

OGLALA LAKOTA COUNTY UNAPPROVED MINUTES OF AUGUST 10, 2022

The Oglala Lakota Board of County Commissioners met in regular session on August 10, 2022. Present: Art Hopkins, Eugenio White Hawk, Anna Takes the Shield (DuBray) (via phone) and Sue Ganje, Auditor. Ramon Bear Runner and Wendell Yellow Bull were absent.

The meeting was called to order at 1:15 p.m. by Chairman White Hawk and the pledge was given. The agenda was reviewed for conflicts; none were noted. ALL MOTIONS RECORDED IN THESE MINUTES WERE PASSED BY UNANIMOUS VOTE, UNLESS OTHERWISE STATED.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the agenda as written.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the minutes of July 13, 2022.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve changing the September meeting from September 14, 2022 to September 7, 2022, to allow for travel to Fall Convention.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to amend the minutes of May 31, 2022 to read June 10, 2022 instead of June 11, 2022.

Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve changing November 9, 2022 meeting to November 10, 2022, to allow for official Canvass of the 2022 General Election.

Wendell Yellow Bull joined the meeting at 1:27 p.m.

The supplement, contingency and cash transfer hearing was held. Motion made by Takes the Shield (DuBray), seconded by Hopkins, to approve the supplement, contingency and cash transfer. The motion was withdrawn.

Motion made by Hopkins, seconded by Takes the Shield (DuBray), to table the supplement and contingency resolution until Frank Maynard appears to get an explanation on his responses in Oglala Lakota County.

Julie Peterson, Business Manager, Live, Inc., met with the Board to present her 2023 Budget request.

Motion made by Yellow Bull, seconded by Hopkins, to table the Live, Inc. budget request until the name change could be made from Shannon County to Oglala Lakota County.

Lily Heidebrink, Director of Equalization, met with the Board. Motion made by Yellow Bull, seconded by Hopkins, to approve travel for Frances Denison, Deputy Director of Equalization, to attend the SDAAO School, September 18 through September 23, 2022, in Pierre, SD.

Takes the Shield (DuBray) exited the meeting at 1:49 p.m.

Teresa Pullen, Treasurer, reported to the Board that since their last meeting, there has been great response on tax deeds, with contact on 43 parcels and collecting \$8,000.00 on 9 parcels. So far Pullen has only gotten the word out in the Lakota Times, but will continue getting the word out in other ways.

Discussion was held on payment plans and not being able to waive interest. Pullen would like clarification on how to go forward with plans. Motion made by Hopkins, seconded by Yellow Bull to work with State's Attorney Russell on alleviating any amount of interest on past due taxes.

Jerlene Arredondo, Veteran's Service Officer, met with the Board via phone. Motion made by Yellow Bull, seconded by Hopkins, to approve travel for Arredondo to attend the SDDVA Annual Workshop/Training in Pierre, August 15, 2022 through August 17, 2022.

Arredondo has some concerns about the shelter building that houses her office and would like to meet with the Board there after training to discuss certain issues.

Reno Red Cloud joined the meeting at 2:28 p.m. via phone.

Motion made by Yellow Bull, seconded by Hopkins, to acknowledge the June and July VSO reports as presented.

Joe Herman, Sheriff, reported to the Board that Deputy Reno Blacksmith is waiting for an opportunity to enroll in the academy.

Commissioner Yellow Bull joined the meeting in person at 2:34 p.m.

Herman received an application from Scott Hix, but has not gotten any training with him yet. Herman is hopeful that Hix can get into the academy in the spring.

Motion made by Hopkins, seconded by Yellow Bull, to accept Sheriff Herman's recommendation and hire Vanessa Plume as a deputy, at \$19.60 per hour, effective immediately to be paid from ARPA funds.

Discussion was held on possible equipment purchases, finding grants to retain officers after ARPA funds are gone, policies, and staying out of a recent riot with tribal members.

Lynx Bettelyoun, Highway Superintendent, met with Board. Motion made by Hopkins, seconded by Yellow Bull, to approve the July 7 – July 31, 2022 sheriff fuel transfer to reimburse the highway for 198.6 gallons of fuel at \$4.732 per gallon, for a total of \$939.78.

Fuel quotes were presented as follows:

8/2/2022 Fuel Quotes	550-Gal Gasoline	2,000-Gal Diesel
Westco	\$4.215/gallon	\$4.569/gallon

Nelson's	No Bid	No Bid
Pine Ridge Oil	No Bid	No Bid
Discount Fuel	No Bid	No Bid

Motion made by Yellow Bull, seconded by Hopkins, to approve the low and only bid from Westco for 550 gallons of gasoline at \$4.215 per gallon, for a total of \$2,318.25 and 2,000 gallons of diesel, at \$4.569 per gallon, for a total of \$9,138.00.

Motion made by Hopkins, seconded by Yellow Bull, to approve hiring Blake Brobkorb, \$14.00 per hour, effective August 15, 2022, highway department, seasonal.

Bettelyoun reported that they have hauled gravel to County Roads #16, #2 and #4, replaced two culverts on #16, and bladed the Batesland Streets, #11, #4, #2, #9, #17, #16 and #7. The Highway Department reshaped #6, mowed #15, #11, #17, #15L, #16, #7, #16A, and did repairs on the 1995 Belly Dump Trailer, the 1996 Peterbilt Truck, the 2009 Kenworth Truck, the 2013 140 M2, the Batwing Mower and the 1989 Ford F-350.

Motion made by Yellow Bull, seconded by Hopkins, to acknowledge the highway department monthly report as presented.

Discussion was held on auto gates.

Motion made by Hopkins, seconded by Yellow Bull to approve the following resolution accepting Tribal Road BIA #17 and assign the road as a primary County Road #16:

OGLALA LAKOTA COUNTY RESOLUTION #2022-10

WHEREAS, Oglala Lakota County is wholly within the Boundaries of the Oglala Sioux Tribal Boundaries, and;

WHEREAS, Oglala Sioux Tribe approved resolution #21-256, acknowledging lack of funds to properly maintain gravel roads and;

WHEREAS, Oglala Sioux Tribe wishes for assistance from the Oglala Lakota County Highway Department on repair and maintenance on BIA #17 (known as the Five-Mile Corner), indicating specifically the four miles South to American Horse Creek; and

WHEREAS, Medicine Root District passed Resolution 21-01 requesting BIA #17 be repaired and maintained by the Oglala Lakota County Highway; and the Oglala Sioux Tribal Land and Natural Resources Committee met on November 29, 2021 and recommended Resolution #21-01 be presented to Tribal Council; and on December 1, 2021, the Oglala Sioux Tribal Council approved the assignment of four miles of BIA #17 to Oglala Lakota County, with the road starting from Five Mile Corner, South to American Horse Creek; and

NOW THEREFORE BE IT RESOLVED, that Oglala Lakota County accepts the assignment of BIA #17 and shall henceforth be included in and named County Road #16.

Dated this 10th day of August, 2022.

/s/Eugenio White Hawk, Chairman
Oglala Lakota County Board of Commissioners

ATTEST:
/s/Sue Ganje
Oglala Lakota County Auditor

Red Cloud exited the meeting via phone at 3:45 p.m.

A meal is still in the works for appreciation for the Highway employees.

Robert Pille with Rural Development Grants for water and sewer projects, reported to the Board that there is a need for \$420,025.00 for the Wounded Knee Seven Generations Waterline Replacement Project. The Board asked that Pille come to the next meeting to discuss the project further.

Frank Maynard, Emergency Management, reported to the Board that he helps Oglala Lakota County with the pre-disaster mitigation plan, fire departments, the local emergency operation plan with the tribe, safety benefits and other administrative paperwork as needed.

Motion made by Yellow Bull, seconded by Hopkins, to take off the table the supplement and contingency hearing.

Motion made by Yellow Bull, seconded by Hopkins, to approve the following resolution:

OGLALA LAKOTA COUNTY RESOLUTION #2022-07
Supplemental Budget 2022, #1

WHEREAS, SDCL 7-21-22 provides that the Board of County Commissioners may adopt a supplemental budget, and whereas, as due and legal notice has been given, the following Supplements to expenditures and revenues for 2022 Budget be approved as follows:
Commissioners Salaries 10100X4110111, \$7,500.00; Commissioners FICA 10100X4120111 \$573.75; Weed Control 10100X4210615, \$770.96; ARPA Supply 29000X4260211, \$24,485.00; ARPA Supply 29000X4260311, \$5,820.90; Surface Transportation 20100R3340200, \$14,189.05; Prorate 20100R3350900, \$6,565.39; ARPA Funds 29000R3310900, \$1,376,858.00; Means of finance to be cash and cash for revenues received,

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners to adopt a Supplemental Budget #1.

Dated at Oglala Lakota County, South Dakota this 10th day of August 2022.

/s/Eugenio White Hawk
Oglala Lakota County Board of Commissioners

ATTEST:
/s/Sue Ganje

Oglala Lakota County Auditor's Office

Motion made by Yellow Bull, seconded by Hopkins, to approve the following resolution:

**OGLALA LAKOTA COUNTY RESOLUTION # 2022 – 09
EMERGENCY DROUGHT DISASTER RESOLUTION**

WHEREAS, the vast majority of Oglala Lakota County has failed to receive adequate precipitation for the preceding twelve-month period, and

WHEREAS, the lack of precipitation over the past years has created a catastrophic state of drought, and

WHEREAS, the drought conditions have had an enormous effect on the production capabilities of the agricultural industry, which in turn severely affects the entire local economy, and

WHEREAS, the lack of consistent precipitation has resulted in the lack of rainwater runoff and therefore caused livestock ponds, dams, wells and natural water holes to dry up, and

WHEREAS, the grass, what there is of it, in the pastures in the county is bone dry, and quickly allows the start and spread of wildfires thus making containment almost impossible, and

WHEREAS, the local volunteer fire departments have almost depleted their resources in quelling wildfires, and

WHEREAS, the lack of dependable precipitation has resulted in record low subsoil moisture and has caused the water table to drop significantly,

NOW THEREFORE BE IT RESOLVED, that the Oglala Lakota County Commissioners declare that current drought conditions have created a natural disaster within Oglala Lakota County, and

BE IT FURTHER RESOLVED, that both farmers/ranchers and local businesses may be eligible for disaster aid grants and/or low interest Economic Injury Disaster loans from the Farm Services Agency and Small Business Administration Agency retroactive to January 1, 2022, and

BE IT FURTHER RESOLVED that the Board of County Commissioners for and on behalf of the citizens of Oglala Lakota County, request that the Governor of the State of South Dakota petition the Secretary of Agriculture to declare Oglala Lakota County a drought disaster area, and

BE IT FURTHER RESOLVED that an Emergency exists in Oglala Lakota County and this Resolution shall be in effect from and after its publication and this action is necessary for the preservation of the public peace, health and safety.

Dated this 10th day of August 2022

/s/Eugenio White Hawk, Chairman

Oglala Lakota County Board of Commissioners

ATTEST:

/s/Sue Ganje, Oglala Lakota County Auditor

Motion made by Yellow Bull, seconded by Hopkins, to approve the following resolution:

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WHEREAS, Oglala Sioux Tribe approved resolution #21-256, acknowledging lack of funds to properly maintain gravel roads and;

WHEREAS, Oglala Sioux Tribe wishes for assistance from the Oglala Lakota County Highway Department on repair and maintenance on BIA #17 (known as the Five-Mile Corner), indicating specifically the four miles South to American Horse Creek; and

WHEREAS, Medicine Root District passed Resolution 21-01 requesting BIA #17 be repaired and maintained by the Oglala Lakota County Highway; and the Oglala Sioux Tribal Land and Natural Resources Committee met on November 29, 2021 and recommended Resolution #21-01 be presented to Tribal Council; and on December 1, 2021, the Oglala Sioux Tribal Council approved the assignment of four miles of BIA #17 to Oglala Lakota County, with the road starting from Five Mile Corner, South to American Horse Creek; and

NOW THEREFORE BE IT RESOLVED, that Oglala Lakota County accepts the assignment of BIA #17 and shall henceforth be included in and named County Road #16.

