assistants, IT staff, etc. Everyone who needs access to a system will be given their own unique password.
- C. Each user shall access the County computer resource and network with their own user account and will not attempt to log on to the County computer resource or network by using the user account of another individual. The IT Division personnel will assist users who need to access information secured by another account with the approval of the Department Director/ Library Director/Elected Official and IT Manager.
- D. If a data breach is detected or abnormal login activity has been found on any account, IT will reset that user's password and support them via the phone or in person.
- E. When violation of this policy is detected, the IT Manager will notify the employee's Department Director/ Library Director/Elected Official and the General Services Director. The employee's Director/Official is responsible for disciplinary action. The IT Division will remove access to any user that provides an unacceptable level of risk to the County network which may include restriction of access and/or suspension of all access.
- F. **Password Confidentiality**
  - a. Passwords and PINs
    - i. Passwords and PINS must never be shared or displayed on screen
    - ii. Passwords and PINS must be changed when there is any indication of system or password compromise
    - iii. Writing down passwords is strongly discouraged. Passwords that are written should be appropriately stored in a secure location to prevent disclosure to anyone other than the individual user. Passwords that are written should not reference the account or system they protect.
- G. **Password Requirements**
  - a. Passwords and PINs must have a minimum length of eight (8) characters, with the exception of voicemail systems and mobile devices issued by the County, which must use a password or PIN of at least 4 alphanumeric characters.
  - b. Passwords must be constructed using at least one alphabetic character and at least one character which is either numeric or a special character.
  - c. Passwords must not be derived from easily guessed, common words or phrases such as those found in dictionaries, nor should they be constructed from user IDs, names, words, numbers or dates readily associated with the individual user (e.g. telephone extension, social security number, or zip code).
  - d. Passwords must be changed every ninety (90) days.
  - e. Users cannot reuse any of the past four (4) passwords.
  - f. Passwords used by a person on Teton County systems should be different from any passwords used by the same person on non-Teton County systems (e.g. accounts used on social networking and other personal online sites). In the event that a personal (non-County) account password is compromised, this reduces the risk to County systems.

## 12-10 IT PHYSICAL DOOR ACCESS POLICY

- A. Supervisors must fill out a Formstack for any door access changes for their staff.
  - a. New staff door access requests are included in the "New/Changing Staff" Formstack.  
[https://tetoncountywyo.formstack.com/forms/county\\_photo\\_access\\_id\\_request](https://tetoncountywyo.formstack.com/forms/county_photo_access_id_request)
- B. Public Buildings unlock based on a schedule set by the IT Department. Unlocked doors are generally 8:00 am - 5:00 pm for public entry buildings.



- C. Teton County uses the principle of least privilege. This requires that a staff member be given no more access than necessary to perform a job.
  - a. Supervisors will submit door/building access requests by way of the Formstack.
  - b. IT will verify each employee's access to buildings before granting permissions.
- D. Entry into Teton County premises outside normal operating hours will be by way of a security key badge or associated PIN.
  - a. A personal pin can be selected by an employee by notifying the IT Division.
  - b. It is the responsibility of every Teton County employee to ensure that this security key badge/PIN is kept in safe custody.
  - c. If building access devices are lost or misplaced, the employee must notify the IT department at x5765 or via email [tcit@tetoncountywy.gov](mailto:tcit@tetoncountywy.gov) immediately so that the security key badge/PIN can be canceled.
  - d. No employee shall share their badge or door code with anyone. No employee shall let others enter a building using their badge or PIN without verifying the identity of the individual. Employees found sharing their security access badge/PIN will be subject to disciplinary action.
- E. Employees with access to confidential/sensitive documents must ensure documents are locked and secure after hours. Employees should make sure that personal belongings and valuables are locked away and secured. Personal property is not covered by County insurance.
- F. Contractors shall be given access through verification by the IT Division.

## 12-11 IT PORTABLE DATA SECURITY POLICY

All portable technology devices (laptops, iPad, phones, USB drives, portable hard drives, etc.) used to process and store Teton County information must be physically protected and appropriate security measures provided for the data contained.

### A. Access

- a. Where the device supports it, the power-on, or security password, must be enabled. Some portable technology devices limit password strength. If a password conforming to the requirements of the County Information Security Policy cannot be used, then the strongest password permitted by the device should be used. Information classified as privileged or confidential cannot be stored in the device without encryption. Automatic login scripts, which would allow an unauthorized party access to an account without requiring a password, are prohibited. Portable technology devices must not be left unattended at any time when remotely connected to County networks.

### B. Protection

- a. Privileged or confidential information must be protected at all times. In a situation of accidental loss or theft of a portable device the appropriate parties should be notified. Where the device permits, the data should be remotely wiped. Privileged or confidential information can be stored on removable media (disk drives, flash memory cards, CDs, USB memory devices) if the data is encrypted. The removable media should be physically protected (e.g. locked in a desk drawer, safe, or kept with the individual). Laptop PCs, mobile devices, tablet PCs, etc. that can be physically carried by the user must be protected as one would protect a wallet or similar container that holds one's identity (e.g. driver's license, credit cards, etc.).
- b. Laptop PCs, mobile devices, tablet PCs, etc. shall not be used to store or transmit information classified as privileged or confidential (including e-mails and attachments to e-mails) unless



these devices are in compliance with all the County Information Security Policies. If the device is synchronized with a personal computer, the privileged or confidential information transferred should be appropriately protected on the personal computer in accordance with the County Information Security Policies.

