



Ada County Highway District
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Personnel Policy Handbook

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SECTION 2500 – PERSONNEL POLICY

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2501 GENERAL PROVISIONS

2501.1 Personnel Policy Handbook

This Personnel Policy Handbook (the “Handbook”) has been prepared for each employee of the District. The Handbook is intended to acquaint you with some of the policies, procedures, and benefits applicable to District employees.

Please take the time to review this Handbook. The District wants its employees to feel comfortable raising and discussing any issues related to their employment at any time. If you have any questions or comments about the Handbook or your employment with the District, please contact your supervisor or the Human Resources Department.

2501.2 Important Notices about the Handbook

- The information contained in this Handbook supersedes all previous District Personnel Policy Handbooks.
- The District reserves the right to alter, amend, change, modify, or terminate any terms, benefits, or provisions contained in this Handbook or any other District documents, plans, policies, or procedures at any time.
- The provisions contained in this Handbook are informational in nature only. They are not intended to, and do not, create or constitute a contract of employment or promise of any kind between the District and its employees.
- Employment with the District is “**at will**,” meaning that it may be terminated by the employee or the District at any time, with or without notice and with or without cause.
- Any promises, representations, or statements concerning “fair” treatment or the like, whether in this Handbook or otherwise, are in the nature of a goal only, and are not enforceable as a contract or promise.
- This Handbook does not apply to temporary employees or to independent contractors.

2501.3 Employment “At-Will”

Employment with the District is voluntary and “at will.” This means that each employee has the right to resign his or her employment, at any time. This also means that the District has the right to discharge the employee at any time for any reason whatsoever, with or without cause, and with or without notice. Changes in compensation, location, job duties, level of employment or other changes do not modify the right of employees or the District to terminate the employment relationship at any time, with or without notice or cause.

An employee’s status as an at-will employee may not be modified: (1) by any

oral representation to the contrary, (2) by any practice or procedure of the District or the industry, or (3) by any document or agreement, except by a written employment contract authorized by the Commission and executed by the Commission President that specifically revokes the "employment at-will" relationship. No department manager, supervisor, or other employee of the District has the power or authority, either verbally or in writing, to alter an employee's at-will employment status.

2501.4 Equal Employment Opportunity

The District provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, military status, genetic information, or any other status protected by federal, state or local law. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. All employees throughout the District have the responsibility to adhere to this policy.

2501.5 Equal Employment Opportunity Policies

Ada County Highway District does not discriminate in either hiring or employment practices on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, military status, genetic information, or any other status protected by federal, state or local law.

All personnel programs, practices and operations will be directed by this policy and an effort will be made to promote the full realization of equal opportunity in employment throughout the District.

The concept of "Affirmative Action" is both consistent with and fundamental to the maintenance of an effective personnel management system. Therefore, to the extent goals or targets of minority or women employees are negotiated by the District or required by federal or state contracting rules and regulations, good faith efforts to recruit, hire, and promote a diverse work force will be taken as an integral part of the personnel system of the District.

One of the objectives in meeting the Equal Employment Opportunity and Affirmative Action policies is to locate, hire, develop, and retain a diverse work force. The District recruits from many sources to identify qualified employees, and then develops programs to help train new and existing staff.

Managers and supervisors are responsible for the implementation of all aspects of the District's Equal Employment Opportunity/Affirmative Action policy. The Director and Chief Human Resource Officer are responsible for developing the District's Equal Employment Opportunity/Affirmative Action policies, keeping them effective and current, and establishing adequate auditing and monitoring procedures.

Harassment of employees by fellow employees or third parties is not permitted, regardless of the working relationship. Specifically forbidden is harassment

on the basis of sex, sexual orientation, gender identity, age, disability, military status, race, national origin, or religion, genetic information. (See Section 2511.1, Sexual and Other Harassment)

Such harassment includes unsolicited remarks, gestures or physical contact; display or circulation of written and/or electronic materials or pictures derogatory of one's gender, sexual orientation, gender identity, race, age, nationality or religion; or basing personnel decisions on an employee's response to sexually oriented requests or conduct of any kind.

Any employee who experiences conduct of this nature should report it to his/her supervisor or the Chief Human Resource Officer, as outlined in Sections 2511.1.5, 2511.1.6 and 2511.1.8. The District will take prompt action on all findings of harassment of a prohibited nature. Such action will include appropriate discipline and may result in termination of the offending employee or employees.

Any employee who in good faith files a complaint of discrimination or harassment, or participates in good faith in an investigation of a complaint, will not be subjected to retaliation or adverse repercussions in his/her job as a result. If any employee believes he or she is being subjected to retaliation, a complaint should be filed pursuant to Sections 2511.1.5, 2511.1.6 and, 2511.1.8.

2501.6 Accommodations of Individuals with Disabilities

An employee who is a qualified individual with a disability may make a request for reasonable accommodation to the Human Resources Department. Upon receipt of an accommodation request, a member of the Human Resources Department will discuss the request with the employee and identify the precise limitation(s) resulting from the disability and the potential reasonable accommodation(s) that the District might make to help overcome eligible limitation(s).

The Human Resources Department, in conjunction with any other appropriate employee with a need to know, will determine the feasibility of the requested accommodation. Individuals requesting accommodation under this policy may be required to sign an authorization for release of medical information, so that the District can obtain medical information needed to evaluate accommodation issues.

2501.7 Recognition of Same-Sex Marriage.

The definition of "Spouse" for the purposes of this Handbook means the person who is legally married to the employee under the laws of a state or other recognized jurisdiction as of any relevant date, as evidenced by a valid marriage certificate or other proof acceptable to ACHD. This includes married individuals of the same sex.

The District benefit plans and insurance policies provided to spouses are also provided to all of its employees' spouses, including same sex spouses.

Employee leave policies, including those guaranteed by the Family and Medical Leave Act, are equally available to eligible employees and their same sex spouses as they are to eligible employees and their opposite sex spouses. For example, FMLA benefits, available to eligible employees, allow up to 12 weeks of unpaid, job protected leave during a 12 month period to care for a spouse with a serious health condition. Such benefits are available to same sex married couples as well as opposite sex married couples. Similarly, all leave and benefit policies of all types regarding spouses and families (e.g., bereavement leave) are now available for all married employees, to include same sex married employees.

The District will process tax forms relative to all employees' spouses, including same sex spouses.

2501.8 Employee Responsibilities

Each employee has been hired to do a job. How the employee performs his or her designated job will have an important effect on the success of the District. Certain responsibilities of employees are set out in this Handbook.

There are, in addition, broader responsibilities of personal integrity and ethics which are expected of all persons employed by the District. The District expects employees to perform their jobs responsibly and to work in harmony with fellow workers and the general public. Employees are expected to follow directions from their supervisor, unless they are reasonably believed by the employee to be illegal, unlawful or unsafe. Should a situation arise in which conflicting directions are given, the employee is to follow the last order received from his/her supervisor.

2501.9 Safety

The District shall strive to protect the health, safety and security of all employees using accepted and feasible procedures. The Safety Coordinator will oversee the day-to-day operations of the safety program, ensuring the District is taking appropriate steps to effectively assist our employees in maintaining a safe, healthy and secure work environment. Each supervisor is responsible for maintaining safe working conditions and for effectively implementing the safety program in each work unit. However, despite every effort the District and the supervisors make, the basic responsibility for employee health and safety rests with the individual. It is a condition of employment for all employees to conduct their work in a safe and healthful manner. Each employee is responsible for being familiar with the District's Safety Handbook set forth in Section 2100 of the District's Policy Manual.

2502 THE EMPLOYMENT PROCESS

Employees are expected to discharge their responsibilities faithfully, willingly and to maintain a courteous, friendly, and cooperative attitude toward fellow employees and the general public.

2502.1 Promotions and Transfers

The District is committed to providing opportunities for all employees to attain higher levels of responsibility based on qualifications and job performance. Employees should consult the appropriate supervisor or the Human Resources Department regarding job requirements for promotion should opportunities arise. Employees should also check the District job postings for announcements and requirements for open positions.

2502.2 Employment of Relatives

The District will not consider applicants for employment who are immediate family members of a District Commissioner or of an employee who is a Manager or above. For purposes of this policy, an "immediate family member" includes spouses, children, stepchildren, parents, stepparents, parents in-law, siblings, stepsiblings, brothers in-law, and sisters-in law, stepparents in-law, grandparents, and grandchildren.

If two District employees become married to each other during their employment with the District, they must adhere to the following:

1. One cannot supervise the other.
2. Neither will interfere with the other's employment responsibilities during working hours.
3. Matters or activities not related to District work shall not interfere with the work responsibilities of either person.
4. The District reserves the right to make placement decisions based on working relationships, which may include termination of employment.

2502.3 Romantic Relationship Policy

Employees who violate this policy may be subject to discipline, up to and including termination of employment.

Accordingly, managers and supervisors are prohibited from becoming romantically involved with one another or with any other employee of the District. Additionally, all employees, both managerial and non-managerial, are prohibited from becoming romantically involved with other employees when, in the opinion of the District, their personal relationships may create a conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale. All employees, both supervisory/managerial and non-managerial, romantically involved with a supervisor or fellow employee should immediately and fully disclose the relevant circumstances to the Human Resources Department so that a determination can be made as to whether the relationship violates this policy. Failure to disclose facts may lead to disciplinary action, up to and including termination.

All employees should also remember that the District maintains a strict policy

against unlawful harassment of any kind, including sexual harassment.

2503 COMPENSATION GUIDELINES

2503.1 Payroll

2503.1.1 Pay Period

Pay day is biweekly (every two (2) weeks). No checks will be distributed to any person other than the employee, or the employee's supervisor unless the employee authorizes the District, in writing, to release the check to some other party or unless a valid garnishment order is received.

2503.1.2 Payroll Changes

All changes in deductions, W-4 forms, insurance, deferred compensation and name and address information will be handled by the Human Resources Department. Any changes an employee wishes to make in deductions must be submitted to the Human Resources Department.

2503.2 Overtime Pay and Classification of Employees as Exempt or Nonexempt

2503.2.1 Exempt Employees

An exempt employee is an employee who, because of his or her assigned job classification, duties and salary, qualifies as exempt under applicable federal and/or state guidelines. Because exempt employees are not covered by the overtime requirements of federal and/or state wage and hour laws, exempt employees who work more than forty (40) hours a week due to the demands of their jobs or to travel are not eligible to receive overtime. However, they may be eligible to receive compensatory time for required attendance at functions occurring after normal working hours, pursuant to Section 2503.3.

2503.2.2 Non-Exempt Employees

A non-exempt employee is an employee who does not fall within any of the legally-recognized exemptions from overtime pay. Non-exempt employees who work in excess of forty (40) hours a week will receive overtime pay as required by federal and/or state wage and hour laws. Employees with questions concerning their job classification should direct them to their supervisor or the Human Resources Department.