Dated this 10th day of August, 2022.

/s/Eugenio White Hawk, Chairman

Oglala Lakota County Board of Commissioners

ATTEST:

/s/Sue Ganje

Oglala Lakota County Auditor

Lance Russell, State's Attorney, met with the Board, to present his 2023 budget request.

Discussion was held on jurisdictional issues that will be easier in the future, how the lemon law works on new vehicles and drug use in Oglala Lakota County. Russell will get in touch with KILI radio to discuss the lemon law on vehicles, so the residents are aware. Further discussion was held on the Quaker Act and having horseback activities in Fall River County.

Discussion was held on the employee policy being too cold and micromanaging.

Sue Ganje, Auditor, met with the Board to review the provisional budget for 2023.

Motion made by Yellow Bull, seconded by Hopkins, to approve the 2023 provisional budget.

Motion made by Yellow Bull, seconded by Hopkins, to review the employee policy more at the next meeting in a working session.

Motion made by Yellow Bull, seconded by Hopkins, to approve bills as follows:

GENERAL FUND

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$129.81
AT&T TELECONFERENCE	TELECONFERENCE SERVICE	\$28.31
ARROWWOOD RESORT	HOTEL/ASSESSOR TRAINING	\$435.68
BAYMONT BY WYNDHAM PIERRE	SPRING CONFERENCE HOTEL	\$308.00
BEAR RUNNER, RAMON	MILEAGE	\$54.60
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$45.30
CENTURY BUSINESS	COPIER LEASE/METER	\$163.26
CENTURY BUSINESS	COPIER	\$4.99
DENISON, FRANCES	TRAVEL REIMBURSEMENT	\$114.00
TAKES THE SHIELD, ANNA	MILEAGE	\$41.16
ELECTION SYSTEMS & SOFT	ELECTION BALLOT LAYOUT	\$2,476.26
EFTPS	EFTPS PAYROLL TAXES	\$2,124.72
FALL RIVER CO. SHERIFF	INMATE HOUSING	\$255.00
GOLDEN WEST	LOCAL PHONE/EMAIL/LONG DISTANCE	\$527.17
HOPKINS, ARTHUR L	MILEAGE	\$95.76
MARTINEZ, AUDREY	CORONER MILEAGE	\$118.02
MASTEL, BRUCE	WEB HOST/UPDATE/SERV	\$35.00
MASTERCARD	COUNTY CREDIT CARD	\$405.19
MEADE COUNTY AUDITOR	INMATE HOUSING	\$80.00
QUADIENT FINANCE USA, INC	POSTAGE	\$290.32
OGLALA SIOUX TRIBE	MONTH RENT FOR VET S	\$100.00
RELIANCE STANDARD	LIFE INSURANCE	\$59.00
SD ASSN OF COUNTY COMM.	2022 COUNTY CONVENTION	\$1,365.00
SDVSOA	2022 MEMBERSHIP & CONFERENCE	\$100.00
OL COUNTY TREASURER	SALES TAX	\$0.27
SD STATE RETIREMENT	SDRS CONTRIBUTIONS	\$1,177.39
TREASURER - EXPENSES	TREASURERS OFFICE	\$10.00
WHITE HAWK, EUGENIO	MILEAGE	\$78.12
YELLOW BULL, WENDELL	MILEAGE	\$53.76
COMMISSIONERS	JULY SALARIES	\$1,375.00
STATE'S ATTORNEY'S OFFICE	JULY SALARIES	\$500.00
VETERAN'S SERVICE OFFICE	JULY SALARIES	\$3,189.33
SHERIFF	JULY SALARIES	\$4,357.23
CORONER	JULY SALARIES	\$625.00
	TOTAL FOR GENERAL FUND	\$20,722.65

COUNTY ROAD & BRIDGE

AT&T MOBILITY	WIRELESS PHONE SHERIFF	\$168.59
BEAM INSURANCE ADMIN. LLC	VISION PLAN	\$37.10
BLACK HILLS TRUCK	PART	\$154.32
BUTLER MACHINERY CO.	EQUIP/REPAIR	\$475.89
CULLIGAN	UTILITY	\$19.50
DELTA DENTAL OF SD	DENTAL PLAN	\$306.80
EFTPS	EFTPS PAYROLL TAXES	\$3,548.83
GODFREY BRAKE SERVICE	SUPPLY	\$910.87
GREAT PLAINS COMMUNICATION	LOCAL PHONE & INTERNET	\$219.36
GREAT WESTERN TIRE INC.	SUPPLY	\$726.56
LACREEK ELECTRIC ASSOC	UTILITY/ELECTRIC	\$260.18
W.D. LARSON COMPANIES	PARTS	\$369.41
MARTIN AUTO PARTS	PARTS/SUPPLY	\$82.51
MASTERCARD	COUNTY CREDIT CARD	\$2,549.09
MCI COMM SERVICE	LONG DISTANCE	\$53.70
MENARD'S	SUPPLY	\$137.74
PACIFIC STEEL & RECYCLING	SUPPLY	\$43.20
RAPID DELIVERY	DELIVERY	\$16.25
RELIANCE STANDARD	LIFE INSURANCE	\$94.75
SD STATE RETIREMENT	SDRS CONTRIBUTIONS	\$1,620.13
WESTCO	FUEL/UTILITIES	\$10,101.42
HIGHWAY DEPARTMENT	JULY SALARIES	\$14,391.12
HIGHWAY DEPARTMENT	OVERTIME	\$1,084.44
	TOTAL FOR COUNTY ROAD & BRIDGE	\$37,371.76
	TOTAL PAID BETWEEN 7/14/22 AND 8/10/22	\$58,094.41

Motion made by Yellow Bull, seconded by Hopkins, to adjourn at 4:48 p.m.

/s/Eugenio White Hawk
Eugenio White Hawk, Chairman
Board of Oglala Lakota County Commissioners

ATTEST:
/s/Sue Ganje
Sue Ganje, Oglala Lakota County Auditor

AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF OGLALA LAKOTA COUNTY COMMISSIONERS:
I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31st day of July 2022.

Total Amount of Deposit in First Interstate Bank, HS:	\$ 1,479,874.59
Total Amount of Cash:	\$ 916.10
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	\$ 766.96
FIRST INTERSTATE SAVINGS	
First Interstate, HS:	\$ 1,549,527.75
CERTIFICATES OF DEPOSIT:	
First Interstate, HS:	\$ 202,257.05
Black Hills Federal Credit Union, HS:	\$ 50,000.00
First National Bank of Lead Checking	\$ 1,000.00
First Nation Bank of Lead ICS Acct	\$ 2,551,063.12
Itemized list of all items, checks and drafts that have been in the Treasurer's possession over three days:	
Sheriff Change Fund:	\$ 200.00
Election Petty Cash:	\$ 15.00
RETURNED CHECKS:	
Deaton, Tyler	\$ 110.10
TOTAL \$ 5,835,730.67	

Dated This 31st Day of July 2022.

Sue Ganje, County Auditor of Oglala Lakota County

Teresa Pullen, County Treasurer of Oglala Lakota County

County Monies	\$ 5,775,344.77
Held for other Entities	\$ 14,893.56
Held in Trust	\$ 45,492.34
TOTAL	\$ 5,835,730.67

The Above Balance Reflects County Monies, Monies Held in Trust, and Monies Collected for and to be remitted to Other ENTITIES: SCHOOLS, TOWNS, AND STATE.

OGLALA LAKOTA COUNTY RESOLUTION #2022-06 REVISED

WHEREAS, SDCL 12-14-17 allows for the establishment of vote centers in each County; and NOW THEREFORE, BE IT RESOLVED, that the Oglala Lakota County 2022 vote centers be established as follows:

COUNTY COMMISSIONER DISTRICT 1

VOTE CENTER #8, PORCUPINE – Christ The King Parish, Bill Pauly Hall, 490 Lourdes Ln, Porcupine, SD

COUNTY COMMISSIONER DISTRICT 2

VOTE CENTER #5, OGLALA - Brother Renee Hall, 29126 US Hwy 18, Oglala, SD

VOTE CENTER #4, MANDERSON - St. Agnes Church Hall, 1886 BIA 33, Manderson, SD

COUNTY COMMISSIONER DISTRICT 3

VOTE CENTER #2, CUNY TABLE - Red Shirt School, 38 Tatanka Numpa Rd, Red Shirt, SD

VOTE CENTER #3, KYLE - Little Wound School, 438 Main St, Kyle, SD

VOTE CENTER #9, ROCKYFORD - Wakan Tipspa #12 Community Building, 112 Steele Place, Porcupine, SD

COUNTY COMMISSIONER DISTRICT 4

VOTE CENTER #7, PINE RIDGE 3 - The Church of Christ of Latter-Day Saints, 3 Tatanka Rd. (860 BIA 32), Pine Ridge, SD

COUNTY COMMISSIONER DISTRICT 5

VOTE CENTER #6, PINE RIDGE 1- The Church of Christ of Latter-Day Saints, 3 Tatanka Road (860 BIA 32), Pine Ridge, SD

VOTE CENTER #1, BATESLAND - Oglala Lakota County School, Bill Conquering Bear Gymnasium, 409 3rd St, Batesland, SD

Dated this 7th day of September, 2022

Eugenio White Hawk, Chairman
Oglala Lakota County Board of Commissioners

ATTEST:

Sue Ganje, Oglala Lakota County Auditor

OGLALA LAKOTA COUNTY RESOLUTION #2022-11

WHEREAS, Oglala Lakota County follows rates set by the State of South Dakota for mileage, meals and lodging; and

WHEREAS, new rates have been set as follows:

Mileage: \$0.51 per mile; \$0.28 per mile if a fleet vehicle is available but the employee opts to use a private vehicle;

In-state meal rates of:

\$6.00 if the employee leaves before 5:31 AM and returns after 7:59 AM;
\$14.00 if the employee leaves before 11:31 AM and returns after 12:59PM;
\$20.00 if the employee leaves before 5:31 PM and returns after 7:59 PM;
\$40.00 Total

Out-of-state meal rates of:

\$10.00 if the employee leaves before 5:31 AM and returns after 7:59 AM;
\$18.00 if the employee leaves before 11:31 AM and returns after 12:59 PM;
\$28.00 if the employee leaves before 5:31 PM and returns after 7:59 PM;
\$56.00 Total

Lodging In-state:

Up to \$150.00 plus tax a day from check-in

Lodging Out-of-state:

\$175.00 plus tax a day from check-in

NOW THEREFORE BE IT RESOLVED that the above rates are effective July 10, 2019.