- c. Up-to-date antivirus software must be installed, and automatic scanning enabled, when such software is available. All externally obtained media or files should be scanned before any files are opened.

**C. User Responsibilities**

- a. Backup of any data stored on a portable technology device is the responsibility of the user. The backup device is also bound to the Portable Data Security Policy. Privileged or confidential information must not be accessed in public places unless the user has taken all reasonable precautions against inadvertent disclosure to unauthorized individuals. Loss of a portable technology device or the loss of removable media that contains privileged or confidential information must be reported to the individual's manager and to the Teton County IT Manager as soon as possible, but not later than 24 hours after detection of the loss.

## 12-12 IT RANSOMWARE POLICY

**A. Prevention**

- a. Employees who require computer access or a County email account shall receive cybersecurity awareness training upon hire and biannually thereafter. Employees will be required to participate in ongoing security awareness training as determined by the General Service Director based on industry standards/best practices.
- b. The Entire Organization will be subject to test phishing attempts. People who fail the testing will be subject to additional education and retested until they successfully pass the test.

**B. Email Filtering**

- a. All inbound email will be scanned by an email security service that will be scanning for suspected malicious email. Emails identified by this service will be quarantined.

**C. Suspicious Email Submission**

- a. The Entire Organization will have the ability to report suspicious emails to the Information Technology Department for review and investigation. The button is located in the Outlook menu (Phish Alert Button that looks like a shark) and should be clicked to automatically report the suspicious email to IT.

**D. Event Response**

- a. Events shall be referred to the IT Manager who will ensure that the event is handled in accordance with procedures. The method of access used by the intruder, or any related vulnerabilities shall be identified and eliminated. The Response Team members shall only share information regarding the incident outside of the team on a need-to-know basis and only after consultation with and consensus by the entire team. The Response Team will follow protocols outlined in the County Incident Response Plan.

## 12-13 IT REMOTE ACCESS POLICY

- A. Users connecting remotely from outside the County network must follow the necessary steps to minimize potential exposure from damages that may result from unauthorized access to County information.
- B. The scope of this policy covers all employees, contractors and external parties that access the County resources over a third-party network.

- a. Use of a non-county device to access the network is prohibited. Only special use circumstances will be approved by the IT Manager (i.e. HVAC Systems/Contractors).
- b. When a user has been approved by their supervisor to have access to the network from outside the system, IT will work with the individual to install VPN access on their County-owned laptop or iPad. No other devices will be allowed to have VPN access.
- c. Users must access the network using the VPN and a password. Due to the security risks associated with remote network access, idle connections will be timed out. Remote connections to the County's network are timed out after 3 hours of inactivity.
- d. Never leave your device unattended without first locking (pressing three buttons — Ctrl-Alt-Delete — at the same time, or pressing and holding the Windows key then the letter L). Users shall notify IT immediately if they feel the device has been compromised in any way so that the user's password can be reset.
- e. Remote access is a privilege and is granted only to remote users who have a defined need, and who demonstrate compliance with this policy.
- f. Remote users shall adhere to this policy or remote access privileges will be revoked.

#### 12-14 IT SAVING FILES POLICY

- A. Any important or confidential files (including personal identifiable information such as Social Security numbers or health information) must be saved on the County Server.
  - a. Saving this type of information on your personal desktop puts the County at risk for data loss and potential information breaches.

#### 12-15 IT SUPPORT TICKETS

- A. IT support tickets should be submitted using the online ticket system or by calling the helpdesk at x5765.
  - a. A button is conveniently located on every County-owned device for the ticket system.
  - b. The ticket system can also be accessed by the IT SharePoint page.

#### 12-16 IT VIDEO SURVEILLANCE POLICY

- A. **Purpose of Security Cameras**
  - a. Teton County has interior and exterior security cameras to enhance the safety and security of the public, staff and property. Security cameras are used to discourage illegal behavior and policy violations, to enhance the opportunity to apprehend offenders, and to provide recorded data relevant to the control of security and operations. The security camera installation consists of dedicated cameras providing real-time surveillance and recorded archival data.
  - b. Video surveillance cameras are never used in areas where employees would have an expectation of privacy, such as a restroom or shower rooms.
- B. **Staff Access to Digital Images**
  - a. All video surveillance cameras are capable of being recorded continuously by a digital video recording system.
  - b. Teton County Information Technology Division is responsible for the maintenance of the servers and management of the system.
  - c. Recorded video is stored on-site for a minimum period of 60 days. In some cases, after 60 days, footage is recorded over and is no longer accessible.