2503.2.3 Overtime Pay

Only non-exempt employees are eligible for overtime pay. Overtime pay shall be paid to non-exempt employees for hours worked beyond 40 in one 40-hour workweek based upon emergency operations and/or time sensitive and/or critical requirements of the District only. All overtime hours worked by an employee shall be recorded on the employee's time sheet. Approval of overtime work is required before an employee is authorized to work overtime. Except for the Maintenance Department and the Traffic Management Department, approval authority shall be limited, as follows:

- Supervisor Approval Authority – The initial two (2) hours per week per eligible employee. If the emergency and/or time sensitive and/or critical requirement exceeds this limit, then Manager approval is required.
- Manager Approval Authority – The next three (3) hours per week per eligible employee. If the emergency and/or time sensitive and/or critical requirement exceeds this limit, then Deputy Director approval is required.
- Deputy Director Approval Authority – The next five (5) hours per week per eligible employee. If the emergency and/or time sensitive and/or critical requirement exceeds this limit, then Director approval is required.
- Director Approval Authority – Any additional hours in excess of the preceding ten (10) hours per week per eligible employee must be approved by the Director (or in Director's absence, the Chief of Staff).

For the Maintenance Department and the Traffic Management Department, approval authority shall be limited, as follows:

- Supervisor Approval Authority – Maintenance and Traffic Operations Superintendents – Approval authority for up to 15 hours per week per person.
- Manager Approval Authority – Maintenance and Traffic Services Managers – Approval authority for up to 25 hours per week per person.
- Deputy Director Approval Authority – Deputy Director of Maintenance and Engineering – Approval authority for up to 30 hours per week per person.
- Director Approval Authority – Any additional overtime hours must be approved by the Director (or in Director's absence, the Chief of Staff).

In approving overtime hereunder, all Supervisors, Superintendants, Managers, Deputy Directors, the Chief of Staff and the Director shall take into account employee welfare and safety and shall consider the total number of hours worked per day by each employee granted overtime as well as the total number of consecutive days worked by such an employee and shall ensure that affected employees have adequate rest periods between shifts or call backs.

2503.2.4 Stand-By Pay

Any non-exempt employee required to be on call for emergencies or winter maintenance is eligible for stand-by pay. Stand-by pay will only be paid for the employee's non-work days, and stand-by pay will be paid regardless of whether or not the employee is called out.

2503.3 Compensatory Time for Attendance at After-Hours Functions

2503.3.1 Compensatory Time for Exempt Staff Required to Attend Functions Occurring After Normal Working Hours

The District will provide compensatory time to those **exempt** staff members who are **required** to be in attendance at functions occurring after normal working hours. Those eligible for the compensatory time will be limited to **exempt** level staff members who are not otherwise eligible to receive compensatory time, i.e., District Supervisors and Department Managers. The Director and General Counsel will be exempt from this policy, as their job descriptions require them to be in attendance at all Commission meetings and other functions occurring after normal working hours. The compensatory time will be provided on a one-for-one basis for each hour that the **exempt** staff member is in attendance at the after-hours function and will be added to the **exempt** staff member's accrued PTO.

The Director will be responsible to determine who is eligible for the compensatory time, as this policy only applies when an **exempt** staff member is required to be in attendance at functions occurring after normal working hours.

Any **exempt** staff member who wishes to partake in this benefit must submit a request to the Director (or his assistant), no later than the close of business on the Friday of the week of the after-hours function (or the Tuesday immediately following an after-hours function, which occurred on the preceding Friday or over the preceding weekend. This submitted request should indicate for what purpose the **exempt** staff member was required to be at the after-hours function, at what time he/she arrived at the after-hours function, and at what time he/she left the after-hours function.

2504 WORK SCHEDULE, ATTENDANCE & LEAVE

2504.1 Hours of Work and Timesheets

2504.1.1 Hours of Work

The District's normal work hours and work week are established by the Director, however, the nature of the District's work frequently requires adjustments to the established schedule to meet emergencies or other operational requirements.

2504.1.2 Timesheets

Employees are required to complete a weekly timesheet. It is the employees' responsibility to ensure that all the hours worked are properly recorded and submitted to their supervisor. Non-exempt employees are specifically prohibited from performing any work beyond forty (40) hours per week, unless they have prior approval from their supervisor. Failure to do so may result in employee discipline, which may include termination.

2504.2 Rest Periods and Meal Breaks

2504.2.1 Rest Periods

Employees are allowed two 15-minute rest periods each day. Rest periods are to be taken at the employee's work site unless other arrangements have been

approved by the supervisor.

2504.2.2 Meal Breaks

Time off for meal breaks is allowed for all employees. All lunch periods and breaks will be scheduled by the employee's supervisor to meet the efficient work flow of the District.

2504.3 Attendance

An employee who plans to be absent or tardy must seek approval from his or her supervisor in as far in advance of the absence or tardiness as possible. Unplanned absences or tardies, such as those resulting from sickness or other unplanned situations, must be reported to the employee's supervisor at least one (1) hour prior to when the employee is normally scheduled to start work, except when prevented in an emergency situation.

Employees must call in each day they will be absent unless prior arrangements have been made with the supervisor or if personal or medical leave has been granted. If an employee is absent for three (3) consecutive days without calling in, the employee will be deemed to have voluntarily resigned from employment. Unexcused tardiness and absenteeism are unacceptable to the District.

2504.4 Paid Holidays

Paid holidays for District employees are as follows:

- January 1 New Year's Day
- 3rd Monday in February..... President's Day
- Last Monday in May Memorial Day
- July 4..... Independence Day
- 1st Monday in September..... Labor Day
- November 11 Veterans Day
- 4th Thursday in November Thanksgiving Day
- 4th Friday in November Day after Thanksgiving
- December 24..... Christmas Eve
- December 25..... Christmas Day

If any of the recognized holidays occur while an employee is using PTO, FTO, or "Special Leave" time, the holiday will be paid using holiday pay. No scheduled holiday can be worked and substituted for another day off at a different time without approval of an employee's supervisor.

When a paid holiday falls on Saturday, the preceding Friday will be observed as the paid holiday; when a paid holiday falls on Sunday, the following Monday will be observed as the paid holiday.

Paid holidays may be changed annually by the Board of Commissioners.

2504.5 Paid Time Off (PTO)

2504.5.1 Full Employees

Full-time employees earn PTO as follows:

Term of Continuous Employment	Accrual Rates		
	Per Pay Period (based on 26 pp/yr)	Accrual Rate Per Year	Maximum Accrual Carried Over
0-5 years	4.92 hours	128 hours	192 hours per year
5-10 years	6.46 hours	168 hours	252 hours per year
10-15 years	7.38 hours	192 hours	288 hours per year
15+ years	8 hours	208 hours	312 hours per year

* Employees whose PTO balances exceed the maximum accruals as listed above on December 31st will forfeit any amounts in excess of the maximum accrual.

2504.5.2 Part-Time Employees

Part-time employees earn PTO on a pro-rated basis, based upon the actual number of hours they are normally scheduled to work each pay period as a percentage of a forty (40)-hour work week. (For example: if a part-time employee is working twenty (20) hours per week, the employee earns PTO at one-half or fifty percent (50%) the normal rate.)

2504.6 Accrual

Accrual of PTO hours will be on a bi-weekly basis and cannot be used until earned.

2504.6.1 Changes in Accrual Rate Based on Rate of Hire

When the employee's PTO accrual rate changes, it will accrue at the new rate based on his/her date of hire and effective the first of the appropriate pay period.

2504.6.2 PTO at Termination

An employee who has completed more than six (6) months of employment will be paid for any unused accumulated PTO upon termination. This calculation shall exclude any PTO that is forfeited as set forth above.

2504.6.3 PTO During First Six Months of Employment

An employee who leaves employment for any reason during the first six (6) months will not receive a payout of PTO.

2504.6.4 Accrual Following Start of Employment

After an employee's first six months of employment, the employee shall be credited with accumulated days of PTO based on the applicable accrual rates.

2504.6.5 Supervisor Approval

An employee must obtain his/her supervisor's approval prior to the use of PTO. Employees should give a supervisor as much lead time as possible to take PTO at the time wanted. Supervisors have the right to require a specific period of advance notice and deny or re-schedule PTO to maintain an adequate work force.

2504.6.6 PTO During Any Leave Without Pay

PTO shall not accrue during any period of suspension, leave without pay, or layoff.

2504.6.7 Recording PTO

PTO must be used in a minimum of 30-minute increments.

2504.6.8 Retroactive PTO

The use of PTO for any time originally charged to some other type of leave during any pay period will not be allowed on a retroactive basis.

2504.6.9 Selling PTO to District

Based on length of service, any employee with unused PTO at the end of the first pay period in November of each calendar year may request to be paid at the employee's current hourly rate for unused PTO in excess of eighty (80) hours up to the maximums as shown below:

Term of Continuous Employment	PTO Sell Back Maximums
0-5 years	40 hours
5-10 years	60 hours
10-15 years	70 hours
15+ years	80 hours

2504.7 Flexible Time Off (FTO)

2504.7.1 Eligibility

Full-time employees are eligible for paid FTO after completing six (6) months of service. FTO is to be used to cover short-term illnesses of the employee or a family member, medical/dental appointments, or other unexpected personal hardships that require the employee to be away from work.

2504.7.2 FTO Benefits, Pro-ration, Carryover and Forfeiture

Eligible employees are granted 40 hours each calendar year. The FTO bank may not have more than 120 hours of accrual at any time. Employees who leave employment with the District forfeit any remaining FTO. Retirees may be able to cash out FTO under certain circumstances. FTO used does not count towards the calculation of overtime.

Employees who first become eligible for FTO during the middle of a calendar year will earn a pro-rated amount of FTO based on their service date. Employees eligible during the months of January through June will be given the full 40 hours. Employees eligible during the months of July through December will be given a pro-rated amount of 20 hours. After their first year of eligibility, they will then become eligible in January of each year and will receive the full 40 hours. Part-time employees will earn FTO on a pro-rated basis, based on the number of hours they are normally scheduled to work.

FTO will be recorded only in 30-minute increments.

FTO may only be used to supplement the employee's time to equal a total of 40 hours per week see Section 2504.9, Family and Medical Leave for the use of FTO for a portion of the leave authorized for eligible employees in accordance with the Family and Medical Leave Act of 1993.

2504.7.3 Authorization

An employee must contact his/her supervisor prior to the use of FTO (see Section 2504.3, Attendance). The use of FTO is limited to the reasons outlined above and subject to the approval of the supervisor/department manager as well as the review by the Deputy Director, if appropriate. Employees should give a supervisor as much lead time as possible to take FTO at the time needed.

2504.8 Disability Leave

The District provides Short-term Disability Insurance and Long-term Disability Insurance to its employees for non work-related illnesses or injuries.

If an employee has a short-term disability, there is an initial 15 calendar day waiting period which must be covered by FTO or PTO or leave without pay. If an employee has a long-term disability, there is a 180 calendar day waiting period, which includes time spent under the Short Term Disability program.

Additional details about these programs, including the level of payment available and whether an employee is eligible to receive these benefits, are available from the Human Resources Department.

2504.9 Family and Medical Leave

Employees who have been employed for one year or more and who have worked at least 1,250 hours in the preceding year may qualify for a maximum of twelve (12) weeks of unpaid leave per year under the Federal Family and Medical Leave Act ("FMLA") for one or more of the following reasons:

- For the birth or adoption of a child, or placement of a foster child; or
- For the care of a spouse, parent or child with a serious health condition; or

- For the employee's own health care if the employee has a serious health condition that makes the employee unable to perform the functions of his/her job.
- Qualifying Exigency Leave – Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the National Guard or Reserves on active military duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- Military Caregiver Leave – An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member.