Passed and approved this 7th day of September, 2022

Eugenio White Hawk
Oglala Lakota County Commissioners

ATTEST:

Sue Ganje
Oglala Lakota County Auditor

Board of Finance Per Diem Rates

Milage Reimbursement		
ARSD 5:01:02:01		
Low Milage	\$.28 / Mile	Personal vehicle is used, and state motor pool vehicles are available.
High Milage	\$.51 / Mile	Personal vehicle is used, and state motor pool vehicles are NOT available.
Special Needs Mileage	\$.51 / Mile	Regular Vehicle
Special Needs Mileage	\$.68 / Mile	Large Vehicle

In-State Per Diem Rates			
ARSD 5:01:02:14			
Lodging		\$75.00 + tax	
Meals			
	Amount	Leave Before	Arrive After
Breakfast	\$6.00	5:31 AM	7:59 AM
Lunch	\$14.00	11:31 AM	12:59 PM
Dinner	\$20.00	5:31 PM	7:59 PM
Daily Maximum	\$40.00		

Out-of-State Per Diem Rates			
ARSD 5:01:02:11			
Lodging		\$175.00 + tax	Additional \$100 available with excess lodging approval
Meals			
	Amount	Leave Before	Arrive After
Breakfast	\$10.00	5:31 AM	7:59 AM
Lunch	\$18.00	11:31 AM	12:59 PM
Dinner	\$28.00	5:31 PM	7:59 PM
Daily Maximum	\$56.00		

Out-of-Country Per Diem Rates			
ARSD 5:01:02:10.01			
Lodging		\$175.00 + tax	Additional \$100 available with excess lodging approval
Meals			
	Amount	Leave Before	Arrive After
Breakfast	\$10.00	5:31 AM	7:59 AM
Lunch	\$21.00	11:31 AM	12:59 PM
Dinner	\$29.00	5:31 PM	7:59 PM
Daily Maximum	\$60.00		

Effective September 12, 2022

current

Mileage Reimbursement	
ARSD 5:01:02:01	
\$0.23 per mile	Personal vehicle is used and state motor pool vehicles are available
\$0.42 per mile	Personal vehicle is used and state motor pool vehicles are NOT available

In-State			
ARSD 5:01:02:14			
Lodging		\$75.00 + tax	
Meals	Amount	Leave Before	Arrive After
Breakfast	\$ 6.00	5:31 AM	7:59 AM
Lunch	\$ 14.00	11:31 AM	12:59 PM
Dinner	\$ 20.00	5:31 PM	7:59 PM
Daily Maximum	\$ 40.00		

Out-of-State			
ARSD 5:01:02:11			
Lodging		\$175.00 + tax	
		<i>*additional \$100 available with excess lodging approval</i>	
Meals	Amount	Leave Before	Arrive After
Breakfast	\$ 10.00	5:31 AM	7:59 AM
Lunch	\$ 18.00	11:31 AM	12:59 PM
Dinner	\$ 28.00	5:31 PM	7:59 PM
Daily Maximum	\$ 56.00		

Out-of-Country			
ARSD 5:01:02:10.01			
Lodging		\$175.00 + tax	
		<i>*additional \$100 available with excess lodging approval</i>	
Meals	Amount	Leave Before	Arrive After
Breakfast	\$ 10.00	5:31 AM	7:59 AM
Lunch	\$ 21.00	11:31 AM	12:59 PM
Dinner	\$ 29.00	5:31 PM	7:59 PM
Daily Maximum	\$ 60.00		

Wounded Knee seven generations waterline replacement project

Construction Cost Estimate – Base Bid:	\$924,980
Construction Cost Estimate – Additive Alternate	<u>\$270,595</u>
Subtotal	\$1,195,575
Available USDA RD Funding	<u>(\$909,000)</u>
Estimated Shortfall	\$286,575

It is noted also that there have been two amendments to the Engineering Agreement, amendments which are not funded by the RD package.

Amendment No. 1:	\$46,750
Amendment No. 2:	<u>\$30,000</u>
Total	\$76,750

Adding estimated construction shortfall and the two engineering amendments:

Construction:	\$286,575
Engineer:	<u>\$76,750</u>
Total	\$363,325

OST administrative needs

Inspection services: \$16,700

OST administrative services.

\$40,000

Total: \$56,700

Total \$420,025

Oglala Lakota County Highway Department

To: WESTCO 1800-762-9906

The Oglala Lakota County Highway Department is requesting a quote on fuel on this 31 day of Aug, 20 22.

Please provide a bid for the following.

550 Gallons of Unleaded Gas at \$ 3.949 /gal.

or until
Full

2,000 Gallons of Diesel at \$ 4.469 /gal.
Ruby #2

_____ Gallons of Propane at \$ _____ /gal.

The Oglala Lakota County Highway Depart. Tank is a 1,000 gallon tank, the current propane level is _____ percent.

Signature: _____ Date: _____

County Exemptions / Taxes Applicable:

Unleaded: Federal tax exempt: State Tax Applicable

Diesel: Federal and State tax exempt: \$0.02 EPA tax applicable

Please submit a bid on the above requested fuel. Fax to 1 (605) 288-1867

Oglala Lakota County Highway Department

P.O. Box# 208, Batesland SD 57716

PH: (605)288-1868 Fax: (605) 288-1867 Cell: (605) 441-8261

For office use only:

Response
 No Response

No reply from:
PR-oil
Discount fuel
Nelsons

2022 South Dakota Sheriff's Association Fall Pre-Conference Agenda

Monday, October 10th, 2022

	Time	Training	Instructor	Location
Civil Process Training	8:00 am - noon	Civil Process Training for new and existing Sheriff's Office personnel	Tim Walburg	
Lunch	12:00 - 1:00pm	Lunch break - on your own		
Civil Process Training	12:00 - 5:00 pm	Civil Process Training for new and existing Sheriff's Office personnel	Tim Walburg	

Tuesday, October 11th, 2022

	Time	Training	Instructor	Location
Civil Process Training	8:00 am - noon	Civil Process Training for new and existing Sheriff's Office personnel	Tim Walburg	
Registration	12:00 - 5:00 pm	Conference Registration Table Open		
Lunch	12:00 - 1:00 pm	Lunch break - on your own		
SDSA Business Meeting	1:00 - 5:00 pm	Business Meeting		

2022 South Dakota Sheriff's Association Fall Conference Agenda

Wednesday, October 12, 2022

	Time	Training	Instructor	Location
Registration	7:00am - 5:00pm	Conference Registration Table Open		
Vendor Hall	7:00am - 5:00pm	Vendor Hall		
Opening Welcome	8:00 - 8:15 am	All attendees		

General Session	8:00 - 9:50 am	The Art and Science of Decision Making Under Stress	Liam Duggan	
Break	9:50 - 10:10am	Break time - Vendor Hall open		
General Session	10:10 am - noon	The Journey to Midnight: An officer wellness story	Matt Griffin	
Lunch	12:00 - 1:00 pm	Lunch		
Corrections Training	1:00 - 5:00 pm	Inmate Rights, Staff Retention, Mental Health Dilemma in Jails, Transgender Inmates	Josh Arnold - NIJO	Brad Wilson - SDML Work Comp Fund overview before or after afternoon break (10- 15 min)
LE Training	1:00 - 2:50 pm	Mental Health Intersections Within the Criminal Justice System	Serene Thin Elk & Theesfeld	Kelsey
Break	2:50 - 3:10 pm	Break time - Vendor Hall open		
LE Training	3:10 - 5:00 pm	Securing the Courts - What You Need to Know and Why	Tom Lorito & Jim Ludolph	
Banquet	6:00 - 9:00 pm	Banquet	Matt Griffin - Keynote	

Thursday, October 13th, 2022

	Time	Training	Instructor	Location
Registration	7:00 to 9:00 am	Registration		
Vendor Hall	7:00 - 11:00 am	Vendor Hall		Gallery A, B & C
Corrections Training	8:00 am - Noon	Conditions of Confinement, Ethics-Code of Conduct, Statistics & Corrections, Legal Trends	Josh Arnold - NIJO	
LE Training	8:00 am - Noon	Use of Force, Officer-Involved Shootings, and Duty to Intervene	Steve Campbell - LLRMI	
Conference Dismissal	Noon			



**SD SHERIFFS ASSN FALL CONFERENCE
ABERDEEN, SD
OCTOBER 10-14, 2022**

NAME: _____ TITLE: _____

AGENCY: _____

EMAIL ADDRESS: _____

Will your spouse be attending? _____ Name: _____

WHAT TRAINING DO YOU PLAN TO ATTEND?

- Law Enforcement
- Corrections
- Administrative Assistant

Please check the box next to the option of how you plan to attend:

	Attendee Price	Attendee Check Here	Spouse Price	Spouse Check Here
Full conference w/banquet	\$115.00		\$40.00	
Full Conference Only	\$85.00		\$40.00	
One Day Only (Per Day)-no banquet	\$50.00			
Banquet Only	\$40.00		\$40.00	

****Registration will cover all SDSA training opportunities, SDSA conference events and SDSA meal functions** The Dakota Territory hunt and banquet are a separate registration.**

****Banquet meal will be a Montreal Pork Chop: a bacon wrapped pork chop with mushroom glaze, served with side entree and a dinner salad.****

TOTAL AMOUNT ENCLOSED: \$ _____

Please complete and return to:
 Staci Ackerman
 South Dakota Sheriff's Association
 PO Box 187
 Eureka SD 57437
admin@southdakotasherrifs.org

A block of rooms has been reserved for the conference. Room Reservations can be made by contacting the BEST WESTERN RAMKOTA HOTEL in Aberdeen (605) 229-4040.



Steve Campbell—Thursday 8am to Noon—Stephen Campbell began his law enforcement career with the Providence Rhode Island Police Department which employs 500 sworn officers and retired after 28 years at the rank of Major, Chief of Detectives. He has conducted over 115 homicide investigations and dozens of suicides, accidental and natural causes death investigations.

Steve has been a Law Enforcement Trainer and Consultant with the Legal and Liability Risk Management Institute for fourteen years.

Steve is a graduate of the Senior Management Institute for Policing at the Police Executive Research Forum (PERF) at Boston University. He attended the Williams Homicide School, New York State Police.

Steve holds a Bachelor of Science Degree in Administration of Justice from Roger Williams University, Bristol RI and a Master of Science Degree in Administration of Justice from Salve Regina University, Newport RI.

Edward "Jim" Ludolph—Wednesday 3:10 to 5pm—Jim spent fifteen years self-employed and working for Caterpillar Tractor Company. Jim started his career with the Peoria County Sheriff's Office in 1985 as a Civil Process Officer, Correctional Officer, was promoted from officer to Sergeant, then Deputy Correctional Superintendent in the Correctional Facility. In 1991 he was appointed as Court Security Civil Process Administrator, assumed the duties as the Sheriff's liaison and was responsible for all security operations at the Peoria County Courthouse.



Jim's responsibilities included personnel selection, supervision, budgeting, strategic planning, security, public relations, developing safety training for court house employees, and presenting training seminars on workplace violence, employee response to hostage situations, and new employee orientation for all Peoria County Employees.

During his twenty-two years at the Peoria County Courthouse, security was increased, service to the public was recognized by the Judiciary and his leadership brought staff recognition in the forms of many letters of appreciation from the public, employees, legal community, and members of the County Board. Camera surveillance was tripled, video storage moved from VHS tape to digital recording, and was moving to IP computer storage at the time of his

retirement. Civil Process was computerized, resulting in the updating, via computer, of all civil process served by the officers while in their units and providing computer access by customers through a computer link. Jim continued to study throughout his career, majoring in management at the University Of Illinois Springfield and accumulating over thirteen hundred hours of additional training in security, management, and motivation of staff. Jim has been and continues to serve as a Senior Consultant and Instructor for the National Sheriff's Association participating in conducting courthouse audits and training since 2003.

Jim's involvement within his community throughout his life includes holding office in the Kiwanis Club, Peoria County Association of Chiefs of Police, Peoria County Sheriff's Post, and membership in ASIS, the American Jail Association, and National Sheriff's Association. In retirement Jim continues to serve his church and community.