- d. There are physical security systems to protect access to the servers. Video footage can be accessed by Teton County staff who are authorized. Staff have read-only access to review footage.
- e. Export of video footage is only done when requested by law enforcement or the courts.
- f. Deletion of video footage is not possible including the Teton County IT Division.
- g. In all departments where cameras exist, the Department Director/ Library Director/Elected Official and applicable manager will both have access to footage.
- h. Information Technology will manage user access to all systems and have view-only access for operational testing purposes.
- i. Public areas that are not defined to a specific County department will be managed by the County Commissioner's Administrator and relevant Elected Officials of the public space.
- j. Department Directors, Division Managers, the Library Director or Elected Officials, where cameras are located, are permitted to release recorded archival data to law enforcement in compliance with this policy. The Library Director, Department Directors and Division Managers who are responsible for areas where cameras are located, may authorize additional staff to have access to the camera system for specific instances. Any additional authorized staff with access shall notify the director/manager whenever live or archival video data is accessed.

**C. Acceptable Use and Public Privacy**

a. Activity on County Property

- i. Full-time Elected Officials, Department Directors, Managers, the Library Director or authorized staff may use live surveillance, a still shot or selected portions of recorded data to assess the security risk of a specific individual, to determine whether law enforcement should be contacted, to validate serious or repeated policy violations, to alert staff to banned or repeatedly disruptive individuals, or to address security/operational concerns.

b. Requests from Law Enforcement

- i. Elected Officials, Department Directors, Managers, the Library Director or authorized staff may produce live surveillance or recorded data to cooperate with law enforcement investigations. Any such video data provided to law enforcement will be with the knowledge and authorization of the Teton County Attorney's office. Video Surveillance data will only be released to Law Enforcement by the director/manager or full-time Elected Official and will not be available to the general public.

c. Privacy

- i. In all other respects, recorded data will be accorded the same level of confidentiality and protection provided to the public by Wyoming State law and the County's policies, with footage released only in accordance with and as required by law.

# CHAPTER 13 GENERAL OPERATIONS POLICIES

## 13-1 BULLETIN BOARDS

- A. It is the responsibility of each employee to check bulletin boards periodically and to read the information that is posted. These bulletin boards are reserved for required federal and state statutory and legal notices, safety rules, job postings, and County notices of upcoming events. Unauthorized posting of notices or other printed or written materials on bulletin boards is prohibited.
- B. Employees will not be allowed to circulate written or printed material in work areas without prior approval from the Board, Elected Official, Department Director, Division Manager or Library Director. Under no circumstances will non-employees be permitted to solicit or to distribute written material for the purpose of solicitation on Teton County property, with exception for community bulletin boards.

## 13-2 CAPITAL CONSTRUCTION

- A. **Development of Consultant Team: Major Capital Construction**
  - a. Identify a group of stakeholders who are empowered to make decisions related to the scope and direction of the project. The stakeholder group will typically include at minimum the Department Director, General Services Director, Facilities Division Manager, and IT Division Manager. Other department representatives may be added as appropriate. The stakeholder group will form the basis of the Owner Team (OT).
  - b. The Ownership Team will designate or hire a qualified person to act in the role of Owner's Representative (OR). The OR will act as the single point of contact between the design team and contractors on behalf of the County during the project design and throughout construction.
  - c. The Owners Representative becomes a member of the OT and will assist in hiring a Commissioning Agent Provider (CxP).
  - d. The CxP will lead the OT through the process of documenting project-specific Owners Project Requirements (OPRs). Those OPRs will be communicated to the Design Team (architect and their consultants) as part of the selection process.
  - e. Once OPRs are established, the Architect will be hired. The goal of establishing the OPRs first is to provide clear direction to the Design Team from the beginning of the schematic design stage.
  - f. A Construction Manager at Risk (CMAR) may be hired for the project depending on the size and scope.
  - g. For Risk Category IV structures, or other structures with seismic-specific design features, a seismic consultant will be hired to establish a Quality Assurance Plan (QAP) in conformance with International Building Code (IBC) requirements.
- B. **Owners Project Requirements**
  - a. Overview/Purpose: The purpose of this set of Owners Project Requirements is to ensure that a consistent set of values and desired outcomes are incorporated into all County new construction and major remodel projects. The OPRs are County-wide and reflect overall County values. The OPRs are more comprehensive and include items that would be beyond

the scope of the department, but are, nonetheless, of high priority to the County. Some OPRs are fixed requirements, some are guidelines for consideration with a range of options to be considered, and some will be developed to meet the needs of the project.

- b. Mandatory OPRs to be included when constructing new buildings or major renovations
  - i. GENERAL
    1. The building will be studied with respect to lifecycle costs. Value engineering analysis shall be based on lifecycle costs, not just initial construction costs.
    2. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) guidelines will be followed for mitigation of infectious aerosol dissemination. Standards for high-risk exposures (courtrooms, communications centers, holding facilities) shall be incorporated into relevant projects.
    3. Major system installers shall include one year of both scheduled service as well as warranty service as part of the installation contract. Warranties shall begin upon issuance of certificate of substantial completion. Major system installers shall be selected with a preference given to installers who can provide manufacturer authorized system maintenance for the life of the equipment and respond to requests for emergency service within 3 hours of notification during normal working hours.
      - (a) Major system means the primary structural, mechanical, plumbing, electrical, fire protection or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.
    4. Seismic Design Category D facilities, or facilities with specific seismic design features, shall have a Seismic Quality Assurance Plan to ensure that seismic requirements are properly addressed.
    5. Construction Documents shall be sent to a third-party plan review prior to releasing bid set.
    6. Physical hard key locking systems shall be Schlage Primus keyed to County master as directed by the Teton County Facilities Maintenance Division manager.
    7. Electronic locking and security systems shall be Paxton. System design shall be coordinated with and approved by the Teton County IT Division Manager.
    8. Building Automation System (BAS) shall be Tridium DDC per Teton County specifications and approval.
    9. Fire alarm and notification devices shall be addressable and self-testing.
    10. Fire Alarm Control Panel shall have two communications paths, cellular and IP.
    11. Fire Alarm Control Panel should be non-proprietary and include one-year call monitoring, service and warranty.
    12. Paint colors shall be Sherwin-Williams standard colors and in conformance with County standard paint chart.
    13. Water fountain locations shall have a bottle filling capability and shall be filtered.