In such circumstances, the employee may take up to twelve (12) weeks of unpaid leave and return to the same (or equivalent) position as when the employee left, as long as the position (or an equivalent one) still exists. In addition, the employee will not lose any benefit that he/she earned or was entitled to before using FMLA leave. The Human Resources Department can provide additional information regarding FMLA leave.

2504.10 Bereavement Leave

All regular employees are eligible for three (3) days of bereavement leave with pay in the event of the death of an immediate family member. The pay will be based on the number of hours the employee would have normally been scheduled to work for the days leave taken. The immediate family members shall include spouse, children, stepchildren, parents, stepparents, parents in-law, siblings, stepsiblings, brothers and sisters in-law, stepparents in-law, grandparents and grandchildren. Employees should give their supervisors as much lead time as possible to take bereavement leave. Employees needing additional time off or wanting to take leave from work for the deaths of other relatives or friends may take either PTO, FTO, as appropriate or leave without pay with the approval of their supervisor/manager, as appropriate.

2504.11 Court or Jury Duty Leave

An employee who is directed to appear as a witness for the Federal Government, State of Idaho, or a political subdivision thereof, or to attend court or other hearings in connection with his/her official duties is not considered absent from work.

To qualify for jury duty leave, the employee must submit to his/her supervisor a copy of the summons to serve prior to taking such leave. In addition, proof of service must be submitted to his/her supervisor when the period of jury duty is completed. The employee is expected to report for his/her regular duties as soon as the employee is excused from jury duty.

The employee will be paid the regular rate of pay by the District, not to exceed forty (40) hours per week, for a maximum of thirty (30) days per year. Any amounts except mileage received by the employee for service on a jury must be reported to the District's Human Resources Department, and will be deducted from the employee's gross pay.

When an employee appears in court for any reason other than as provided above, he/she may be considered absent from work and such time will be considered PTO or leave without pay.

2504.12 Military Leave

Leaves of absence without pay for military or Reserve duty are granted to all employees. If an employee is called to active military duty or to Reserve or National Guard training, or if an employee volunteers for the same, the employee should submit copies of the military orders to his/her supervisor and to the Human Resources Department as soon as the orders are received. An employee will be granted a military leave of absence without pay for the period of military service, in accordance with applicable federal and state laws.

An employee's eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws, including the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

2504.13 Election Leave

In those instances where the employee's work duties prevent the employee from voting on his/her own time, when requested, an employee will be granted an appropriate amount of time, without the employee charging his/her PTO, for voting in primary, general, municipal or special elections.

2504.14 Other Excused Absences

Absences that are not otherwise defined in Sections 2504.4 - 2504.13 may be may be allowed without pay with prior approval of the employee's supervisor or the Human Resources Department.

2505 BENEFITS

2505.1

Employees in full or part-time positions (working twenty (20) hours or more per week) are eligible for benefits through the District.

To apply for or obtain more information on any benefit program, an employee should contact the Human Resources Department or refer to the Schedule of Benefits.

2505.2 Educational and Training Benefits

2505.2.1 Education Program

The District offers a financial educational assistance program for employees of the District. Only full-time or part-time employees who have completed six months of employment and who are meeting performance expectations are eligible to apply for this program.

The program is limited to employees taking courses that will improve the employee's job-related skills, prepare for advancement or for a college degree applicable to their current or future employment with the District. Applications for assistance must be filed with the Human Resources Department. The Human Resources staff member shall determine when educational assistance is to be granted to qualified employees. Participation in this program also requires prior approval of the employee's supervisor for budgetary reasons.

Upon proof of completion, with a grade of "C" or better, the District will provide partial reimbursement for costs of tuition, fees, books and materials up to the amount approved by the Director per semester or calendar year, for costs that are not otherwise covered by any other type of grant or scholarship. Verification and documentation of all classes and expenses incurred must be submitted before reimbursement will be made.

If an employee voluntarily resigns within six (6) months after receiving an education reimbursement from the District, he/she shall immediately reimburse the District the full amount received.

An employee receiving State or Federal assistance is not eligible for this benefit. Due to limited funding, this benefit is on a first-come, first-served basis. For more information on this program, an employee should contact the Human Resources Department.

2505.2.2 Training Program

There are a number of courses, workshops, seminars, etc., that come up during the budget year that have not been budgeted for or cannot be included in the District's Education Program. The District encourages its employees to prepare for advancement, prepare for professional exams, keep up-to-date in their job knowledge, improve themselves, and be well informed.

The District cannot foresee all instances that may arise. In an attempt, however, to equitably treat requests, the following guidelines are presented, with the Deputy Director making the final judgment based on recommendations from the employee's supervisor.

In order for approval to be given for training by the District:

1. It will have to be determined if the request for training can be funded by the regular "Education Program" described above; if not, it will have to be decided if the training is eligible for funding under the "Training Program."
2. A determination will then have to be made as to whether funds are

available within the budget, and whether the request is considered a priority use for those funds.

If there are more requests (or anticipated requests) than there are funds available, the requests will have to be prioritized to determine which are to be funded. The requested training must be job related, in the sense that it will help an employee perform his/her job more efficiently.

Attendance at training sessions that help prepare an employee for advancement to the next highest related position should also provide a direct benefit to the District.

The employee may be required to provide his/her department with a briefing and/or written report of the course attended. The format will be determined by the supervisor.

Preference will be given to training conducted locally.

2505.3 Worker's Compensation

Every employee is covered by insurance for job-related injuries. This insurance is known as Worker's Compensation and is paid for by the District. The Worker's Compensation Insurance program is administered by the Human Resources Department and governed by the State of Idaho State Insurance Fund. The State Insurance Fund determines eligibility for benefits and the amount of benefits paid to employees for job-related injuries.

If an employee is injured or becomes ill on the job, he/she must immediately report such injury or illness to his/her supervisor or the Human Resources Department. An employee's failure to follow this procedure may jeopardize his/her right to benefits in connection with the injury or illness. Questions regarding worker's compensation should be directed to the Safety Coordinator.

An employee on worker's compensation shall accrue his/her PTO on a pro-rated basis for the portion of the hours worked.

An employee may use accrued FTO/PTO leave to make up the difference between the benefits paid by worker's compensation and the employee's gross pay. If the employee elects to use FTO/PTO leave, payment will be made after the State Insurance Fund has determined the amount of worker's compensation benefits to be paid.

2505.4 Unemployment Compensation Insurance

The District provides unemployment insurance coverage to employees who meet the eligibility requirements under Idaho law. A terminated employee may seek assistance and information concerning employment benefits at the office of the Department of Employment.

2505.5 COBRA (Continuous Omnibus Budget Reconciliation Act of '86)

Group health and dental coverage is available to employees and/or dependents beyond the date coverage would otherwise end, subject to eligibility requirements of federal law. The temporary extension of health and dental coverage is available at group rates, but must be paid for by the employee. Information can be obtained from the Human Resources Department.

2505.6 Employee Assistance Program (EAP)

The Ada County Highway District recognizes that a wide range of personal problems not directly associated with one's job function can have an effect on an employee's personal life and job performance. The EAP is designed to deal with a broad range of human relation problems such as family and marital concerns, emotional or behavioral disorders, financial, legal, alcohol or drug abuse, and other personal problems. The District believes it is in the interest of the employee, the employee's family, and the District to provide a professional service which deals with such common problems, at no cost to the employee.

The District's EAP provides an avenue for employees and their families to receive confidential assistance for problems which may interfere with job performance and quality of life.

The goal of the EAP, through self-referral, is to assist a troubled employee to maintain and/or return to optimal job performance by using a positive approach to restore productivity, as well as offering assistance and encouragement to employees to help themselves. The EAP will help motivate troubled employees to seek professional help through the best assistance available, and will provide continuing support and guidance to the employee through the problem solving period. The EAP will assist supervisors to identify a troubled employee's pattern of deteriorating performance. It will provide the supervisor with an effective tool to assist the employee in resolving his/her problem and returning to and/or maintaining satisfactory performance.

2505.6.1 Policy

1. Any employee who may have problems which are or have the potential of affecting job performance is encouraged to seek early intervention, assistance and appropriate treatment.
2. An employee's work performance can be affected by the problems of an employee's spouse and other dependents. The EAP is, therefore, available to employees' family members.
3. Aid for these problems will be made available through the District's EAP to all full and part-time employees, and their family members. If employment is terminated for any reason, eligible employees and family members can continue the program thru the end of the insurance coverage period.

4. Employees with alcoholism and drug abuse diseases will receive the same careful consideration and opportunities for treatment that are extended to employees with any other illness or health problems.
5. Any employee who may be chemically dependent or who abuses alcohol or drugs will be encouraged to seek early intervention, assistance and appropriate treatment.
6. District/Supervisor referrals for diagnosis and treatment will be based strictly on unsatisfactory or deteriorating job performance resulting from apparent personal problems, whatever their nature.

2505.6.2 Procedures

1. The decision to request diagnosis and accept treatment for any problem (alcoholism, drug abuse, marital, family, etc.) is the personal responsibility of the individual. Acceptance of assistance through the EAP will not jeopardize an employee's employment status or promotional opportunities, or alter normal disciplinary procedures.
2. Employees with problems for which the EAP can provide guidance or assistance are encouraged to voluntarily seek information, referral and related services, on a confidential basis, by contacting the EAP contractor.
3. Supervisors are encouraged to refer employees to the EAP for assistance when routine supervisory efforts have failed to help an employee return to and maintain satisfactory performance. Supervisors should encourage employees to seek early treatment of problems.
4. For the purpose of EAP counseling or rehabilitation services, employee leave will be determined by the same Department procedures as leave is granted for any other health problem or appointment with a health professional.

2505.7 Incentive Awards Program

2505.7.1 Policy

It is the District's policy to use incentive awards as an integral part of supervision and management to acknowledge employees who have provided the District with years of service; employees whose performance has exceeded their job requirements; employees or a group of employees for specific accomplishments; and employees whose suggestions have improved the District's economy, efficiency and effectiveness.

2505.7.2 Types of Incentive Awards

1. Service Awards

In recognition for time of service, an award and a certificate of appreciation for years of service will be given to employees on or near their anniversary date of each five years of continuous service with the District.

The service award will be in the form of a gift certificate. The value of the award is set at \$10.00 per year of service.

2. Superior Accomplishment Awards

These awards are for a one-time singular contribution that is relatively easy to identify, such as superior performance on a singular short-term assignment outside normal job specifications, an act of heroism, a cost saving suggestion, or other similar nonrecurring achievement. The award may go to an employee or a group of employees based on performance which has exceeded job requirements as a one-time occurrence; e.g., a project or assignment outside normal job duties, which involved overcoming unusual difficulties; performance of assigned duties with special effort or innovation resulting in highly-desirable benefits to the District; or exemplary handling of an emergency situation related to official employment.

3. Sustained Superior Performance Award

This award is to recognize employees for performance of assigned tasks in a manner substantially exceeding normal requirements over a sustained period of six months or more.

2505.7.3 Eligibility for Incentive Awards

1. Employees

All District employees are eligible for incentive awards.

2. Groups

If a contribution was made by more than one employee, or by an organizational unit, all employees contributing, including supervisors and managers, are eligible and must be considered as a group.