Kelsey Theesfeld—Wednesday 1 to 2:50 pm—Kelsey Theesfeld graduated with her Master of Social Work degree from the University of South Dakota. She is credentialed as a certified social worker - private independent practice, licensed addiction counselor, and qualified mental health professional. She has worked in various capacities at a detox facility, correctional facility, inpatient hospital, community mental health, human trafficking agency, and currently works in outpatient mental health. Her areas of interest include: severe mental illness, substance use, co-occurring disorders, anxiety, depression, trauma, criminal justice involvement, and life transitions.

Serene Thin Elk—Wednesday 1 to 2:50 pm—Serene is the Chief Behavioral Health Officer at South Dakota Urban Indian Health and is a licensed addiction and mental health therapist. She is an enrolled member of the Hanckonwan Nation (Yankton Sioux Tribe) and is also from the Sileangu Oyate (Rosebud Sioux Tribe). She is passionate about addressing patterns of intergenerational trauma, and finding ways to help individuals, families and communities heal from the effects of historical traumas. Her passion resides in continuing to help others heal mental health and addiction through the Lakota life-ways.



William (Liam) Duggan—General Session Wednesday 8 to 9:15am Liam is the Investigative / Administrative Commander with the Prior Lake Police Department in Minnesota.



His career began in 1997 with the Burnsville (MN) Police Department before being hired by the St. Paul Police Department 2011 and now the metro area suburb of Prior Lake. Liam has served in executive leadership roles for investigations, patrol, vice/narcotics, SWAT, undercover operations, and training.

Cmdr. Duggan has a BS in Law Enforcement from Metropolitan State University-St. Paul, is finishing graduate work in Human Factors and Safety Systems and is a graduate of the Northwestern School of Staff and Command. He currently serves on the board of Advisors for the National Law Enforcement Firearms Instructors Association and as the Executive Director of Training and Development for the Special Operations Training Association.

Cmdr. Duggan specializes in human performance, factors analysis, decision making in force options response, firearms, arrest and control, and leadership development. Additionally, he is a certified Advanced Specialist in the Behavioral Analysis of Force Encounters through the Force Science Institute and consults as an expert witness in use of force incidents and policing best practices at the local and federal levels. He is a certified Instructional Design specialist and also evaluates the design and delivery of academy and in-service training curriculum in law enforcement around the country.

Cmdr. Duggan is a Senior National Instructor for KFD Consulting/DOCKUP/LEADS, Louka Tactical, NLEFA and Calibre Press / Lifetime Training. He has also served as a subject matter expert consultant for the State of Minnesota in the interpretation and evaluation of use of force and use of deadly force statute application and continues the same work for entities around the US. He has also been selected multiple times as national teaching faculty for the Daigle Use of Force Summit and the Force Science Institute's International conference and summit.

Administrative professional training is being finalized. Contact events@southdakotasheriffs.org to request an agenda.

South Dakota

Sheriff's

Association

FALL

CONFERENCE

Aberdeen

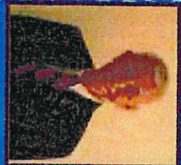
Best Western Ramkota Hotel & Convention

October 10th, 11th, 12th and 13th, 2022



Register Online at: southdakotasheriffs.org

5pm—Tom started his career as a Court Officer in Nassau County, New York in 1975. In 1984 he was appointed the first Chief Court Officer in Suffolk County, New York. As Chief his duties and responsibilities included being the primary advisor to the District Administrative Judge on security related issues, commanding all sworn personnel, overseeing all training, developing and implementing Standard Operating Procedures, reviewing all building plans relative to security issues, approving all personnel transactions, responding to judicial threats and serving as Incident Commander for incidents in court facilities.



During his 18 year tenure as Chief, his command grew from slightly more than 100 to over 300 officers, magnetometers and x-ray machines were installed in all court facilities, three major court construction projects were completed, judicial threat protocols were developed, Standard Operating Procedures for all court security operations were developed and implemented and a formal in-service training program was developed. In addition Tom served as an adjunct member of the faculty for the New York State Court Officer's Academy, served on numerous promotional exam development committees, was a member of the Suffolk County Joint Terrorism Task Force and Criminal Justice Coordinating Council, and was one of the authors of the first statewide Court Officer Rules and Procedures Manual.

In 2002 Tom was appointed the District Executive for the 10th Judicial District, Suffolk County and held this position until his retirement from the New York State Courts in November 2010. As District Executive he was the highest ranking non-judicial official in the District and was the primary advisor to the District Administrative Judge on all court operation issues and oversaw all court operations including security. During his tenure the district had approximately 75 judges, over 1000 non-judicial employees, twelve court locations and an annual budget of more than \$90 million.

He is a Senior Consultant and Instructor with the National Sheriff's Association (NSA) and a member of the organization's Court Security Training and Assessment

Team, Court Security Committee, Education Committee and Court and Judicial Security Advisory Board. He is also on the Community Safety Institute's staff of consultants. Tom was a member of the Mid-Atlantic Association for Court Management and its Advisory Board and Professional Development Committee, and was also a member of the National Association for Court Management. He is a Past-President of The Chiefs of Police Association of Suffolk County and the International Association of Court Officers and Services

As an Instructor for the NSA he has been conducting court security training for over 25 years. This has included on-site programs throughout the country and at NSA Annual Conferences and Webinars. In his role as a Senior Consultant he has assessed court security operations and staffing and served as an advisor on court construction projects. He has written articles regarding court security which have been published in NSA publications and "The Beacon", a publication of the Mid-Atlantic Association for Court Management.

His educational background includes a Bachelor's Degree from the University of Massachusetts, a Master's Degree from Long Island University, C. W. Post Campus and attending numerous professional development courses conducted by organizations such as the Unified Court System of the State of New York, National Sheriff's Association, U.S. Marshals' Service, Federal Bureau of Investigation, New York City Police Department, Suffolk County Police Department and Mid-Atlantic Association for Court Management.

Tom also attained the rank of Major in the U. S. Army Reserve Infantry Police Corps. Outside of his professional life Tom has also been active in his community. He served as President of the Water Mill Community Club and oversaw the organization's youth soccer program and has coached youth soccer, baseball and basketball teams. He is currently a volunteer official with the Metropolitan Golf Association and Long Island Golf Association and serves on the IGA Executive Committee

CORRECTIONS TRAINING

Josh Arnold—Wednesday 1 to 5 pm, Thursday 8 to noon

Joshua Arnold NCCCE, D of O NJCO has wealth of knowledge and extensive experience in corrections, having worked in the field for over 23 years. In 2020, he retired as a Captain at the Pima County Sheriff's Department (AZ).



While working with NJCO, Joshua has been the lead inspector for several facility inspections seeking NJCO Accreditation. He has trained on topics of role of conduct, ethics, leadership, use of force, searches, duty to protect and classification at local and regional NJCO seminars and at JAILCON Corrections Training Conferences. Joshua is also a popular instructor in NJCO's online training platform, DACOTA. Mr. Arnold is a National Certified Corrections Executive and a graduate of the National Jail Leadership Command Academy and Northwest University's Police Staff and Command Academy.



Matt Griffin—Wednesday 10:10 & Banquet Keynote

Speaker

Matt Griffin is a six year US Navy veteran and fifteen-year law enforcement veteran specializing in narcotic-related investigations. Matt began in the Navy in 1997 and in 2001 certified as Search and Rescue swimmer where he conducted counter drug operations in support of Operation Enduring Freedom dismantling cartel members from delivering more than a metric ton of cocaine to the US. Matt started his police career with the Virginia Beach Police Department in August of 2003. He was assigned to the 3rd precinct where he received several accolades including the Class Act Award for initiative and motivation. Matt's expertise in patrol narcotics earned him a certification in Virginia Beach Criminal and Superior Court as an expert witness in narcotics packaging, distribution and sales. In February of 2007, Matt began working with the Keene, NH Police Department where continued his work in narcotics by assisting with the NH Drug Task Force. In 2010, Matt was assigned as a School Resource Officer at a local high school. In 2013, Matt transitioned back to patrol where he led the police department in arrests for two consecutive years. During that time, Matt also received a Life Saving Award for his decisive actions in administering lifesaving first aid to a young female.



In November of 2015, Matt was selected to the New Hampshire Attorney General's Drug Task Force where he worked in an undercover capacity. Over the past few years, New Hampshire's opioid addiction and fentanyl crisis has claimed the lives of over 1000 residents state wide. Matt's Drug Task Force has investigated dozens of fentanyl-related overdoses and continues to combat the deadly drug by educating the public and conducting undercover operations targeting the sources. In 2016, Matt was awarded a New Hampshire State Police Commendation for his arrests and seizures in 2016.

In 2017, Matt retired from the Keene NH Police Department with the desire to share his story and help end the stigma that surrounds mental health awareness in our first responder communities. Today Matt works full time for Axon as a Solutions specialist in Virtual Reality as well as being national keynote speaker, mentor, and consultant who wants to change the culture around mental health and police, members of the military, Emergency Services, and Fire Fighters. Matt is also the author of #1 Amazon bestselling book, "The Journey to Midnight."

The Journey to Midnight is Matt Griffin's memoir about his traumatic journey as US Navy Search and Rescue swimmer to a career as a police officer and undercover cop. Matt shares the heartbreak of divorce, the joy of single fatherhood, the dark streets of the drug underworld, and the thing that almost killed him, which claimed the lives of 228 police officers in 2019, and 22 military veterans per day—SUICIDE.



~~Fall River Oglala~~ Lakota County Employee Policy Manual

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~~Third Edition: Approved: February 19, 2019~~ First Edition: Approved: August 10, 2022

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POLICY #1: PURPOSE AND USE

1.1 Purpose of Policies and Procedures

The policies and procedures for personnel administration are enacted by the County of ~~Fall River~~ Oglala Lakota in order to further the following goals:

- (1) To provide a uniform and sound personnel administrative system throughout the County of ~~Oglala Lakota~~Fall River.
- (2) To inform employees of the general policies and procedures of the county and the benefits and obligations of employment with the county.
- (3) To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and are in compliance with Federal and State law.
- (4) To serve as written documentation of the county's commitment to fair employment practices and equal employment opportunity.
- (5) To assist managers in carrying out sound, equitable and consistent personnel administration and in making effective use of their human resources.
- (6) To promote and encourage communication between the employer or supervisor and the employee.
- (7) To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.2 Applications

The personnel policies and procedures shall apply to all county employees and excluded classes as specified in the policy itself. In the event of a conflict ~~between in these this policies and the any collective bargaining agreement or State and Federal law, the terms and conditions of the union contract or law shall~~ will prevail.

1.3 Revision

The County of ~~Fall River-Oglala Lakota~~ specifically reserves the right to repeal, modify or amend any of these policies at an aforementioned time upon a majority vote of the governing board.

1.4 Disclaimer

The County of ~~Fall River-Oglala Lakota~~ recognizes that South Dakota is an employment at-will state and the intent of this county is to maintain that employment at-will status of all employees. However, for county employees, due process procedure as specified in Policy #9 will be followed.

1.5 Repeal of Conflicting Regulations

All existing personnel regulations which conflict or are inconsistent with these ~~Fall River-Oglala Lakota~~ County Personnel Practices and Procedures are hereby repealed to the extent necessary to give these Personnel Policies full force and effect.

This manual does not confer a contract of employment nor prohibits the county's right to require an employee to sign a yearly contract as a condition of employment. The policies, procedures, rules, and benefits contained herein are subject to change upon a majority vote by the Commission. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.

POLICY #2: GENERAL POLICIES

2.1 Equal Employment Opportunity

It is the policy of the County of ~~Fall River Oglala Lakota~~ to recruit, hire, train, promote, discipline and discharge all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, marital or veteran status, or any other basis prohibited by State or Federal law.

Violations of this policy by any county employee may be cause for immediate disciplinary action.