14. Evaluate and provide for roof snow shed, shoveling and landing areas.
- ii. MECHANICAL
1. Major equipment shall have a clear and unobstructed path for cart access from the service technician vehicle parking area to service equipment location.
  2. There shall be year-round access to mechanical equipment, including full stairway access or elevator.
  3. There shall be a roof or canopy over mechanical equipment such that it remains accessible year-round.
  4. Mechanical equipment shall be redundant such that any single point of failure shall not incapacitate the facility or area of the facility.
  5. IT, Mechanical and Electrical equipment shall be located or secured such that it is not accessible by unauthorized persons.
  6. There will be no permit required confined spaces.
  7. There will be heat recovery on all sources of HVAC supply and exhaust air.
  8. IT, Mechanical and Electrical rooms shall be sized to allow for code required clearances and to enable the future operation and maintenance activities required for that equipment. There shall be a minimum of 36" of free area on all sides of equipment requirement maintenance access.
  9. IT racks should allow for 36" clearance on both the front and back.
  10. IT racks shall be provided with fully redundant cooling systems.
  11. IT racks shall be designed for and provided with clean agent fire extinguishment systems.
  12. The project shall provide for maintenance access of equipment that is not floor mounted. Terminal equipment (VAV, FCU, light fixtures etc.) are the only equipment types for which ladder access service is acceptable.
  13. Develop a Building Information Model of the IT, Mechanical, Electrical rooms including equipment and attachments.
  14. Mechanical room will include space for a tool workbench, a plan table and an area for a laptop computer servicing the BAS.
  15. Mechanical storage shall be sized to hold at least one filter change for all equipment.
  16. Mechanical equipment shall be installed in conformance with the Non-structural Seismic Importance Factor designated on the structural plans. Attachment is to be inspected under the Seismic Quality Assurance Plan.
- iii. OPTIONAL: Items to Consider Incorporating into the OPRs
1. Consider the incorporation of value-related elements that may increase the project cost but have value beyond the immediate ROI.
    - (a) All electric construction to reduce GHG emissions and to aid in the event of emergencies. Energy modeling: As a baseline, strive to exceed the ASHRAE 90.1 energy baseline by a minimum of 20%.
    - (b) Employee Housing
    - (c) Electric Vehicle Charging stations
    - (d) Goals and strategies of the Teton County Internal Sustainability Strategy (ISS).
    - (e) Clean Air Shelter design
    - (f) Green building standards for facility design, construction, and maintenance. Consideration of 1) increased recycled materials in

construction, procurement, and design; 2) minimum space requirements for recycling collection in facility design; 3) lifecycle considerations of materials to reduce upfront embedded carbon as part of total carbon footprint; and 4) Cradle to Cradle certification of products

- (g) Space for recycling (indoor and outdoor)
  - (h) Space for bicycles
  - (i) WELL Community Standard:  
<https://standard.wellcertified.com/features>
  - (j) Art, or create venues for public/participatory art
  - (k) Space for nursing mothers and infant care (e.g. lactation rooms and infant changing stations in restrooms in public areas).
  - (l) Indoor Air Quality (IAQ) Standards: Include air exchange, filtration, disinfection, deodorization and humidity
- 2. Building Information Model (BIM)
  - 3. In consultation with the Teton County Emergency Management Coordinator, assess the facilities' potential to support emergency operations and make reasonable modifications to support them.
  - 4. Create a Construction and Demolition waste plan
  - 5. Utilize sftool.gov for procurement of materials meeting green standards.
  - 6. Grid optimized power systems (GED) per ASHRAE Smart Grid Application Guide: Integrating Facilities with the Electric Grid

## 13-3 COMMUNICATIONS

### A. General Communications

- a. Purpose: The purpose of this policy is to create and manage consistent, open lines of communication with taxpayers, community groups and organizations and the local media (newspapers, radio, television) in the best interests of the County taxpayers and residents.
- b. This policy is not intended to prohibit communication, but is designed to ensure that information shared is legal, necessary, accurate, current and appropriate. This policy does not apply to the Sheriff's Office, to legal notices, or to other routine and prescribed communications required by statute or by function, e.g. County Clerk, Clerk of the Court.
- c. Goals
  - i. To inform County residents about issues
  - ii. To encourage taxpayers to participate in County government
  - iii. To provide accurate and reliable information to counteract rumors and other misinformation
  - iv. To create a mutually trusting environment with media
- d. General
  - i. Public Records, as defined by Wyoming State Statute, will be provided by the designated public records person to any requestor within seven (7) business days of acknowledgement of receipt of the request. If the records are not readily available, the requestor will be notified within the same seven (7) business day timeframe as to when the records will be available, and records shall be released within 30 days of the acknowledgement of receipt of the request.
  - ii. The designated public records person means the person designated by the Board of County Commissioners as required by Wyoming State Statute.