2505.7.4 Nomination for an Award

1. General

Any employee can recommend that another employee receive an award providing the criteria below is followed. The recommendation shall be submitted to the nominated employee's immediate supervisor and must receive his or her approval. The supervisor shall submit the recommendation to the Deputy Director for consideration who then turns in the nomination to the Human Resources

Department for review.

2. Service Award
The nomination is automatic.
3. Superior Accomplishment Awards
 - a. Superior Performance on a Singular Short Term Assignment
The recommendation shall include a complete description of the accomplishment, including the perceived benefit, tangible or intangible, to the District and/or the general public; how the performance exceeded normal job requirements; how unusual difficulties were overcome; and any other information that supports the recommendation.
 - b. An Act of Heroism
The recommendation shall include the time, place and the circumstances for the act. It shall also include the names of other people involved; police, fire, EMS or Civil Defense accounts of the act; and the probable consequences if the employee had not acted.
 - c. A Cost Savings Suggestion
Since the amount of the award is based on the benefits to the District, the recommendation shall include a complete description and cost breakdown of direct contribution to the economy or efficiency, or direct increase to the effectiveness of the District's operation; and whether the suggestion is outside the normal job responsibilities.
4. Sustained Superior Performance Award
The recommendation shall include the employee's most recent performance appraisal which must support the conclusion that overall performance of his/her assigned duties and responsibilities substantially exceed an acceptable level of performance; a complete statement giving reasons why performance warrants the award; and the dates of the sustained superior performance.

2506 CONDUCT/DISCIPLINARY ACTION

2506.1 Conduct

2506.1.1 General Policy

The District is an agency created by statute and supported by the citizens of Ada County. Employees are expected to maintain standards of conduct and appearance appropriate to their positions.

An employee is prohibited from engaging in any conduct which could reflect unfavorably upon District service and must avoid any action which might result

in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in the conduct of District business.

While not all inclusive, the following list provides examples of conduct which is impermissible or performance which may lead to disciplinary actions, up to and including immediate termination.

1. Obtaining employment based on false information or by making material omissions.
2. Theft or unauthorized removal of District or another person's property from District premises.
3. Reporting to work under the influence of, using, or possessing illegal drugs, controlled substances not prescribed for the employee, or using alcohol on the job while performing District business on District time or premises.
4. Smoking in restricted areas.
5. Insubordination, including improper conduct toward a supervisor or refusal to do work as assigned without proper justification.
6. Fighting, provoking a fight, or threatening physical violence toward another employee or member of the public while on duty, or performing District business, or representing oneself as a District employee.
7. Misusing, abusing, destroying or damaging District property or equipment.
8. Using District equipment or vehicles for personal reasons without supervisor approval.
9. Carelessness or negligence in the performance of work which compromises or jeopardizes the safety of the employee or others, or District property.
10. Discourtesy or rudeness that would affect the District's goodwill.
11. Failure to report a job injury or accident; making false claims or inaccurate statements in the reporting of job injury or accident.
12. Habitual tardiness, absenteeism, job abandonment, unexcused or unauthorized absence or leave from work.
13. Altering, falsifying or destroying time keeping records.
14. Unauthorized disclosure of confidential information from District records.

15. Failure to obtain and maintain licensure requirements lawfully required as a condition of employment in the position.
16. Physical or mental inability to perform the essential functions of the position after reasonable accommodation has been offered and/or made.
17. Engaging in unlawful job discrimination or harassment of other employees.
18. Unsatisfactory performance.
19. Failure to comply with or disregard of employment-related rules, policies and prohibitions.
20. Violation of safety standards.
21. Failure to work well with other District employees.
22. Any other reason which may be deemed by the District to make discipline up to and including termination necessary.
23. Violation of any of the District's policies, including policies set forth in this Handbook and other sections of the District's Policy Manual.

2506.1.2 Appearance/Dress Code

The District seeks to maintain high standards of accountability and professionalism in all facets of our operations and, therefore, expects District employees to show good taste, good grooming, and a generally neat appearance compatible with their work environment. District employees should present themselves for work dressed in a professional manner, practice good hygiene, and avoid extremes in dress or appearance. Anything less is inconsistent with the District's goals and is unacceptable.

Clothing must be appropriate for the requirements of each employee's job with safety being the driving consideration.

The guiding dress code principles for employees working in the District's administrative offices are business-formal for the executive team and business-casual for all others. Business casual dress is professional attire, which includes slacks, collared shirts for men, and blouses. It does not include denim or T-shirts, except on designated days or if appropriate for the team member's normal job responsibilities, with common sense being the guiding principle.

The guiding dress code principles for employees who regularly work outside of the District's administrative offices depend on the safety requirements of the job and will be specified by the department or division supervisors.

The following is a representative list of specific requirements and prohibitions

(with exceptions noted where applicable):

1. Shoes must provide safe, secure footing and offer protection against hazards.
2. Flip-flops are not permitted.
3. Open-toed shoes appropriate for an office setting are permissible in the administrative offices.
4. Sleeveless shirts, cropped tops, or low-cut tops are not permitted.
5. Revealing or provocative clothing such as clothing that reveals bare backs or midriffs, or clothing that is excessively tight, is not permitted.
6. Jeans may be worn only on designated casual days for employees working in the administrative office, unless your normal duties require these to be worn at other times. Again, common sense is the guiding principle.
7. Shorts and cut-offs are not permitted.
8. Undergarments must not be visible through or outside of other clothing.
9. Skirts and dresses, if worn, should completely cover thighs and be three inches or less above the knees.
10. Spandex, tights, and leggings are only permissible if worn in conjunction with skirts or dresses of an appropriate length and portray a professional appearance.
11. Exercise attire is not permitted in the work setting.
12. For employees that frequently work outside of our administrative offices, any hats worn must be issued by the District, with the exception of hats approved by the employee's supervisor for sun protection.
13. Facial hair, if worn, should be well-groomed.

In addition, out of consideration for co-workers, strong perfume or cologne must be avoided.

2506.1.3 Solicitation & Distribution of Literature

To avoid disruption of District operations, the following rules apply to solicitations and distribution of literature on District property:

1. Employees may not solicit other employees for membership, contributions, funds, or other purposes during employee's working time or at any other time if the solicitation interferes with other employees' work.
2. Employees may not distribute literature (other than District information) during working time for any purpose.
3. Persons who are not employed by the District may not solicit District employees or distribute literature to District employees on District property during working time.

Working time includes the working time of both the employee doing the soliciting and/or distributing and the employee to whom the soliciting and/or distributing is directed. Working time does not include break periods and/or meal periods.

This section shall not be construed to prohibit: 1) members of the public soliciting or distributing literature to other members of the public, or 2) solicitation or distribution of literature to employees during break periods or meal periods.

The only exception to the above is that the District may authorize the solicitation of funds for recognized and established charities which benefit the general community.

2506.1.4 Voice and Electronic Mail/Computer Use

The District's electronic information resources, including all information systems, computer, word processing and communications facilities, e-mail and voice mail systems, accounts with on-line services and access mechanisms to those services and for the Internet as a whole, are the property of the District and are to be used for District business only. The District reserves the right to monitor the use of its electronic information resources, including the right to override individual passwords or other security techniques. All passwords and codes must be disclosed to the District in order to facilitate the District's access to these resources. **There should be no expectation of personal privacy on the part of employees with respect to their use of these resources.**

Additional policies regarding the use of the District's computer system are set forth in Section 2008 of the Policy Manual and incorporated by reference.

2506.1.5 Workplace Violence

The District strives to maintain a work environment free from intimidation, threats or violent acts; the District has adopted a zero tolerance to intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, or any other act, which in management's opinion is inappropriate in the workplace.

All employees should immediately report any incidents of potential threatening, harmful, or criminal behavior of any employee, visitor, or vendor that may

negatively affect the safety, security, productivity, or financial interests of the District to the Department Supervisor or Human Resources Department. If an employee believes there is an immediate threat to safety of themselves or others, they should contact law enforcement authorities.

2506.1.6 Cellular Phone Policy

1. Personal Cellular Phones

While at work, employees are expected to exercise the same discretion in using cellular phones as is expected for the use of District desk phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with productivity and be distracting to others and is not appropriate. The District will not be liable for the loss of personal cellular phones brought into the workplace.

2. District-Provided Cellular Phones

District-provided cellular phones are issued to employees where their position demonstrates a business need to have one; meaning it is necessary for that position to have communication capabilities when away from the office. While cell phones are a necessary convenience of the business world, the District requires that the employee follow the guidelines and requirements as listed in this policy.

3. Personal Use of District-Provided Cellular Phones

Employees are strongly discouraged from using their District-provided cellular phones to make any personal calls. The District recognizes, however, that in some circumstances, such use may be necessary. Flexibility will be provided in emergencies or certain situations demanding immediate attention.

Employees who use their District-provided cellular phone for personal reasons may be asked to identify their personal calls on our bill. Employee agrees by his or her acknowledgment on this Handbook that the District is authorized to require the employee to pay the monthly bill that correlates to the identified personal calls/received texts/downloads/pictures, etc. Being asked to pay for your personal use does not give the permission to use the District-provided cellular phone as a personal cell phone; other District policies still apply. There should be no expectation of personal privacy on the part of employees with respect to their use of these resources.

When employees are in possession of a District-provided cellular phone, employees are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the phone for return or

inspection. If the employee is unable to present the phone in good working condition within the time period requested, the employee may be expected to bear the cost of replacement.

4. Texting on District-Provided Cellular Phones

Texting on District-provided cellular phones is allowed for District business-use only. Texting for personal reasons is NOT allowed.

5. Pictures on District-Provided Cellular Phones

Taking and receiving pictures on the District-provided cellular phones is allowed for business-use only. Taking and receiving pictures for personal reasons is NOT allowed.

6. Cellular Phone Use While Driving

For the safety of our employee and others, regardless of the circumstances, including slow or stopped traffic, it is imperative that the employee pull over and stop at a safe location to dial, receive or converse on a cellular phone in any way. Failure to follow this policy may violate Idaho law and if convicted for a violation may result in disciplinary action.

If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to use the hands-free option, refrain from complicated or emotional discussions, and keep eyes on the road. Under no circumstances should an employee place himself/herself or others at risk to fulfill business needs by making or receiving cell phone calls while operating a motor vehicle.

7. Audits

District-provided cellular phone bills are audited on a regular basis.

Use of the District-provided cellular phone will follow each of the other relevant policies, such as EEO/Harassment & Diversity guidelines, Office Desk Phone Use, Safety guidelines, etc.

2506.1.7 Tobacco Free Workplace Policy

In accordance with the Idaho Clean Indoor Air Act (Idaho Code 39-5501), smoking is not permitted in most public and government owned buildings.

Smoking and tobacco chewing have been proven to be a health hazard and are known to cause cancer and cardio-pulmonary disease. Smoking and exposing others to second hand smoke are both recognized as health hazards. In addition, the presence of cigarette smoke and tobacco chewing in any enclosed compartment, such as a District building or vehicle, may damage District property.

To enhance our indoor air quality, contribute to the health and well-being of all employees, and protect District property, the District is entirely tobacco free. This means that the use of all tobacco products, including cigarettes (“vapor and e-cigarettes are included) and chewing tobacco is strictly banned from the following:

- District buildings (including offices, warehouses, storage facilities, common work areas, conference and meeting rooms, hallways, lunchrooms, stairways, restrooms, and any other enclosed facilities or spaces)
- District vehicles and equipment (including the areas immediately around vehicles and equipment)
- District vehicle and equipment garages

The only designated smoking areas at the District are outdoors at least 25 feet from any entrance and within the designated areas identified by signage: “Warning: Smoking Permitted”. No one may smoke along any path way or walk way leading to or from the designated smoking area, nor may employees smoke in grassy areas or the parking lots.