Any employee who feels they have been discriminated against according to this policy should bring this concern to his/her supervisor or higher authority according to the grievance procedure specified in Policy #9 of this manual.

2.2 Seat Belt & Cell Phone Policy

The County of ~~Fall River Oglala Lakota~~ is committed to doing everything possible to prevent injury to employees, prevent damage to property and to protect the employees and the public from the results of accidents. The county realizes that safety belts are an important and efficient means to accomplish this goal. Thus, it is the policy that all county employees and their passengers shall be required to use seat belts when driving any county owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official county business. Use of cell phone while driving is prohibited. Failure to comply with this policy may result in disciplinary action.

2.3 Smoking

It is the policy of the County of ~~Fall River Oglala Lakota~~ that smoking cigarettes, cigars and e-cigarettes shall not be permitted in county buildings and facilities or in county vehicles.

2.4 Outside Employment

Although the county does not forbid off hours employment by employees (unless such employment interferes or negatively impacts the performance of their duties with the county or results in a conflict of interest), no appointive officer or employee, unless officially assigned to special duty, shall be granted sick leave for any injuries or illness resulting from any employment other than that required in the course of his/her assigned duties. Workers' compensation insurance coverage will not be extended to injuries occurring with outside employment.

2.5 Performance Evaluations

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and employee. The performance evaluations will be conducted by the employee's department head. Performance evaluations will be conducted a minimum of twice during the employee's probationary period (at the midpoint and at the conclusion of the training period) and annually thereafter to be completed by December 1st of each year, and additional evaluations may be completed as needed.

Performance evaluations of appointed officials (department heads) will be conducted at least annually by the ~~Fall River Oglala Lakota~~ County Commission.

The performance evaluations are to be structured to each employee's position. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. Evaluations will be conducted in a confidential meeting between the employee and his/her department head. Employees are required to sign their evaluations and will receive a copy. Signing does not imply agreement, but that the contents have been made known or discussed with the employee. A copy will be placed in a sealed envelope and placed in the employee's personnel file.

2.6 Personnel Records

2.6.1. General

It is the policy of Fall River-Oglala Lakota County to maintain accurate and updated information on each county employee in its personnel files.

2.6.2. Maintenance Responsibility and Accessibility

The County Auditor's Office shall be responsible for maintaining all personnel records. All employee records are confidential. Such records shall be accessible only to the individual employee and the decision-making authority affecting the individual employee's employment status. The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the County Auditor. The employer will make the file available to the employee's representative only upon written authorization.

2.6.3. Contents

The general personnel file on each employee may include the following:

- Application and/or resume
- Personal data sheet
- Letters of commendation
- Payroll deduction authorizations
- W-4 form
- Performance appraisals
- Disciplinary actions
- Termination or discharge records
- County work history: positions held, rates of pay, etc.
- Time sheets, work hour records, leave and absence notices, etc.

No written incident report or records of disciplinary action shall be placed in an employee's personnel file unless the county first advises the employee of its intent to enter such document into the file and affords him/her an opportunity to read and sign such material. Signing does not imply agreement, only that the contents have been made known to or discussed with the employee. If the employee shall refuse to sign, such action must be documented by a third individual. The employee shall have the expressed right to submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

2.6.4. Benefits, Medical and Confidential File

Fall River-Oglala Lakota County shall also maintain a complete confidential file on each employee. This file may include:

- References and/or background checks
- Exit Interviews
- Injury reports and workers' compensation information
- Necessary medical examinations and records, plus alcohol and drug testing information

Access to this file is limited to the County Auditor and on an absolute need to know basis only as deemed appropriate by the County Auditor, in consultation with the County Commission Chairperson and the State's Attorney, and in compliance with HIPAA.

2.6.5. Changes of Name, Address, Telephone, Withholding Status, Etc.

It is the employee's responsibility to inform the County Auditor's Office of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes.

2.6.6. Personnel Record Retention

Personnel records are maintained in accordance with the records retention and destruction manual for counties published by the State Bureau of Administration. The county permanently keeps an employee's name, social security number, and dates of employment, positions held and salary history.

2.6.7. Employment References

In compliance with the Federal Privacy Act, the county is required to protect the privacy rights of all employees. In following this Act, it is the county's policy to provide only the following information on both present and past employees:

- Dates of Employment
- If an individual is Eligible for rehire

All employment information is given solely at the discretion of the County Auditor and authorized Deputy Auditor on a need to know basis only.

Due to the potential liability for the release of employment information, only the County Auditor or other individual authorized by the county commission shall give out such information. The county commission also reserves the right to instruct such authorized individuals that no additional information be released on certain employees. All requests for information on an individual's employment shall be immediately directed to the County Auditor.

Providing employment references, including off-the-record remarks, without county commission authorization is in violation of the above stated policy and may result in disciplinary action.

2.7. Executive Session – Personnel Discussion

It is the policy of the County Commission to recess into executive session to discuss personnel issues such as employee qualifications, competence, performance, and character or fitness. However, in accordance with South Dakota's Open Meeting Law, no official action will be taken except in an open official meeting. Such sessions are called to protect the employer/employee relationship

2.8. Fair Labor Standards Act Covered and Non-Covered Employees

The following employees of the county are considered exempt from the Fair Labor Standards Act:

- Elected Officials;
- Highway Superintendent;
- Director of Equalization;
- Weed Department Supervisor;
- Emergency Management Director;
- Veterans Service Officer;
- Building Maintenance Supervisor
- GIS Coordinator

All other employees of the county are covered under FLSA regulations.

2.9 Employee Attire

The County expects all employees to wear clothing and footwear appropriate for their job position. For office workers this means professional attire. Those working outside an office should wear clothing that provides the proper amount of protection for their job. It shall be the responsibility of all supervisors to ensure that employees of their respective departments are dressed appropriately for the work for which they are assigned.

The following types of clothing or apparel shall NOT be worn during working hours:

- sweat clothes, tube tops, exercise clothes, or beach clothes;
- thong or casual flip-flop sandals;
- clothing with inappropriate logos;
- cut-off shorts, play shorts or other short shorts (dress or tailored shorts, capris and skorts are allowed provided the length and style are appropriate);
- Jeans that are tattered, torn, or excessively worn;
- Bare midriff, backside and showing of cleavage are not allowed.

Supervisors have the authority to further restrict attire standards as appropriate for work activities.

2.10 Honesty

We expect all employees to conduct themselves in an honorable fashion. Honesty is an important company attribute. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like, will not be tolerated. The same honesty standard applies to any company investigation. Any violations will result in corrective action, up to and including termination.

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POLICY #3: RECRUITMENT AND HIRING

3.1. General Policy

It is the fundamental policy of ~~Fall River-Oglala Lakota~~ County to provide equal opportunity to all of its employees and applicants for employment and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental disability, marital status or political beliefs unless related to a bona fide occupational requirement. ~~Fall River-Oglala Lakota~~ County will take steps to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity – minority group members, women, the handicapped and all protected classes; and ~~Fall River-Oglala Lakota~~ County recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with ~~Fall River-Oglala Lakota~~ County will be recruited from the available labor market evaluated on each person's individual qualifications and abilities. All employees shall be afforded equal employment opportunity during their term of employment, and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure right to equal employment or testifying on behalf of someone else doing so.

All administrators and supervisors are responsible for and shall be committed to achieving and promoting equal employment opportunity in ~~Fall River-Oglala Lakota~~ County.

The Chairman of the Board of County Commissioners is the equal employment opportunity officer and shall be responsible for coordinating the equal employment opportunity program.

It is the policy of ~~Fall River-Oglala Lakota~~ County to recruit and fill job vacancies with the most qualified individual for the position. The county has four methods of recruiting qualified applicants to fill job vacancies in county employment. These are: (1) promotion from within; (2) transfer from within the department; (3) transfer from another department; or (4) open announcement and advertisement.

If in the best interest of the county, promotions or transfers of individuals already employed with the county shall be given first consideration. This consideration, however, does not entitle the individual to an automatic promotion or transfer to a higher level of employment. The county commissioners in employing an individual, has the prerogative to consider training, experience for position to be filled when setting an appropriate wage.

3.2. Responsibilities of County Commission

All appointed and elected department heads shall notify the County Commission once a candidate is selected for employment. The selection shall be reviewed by the Board of County

Commissioners prior to the notification of the prospective employee. The purpose of the review shall be to determine if county policies have been followed in selecting the employee.

3.3. Job Announcements

Announcements for all vacancies shall include the job title, a brief job summary, if the position is exempt or non-exempt from the Fair Labor Standards Act, the minimum qualifications, the deadline for filing an application, and location to send applications. All announcements and advertisements shall state that Fall River-Oglala Lakota County is an "Equal Opportunity Employer."

Public announcements of employment opportunities will be advertised in the official newspapers, listed with the South Dakota One Stop Career Center, and posted in a visible location at the county courthouse for anyone to read.

3.4. Applications for Employment

Individuals interested in applying for a specific position with the county, including those already employed by the county, must fill out the county approved application for employment form (and submit a resume detailing their employment history, education and other relevant experience or pertinent information. A separate application must be submitted for each position for which the individual wishes to be considered. An application and resume will be required for all county positions. Applications will not be maintained on file for the purpose of aiding applicants in applying for future job vacancies with the county. Applicant shall disclose whether they are required to register as a sex offender.

3.5. Eligibility

To be eligible for employment with Fall River-Oglala Lakota County an individual must be legally eligible to be employed in the United States and provide documentation as required on the I-9 form.

3.6. Qualifications

Fall River-Oglala Lakota County maintains a job description on each position. This description establishes the minimum required levels of education and experience necessary to qualify for employment. Each description may also detail desired skills or qualifications, which are preferred by the county and will be given foremost consideration. The job description will be attached to each application. Upon a job offer, a signature acknowledging the ability to perform the duties described in the job description will be required and added to the personnel file.

3.7. Veteran's Preference

In accordance with SDCL 3-3-1, 3-3-7, and 3-3-8, preference in employment, appointment, and promotion shall be given to honorably discharged veterans, the un-remarried spouse of a deceased veteran, and the spouses of disabled veterans, provided they possess the qualifications and capacity to perform the duties of the position. Any veteran who possesses said qualifications shall be granted an interview for the position. Veteran disabled due to a service connected cause shall be given preference over a non-disabled veteran. To gain veteran preference rights, the applicant must make known at the time of application by submitting a copy of a DD-214 form that he/she is an

honorably discharged veteran. Veteran's preference is only afforded to those as defined in SDCL 33-17-1 and 33-17-2.

Preference in employment will be given to veterans who have served on active duty and have been honorably discharged from the armed forces of the United States during the following periods:

1. September 1, 1939 to December 31, 1946
2. June 25, 1950 to May 7, 1975
3. August 1990 through such time that the President of the United States declares the end of hostility.

3.8. Disqualification

An applicant is disqualified from employment by the county if he/she: (1) does not meet the minimum qualifications/eligibility for appointment; (2) knowingly has made a false statement on the application form or resume; or (3) has committed fraud during the selection process.

3.9. Selection and Employment of Relatives (Nepotism)

The county department head and/or applicable county advisory board shall take applications, conduct interviews, and make a recommendation for employment to the County Commission. When hiring a non-elected department head, the County Commission shall be responsible for the entire process. During the interview process the job description for the position must be reviewed with the applicant.

Selection to fill a job vacancy is to be made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. Thus, to avoid circumstances of favoritism and discrimination, the employment of immediate family members within the same department or other areas where an immediate family member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. This selection and employment of relatives applies to regular full-time and permanent part-time employees.

Immediate family is defined as parents, stepparents, spouse, children, stepchildren, brothers, sisters, stepbrothers, stepsisters, brothers-in-law, sisters-in-law, grandparents or grandchildren.