- iii. Generally, public records do not include personnel files, criminal reports on juveniles and sex offenders, and internal and privileged memos. If in doubt about whether a document is a public record or not, consult with the County Attorney and Prosecutors Office.
- iv. Employees shall refer all media requests to their Department Director, Division Manager, the Library Director, the Public Information Specialist, or the appropriate Elected Official. Employees who have attended a County-approved media training within the prior 12 months may be authorized by their Department Director, Division Manager, Elected Official or the Library Director to act as a designated representative in speaking with the media.
- v. Employees shall inform their Department Director, Division Manager, Elected Official or the Library Director of any contact with the media.
- vi. Elected Officials, Department Directors, Division Managers, the Library Director and their designated representative(s) shall comment only about issues related to their specific areas of responsibility.
- vii. Where an issue may be controversial, or potentially damaging to the County, a Department Director, Division Manager or the Library Director should discuss it with the County Commissioner's Administrator prior to any interview, comment or release.
- viii. Any person talking with the media should make a clear distinction between a personal opinion and an official comment.
- ix. Wherever possible, specific names should not be used in interviews or any media discussions; job title or department name should be used instead.
- x. Specific care should be taken when distributing or forwarding e-mails. E-mails should be distributed only to those departments and individuals affected by the content of the message.
- xi. Unless required by other departments or offices, information within a department is confidential, and should not be shared or discussed outside the originating department, e.g. Payroll, Human Resources, or legal matters.

**B. Electronic Communications**

- a. Purpose: The purpose of this policy is to define the proper use of, and access to, electronic communications either created, sent, or received by Teton County employees and Elected Officials using the County's electronic communications systems. This includes:
  - i. Electronic Mail, Social Networking, Internet, File Transfer, or any other electronic communication between two (2) or more pieces of equipment, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval.
  - ii. The electronic communications systems are purchased and maintained by Teton County and provided to employees and Elected Officials to assist them in the conduct of Teton County business.
  - iii. The electronic communications systems permit employees and Elected Officials to communicate with each other internally and with outside individuals and agencies.
- b. Policies: The policies governing the use of the electronic communications systems are as follows:
  - i. COUNTY PROPERTY: The electronic communications systems hardware and software are County property. Additionally, all messages composed, sent or received on the electronic communications systems are and remain the property of the

- County. Employees and Elected Officials do not have a personal property right in any matter created, received or sent from the electronic communications systems.
- ii. **RECORDS:** Record retention of public records shall be managed in accordance with the Wyoming State Archives Retention Schedules. All records, including those of Elected Officials, may be subject to public disclosure.
  - iii. **USE:** To ensure the appropriate use of electronic communications systems, all employees should use the County's software and hardware for County-approved purposes only.
    - 1. **Software:** The County will allow only County-authorized software to be stored or executed on its computers. Recognition is given to the unique needs of particular departments and programs; however, the software must be approved for compatibility by the IT Division prior to installation.
      - (a) Software installed with the intention of protecting devices and peripherals, such as antivirus software, shall not be removed or disabled unless authorized by the IT Division. All software license agreements and copyright laws shall be adhered to, and copies of license agreements provided to the IT Division.
    - 2. **Electronic Mail, Social Networking and Internet:** Electronic mail, Social Networking and Internet access must be used in a manner that maintains public trust and confidence in the County organization. Electronic mail and Internet access are provided for the County's official public business. Examples of appropriate use of e-mail, Social Networking and the Internet are as follows:
      - (a) Facilitating Communications: Facilitating communications and transfers of documents between employees, citizens and others concerned with County business.
      - (b) Accessing Databases: Accessing databases and files to obtain work-related reference material or to conduct work-related research.
      - (c) Expediting Administrative Duties: Expediting administrative duties in direct support of work-related functions.
      - (d) Professional Development: Communicating with individuals or professional organizations regarding professional and career development.
      - (e) Personal Use: As with telephones, electronic mail and Internet access are intended for fast and efficient communications. However, personal use of electronic mail, Social Networking and the Internet should be limited, or de minimis, so as not to interfere with the employee's duties. Any opinions stated on personal emails or Social Networking sites will be clearly marked as personal opinions and not the opinion of Teton County. Personal use allowed on electronic communications systems will be determined by the appropriate Department Director, Division Manager, Elected Official or the Library Director.
  - iv. **USE VIOLATIONS:** No person shall use County communications systems to:
    - 1. Violate any municipal, county, state or federal law or regulation.