Additionally, employees may smoke in their personal vehicles, if they are in a location that prevents the smoke and tobacco products from being encountered by others that must walk through to reach their vehicle or any other destination on the District premises.

While the District makes these areas available to smokers, it in no way has any legal responsibility to do so. These designated areas are subject to change, or removal, at any time by the District. Employees who choose to use these smoking areas do so at their own risk. No additional breaks are allowed to any employee who smokes. Finally, smokers and users of tobacco products must dispose of the remains in the proper containers. This helps to keep a neat and clean environment for all employees and our visiting partners and citizens.

Failure to comply with all of the components of this policy may result in disciplinary action that can lead up to and include employment termination.

2506.2 Drug/Alcohol Policy

2506.2.1 Policy Statement

The District desires, for the protection of its employees, as well as its customers and the public at large, to establish a work environment free from the influence of drugs and alcohol. The District has implemented a DRUG/ALCOHOL FREE WORKPLACE policy. Employees whose job duties require a valid commercial driver’s license (CDL) or employees in a safety sensitive position shall be referred to as “covered employees” in this document. For purposes of this policy, a safety-sensitive position is one that involves work that may pose an immediate threat to the public or a risk of harm

to the employee or others, and includes but is not limited to such duties as the operation of dangerous instrumentalities, such as heavy vehicles and/or equipment, transporting or handling hazardous materials, installing or maintaining signal equipment, etc. This policy includes a drug and alcohol testing component for covered employees. This is consistent with regulations enacted by both State and Federal agencies requiring drug testing for commercial vehicle drivers, as well as Federal regulations requiring a DRUG/ALCOHOL FREE WORKPLACE for all businesses contracting with the Federal government.

No employee is to report to work or be at work impaired by or under the influence of illegal drugs or alcohol.

As a condition of employment, every employee shall abide by the terms of this Drug/Alcohol Policy. Any employee convicted of a workplace violation of a criminal statute relating to illegal drugs must notify the Chief Human Resource Officer in writing of such conviction no later than five (5) calendar days after such conviction.

2506.2.2 Possession, Use, or Distribution of Illegal Drugs or Alcohol

The possession, use, purchase, or distribution of illegal drugs, drug paraphernalia, or alcohol by an employee in a District vehicle, at a job site, while working on District business, or during work hours is strictly prohibited.

Any off-the-job illegal use, purchase, or possession of illegal drugs or drug paraphernalia that results in criminal charges being brought against a covered employee must be reported to the Chief Human Resource Officer as soon as possible and will result in the employee being asked to submit to a drug test. If that test is positive, the employee will be offered an opportunity to participate in the District's Employee Assistance Program.

2506.2.3 Self-Referral

All employees of the District who may consider themselves drug or alcohol dependent and who voluntarily identify themselves as such will be encouraged to seek treatment with the assistance of a substance abuse counselor. Employees in need of rehabilitation services are encouraged to contact the Chief Human Resource Officer or management officials for information relating to the District's Employee Assistance Program.

Arrangements may be made to allow an employee to use paid time off in order to utilize the District's Employee Assistance Program. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug result.

Employees who demonstrate successful progress under the terms of an Employee Assistance Agreement may return to work after taking and passing a drug and/or alcohol test. Employees will be expected to pay half of this drug/alcohol test. Any such employee returning to work will be expected to comply with all aspects of this DRUG/ALCOHOL FREE WORKPLACE policy and evidence successful progress under the terms of an Employee Assistance

Agreement.

2506.2.4 Prescription Medication

All employees must notify their supervisor or appropriate District manager when they use prescription medication which contains a WARNING label that the drug interferes with performing the essential functions of the position or when they are aware that medication they are taking may negatively affect their ability to safely perform the essential functions of the job.

An employee may be allowed to work while using prescription medication when the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties and who has advised the employee that the prescribed drug will not adversely affect the employee's ability to safely perform his/her job. The Chief Human Resource Officer may request verification of these facts as attested to by the physician involved and submitted to the District in writing.

2506.2.5 Drug and/or Alcohol Testing Required of Prospective and Present Employees

Drug and/or alcohol testing will be required as set forth in 2506.2.6 through 2506.2.16.

2506.2.6 Pre-Employment Testing

All applicants seeking employment for a position requiring a commercial driver's license (CDL) as part of their job duties, or any other "safety-sensitive" position designated by the Chief Human Resource Officer, will be required to submit to drug testing at the time of a conditional offer of employment at the District.

2506.2.7 Random Testing

All covered employees will be subject to random testing. A random test is a test that is unannounced and results in every covered employee having an equal chance of being selected for testing at any given time. The random selection method used by the District will be determined in consultation with the District's servicing agency and will be conducted in a manner that insures that the random testing will be spread throughout the work year.

2506.2.8 Reasonable Cause Testing

The District will require any employee to be tested for the use of alcohol or drugs if that employee gives a supervisor and another District official of equal or greater responsibility in the organization specific reason to believe that he/she may be under the influence of alcohol or drugs and, therefore, may adversely affect the performance of that employee's job duties or endanger his/her own well-being, the safety of fellow employees, or the general public. Evidence that may provide reasonable cause includes but is not limited to:

- (1) Observable phenomena, such as direct observation of an employee engaged in drug-related activity or exhibiting the physical symptoms of being under the influence of a drug;

- (2) A pattern of abnormal conduct or erratic behavior;
- (3) An arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
- (4) Information provided either by reliable or credible sources or independently corroborated;
- (5) Sudden change in work performance including unexplained or excessive absenteeism, tardiness or workplace negligence; or
- (6) Evidence that the employee has tampered with a drug test.

The District will make arrangements to insure that all employees who are requested to take a reasonable cause test will be transported to a collection clinic to take a drug or alcohol test.

2506.2.9 Post Accident Testing

Any employee who is involved in an accident (as defined below) will be tested for the use of illegal drugs and alcohol as soon as possible after the accident.

Any employee involved in an accident shall not consume alcohol within eight (8) hours after an accident or until completion of a post-accident alcohol test, whichever occurs first.

Examples of an accident that will require an employee to take a drug and alcohol test include, but are not limited to, accidents that are primarily caused by the actions of an employee that result in:

1. The death of a person;
2. Bodily injury to a person who requires medical treatment away from the scene of the accident;
3. Damage to District or other property; or,
4. One or more motor vehicles are disabled due to the accident and must be towed or otherwise transported from the scene.

An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize release of relevant hospital reports or other documentation that would indicate whether there were drugs or alcohol in their system at the time of the accident.

If it is determined by management that an employee's injury was not caused by an unsafe act by the injured employee, the District reserves the right to waive post-accident testing.

Employees who are involved in a work related accident requiring medical

attention are to inform their supervisor of the accident as soon as possible so that any needed drug or alcohol test may be promptly conducted in conjunction with their medical treatment.

2506.2.10 Specimen Collection Procedure

When a prospective or present covered employee is notified that he/she is to submit to drug or alcohol testing, he/she will be given instructions regarding where to report for testing. All specimen collections will be conducted by personnel that have been properly instructed and will be done according to collection procedures, subject to approval by the District.

2506.2.11 Adulteration or Submission of Concealed Specimen

If during the collection procedure, the collection monitor detects an effort by a donor to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, both will be tested. If the request for a second specimen is refused, the monitor will convey to the District the donor's refusal to submit a true specimen. Such substantiated conduct will result in either a prospective covered employee not being offered employment, or a present employee being terminated from further employment with the District.

2506.2.12 Drug Testing and Confirmation

All specimens will be tested for the presence of illegal drugs. When an employee is tested for the presence of alcohol, the testing level will be the equivalent of 0.04 BAC. The District reserves the right to test an employee for the presence of other drugs that it has reason to believe the employee may be abusing.

All testing will be conducted by a laboratory that has been properly certified and/or accredited. All specimens shall be split to allow a separate test if requested. Any specimen that screens positive for the presence of illegal drugs will be confirmed by an alternate confirmation method. Any employee who tests positive for illegal drugs may request to have the split sample retested at the employee's expense. This must be requested in writing within seven (7) days of the employee being notified of the positive test result. Any such retest will be accomplished within thirty (30) days of the positive test result.

2506.2.13 Refusal

Any employee who refuses to be tested, or fails to release or provide information as directed under the provisions of this policy, will be terminated from further employment with the District. Any such refusal or failure by a prospective covered employee will result in the prospective covered employee not being offered employment.

2506.2.14 Notification to the District of Test Results

All results received from the laboratory will be forwarded through the District's drug testing servicing agency to the District. The agency's staff will be responsible for notifying the District regarding the results of an employee's test. In the event a specimen tests positive, the District will be notified of the

employee's identity and drug(s) involved. Test results will be reported initially only to the Chief Human Resource Officer and his/her designee and will be held by them in a confidential manner, unless legally required to divulge to a prospective employer and then only on the need-to-know basis, or pursuant to subpoena or court order. In the event disciplinary action may be taken against a current employee on the basis of such test results, those results may be shared with the employee's supervisor, the Director and/or General Counsel.

Prospective and present employees who are currently using prescription medication that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification by the Medical Review Officer (MRO). If this information is verified, the employee's test result will be reported as negative.

The District will afford an employee an opportunity to discuss a positive test result with the servicing agency prior to taking disciplinary action. If necessary, the agency's staff will consult with a medical professional and will follow up on such information, as is deemed necessary. If, after consideration of the matter, the agency finds no reason to doubt the validity of the positive test result, they will then report that finding to the District for disciplinary action.

The servicing agency may communicate a positive result directly to the Chief Human Resource Officer or his/her designee if the employee expressly declines the opportunity to discuss the results of the test or fails to contact the servicing agency in a timely manner after being instructed to do so.

2506.2.15 Effect of Testing Positive

Any prospective employee in a covered position who tests positive for the presence of illegal drugs will not be offered employment with the District. Any present employee, who tests positive for the presence of illegal drugs or alcohol may, but is not required to, be offered continued employment based on the terms and conditions of the District's Employee Assistance Agreement.

2506.2.16 Conclusion

The terms of this DRUG/ALCOHOL FREE WORKPLACE policy are intended to achieve a work environment where employees are free from the effects of drugs and/or alcohol. Employees should be aware that the provisions of this policy may be revised when necessary and that they will be notified of any such changes. It should also be understood that the District's efforts to maintain a drug and alcohol free workplace are not limited to the terms of this policy. The District will take whatever measures it considers appropriate to detect and eliminate drug and alcohol abuse among its employees.

The District anticipates that by implementing the provisions of this DRUG/ALCOHOL FREE WORKPLACE policy, its employees will enjoy the benefits of working in a safer and more productive work environment.

2507 SEPARATION AND TERMINATION

2507.1 Resignation

When an employee resigns, written notification should be given to the employee's immediate supervisor who will forward it to the Human Resources Department. An employee should give as much advance notice of resignation as possible, preferably at least two (2) weeks. If the effective date of the resignation ends with a recognized District paid holiday, the employee will not be eligible for holiday pay unless he/she works the day before the holiday and the first work day after the holiday.