Above is prohibited unless waived by the County Commission.

3.10. Employment Offers

After an individual has been selected for employment, the individual will be notified of their selection in writing by the department head (county commission if hiring department head). The offer will be extended and, with a copy of the job description. The offer may be contingent upon a post-offer, pre-employment physical at the county's expense. The county shall pay for only the minimum physical required by the county. The offer shall also include the beginning date of employment.

When selection has been made, the individual selected must be made fully aware that his/her employment relationship may be terminated with or without cause, with or without prior notice, by either the county or the employee during the probationary period except for reasons illegal

under State or Federal law. The individual must also be notified that after the probationary period is completed, employment is still at-will and the above will continue to apply. However, due process requirements (and grievance procedures) will be followed. In addition, a two-week notice will be required prior to the employee voluntarily leaving their job. In extenuating circumstances, the county may waive this two-week notice. The county may require the employee to sign an agreement of employment as a condition of employment.

3.11. Acceptance of Employment

After an individual has accepted employment with the county, the county auditor shall ensure that necessary and proper paperwork is filed within the employee's personnel file. This will include a signed statement from the employee that he/she has read the job description for which he/she has been hired and fully understands the conditions set forth. Further that he/she agrees to abide by the personnel policies of Fall River Oglala Lakota County. Failure to sign any such agreement constitutes refusal to serve and terminates any employment or offer with the county.

3.12. Residency Requirement

Residency within the county for non-elected positions shall not be a condition of employment, provided, however, that such residency does not interfere or hamper the employee from fulfilling the duties of his/her position or cause the employee to often miss or be late for work.

3.13. Employment-In-Probation Period

During this probation training period, an employee who normally would be eligible for vacation, personal days, sick and holiday leave shall accrue such leave as follows: employees are not eligible for vacation time during probation period, but probationary hours worked will count towards vacation accrual if employed past probation period. Should the employee leave or be terminated during the probationary period of service, all vacation and sick otherwise earned will be forfeited. A probationary employee who would be eligible for Holiday Pay is entitled to paid holidays as observed by the county.

Employees receiving transfers, promotions, etc., must complete a 90 working day probationary period for assessing his/her ability to perform the duties of the new position assigned. If the employee is not meeting the required standards of performance, ~~he/shethey~~ may be restored to ~~theirhis/her~~ original position or to a comparable ~~position, or position or~~ may be dismissed if ~~his/hertheir~~ position has been filled. All accrued benefits, including longevity pay, will transfer with the employee ~~as long as if~~ there is continual service; thus, ~~he/shethey~~ shall continue to receive and utilize benefits as previously earned.

A new employee's probation shall be one thousand forty (1040) hours, including overtime hours, from date of hire, and within that time the employee may be terminated at will and without cause. However, a former employee who has been employed by Fall River Oglala Lakota County the equivalent and continuous time of one thousand forty (1040) hours, and who returns to work for the County after the absence of up to eighteen (18) months, shall be free from serving a new probationary period, in the same or similar position.

3.14 Dress Code

~~As per April 5, 2011 Commission decision, the following policy for office attire will be implemented:~~

~~The County expects Courthouse and Extension office employees to dress in appropriate, professional attire when conducting the business of the County. It shall be the responsibility of all supervisors to ensure that employees of their respective departments are dressed appropriately for work for which they are assigned.~~

~~The following types of clothing or apparel shall NOT be worn during work hours:~~

- ~~○ Sweat clothes, tube tops, exercise clothes or beach clothes~~
- ~~○ Thong or casual flip-flop sandals~~
- ~~○ Clothing with inappropriate logos~~
- ~~○ Cut-off shorts, play shorts or other short shorts (Dress or tailored shorts, capris and skorts are allowed provided that the length and style are appropriate)~~
- ~~○ Jeans that are tattered, torn or excessively worn~~
- ~~○ Bare midriff, backside and showing excessive cleavage are not allowed.~~

~~Supervisors have the authority to further restrict attire standards as appropriate for work activities.~~

3.15 CDL Drivers and Drug Testing

DOT drug and alcohol tests include:

- Pre-employment – An employer must receive a negative drug test result before permitting a CDL driver to operate a CMV. (§382.301).
- Post-accident – Drug and alcohol tests may be required after crashes.
- Random – CDL drivers must be randomly tested throughout the year (§382.305); an employer who employs only ~~himself/herself/themselves~~ as a driver, who is not leased to a motor carrier, shall implement a random testing program of two or more covered employees in the random testing selection pool as a member of a consortium (see §382.305 interpretation 11)
 - Reasonable suspicion – Drivers who appear to be under the influence of drugs or alcohol can be immediately tested (§382.307). Employers must train CDL driver supervisors to detect the symptoms of driver impairment (§382.603).
 - Return-to-duty – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional. This test is directly observed, and a negative result is required before resuming driving duties (§382.309 and §40.305).
 - Follow-up – Required for drivers who tested positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return-to-duty process with a DOT-qualified substance abuse professional, and have tested negative for a return-to-duty test. This testing is prescribed by the substance abuse professional for a minimum of 6 directly observed tests in 12 months, but can be extended an additional four years (§382.311 and §40.307).

POLICY #4: HOURS OF WORK

4.1 General Policy

It is ~~Fall River Oglala Lakota~~ County's intent to create a standard workweek within which an employee is expected to perform county services. The County Commission also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is ~~Fall River Oglala Lakota~~ County's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

4.2 Flex Time

The department head reserves the right to authorize flexible work hours within the 40-hour work week in situations where it is appropriate or necessary, is subject to review by the County Commissioners. Employees must still adhere to the standard 40-hour workweek unless comp time or overtime has been approved by their supervisor. Work at home will not be considered for comp time unless approved by the ~~Fall River Oglala Lakota~~ County Commission.

4.3. Exemptions to Overtime

The following employees are exempt from the overtime standards as mentioned in the above sections:

- 1) Elected officials
- 2) Appointive officers and other employees (if determined to be FLSA exempt)
- 3) Sheriff's department personnel (if less than 5 within the department)

4.4. Attendance

All county employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their department head prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible.

Except in cases of an emergency, if an employee is absent three (3) or more consecutive days without giving proper notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from county service. For extenuating circumstances, reinstatement is at the discretion of the department head with County Commission concurrence, or if a department head, at the discretion of the County Commission.

Failure to observe this policy may result in disciplinary action.

4.5. Time Clocks or Cards

Each employee's time clock punches is record of ~~his/her~~their regular hours worked, overtime worked, ~~comp time used~~, vacation, sick leave, etc., used for the purpose of calculating and issuing pay checks. ~~The time clocks are located outside the Auditor's office, at the Jail, South Annex, and (TBD) the Highway shop.~~ Employees are required to punch in at a time clock ~~everyday~~every day or online with a digital punch.

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Every employee and their department head must sign their time sheet/~~time card~~timecard to verify that all entries are accurate. ~~Time sheets should be signed at the time they are submitted to the Auditor. If an employee cannot sign by the 21st-16th due to shift work or leave, then the time sheet should be signed before the 10th of the next month. Employees who do not sign their time sheet may be removed from direct deposit and issued a paper check that they will have to sign for before receiving.~~ Incomplete or falsification of time sheets/~~time card~~timecards may result in disciplinary action. The time sheets/~~time card~~timecards shall be turned in to the County Auditor's office by the ~~128th 1st~~ of each month. ~~County approved time sheets can be found in the appendices section.~~

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4.6 Death of County Employee

Upon the death of a current county employee, all county offices will be closed during the hours of the funeral service out of respect for the employee. This will allow employees to attend the funeral. Up to two (2) hours of paid leave may be granted when attending the funeral. Those employees not attending the funeral will be required to stay at their job.

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4.7. Work Week and Overtime

~~Work week for all employee's runs from Sunday 12:01 am thru Saturday 12 pm. Highway Department works ten (10) hours between 7:00 am and 5:30 pm with a half hour lunch, Monday through Thursday. Administrative employees outside the Highway department, work eight (8) hours between 8:00 am and 4:30 pm with a half hour lunch Monday through Friday.~~

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~~All hours in excess of forty (40) hours each week shall be paid for at the rate of one and one-half (1 ½) times the existing hourly rates. If overtime is to be worked, the employee must secure permission from the department head or the said employee will not be compensated for such time worked.~~

~~Worked preformed on Sunday and Holidays will be paid at the rate of two (2) times the existing hourly rate for that employee for all hours worked.~~

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POLICY #5: COMPENSATION

5.1 General Policy

On an annual basis, the ~~Fall River-Oglala Lakota~~ County Commissioners shall review the compensation plan under which the county pays its employees. New employees shall begin at the minimum rate of pay on the schedule for the job classification hired, unless approved by the County Commission. The County Commission shall approve all step and job classification changes for employees. The ~~Fall River-Oglala Lakota~~ County Commission sets the salaries for elected and appointed officials.

5.2 Pay Period and Pay Day

The county does not grant early pay to employees under any circumstances. Pay is made to employees by direct-deposit and all employees will be required to provide account information to the Auditor to facilitate the deposit. Pay Day for all Departments is the second to the last business day of the month.

5.3 Time Sheets

Each employee responsible for submitting their hours on time sheets must ensure that his/her time sheets are correct and submitted on time. All time sheets shall be provided monthly to the County Auditor's office by 5pm on the ~~24th~~-16th of each month. If time sheets for employee(s) are not in on time, it may result in non-payment to that employee(s) until the next pay period. Any misrepresentation of time worked or falsification of any time sheet may result in disciplinary action.

5.4 Payroll Deductions

The county is required to withhold Federal Income Tax, Medicare, and Social Security (FICA) from each employee's paycheck. Changes employees want must be provided to the County Auditor's office by the first working day of the month. Other deductions may include:

1. Employee contribution to the Retirement System;
2. Employee contribution to Health, Eye or Dental Insurance;
3. Court ordered payments;
4. Any other benefits approved by County Commissioners as eligible for payroll deduction.

5.5 Changes of Employee Status & Address

It is the employee's responsibility to inform the County Auditor's office of any changes in name, address and telephone number. An employee must immediately report any of the above changes. Failure to report or the intentional withholding of such information may result in disciplinary procedures.

5.6 Travel and Reimbursement of Expenses

It is the policy of the county that employees be reimbursed for necessary and reasonable job related travel expenses. County approved expense reimbursement forms can be found in the Auditor's Office and all receipts must be attached.

5.7 Travel Approval Required

All travel outside the County, which includes an overnight stay, must be approved by the County Commission and recorded in the official county commission minutes prior to the date of travel except in emergency instances where the department head and County Commission Chairperson may approve the travel.

5.8 Travel Expenses

Meals will be paid for only when employees are traveling outside of ~~Fall River-Oglala Lakota~~ County on overnight trips, see exception for Sheriff's Office below. Day trip meals are the responsibility of each individual employee. Lodging will only be paid for when traveling outside of a 50-mile radius of Hot Springs, unless approved by the County Commission.

Same day travel: Meals may be reimbursed for Sheriff's Office Personal engaged on prisoner transport outside of ~~Fall River-Oglala Lakota~~ County during meal times. Same day travel meal reimbursement is at the discretion of the Sheriff. County credit cards cannot be used when purchasing said meals. Meal receipts and travel report must be turned in to the Auditor's Office. Reimbursement will be processed with payroll as taxable income.

5.9 Mileage Rate

Mileage shall be paid at the state mileage rate based on actual mileage, unless otherwise set by the County Commissioners. In order to control travel costs, all employees and elected officials are encouraged to share rides or use a county vehicle. If multiple employees are traveling to the same location for the same event as few as possible vehicles are to be used.