2. Promote any commercial venture, political campaign or personal purpose.
  3. Raise funds or engage in public relations activities that are not directly related to County business.
  4. Intentionally disrupt network or system use by others, either by introducing worms or viruses or by other means.
  5. Engage in any activities that could cause congestion and disruption of networks and systems, such as sending and forwarding chain letters, and joining news subscription services not directly related to County business.
  6. Download copyrighted music, send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior consent.
  7. Transmit or, with foreknowledge, receive pornographic, racist, sexist or harassing material.
- v. **PRIVACY AND SECURITY:** Employees should have no expectation of privacy regarding the use of electronic media. Any information or data contained in any electronic system owned by the County is available to the County at all times and may be subject to audit, intercept, access and disclosure for reasonable purposes, including discipline by the County.
1. **Public Record:** Correspondence of an employee in the form of electronic mail and/or Social Networking may be a public record under the public records law and may be subject to public inspection under W.S. §16-4-201 through §16-4-205, and the policies of Teton County.
  2. **Access:** The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of email and use of the Internet. Further, the use of passwords for security does not guarantee confidentiality. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees may not retrieve or read any electronic communication messages that are not sent to them unless authorized to do so. Employees shall not use a code, address a file, or retrieve any stored information of other users, unless authorized to do so.
- vi. **DISCIPLINARY ACTION:** Violation of these policies will be reason for discipline up to and including termination.

#### 13-4 DISPOSAL OF CAPITAL ASSETS

- A. Assets that have been entered on the County's Asset Inventory File, and assets considered to have resale value, shall be disposed of pursuant to the following guidelines. These guidelines are intended to ensure that the County appropriately exercises its fiduciary duty to taxpayers; to ensure the same accountability for disposal of assets as exists for the purchase of assets; to encourage the relocation and recycling of usable furniture and equipment; to promote fair and effective competition for available assets; and to consider the potential benefit available assets might have to the community. Assets determined to have a value should be sold in a manner to obtain the maximum value. All attempts to sell and value the asset should be documented.
- B. Assets shall be disposed of in a responsible manner pursuant to the following guidelines. Each item to be disposed of must be reported to the County Treasurer to update the asset inventory file (fixed asset schedule) with removal of the asset if applicable.

- a. For Assets valued at \$5,000 or above at the time of acquisition or purchase:
  - i. Provide surplus property without fee to other County offices, departments or component units. An email communication to all County offices, departments and component units notifying them of the surplus item(s) available, specifying a timeframe by which items must be claimed, and providing a mechanism that allows for the viewing of available items will suffice to meet this requirement.
  - ii. The property shall be sold at a public auction. To list surplus property for sale to the general public, surplus property valued at over \$5,000 shall be advertised in the local paper as well as through an online public auction system chosen by the General Services Director. Teton County may set a minimum acceptable bid with consideration to fair market value for an item and place that minimum in the advertisement. Teton County officials and employees may bid on items under the same criteria as the general public, so long as there is no unfair advantage in favor of the employee or official. Advertisements should state or provide a link to the online auctions and the date/time/location that bids will be opened. All shipping and handling costs shall be the responsibility of the buyer. All payments are collected through the online system.
  - iii. If the above measures do not result in the sale or transfer of the asset, the item may be donated to another government entity, civic or charitable organization located in the county. Donations must serve a public purpose. Property with a value over \$1,000.00 that will be donated must be approved by the Board of County Commissioners. General Services shall set up an email Listserve that will send notices of property that is for sale or that has not sold and is available to other government entities, civic and charitable organizations.
- b. For Assets valued under \$5,000.00 at the time of acquisition or purchase:
  - i. Disposal shall follow the steps in order as listed above for assets valued over \$5,000, but Step 3 may be modified. Reasonable public notice must be provided to ensure members of the public have adequate knowledge of the sale, but the method used does not have formal requirements. Documentation must be provided on the method used for public notice to ensure the public has been provided reasonable notice. Approval by the Board of County Commissioners for transfer or donation is not required.
- c. Assets which are incapable of performing their intended functions and have no value for any other purpose, or property that because of use, time, accident or any other cause is so worn, damaged or obsolete that it has no value for the purpose for which it was originally intended, may be disposed of or destroyed through recycling or disposal.

## 13-5 PANIC ALARMS

- A. **Purpose:** The purpose of the panic alarm is to discreetly summon law enforcement assistance when an employee is physically or emotionally threatened by any person. It is not to be used for any other emergency situations such as medical or fire, as it will only summon law enforcement personnel.
- B. **Location:** Alarms are located in discrete but readily available locations. Find your alarm and take note of its location. Panic Alarm buttons will be installed for offices that are public facing or deemed to be high risk.

- C. **When to activate an alarm:** Refer to your department/division/office's policies regarding threat procedures and emergency situations. Alarms could be activated when an employee is physically or emotionally threatened by any person.
- D. **Activation:** Press and hold both buttons momentarily. There will be no indication that the alarm has been activated. An alert will be sent to the alarm call center who will then relay the alert and location of the alarm to the Sheriff's Department Dispatch Center. Dispatch will then notify the appropriate law enforcement agency (Town of Jackson Police Department if in the Town of Jackson, Teton County Sheriff's Department if in the County). Officers or Deputies will respond immediately but may be 5 to 10 minutes out depending upon your location and the location of the responding units at the time of the alarm. Nearby employees and persons do not receive any notification that you have activated an alarm and so may be completely unaware that you have done so.
- E. **Testing:** The panic alarms shall be tested annually by the Facilities Division.