2507.2 Retirement

Employees who are retiring should give written notice of retirement to his/her Division Supervisor. The employee should contact the Human Resources Department at least two (2) months prior to his/her retirement date so benefit program arrangements can be made.

2507.3 Dismissal/Layoff/Reduction in Force

All employees of the District are employees-at-will and may be terminated as a result of dismissal, layoff or reduction in force at any time without prior notice.

2507.4 Exit Interview

Employees leaving the District, regardless of the reason, will be asked to arrange for an exit interview with the Human Resources Department. This interview is an informal discussion with the employee about the job held and employment experience with the District.

2508 PERFORMANCE APPRAISAL

The District has a performance appraisal system covering all employees within its employ and is used as a method to measure and improve employee performance. The primary purpose of such a program is to inform the employee how he/she is performing in his/her position and to offer, where necessary, assistance on ways to improve his/her work.

The appraisal process is a continuing one. Supervisors should periodically consult with their employees to keep them apprised of how they are doing on the job. Special appraisals and evaluation periods can be made at any time.

2509 EMPLOYEE GRIEVANCE PROCESS

2509.1 Employee Concerns

The District strives to maintain a harmonious work force and to address employee concerns and consider employee suggestions. Employees are strongly encouraged to discuss any concerns regarding their employment with the District at any time so that a resolution may be reached in an efficient manner. Employees are encouraged to address their concerns with their supervisor, department manager, deputy director, or a member of the Human

Resources Department.

2509.1.1 Policy Statement

The purpose of this section is to provide information to employees on how grievances will be handled. The District is committed to responding to employee concerns in an effort to resolve problems. The District's goal, in most cases, is to resolve problems at the lowest possible level of supervision, so that problems may be resolved quickly, as close to the source as possible, but still within the proper chain of command. By adopting this grievance procedure, the District does not intend to, in any way, diminish the rule that all employment with the District is at will, and any employee may be terminated at any time and for any reason.

2509.1.2 No Discipline for Presenting a Grievance

No employee will be disciplined or affected adversely by the presentation of a grievance. Retaliation against another employee because that employee filed or participated in a grievance resolution process is prohibited.

2509.1.3 Subjects of Grievance Process

All employment decisions are subject to the Grievance Process, except those identified in Section 2509.1.4.

2509.1.4 Issues Not Eligible for Grievance

The compensation schedule is not eligible for the Grievance process unless the dispute relates to any alleged inequities within a classification. In a layoff, the layoff formula used by the District to reduce the number of employees is not eligible to be addressed in the Grievance Process. Termination or demotion resulting from a reduction in force shall not be eligible except to contest the order of reduction. Also, dismissal of a new employee who has failed to satisfactorily complete the introductory period is not eligible.

2509.1.5 Employees to Whom Grievance Process is Available

All full-time and part-time hourly and exempt employees may use the Grievance Process. Any employee desiring to use this process should first consult with a member of the Human Resources Department for guidance. The Director may not use the Grievance Process, since the Director's employment is governed by Idaho Code section 40-618.

2509.1.6 Informal Resolution of any Grievance

The Human Resources Department will provide guidance on the appropriate handling of the grievance. Some grievance may require the employee to return to his/her immediate supervisor to seek resolution before filing a written grievance, except in the case of discrimination grievances as noted below. For discrimination grievance, the employee may choose to initiate the complaint procedure described in the EEO policy section 2501.5: Resolution of Complaints of Discrimination Based on Race, Color, Religion, National Origin, Sex, Sexual Orientation, Gender Identity, Age, Disability, Retaliation, Veteran

or Current Military Status or Genetic Information.

Informal resolution must be sought by bringing the problem to the attention of the supervisor within five (5) business days of the time the employee has knowledge of the problem. The supervisor shall, within five (5) business days of the time the problem is brought to his/her attention, advise the employee in writing of his/her decision concerning the dispute.

If the solution proposed by the supervisor is acceptable, the solution is reduced to writing and signed by both parties. The dispute is considered resolved at that point without any need for formal resolution. The dispute is considered closed and is not subject to re-opening at a later date.

2509.1.7 Formal Procedure

1. Step One

If a solution is not reached in informal resolution, the employee may, within five (5) business days, file a formal grievance in writing.

A grievance form will be provided for completion by the employee. The grievance form should include a detailed statement of the nature of the grievance and the employee's justification and proposed solution to the problem. The original of the grievance form should be sent to the immediate supervisor, with a copy sent to the Human Resource Office.

2. Step Two

Within five (5) business days of receiving the grievance form, the immediate supervisor must arrange for a meeting between the employee, the immediate supervisor, and the next level of management (unless the next level of management is the Department Manager, in which case Step Three should be followed). After this meeting, the Supervisor will issue a written decision, and send the original to the employee with a copy to the Human Resource Office. If the solution proposed is acceptable, the decision shall be signed and dated by the employee with copies provided to the employee and to the Human Resource Office for filing in the employee's file. The grievance is then closed and not subject to re-opening.

3. Step Three

If the solution proposed at Step Two is unacceptable, the employee must advise the Supervisor in writing within five (5) business days. The employee must indicate why the solution is unacceptable and request an appeal to the Department Manager. The Supervisor will then arrange a meeting with the employee, the immediate supervisor,

and the Department Manager to discuss the grievance. Within five (5) business days following this meeting, the Department Manager will issue a written response proposing a solution. If the solution is acceptable, it will be signed and dated by the employee with copies provided to the employee and to the Human Resource Office for filing in the employee's file. The grievance is closed and not subject to re-opening.

4. Step Four

If the solution proposed at Step Three is unacceptable, within five (5) business days the employee may request a review by the Director. The request for this review shall include the employee's statement as to why the previous solution was unacceptable; his/her proposed solution and justification. If this option is chosen, a meeting with the employee, the Director or the Deputy Director, at the option of the Director, shall take place within five (5) business days of the receipt of a request for the Director's review. Within five (5) business days after that meeting, the Director, or Deputy Director, will provide a written decision to the employee. A copy will be sent to the Human Resource Office for filing in the employee's file. The decision is final, and the grievance is closed and cannot be re-opened.

In the event a grievance involves a complaint of sexual or other harassment, it may be handled by the District as such a complaint under Section 2511.1.

2510 OLEORESIN CAPSICUM (OC) "PEPPER" SPRAY POLICY AND PROCEDURE

The purpose of this policy is to establish guidelines for the use of Oleoresin Capsicum (OC) Spray Projectors by employees of the Ada County Highway District (ACHD).

2510.1 Policy

Oleoresin Capsicum (OC) spray, also known as "pepper spray" is a chemical with an active ingredient derived from the cayenne pepper plant. Exposure to OC spray in aerosol form may cause physiological effects including inflammation and swelling of the mucus membranes of the eyes, nose and throat and involuntary closure of the eyes. The ACHD has issued Oleoresin Capsicum (OC) Spray Projectors to provide designated employees with additional options for responding to aggressive individuals they may encounter in the workplace that the employee perceives as an immediate threat to his/her safety or the safety of his/her co-worker(s).

2510.2 Procedure

Deputy Directors will determine the need for and distribution of authorized OC projectors based on potential risk factors such as past incidents, potential

exposure to others and other available alternatives to ensure employee safety.

Employees so designated may choose to decline to carry OC spray. Declining to carry an Oleoresin Capsicum (OC) Spray Projector will be noted in the employee's personnel file.

2510.3 Authorization

Only employees who have completed the required training and been certified are authorized to carry and use the Oleoresin Capsicum (OC) Spray Projector. Training will be conducted through the Ada County Sheriff's Office. Proficiency must be demonstrated prior to initial issue and at least biennially (every two years). The ACHD Training Specialist will monitor, schedule and track employee certification.

Employees are only authorized to carry and use Oleoresin Capsicum (OC) Spray Projectors approved and issued by the ACHD. The use of any other self-defense equipment or product is expressly prohibited.

The ACHD Safety Coordinator will maintain custody of the Oleoresin Capsicum (OC) Spray Projectors and only issue them to certified ACHD employees.

Oleoresin Capsicum (OC) Spray Projectors issued by the ACHD may only be used by ACHD employees while on the job. OC spray issued by the ACHD will not be allowed to be taken home with the employee unless the employee normally responds to the assigned worksite from his/her residence.

2510.4 Usage Procedures

Oleoresin Capsicum (OC) Spray Projectors may be used for self-defense when an employee reasonably believes that it is necessary to protect him or herself from an imminent physical threat posed by a person or animal. Oleoresin Capsicum (OC) Spray Projectors may be used to incapacitate a person attempting an assault or an attacking animal, in order to avoid physical harm and facilitate escape from danger.

Employees should use verbal techniques to de-escalate a confrontation, if possible, before resorting to deployment of OC Spray Projectors. Whenever practical and reasonable, employees should issue a verbal warning prior to using Oleoresin Capsicum (OC) Spray Projectors against an individual (e.g., "Stop or I'll spray you!"). Once the assailant or attacking animal is incapacitated, use of OC Spray Projectors is no longer justified.

Use of OC Spray Projectors shall strictly be a defensive measure. If a person strikes or assaults an employee, then ceases the assault and retreats or is removed from the scene so as not to pose a further threat to the employee's safety, the employee may not pursue and use the OC Spray Projector against the individual. Once the employee has deployed the OC Spray Projector against an individual, the employee should retreat from the scene as soon and as safely as possible and immediately notify law enforcement.

Each Oleoresin Capsicum (OC) Spray Projector will be secured within a carrier device. The employee should also carry the Material Safety Data Sheet (MSDS) for the OC Spray Projector and provide it to law enforcement after it has been deployed against an individual.

All Oleoresin Capsicum (OC) Spray Projectors will be logged out using the Oleoresin Capsicum (OC) Spray Projectors Checkout Log (Exhibit 1) at the time of check out and check in.

2510.5 Treatment For OC Spray Exposure

Employees who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall seek medical examination by competent medical personnel.

2510.6 Replacement

All OC spray devices will be maintained in an operational and charged state. Replacements for damaged, inoperable or empty devices are the responsibility of personnel to whom they are issued.

OC spray canisters shall be inspected at least biennially by the ACHD Safety Coordinator. This should consist of a test spray, to determine if the canister is still functional. (Exhibit 1)

2510.7 Discharge

Discharge of an OC projector for employee self-protection shall be reported immediately to law enforcement. Additionally, the employee will report the OC spray deployment to their manager who will report to General Counsel and the Director. A written Pepper Spray Deployment Report (Exhibit 2) shall be completed by the end of the next work day.

Accidental Discharge: An employee who is involved in an accidental discharge will notify his/her manager immediately and submit a detailed memo to the ACHD Safety Coordinator regarding the accidental discharge.

2511 SEXUAL HARASSMENT – MBE/WBE POLICY

2511.1 Sexual and Other Harassment Policy Statement

2511.1.1 Policy Statement

All employees, regardless of their status of employment, have a right to work in an environment free from intimidation, ridicule, or harassment based on race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, military status, or genetic information.

Ada County Highway District has designated the Chief Human Resource Officer as the person responsible for receiving and investigating complaints of

sexual and other harassment.

Sexual or other harassment, including retaliation against employees who report harassment, constitutes illegal employment discrimination and is unacceptable conduct in the work place.