5.10 Other Travel Expenses

Registration fees and commercial air, train, or bus fares shall be reimbursed on actual costs (receipts required) when not billed or paid by the County directly. Car rentals shall be reimbursed on actual expenses (receipts required), and the County Commission, except in emergency situations, must approve such use in advance. Receipts are required for taxis. Intra-city bus or shuttle bus service shall be reimbursed at actual cost (receipt required when obtainable). Parking ramp/parking lot fees are ~~reimbursable~~ reimbursable, and receipts are required.

Laundry, excessive tipping, movies, parking meters, personal telephone calls and other miscellaneous costs are not reimbursable travel expenses. Telephone calls conducted for county business purposes are reimbursable (receipts/statements required). Falsification of telephone calls is grounds for disciplinary action.

When traveling from one location to another or from the shop to the work site and returning, such travel time will be considered work time.

POLICY #6: BENEFITS

6.1. Definitions:

County Commissioner – An individual elected to serve a four-year term or appointed to a vacancy on the county's governing board.

Benefits: Optional Health Insurance and or Dental.

Elected Official – An individual elected to serve a four-year term.

Benefits: Health Insurance, Retirement and Dental.

Appointed Official – An individual who is appointed by the County Commissioners and holds a full-time and/or part-time supervisor's position and is salaried.

Benefits: Health & Dental Insurance, Retirement, and all leaves of absences described in Policy.

6.2. Employment type Definitions

Regular Full-Time – An individual who is employed by the county to work a predetermined schedule of at least 40 hours per week, ~~year-round~~year-round.

Benefits: Health Insurance, Retirement, and all leaves of absences described in Policy

~~6.3~~

~~6.2.~~

Permanent Part-Time – An individual who is employed by the county to work at least 20 hours, but less than 40 hours per week, ~~year-round~~year-round.

Benefits: Retirement and health insurance at the discretion of the County Commissioners.

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Seasonal/Temporary – An individual who is employed by the county on a salaried or hourly basis for a particular purpose or for a specific period of time. Students who work during the summer or other persons employed for seasonal job functions such as flag persons, mower operators, weed sprayer, etc are examples. These employees work as needed to meet peak workload and/or seasonal needs but normally work less than 1,000 hrs in a given calendar year and less than 120 consecutive days.

Benefits: No benefits.

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6.3. Leave

6.3.1. Sick, Vacation and Holidays

Sick Leave: Full time employees who have completed sixty (60) days of employment shall be entitled to a half (1/2) day per month, six (6) days per year, sick leave for the first year of employment. Beginning with the second year of employment, the employee shall be entitled to one (1) day per month, twelve (12) days per year, sick leave, which can be used to the extent the same is earned and accumulated at the time during the year. Sick leave may be used for doctor, dentist, chiropractor, counseling, etc. appointments, to include travel time, but is not allowed for personal business. The county may request a letter from a physician if out for more than three consecutive days.

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Vacation: Full time employees are eligible for vacation. Vacation is available on annual anniversary of hire date. Hours are based off an eight hour workday.

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After one (1) year of service	Eight (8) days [64 hours]
After two (2) years of service	Thirteen (13) days [104 hours]
After five (5) years of service	Sixteen (16) days [128 hours]
After ten (10) years of service	Nineteen (19) days [152 hours]
After fifteen (15) years of service	Twenty-Two (22) days [176 hours]

Vacation will be prorated upon the discharge or termination of the employee.
Vacation time of 120 hours is allowed to carryover on anniversary date.

Holiday: Full time employees will be paid on a regular hourly wage rate for their normal scheduled workday. Employees working on the holiday will be paid at two (2) times the hourly rate for all hours worked.

If the holiday falls on a Sunday, Monday will be the day observed as the holiday. If the holiday falls on a Saturday, Friday will be the day observed as the holiday.

Designated holidays:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Independence Day
Labor Day
Native American Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
½ Day Christmas Eve
Christmas Day

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The Board of County Commissioners may designate any other 'Holiday' in their discretion.

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6.3. Leaves of Absence

6.3.1. General Policy

Leaves of absence are considered a benefit and privilege offered by ~~Fall River-Oglala Lakota~~ County. Leaves are not granted automatically, and should be requested, when possible, two weeks in advance by the employee to their department head. Every effort will be made to ensure that all employees are treated equally and fairly. In some instances, it may not be possible to grant all leaves requested during busy times or emergency situations; however, every effort will be made to grant requests.

An employee anticipating a leave of absence is encouraged to apply for such leave as soon as possible. Appointed Officials must submit paper leave slips to be signed by the commissioners for all personal, sick, and vacation leave time.

6.3.2. Emergency or Severe Weather Leave

The ~~Fall River-Oglala Lakota~~ County Commission chairperson at ~~his/her~~their discretion may close some or all of the county offices in case of emergency or severe weather and each such closing shall be for no more than one business day (SDCL 7-7-2.1). Those individuals called to work to maintain essential services and who are regular full-time or permanent part time and who are paid on an hourly basis shall be paid at their regular pay rate. Administrative leave is granted with the Courthouse closure. Any individual who wishes to take time-off for inclement weather other than for the time the courthouse is closed must request it of their department head and utilize vacation ~~or personal time~~. If and employee has taken, sick, ~~personal~~ or annual leave prior to the courthouse

being closed they will not be given administrative leave pay and will expend the leave hours that were originally requested.

Notification Policy for Emergency or Severe Weather will start with the Supervisors being contacted by the Auditor. After the Supervisors have been informed, the Supervisors will contact their employees to inform them of the closure of the Courthouse or respective work location.

6.3.3. Voting Leave

County employees whose work schedule does not enable them time to vote during such time the polls are open shall be allowed actual time up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leave(s). The department head must approve this leave in advance. (SDCL 12-3-5)

6.3.4. Military Leave

Any appointed, regular full-time and permanent part-time county employee called to extended active duty in the military service will be granted a leave of absence without pay and benefits by the county. An employee must submit his/her official orders or other records from the military service to his department head/County Auditor's office prior to the dates of attendance. In order to have re-employment rights, within ninety days of completing such service the employee shall apply for re-employment with the county. He/she will then be entitled to return to county service at his/her former position, or at a level equivalent to the position he/she held at the time of departure.

6.3.5. Military Reserve Training Leave

An employee who is a member of the military reserve or the National Guard shall be granted time off without pay for annual training provided a copy of his/her official orders or other records are provided to the department head in advance of anticipated military leave periods. Regular full-time and permanent part-time employees may use accrued vacation leave to receive pay during periods of military leave training. An employee not reporting back to work as scheduled is subject to disciplinary action.

6.3.6. Leave without Pay

Any employees, including those in their first year of service, may request leave without pay in extenuating circumstances. Such leave, for new employees, of five days and less is at the sole discretion of the department head. Such leave for longer periods for new employees ~~are~~ is at the discretion of the department head with the approval of the County Commissioners. For any county employee to take non FMLA leave without pay, they must exhaust their vacation ~~and personal leave~~ before taking leave without pay. One leave per year, for employees with cumulative hours over 2080, of five days and less is at the sole discretion of the department head. For any exceptions the employee must have supervisor approval and have the supervisor and employee meet with the commission.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain benefits. The employee may continue ~~his/her~~ their group insurance coverage by pre-paying the entire premium during the affected period of the leave. Employees must arrange for such continuation of coverage with the county prior to the commencement of the extended leave without pay.

6.3.7 Administrative Leave Due to Pending Investigation

An employee may be placed on Administrative Leave with pay or reassigned pending investigation.

The Department Supervisor will confer with the Chairperson or Vice Chairperson for the Board of Commissioners within 24 hours of the employee being placed on Administrative Leave to determine if said leave shall be paid or if the employee is to be assigned to other duties for the duration. If the employee was placed on paid administrative leave and is exonerated or is found innocent of the charges, the employee will be restored to original employment status. Reassignment should only be used when an employee's presence at work would not be harmful to the public, interfere with any ongoing investigations, or detract from the integrity of ~~Fall River Oglala Lakota~~ County government.

A Law Enforcement Officer may be placed on Administrative Leave pending an investigation relating to the use of lethal force in the performance of their job or an incident that requires investigation.

(Also see section 8.4 Suspension Without Pay or With Pay)

6.4. Other Benefits

6.4.1 Workers Compensation

Employees who are injured on the job must report their injuries to a supervisor or department head immediately (within 24 hours) who in turn shall, as with all accidents, report the incident to the department head/law enforcement agency for investigation. The initial written notice must be filed in accordance with SDCL 62-7-10, as soon as possible, but not more than three days as failure to give notice as required prohibits a claim for compensation. A "First Report of Injury" form will be completed by assigned personnel and forwarded to the insurance company. The county reserves the right to require consulting opinions. For billing purposes, the service provider should be told by the employee that this is a work-related or worker's compensation injury. All bills should be submitted by the doctor to the worker's compensation insurance carrier. Claims for work-related injuries are usually not payable under the county's regular group health insurance plan. If an employee changes doctors without a referral from the doctor providing initial treatment, the insurance company may not be obliged to pay for the subsequent services.

The employee may be compensated by utilizing sick leave available, less the amount received from worker's compensation. In no case will the county and the worker's compensation insurance company make duplicate payments for the same time. It is the employee's responsibility to inform the County Auditor's office of the date and amount received from worker's compensation.

All vacation leave, sick leave, holiday leave earned while on injury leave shall accrue at the employee's regular rate.

No compensation will be paid for willful misconduct, intentional self-inflicted injury, injury related to intoxication or illegal substances, or willful failure or refusal to use a safety appliance

or procedure. Injuries received as a result of conduct outside the scope of assigned county duties are not covered by worker's compensation.

6.4.2. Health Insurance

Health & Dental insurance as provided in the Benefit section of this policy manual.

6.4.3. Retirement System

Participating in the South Dakota Retirement System is mandatory for all eligible employees (those who work 20 or more hours per week for more than 6 months). A percentage deduction established by South Dakota Retirement System of the gross monthly salary is made in each payroll period of which is matched by the county toward the retirement of the employee. Other employee options are available under ~~this-the supplemental system, and system and~~ are the responsibility of the employee via payroll deduction.

All decisions relating to the retirement system shall be in full compliance with South Dakota Codified Law and the provisions of the South Dakota Retirement System.

6.4.4. Payroll Deductions

Dues for membership organizations will be allowed if authorized by the Commissioners.

6.5. Employee Classification Changes/Benefit Status

If a permanent part-time or regular full-time employee changes position within the county system, all accrued benefits and longevity pay status transfers with the employee to the new department/program.

If a permanent part-time, regular full-time, or appointed employee becomes an elected official, then the employee is paid for unused vacation. Unused sick leave is forfeited.

If a permanent part-time, regular full-time or elected official becomes an appointed official, all accrued benefits transfer with the employee to the new department/position.

POLICY #7: SEPARATION FROM COUNTY SERVICE

Termination of employment, other than due to retirement or death, may occur by an employee's resignation, extended absence without proper notification or termination by the county. An employee may resign their employment at any time for any or no reason. Further, the county reserves the same right to terminate the employment of any employee and under the same conditions. Separation from county service may be voluntary or involuntary.

7.1. Definitions

Voluntary Separation: Written resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Lay-off or discharge. Involuntary separation is not initiated by the employee. A written notice will be given by the employer.

7.2. Voluntary Separation

Resignation – An individual may resign from county service by giving his/her/their department head written notice of his/her/their resignation at least two weeks in advance. A department head may resign by giving his/her/their written resignation to the County Commission Chairperson at least one month in advance of their leaving county service. In extenuating circumstances, a resignation may be accepted as taking effect immediately.