### 13-6 PETS IN THE WORKPLACE

- A. **Policy:** Teton County recognizes the important roles that animals play and bring to people's lives. However, in an effort to promote a clean, healthy and safe environment for County staff and the public, it is necessary to have a policy that can be administered in a fair, equitable and consistent manner. As a result, animals are not permitted inside County facilities.
  - a. Exceptions to the policy are as follows:
    - i. Service Animals are allowed in County facilities. A service animal is any animal individually trained to do work or perform tasks for the benefit of a person with a disability. Such tasks may include guiding a person with impaired vision, alerting a person with impaired hearing to the presence of people or sounds, etc. Service animals may accompany the person they are assisting into any area that person would normally have access to in the course of their business or as part of their employment or participation in County functions.
    - ii. Law Enforcement K9 Service Dogs are allowed in County facilities.
    - iii. Animals are permitted in the Teton County Fair and Fairgrounds facilities for Special Events, 4-H Events, County Fair, etc. Animals are not permitted in the kitchen and food preparation areas.
    - iv. Exceptions may be granted on a temporary basis upon submittal of a signed waiver and approval of the Elected Official, Department Director, or Library Director.
  - b. Any violation of the pets in the workplace policy could subject the employee to discipline.

### 13-7 PUBLIC COMMENT PERIOD

According to Wyoming Statute 16-3-103 prior to the County's adoption, amendment, or repeal of all rules other than interpretative rules or statements of general policy, the County must give at least 45 days' notice of intended action and afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing, provided this period shall consist of at least forty-five (45) days to make such comments. The following steps are necessary to comply with this requirement.

- A. Place item on Board of County Commissioners Agenda to start 45-day public comment.
- B. Prepare a newspaper legal notice using the template on the General Services SharePoint page. The notice must list the Teton County website directing the public where to make public comment as well as the mailing address and email address to send in comments.

- C. Email either General Services Director or Public Information Specialist the newspaper advertisement to place on the website. The newspaper advertisement should reference the webpage to go to for the information. The newspaper advertisement will be listed on the webpage and the staff report with the item will be linked on the webpage.
- D. <https://www.tetoncountywy.gov/1935/Public-Comment>
- E. After Board approval of the 45-day public comment period, send notice to the Jackson Hole News&Guide
- F. Once comment period has concluded, the items must be approved by the Board with a Staff Report, any comments received and an affidavit from the newspaper showing that the public notice was posted.

### 13-8 PUBLIC RECORDS REQUESTS

- A. The County utilizes an email archival system to maintain deleted email records, and the emails of regular staff members and Elected Officials in the event of a public information request.
- B. Requests for public information are made through the Clerk's office utilizing this form.  
<https://www.tetoncountywy.gov/DocumentCenter/View/10818/Public-Record-Request-Form>

### 13-9 SOCIAL MEDIA POLICY

- A. **Purpose:** The intent of this policy is not to restrict the flow of useful and appropriate information, but to minimize risks, legal and otherwise, to Teton County. This policy is not intended to prohibit the lawful exercise of employees' rights under applicable federal or state law.
- B. **Definition:** "Social media" includes all means of communicating or posting information or content in any form of the Internet, including any blog, journal or personal website, social networking or affinity website, web bulletin board, or chat room, whether it is a personal site or associated with the County, as well as any other form of electronic communication. These technologies include, but are not limited to, blogs, wikis, RSS feeds, Facebook, Instagram, NextDoor, LinkedIn, Twitter, TikTok, Flickr and YouTube.
- C. **County Accounts**
  - a. Overview
    - i. This policy applies to all Teton County Departments whose employees participate in what is known as social media or social networking technologies on behalf of Teton County.
    - ii. This policy establishes guidelines for the establishment and use of social media sites as a means of conveying County information to members of the public.
    - iii. The intended purpose of Teton County social media sites is to disseminate information about the County's mission, meetings, activities, and current issues to members of the public.
    - iv. The County has an overriding interest and expectation in protecting the integrity of the information posted on social media sites and the content that is attributed to the County and County Departments.
    - v. All County employees, when communicating on behalf of Teton County Departments, are required to adhere to this policy when posting or representing themselves on social media.
  - b. Definition(s)