2511.1.2 Definition – Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment including but not limited to the following:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2511.1.3 Definition – Other Harassment

Ethnic slurs, racial jokes, verbal/physical abuse or other offensive or persistently annoying conduct based on race, color, national origin, religion, age, sexual orientation, gender identity, disability, military status, or genetic information which 1) has the purpose or effect of creating an intimidating or hostile environment; 2) unreasonably interferes with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

2511.1.4 Examples of Sexual or Other Harassment

The list below includes some of the social behaviors that are inappropriate and unacceptable on the job:

Telling jokes covering sexual, racial, ageist, disability, military status, or genetic material. Use of slurs or slang names degrading to women/men or persons of a particular race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, military or genetic status.

Displaying and/or distributing printed or electronic material of any nature which stereotypes or degrades persons of a particular race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, military or genetic status.

Pats, squeezes, embraces or uninvited touching or brushing against someone's body. Invitations for dates which do not stop when the response is negative. Openly discussing personal sexual activity. Displaying any material that may

be unwelcome, objectionable or offensive. Using terms of endearment: sweetheart, babe, dear, honey, darling, fox, etc. Whistling, lip-smacking, making animal-type sounds or other similar-type behavior.

2511.1.5 Complaint Procedure for Discrimination or Harassment

It is the policy of the District to provide equal employment opportunity to all employees and applicants for employment devoid and free from bias, discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, military or genetic status.

The purpose of the Complaint Procedure is to bring EEO and harassment problems to the attention of management and/or Human Resources, and to provide a viable and timely mechanism for examining and resolving the complaint in-house.

The Complaint Form may be completed by an employee (regular or temporary) or applicant alleging or witnessing discrimination or harassment in violation of the District's EEO, Sexual Harassment or other forms of harassment policies or violation of state and federal laws governing equal employment opportunity. Refer to 2511.1.8 for the complaint and investigation procedure.

2511.1.6 Employee's Responsibilities

Take responsibility for your own behavior and act in a professional manner appropriate for a working environment. If you feel you are being sexually or otherwise harassed, tell the individual to stop the offending behavior. If you are uncomfortable doing so or the offensive behaviors do not cease, promptly report it to one or more of the following: your supervisor or the next appropriate level of supervision or management; your Department Head; OR to the Chief Human Resource Officer. If your complaint involves a member of the Commission or executive management of the District, and you do not believe a report to any of the individuals identified above will be effective, you should contact the Director, the President of the Commission, or General Counsel.

2511.1.7 Supervisor's Responsibilities

Take the issue of sexual or other harassment seriously and communicate that attitude to your employees.

Discourage any activity in the work place that may be perceived as harassment, such as those listed in the examples above.

If an employee brings a complaint to your attention, you must refer it to the Chief Human Resource Officer or General Counsel for investigation immediately and take prompt and appropriate corrective action to have the conduct stopped.

Recognize harassment for what it is. It is not the fault of the victim and he/she has a right to complain and see that it is stopped.

2511.1.8 Investigation and Resolution

1. Filing Complaint
Employees who believe they are being subjected to sexual or other harassment and are unable to stop it should file a complaint with their supervisor, Department Head, Chief Human Resource Officer, or otherwise as stated in 2511.1.6 above.
2. Confidentiality
 - a. All investigations surrounding such matters will be designed to protect the privacy of and minimize suspicion toward the accused as well as the complainant.
 - b. Any employee aware of or suspecting the occurrence of sexual or other harassment is expected to report the matter through the most confidential and direct means to preserve morale and discipline in the work unit. Steps include:
 - (1) Making a statement of known facts, in writing, to the Chief Human Resource Officer.
 - (2) Avoiding discussion of the matter with co-workers and persons not directly responsible for investigating the matter.
3. Investigation Procedure
When an allegation of discrimination or sexual or other harassment is made by an employee, the Director or Chief Human Resource Officer will take prompt steps to:
 - a. Remove the complainant from the control of the accused or the allegedly offensive work environment. This may be affected through reassignment or administrative leave of the accused, or placing both the accused and the complainant on administrative leave with pay pending investigation.
 - b. Request a written statement from the complainant regarding the times, dates, places, and circumstances surrounding the allegations. Interview the complainant.
 - c. Interview and obtain statements from witnesses or potential witnesses, if any.
 - d. Interview and obtain statements from the accused.
 - e. Prepare a report of the investigation and submit it to the legal department, for determination of who needs to read the report and/or be involved with resolving and responding to the complaint.

The Director, Human Resources or the Legal Department may elect to hire a third party consultant to conduct an independent investigation.

4. Action and Resolution

The District shall take immediate and appropriate action to determine whether or not the alleged conduct constitutes a violation of the District's policies. The determination will be made from the facts on a case-by-case basis.

a. If the investigation does not corroborate the complaint, the investigation will be closed and the complainant will be advised of the results.

(1) No record of the allegation will be made a part of either the accused or complainant's personnel file.

(2) A reiteration of the policy against sexual or other harassment may be appropriate.

(3) Bad faith allegations, or use of this policy for unintended purposes, may result in disciplinary action against the complainant.

b. If determination that a foundation for the complaint exists, disciplinary action against the offending employee or employees will follow. The disciplinary action will be commensurate with the scope and severity of the policy violations.

c. The complainant and all witnesses interviewed during the investigation will be advised that the District will not condone any retaliation or repercussions to their job as a result of making a complaint in good faith or participating in good faith in an investigation.

2511.2 Affirmative Action: MBE/WBE

The District supports contracting with legitimate Minority Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE). Accordingly, specific guidance as to contract wording, proposal preparation, bid submittal procedures or other assistance may be offered, but only to the degree which brings minority firms to a level equal with other submitting companies. It is not intended to provide an unfair advantage to any vendor or contractor, but to help assure that legitimate minority enterprises receive fair and equal consideration.

2512 CODE OF ETHICS

2512.1 District Policy

Adopted: Res. 469 (7/13/94)

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Revised: Res. 740 (3/23/05); Res. 758 (11/30/05); Res. 825 (9/26/07); Res. 879 (12/22/08); Res. 986 (6/22/11); Res. 995 (8/17/11); Res. 1031 (3/7/12); Res. 1086 (2/6/13); Res. 2095 (1/28/15); Res. 2102 (6/25/15); Res. 2164 (11/9/16)

The Commission recognizes that ethical issues may arise during the course of public employment at the District. It is the intent and policy of this Code of Ethics to establish minimum standards of ethical conduct that:

- Promote the highest levels of ethical conduct so that the general public will have confidence that District employees are acting for the benefit of the public;
- Protect the integrity of the administration and operation of the District while at the same time facilitating recruitment and retention of personnel needed within the District;
- Assure independence, impartiality, and honesty of employees in the District's functions;
- Inform citizens of the existence of personal interests which may present a conflict of interest between an employee's public trust and private concerns;
- Prevent public employment from being used for personal gain contrary to the public interest;
- Prevent special interests from unduly influencing governmental action;
- Assure that the District's functions and policies reflect, to the maximum extent possible, the public interest; and
- Specify the conduct and actions that constitute a breach of the public trust and other ethics standards and principles that are not consistent with state and federal law.

This Code of Ethics addresses the ethical conduct of all elected officials, officers, and employees of the District. It is the intent of this Code of Ethics to enhance and clarify the District's policy and to provide practical guidance. Employees should comply with both the letter and the spirit of this Code of Ethics and should strive to avoid situations, which create impropriety or the appearance of impropriety or unfairness.

2512.2 Ethics Oath

All elected officials and officers of the District, before commencing the duties of the respective offices, shall read and accept the following Oath:

"I do solemnly swear that I will support the Constitution of the United States of America, the Constitution and laws of the State of Idaho, the rules, regulations and ordinances of the Ada County Highway District and that I will faithfully discharge the duties of the office of Ada County Highway District Commissioner according to the highest ethical standards and to the best of my abilities."

2512.3 Employee Training

All new employees shall attend ethics training, as provided by the District, regarding required ethical duties and responsibilities as established by federal and state laws and by the District's Code of Ethics. This training shall be provided under the direction of the Human Resources Department and the Legal Department with a specific curriculum approved by the Director and the Commission. Attendance at the ethics training is mandatory and shall be considered in every employee's performance evaluation.

2512.4 Professional Employees

Employees of the District who are subject to any professional license, certificate or other accreditation shall timely complete or satisfy any required continued ethics training within their profession. Evidence of the completion of any ethics training within an employee's profession must be submitted to the Human Resource Department within thirty (30) days after completion of the training.

2512.5 Definitions

For the purposes of this policy section and unless a different meaning is clearly required in this section:

BENEFIT means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity.

CONFIDENTIAL INFORMATION means knowledge gained through a public office, official duty, or employment by a governmental entity which is not subject to disclosure to the general public or is exempt from disclosure pursuant to Idaho Public Records Act, Idaho Code 9-337 *et. seq.*

CONFLICT OF INTEREST means any official action, decision, or recommendation by an employee, the effect of which could be to the pecuniary benefit of the employee or a member of the employee's household, or a relative including, but not limited to, any participation in the award and/or any direct or indirect management, authority, or oversight of a procurement contract or any other contract or agreement under which a relative of the employee could receive any direct or indirect pecuniary benefit. A conflict of interest does not exist if: (1) the direct or indirect pecuniary benefit does not exceed the value of fifty dollars (\$50.00) incidental to personal, professional, or business contacts and there is no substantial risk of undermining impartiality; (2) the employee's personal interest is so remote that it would be unreasonable to question his or her ability to impartially serve the District's best interests.

DISTRICT means the Ada County Highway District and all departments, sections, and other related affiliates.

ECONOMIC GAIN means increase in pecuniary value from sources other than lawful compensation as an employee.

EMPLOYEE means any elected official, officer, or employee of the District, including elected Commissioners and any person participating in performing a governmental function on behalf of the District.

FIDUCIARY DUTY means a duty to act for the benefit of the citizens of Ada County and requires that the expenditure of District resources be reasonable, prudent, and for the benefit of the District and not for personal gain or pecuniary benefit.

OFFICER means the Director, the Treasurer, the Secretary, the members of the Board of Commissioners, the Deputy Directors, the manager of any department or section of the District, and General Counsel of the District.

OFFICIAL means an elected member of the Board of Ada County Highway District Commissioners.

MEMBERS OF A HOUSEHOLD means the spouse and dependent children of the employee and/or persons whom the employee is legally obligated to support.

PECUNIARY BENEFIT means any benefit to an employee, member of a household, or relative in the form of money, property, in-kind services or commercial interests, the primary significance of which is economic gain.

- a. DIRECT PECUNIARY BENEFIT means any pecuniary benefit flowing from the District to an employee, member of employee's household, or relative of an employee, without aid or assistance of third parties.
- b. INDIRECT PECUNIARY BENEFIT means any pecuniary benefit flowing from the District to an employee, member of employee's household, or relative of an employee, through or with the aid or assistance of third parties such as, but not limited to, contractors, subcontractors, agents, representatives or other intermediaries.

RELATIVE means any person related to the employee by blood, adoption or marriage within the second degree and shall mean a father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, in full, half, step or in-laws.

2513 ETHICAL STANDARDS AND PRINCIPLES

2513.1 Financial Gain

2513.1.1 Use of Employee's Position

An employee is prohibited from using or attempting to use the employee's position to obtain a direct or indirect pecuniary benefit, including, but not limited to, any participation in the award and/or any direct or indirect management, authority, or oversight of a procurement contract or any other contract or agreement under which a relative of the employee could receive any direct or indirect pecuniary benefit nor shall the employee use or attempt to

use the employee's position to obtain an economic gain, secure special privileges or exemptions for the employee, members of a household, relative or any other private interest.

2513.1.2 Use of District Funds or Property

An employee shall not use District funds or property to obtain a direct or indirect pecuniary benefit for the employee, members, of a household, relative or any other private interest, nor shall an employee, member of a household or relative of the employee rent, lease or otherwise obtain a possessory interest in any District property.

2513.2 Confidential Information

An employee is prohibited from using or disclosing Confidential Information gained in the course or by reason of the employee's position that could result in a pecuniary benefit for the employee, members of a household, relative or any other private interest.

2513.2.1 Use of Exempt Public Records

An employee who has knowledge of exempt public records, including plans, programs, or other information may not use this exempt public information for 33 a direct or indirect pecuniary benefit for the employee, members of a household, relative or any other private interest.

2513.2.2 Improper Use of Confidential Information

Employees shall not engage in any activity using Confidential Information or allow the improper use of such Confidential Information to further any private interest.

2513.3 Gifts

An employee is prohibited from soliciting, accepting, or receiving a direct or indirect pecuniary benefit as payment for services, advice, assistance, or conduct customarily exercised in the course of the employee's duties from any person or entity that has business with the District, or is seeking official action from or conducting activities regulated by the District, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.

2513.3.1 Pecuniary Benefit as Consideration for Employee's Decision

An employee shall not solicit, accept, or agree to accept any direct or indirect pecuniary benefit as consideration for the employee's decision, opinion, assistance, recommendation, vote or other exercise of discretion customarily exercised in the course of the employee's responsibilities and duties.

2513.3.2 Pecuniary Benefit as Consideration for Promoting Transaction or Proposal

An employee shall not solicit, accept, or agree to accept any direct or indirect pecuniary benefit, compensation for advice, or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which

the employee has or is likely to have an official discretion to exercise.

2513.3.3 Pecuniary Benefit as Consideration for Interest in a Contract or Transaction

An employee shall not solicit, accept, or agree to accept any direct or indirect pecuniary benefit from any person known to be interested in or likely to become interested in any contract, purchase, payment, claim, or transaction of which the employee has a discretionary function and authority to perform.

2513.3.4 Pecuniary Benefit as Consideration from a Person or Entity Subject to District's Official Transaction

An employee shall not solicit, accept, or agree to accept any direct or indirect pecuniary benefit from a person or entity known to be subject to a District regulation, ordinance, policy, standard, inspection, official transaction, as to which the employee has or is likely to have an official discretion to exercise.

2513.3.5 Exceptions

1. An employee who is a candidate for public office may accept campaign contributions and services in connection with such campaign.
2. An employee may accept gifts or other benefits on account of kinship or other personal, professional, or business relationships independent of the status of the receiving employee.
3. An employee may accept trivial items such as hats, pens and similar items that are normally distributed by a company as advertising.
4. An employee may accept trivial benefits such as food, beverages, meals, tickets or gift certificates or similar items that do not exceed the value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no risk of undermining impartiality.

2513.4 Fiduciary Duty

An employee shall not violate the Fiduciary Duty owed to the District, which requires that the expenditure of District resources shall only be expended for legitimate District business. An employee shall not expend District Resources unless the expenditure is reasonable, prudent, and for the benefit of the District.

2513.5 Conflict of Interest

An employee is prohibited from directly engaging in any outside activity, employment, or financial investment that constitutes a Conflict of Interest or impairs an employee's objectivity, independence, honesty, or judgment that substantially risks impartiality on a matter before the District.

2513.5.1 Prohibited to Act

An employee shall not take any official action or make a formal decision or formal recommendation concerning any matter where the employee has a Conflict of Interest and has failed to disclose such conflict as provided in this section.

2513.5.2 Disclosure

An employee who, in the discharge of his/her official duties, would be required to take action or make a decision that would create or result in a Conflict of Interest shall fully disclose the potential Conflict of Interest, in writing, to the Director who may assign the matter to another employee.

2513.5.3 Commissioner Disclosure - Quorum

Disclosure of a Conflict of Interest does not affect a Commissioner's authority to be counted for purposes of determining a quorum.

2513.5.4 Conflict Determination

In order to determine whether a Conflict of Interest exists relative to any matter within the scope of the official functions of an employee, the employee may seek legal advice from the District's General Counsel or from independent counsel. If the legal advice is that no real or potential Conflict of Interest exists, the employee may proceed and shall not be subject to the prohibitions of this Section. If the legal advice is that a real or potential conflict may exist, the employee shall disclose the Conflict of Interest in accordance with this Section.

If the employee is a Commissioner, the Commissioner may obtain an advisory opinion from the District's General Counsel or from independent counsel. The Commissioner may then act consistent with advice of the Attorney General or the District's General Counsel or his/her independent counsel and be exempt from any violation, including any civil or criminal liability under Idaho law relating to that particular issue.

If a Commissioner requests to be excused from voting on an issue which involves a potential Conflict of Interest, and the Board does not excuse the Commissioner, such failure to excuse shall exempt that Commissioner from any violation, including any civil or criminal liability under Idaho law relating to that particular issue.

2513.5.5 Public Hearing and Meetings – Appearance of Fairness Doctrine

Public hearings and meetings must not only be fair but must appear to be fair. Appearances are as important as substance. The test of whether the Appearance of Fairness doctrine may be violated is as follows: Would a reasonable, disinterested person, knowing all of the elected employee's personal interest in a matter being acted upon, be justified in thinking that partiality may exist?

2513.5.6 Request to Excuse a Commissioner

Any Commissioner shall have the authority to request a Commissioner to be

excused based on an Appearance of Fairness violation. If two (2) or more Commissioners believe that an Appearance of Fairness violation exists, such Commissioners may move to request a Commissioner to be excused based on a potential Appearance of Fairness violation. In making this decision, the Presiding Officer or other Commissioners shall consider the opinion of the District's General Counsel.

2513.5.7 Outside Employment

An employee may only engage in outside employment when such employment does not, in any manner, interfere with the proper and effective performance of duties with the District and which does not result in a Conflict of Interest with District business. If the District determines that the employment is not in the District's best interests, the outside employment must be terminated.

2513.5.8 Contracts

An employee shall not be a party to, or otherwise have a private interest in any contract prepared by them in his or her employed capacity.

2513.5.9 Purchase or Sale of Property

An employee shall not be financially involved in the purchase of any sale of surplus property of the District. An employee shall not be financially interested, directly or indirectly, in the purchase of property for the use of the District, or in the sale of any property belonging to the District, or in any contract made by the District or other person, unless authorized by law.

2513.6 Other Mandatory Ethical Standards

2513.6.1 District Property

An employee shall protect and conserve District property and shall not use it for anything other than authorized activities.

2513.6.2 Disclosure

An employee shall disclose any waste, fraud, abuse, and corruption to appropriate authorities.

2513.6.3 Financial Interests

An employee shall not hold financial interests that conflict with the conscientious performance of his or her duties and responsibilities.

2513.6.4 Unauthorized Commitments

An employee shall not knowingly make unauthorized commitments or promises of any kind that bind the District.

2513.6.5 Impartial or Preferential Treatment

An employee shall act impartially and not give preferential treatment to any private organization or individual.

2513.6.6 Appearance of Violations

An employee shall endeavor to avoid any actions creating the appearance that

they are violating the law or the District's Code of Ethics.

2513.6.7 Influence Award of District Contract

An employee shall not influence or attempt to influence the award of a District contract to a particular vendor, or to deprive or attempt to deprive any vendor of a contract.

2513.6.8 Conspire to Influence Award of Contract

An employee shall not conspire with a vendor or its agent to influence or attempt to influence the award of a contract, or to deprive or attempt to deprive any vendor of a contract award.

2513.6.9 Competitive Bid or Procurement Policy and Procedure

An employee shall not knowingly violate any competitive bid or procurement policy and procedure required under Idaho law or District policy.

2513.6.10 Solicitation

An employee shall not solicit money, influence, provide service or accept any other thing of value or otherwise aid or promote the nomination or election of any candidate for public office while on the District premises. However, nothing in this section is intended to restrict the right of an employee to express his/her political views outside the District premises. No political information posters or other printed political material is allowed on District premises or vehicles.

2513.6.11 Elected Office

A District Commissioner shall not be eligible to simultaneously hold the elected office of county commissioner, city mayor or city council.

2513.6.12 Federal and State Law Prohibiting Unethical Conduct

Employees shall also adhere and comply with the following federal and state laws, including, but not limited to, the following:

- Idaho Ethics in Government Act
- Idaho Prohibitions against Contracts with Officers Act
- Federal Ethics in Government Act of 1978
- Conflict of Interest, 18 USC 201 *et. seq.*
- Office of Federal Procurement Policy Act, 41 USC 423

2513.6.13 Professional Code of Ethics and Professional Responsibilities

Some employees that have obtained professional licenses, certificates or other accreditations may also be subject to rules of professional conduct and ethics standards within his or her profession, including but not limited to, the following:

- AICP Code of Ethics and Professional Conduct – Certified Planners
- Idaho Rules of Professional Conduct for Attorneys
- Code of Ethics - Idaho Society of Professional Land Surveyors
- Rules of Professional Responsibility for Professional Engineers and Professional Land Surveyors

- Code of Ethics for the International Right of Way Association

2514 PENALTIES

An employee who violates any provision of the District's Code of Ethics, as set forth in this section, in addition to the punishment prescribed under state and federal law or within a professional licensing board, shall be subject to District disciplinary action up to and including termination, or under state law, forfeit his or her elected office. The District reserves the right to evaluate the facts and circumstances on a case-by-case basis and depending upon the severity of the violation. In addition, an employee may be required to make restitution of any benefit received to the District or from whom the benefit was obtained.

DISTRICT PERSONNEL POLICY HANDBOOK
ACKNOWLEDGMENT FORM

(Employee Copy)

I hereby acknowledge that I have received a copy of the District Personnel Policy Handbook including the District's Code of Ethics. I agree to comply with the policies set forth in the Handbook. I understand that if I have any questions about the matters contained in the Handbook, I should ask my supervisor or a member of the Human Resources Department.

I understand that the Handbook is informational in nature only, and that it is not intended to, and does not, create or constitute a contract of employment. I understand that my employment is "**at will**," meaning that it may be terminated by the District or me at any time, with or without notice and with or without cause.

I understand that any promises, representations, or statements concerning "fair" treatment or the like, whether in this Handbook or otherwise, are in the nature of a goal only, and are not enforceable as a contract or promise.

I understand that the provisions of the Handbook are the most current at this time and supersede all previous District Personnel Handbooks. Further, I understand that the provisions of the Handbook are subject to modification at any time, at the sole discretion of the District, with or without notice to me. I agree to comply with any such modification upon publication.

Signature: _____

Name: _____
(Printed)

Date: _____

DISTRICT PERSONNEL POLICY HANDBOOK
ACKNOWLEDGMENT FORM

(ACHD Copy)

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Signature: _____

Name: _____
(Printed)

Date: _____