- i. **AUTHORIZED SOCIAL MEDIA ACCOUNTS:** Social media accounts that utilize the brand, likeness, and/or identity of Teton County or any of its departments or administrators.
  - ii. **SOCIAL MEDIA ADMINISTRATOR:** The person who is designated by each Department Director, Division Manager, Elected Official or the Library Director to manage all social media for that department/division/office/the library.
  - iii. **PUBLIC INFORMATION SPECIALIST:** The County's designee who serves as the principal liaison between the County administration, the media and the public.
  - iv. **SOCIAL MEDIA PLATFORM:** Any web-based technology used for community-based input, interaction, content-sharing, blogs, and collaborations.
- c. Authorizations
- i. Prior to the establishment of any social media account, departments/divisions/offices/the library must submit a request to the General Services Director for review.
  - ii. All County department/division/office/library social media accounts created with the intent to disseminate County and/or department/division/office/library-related content must first be approved by each Department Director, Division Manager, Elected Official or the Library Director and then channeled through the General Services Department prior to account creation.
  - iii. The General Services Department maintains and publishes the Social Media Directory, which lists all social media sites authorized by the County.
  - iv. All accounts must be registered with the General Services Department.
  - v. Unapproved or unregistered accounts will be deemed unauthorized and be closed and/or removed.
  - vi. A thorough list of accounts is important for issues that might arise from information requests as well as inappropriate posts or access that could be a liability to the County.
  - vii. Social media administrators shall provide all usernames and passwords for access to their designated Department/Division/Office/Library account(s) to the Public Information Specialist, and/or give the Public Information Specialist alternate ability to access the account.
  - viii. Employees shall not utilize an official County email address to establish a personal social media account. Additionally, employees shall not utilize a personal email address to establish an official County or Department/Division/Office/Library social media account.
  - ix. Under no circumstances is anyone other than an authorized employee who has been through training allowed to post on a County social media site.
  - x. The Library and Departments/Divisions/Offices that use social media are responsible for complying with applicable federal, state, and county laws, regulations, and policies.
    - 1. This includes adherence to laws and policies regarding copyright, use of photographs, records retention, personnel privacy, public records, First Amendment, HIPAA privacy, the Americans with Disabilities Act. Violation of these standards may result in the removal of pages and/or accounts from social media sites.
  - xi. Social media posts shall be related to official County business, information related to each individual department and information that impacts the community (i.e. traffic alerts, service interruptions, etc.).



- xii. When responding to comments or questions, staff shall remain courteous. A proper response to a direct message or comment that relates to frustration of County operations or projects would be: "Thanks for your message. The County Commissioners do not monitor this page. If you wish to make public comment, please email [commissioners@tetoncountywy.gov](mailto:commissioners@tetoncountywy.gov)."
- xiii. When responding to comments or direct messages asking general questions regarding an event, project, process, etc., the designee of the account is expected to respond in a timely, appropriate, customer-service oriented manner.
- xiv. A direct message that is aggressive in nature does not require a response. Any direct threats towards the County or an individual shall be reported to the Sheriff's Office immediately.
- xv. To avoid liability for the employee and the County, do not post or make comments that:
  - 1. Discriminate based on race, creed, color, age, religion, disability, pregnancy, sex, marital status, sexual orientation, gender identity, gender expression, veteran's status, actual or perceived status as a victim of domestic violence, dating violence or stalking, source of income, national origin, weight, height, ancestry, or genetic information.
  - 2. Are sexual in nature.
  - 3. Compromise the safety or security of the County or individuals, or contain any confidential information of the County, or confidential information of others.
  - 4. Support or oppose a political candidate, ballot measure, or opinion.
  - 5. Express personal views or concerns.
  - 6. Contain religious messages or advocate or promote religious beliefs.
  - 7. Violate another party's privacy, copyright, trademark or other protected property.
  - 8. Are obscene or profane, or otherwise violate another County policy.
  - 9. Solicit commerce or advertise businesses unrelated to the County's mission, values, image and interests.
  - 10. Promote illegal activity or violate any local, state or federal laws.

**D. Personal Accounts**

- a. No employee shall use any social media (including personal accounts) to relay, share or otherwise post any information that is confidential, protected or not otherwise available to members of the general public.
- b. Confidential information includes information that would result in identification of anyone involved in a transaction; emergency incident or response; and more specifically includes any information protected as private or confidential under any federal or state law, photos or videos that could potentially identify a victim, names, address, vehicle license plate numbers, and/or photos or videos of vehicles involved in accidents.
- c. Protected health information may not be posted or otherwise disseminated including, but not limited to, a patient or victim's name, address, age, race, extent or nature of illness or injury, hospital destination, and response crew members names.
- d. Postings related to arrest information, criminal history data, intelligence data, criminal investigation data or surveillance data shall not be posted to any personal social media. Use of social media for informing the public regarding an emergency or response, or for informing the public regarding county business, public meetings or hearings shall only be undertaken by those with specific authority to do so.

- e. Employees commenting on information or county business that is not confidential should distinguish in their comments between personal opinions and official positions of Teton County.
- f. Work-related complaints are more appropriately addressed by speaking directly with co-workers, supervisors or the Human Resources Department than by posting them on social media.
- g. Employees should refrain from using social media during work hours unless it is work-related and authorized by the employee's supervisor.
- h. Violations of this policy may result in discipline up to and including immediate termination of employment.

#### 13-10 SOLICITATION AND DISTRIBUTION OF LITERATURE

- A. No employee shall solicit or promote support for any cause or organization during his or her working time, or during the working time of the employee or employees at whom such activity is directed.
- B. Employees will not be allowed to circulate written or printed material in work areas without prior approval from the Board, Elected Official, Department Director, or Library Director. Under no circumstances will non-employees be permitted to solicit or to distribute written material for the purpose of solicitation on Teton County property, with exception for community bulletin boards.