Unauthorized Absence – If an individual is absent from work without proper notification in accordance with the attendance policy, he/she/They shall be considered to have voluntarily resigned their position in county service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the department head or, in the case of a department head, at the discretion of the County Commission. Any unauthorized absence may result in disciplinary action. Department heads shall notify the chairperson of the County Commissioners if they are going to be absent.

Retirement Age – There is no mandatory retirement age for county employees.

7.3. Involuntary Separation

Any employee may be laid off as a result of lack of work or lack of funds. No employee may be terminated or laid off while on paid leave. Employees may be terminated for misconduct.

Unemployment Compensation: Fall River-Oglala Lakota County follows the State of South Dakota unemployment laws found in SDCL Title 61.

7.4. Exit Interviews

It is the policy of Fall River-Oglala Lakota County for the commissioners or department head, if practicable, to conduct an exit interview prior to an employee's separation from county employment. The exit interview is conducted for several purposes, including: (1) to resolve all outstanding matters between the county and the employee and (2) to advise the employee of the affect their separation will have upon all benefits and what benefits they have coming upon separation. ~~With regard to~~ Regarding involuntary separation, the department head should be included in the exit interview.

At the time of the exit interview, the employee is expected to return all county property: keys, tools, vehicles, etc. The county reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The county may take further action, if necessary, to recover county property.

7.5. Misconduct Defined

The following is a partial listing of employee and department head misconduct that may result in disciplinary action up to and including immediate termination. This list is not intended to completely list all employee misconduct, but rather is provided as a guideline by which

employees/department heads can judge actions that will not be tolerated by Fall River-Oglala Lakota County.

1. Incompetent, inefficient, unreliable, unwilling, or incapable of fulfilling his/her/their job duties as assigned.
2. Inadequate performance of duties.
3. Neglect of duty.
4. Conviction of a felony or misdemeanor offense which might adversely reflect on or create doubt about the moral character, credibility or reliability of the employee.
5. Theft or misappropriation of county property.
6. Insubordination.
7. Failure to observe drug and alcohol policies of the county, including failure to submit to alcohol and drug testing as required and use of alcohol or illegal drugs on the job.
8. Failure to observe harassment policies of the county.
9. Knowingly or willfully violating county ordinances.
10. Unauthorized absences.
11. Habitual tardiness/leaving early.
12. Abuse of sick leave.
13. Sleeping/loafing during working hours.
14. Disclosure of confidential information.
15. Offensive or inconsiderate conduct while on duty, or use of abusive language in public, or toward the public, county officials, or fellow employees.
16. Personal acceptance or appropriation of any fee, gift, tip or other gratuity or remuneration received solely for the performance of official duties in connection with county employment.
17. Knowing, intentional or repeated, falsification of any application for employment or any county record, report or time sheet.
18. Willful alteration, destruction or waste of county property, facilities, equipment or records.
19. Serious or repeated disorderly conduct.
20. Threatening, intimidating, coercing or interfering with supervisors or other employees.
21. Deliberate attempts to injure another employee or fighting on county property while on the job.
22. Unauthorized possession of firearms, explosives or any dangerous weapons while performing county work.
23. Recklessness which results in a serious accident while on duty, whether on or off county property.
24. Violation of policies or procedures outlined in the employee handbook.

7.6 Payment of Final Wages

As per SDCL 60-11-10 Prompt payment of wages due on separation by employer--Withholding for return of employer's property. Whenever an employer separates an employee from the payroll, the unpaid wages or compensation of such employee are due and payable not later than the next regular stated pay day for which those hours would have normally been paid or as soon thereafter as the employee returns to the employer all property of the employer in the employee's possession.

POLICY #8: DISCIPLINARY ACTION AND PROCEDURES

8.1. General Policy

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand, suspension, demotion, reassignment or termination as defined below. The county may, but is not required to, apply these actions progressively. Disciplinary action may be instigated for items included, but not limited to, those defined in Separation from County Service, Misconduct Defined.

In all cases below, when the department head is the individual being disciplined, as appropriate, the words "county commission" shall be substituted for "department head".

8.2. Oral Reprimand

The department head may orally reprimand an employee. This informal disciplinary consultation will be documented in an employee's personnel file or referenced in further progressive disciplinary actions.

8.3. Written Reprimand

The department head may discipline an employee by written reprimand. A copy of such shall be placed in the employee's personnel file in the County Auditor's office.

8.4. Suspension Without Pay or With Pay

The department head, with approval of the County Commission, may temporarily suspend an employee without pay for disciplinary purposes. Suspension shall be for no more than three (3) working days. Notice of such action shall be in writing to the employee with a copy to the County Auditor for payroll and personnel file purposes. In certain instances, i.e., when legal cases are pending, the employee may be suspended with pay.

An employee may be suspended with pay if investigational procedures are taking place before disciplinary action or termination.

(See Section 6.3.7 for further information on leave due to pending investigation)

8.5. Demotion or Reassignment

The department head, with the approval of the County Commission, may reduce an employee's pay, assign the employee to a lower position, or change the employee's duties within his/her current position, or use any combination of the above for disciplinary purposes. A copy of such shall be given the County Auditor for payroll and personnel file purposes.

8.6. Termination

The department head, with the approval of the County Commission, may terminate an employee from county employment for disciplinary purposes.

8.7. Non-Grievable Actions

Reprimands or termination of an employee during ~~his/her~~their probationary period ~~are~~is not grievable except on the basis of a prohibited form of discrimination.

8.8. Disciplinary Interviews

Before the following disciplinary actions are taken—suspension without pay, demotion, or termination—the department head shall:

1. Notify the employee in writing of the proposed disciplinary action. The notice shall state the reason(s) for the action, including any prior disciplinary actions and the facts of any other incidents upon which the present disciplinary action is based.
2. Hold a disciplinary interview to give the employee an opportunity to present reasons, orally or in writing, why the action should not be taken.
3. Within five (5) working days of the disciplinary interview, inform the employee in writing of the final decision, effective date of the disciplinary action, and ~~his/her~~their right to appeal such a decision to the County Commission, as follows, by filing a written notice of disagreement with the Chairperson of the County Commissioners within 5 working days of receiving the notice. If the employee fails to appeal the decision within 5 working days, the action shall become final.
4. At the next meeting of the County Commission following the employee's notice of disagreement, the grievant employee shall appear before the County Commission to discuss ~~his/her~~their grievance. After the employee's appearance before the County Commission, the County Commission Chairperson shall, in writing and within (10) ten working days, furnish the decision of the County Commission to the employee. If the grievant employee fails to appear before the County Commission on ~~his/her~~their scheduled date of hearing, ~~he/she~~they shall be deemed to have waived any disagreement with the decision making authority's decision and shall waive all rights to grieve such decision.
5. If the grievant employee disagrees with the written decision of the County Commission, ~~he/she~~they may within thirty (30) calendar days after receipt of the decision, initiate an appeal to the State Department of Labor in accordance with the provision of SDCL 3-18-15.2.

8.9. Signing Requirements

In all cases of written disciplinary action, the employee shall be required to sign the written notice of discipline, and such notice shall be dated and placed in the employee's permanent personnel file. If the employee refuses to sign the notice, a notation to that effect shall be made by the department head with another county department head or county official as a witness. The employee may submit a written statement of response to the disciplinary action which shall be attached to and remain with the disciplinary action in ~~his/her~~their permanent personnel file. Documentation of such discipline shall be submitted to the County Commission for review. In all instances in this policy where an employee is required to sign, signing does not imply agreement with the action, only that the contents have been made known to or discussed with the employee.

POLICY #9: GRIEVANCE PROCEDURES

9.1. Non-Employee Grievance Procedure

If a non-employee wishes to file a grievance or a complaint, please follow Steps 1 through 3 as described above in Section 9.2. Grievances believed to be brought about due to the ADA shall first follow Step 1, of Section 9.2. If a satisfactory resolution is not reached, then continue with the ADA procedures described below in Section 9.2.

9.2. Americans with Disabilities Act Grievance Procedure

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that "no otherwise qualified disabled individual shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination" in programs or activities sponsored by a public entity.

~~Fall River-Oglala Lakota~~ County has adopted this grievance procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Any individual who believes that ~~he/she/they~~ or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by ~~Fall River-Oglala Lakota~~ County may, by ~~him or herself/hemself~~ or by any authorized representative, file a complaint.

Complaints should be addressed to: ~~Fall River-Oglala Lakota~~ County Auditor, c/o ~~Fall River-Oglala Lakota~~ County Courthouse, 906 N. River Street, Hot Springs, SD, 57747, who has been designated to coordinate ADA compliance efforts.

Step 1 – A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the county of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

Step 2 – The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.

Step 3 – The State's Attorney shall promptly conduct an informal, but thorough, investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.

Step 4 – A written determination of the validity of the complaint and a description of the resolution shall be issued and a copy forwarded to the complainant no later than 30 working days after completion of this investigation. The finding shall include: findings of fact and conclusion of law, a description of a remedy for any violation found, and a notice of the rights available to both the entity and the complainant, including the complainant's right to file a private suit.

Step 5 – Files and records of all complaints filed shall be maintained.

Step 6 – The complainant may request a reconsideration of the complaint in cases where ~~he/she~~ is/they are dissatisfied with the resolution. The request for reconsideration must be made to the County Commission Chairperson within 10 working days of the original finding.

Step 7 – Nothing in this grievance procedure shall be construed as preventing an individual from pursuit of other remedies including filing the complaint with any federal ~~agene~~ agency, ~~he/she~~ they believes is appropriate or with the US Department of Justice. This procedure also does not preclude the individual's right to file a lawsuit in federal district court.

POLICY #10: DRUG AND ALCOHOL ABUSE POLICY

10.1 County's Commitment to Drug and Alcohol Free Workplace

The County of ~~Fall River Oglala Lakota~~ has a strong commitment to its employees to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective, the county will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance or tends to undermine public confidence in the county's work force. The county's goals are to establish and maintain a work environment that is free from the effects of alcohol and drug abuse and to maintain the reputation and integrity of the County of ~~Fall River Oglala Lakota~~ by preventing unacceptable behavior by its employees that discredits the County of ~~Fall River Oglala Lakota~~ and its employees.

There are multiple reasons the County performs drug tests. Refusal to take a drug test for the following any of the following reasons may be grounds for immediate termination.

1. Pre employment screening
2. Promotion of Employee
3. Accident on Site or During the Performance of County Business
4. Reasonable suspicion

While the county has no intention of unreasonably intruding into the private lives of its employees, the county does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that an employee's off-the-job, as well as on-the job, involvement with drugs and alcohol can have an impact on the county's goals.

10.2 Drug and Alcohol Abuse Policies

Following are the policies of the county regarding drug and alcohol abuse:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the county is proper cause for disciplinary action.
2. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance, as evidence, while acting in the line of duty.
3. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
4. The legal use of controlled drugs or substances prescribed by a licensed health provider is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
- ~~4.~~ The illegal use, sale, and possession of controlled drugs or substances while off duty and off county premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related convictions are also unacceptable. They may affect the job performance and the confidence of the public in the county's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

5.

10.3 Testing for Drugs or Alcohol

The county may require that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- (1) A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- (2) Information provided by a reliable and credible source with personal knowledge.
- (3) Direct observation of drug or alcohol use.
- (4) Presence of the physical symptoms of drug or alcohol use (i.e., glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- (5) Possession of substances in violation of the county's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the county's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the county.

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists shall be subject to disciplinary action.

The proper authority is required to detail in writing the specific facts, symptoms, or observations which led to the reasonable suspicion. This documentation shall be given to the County Auditor and placed in the employee's personnel file only if confirmed by the drug and/or alcohol test.

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All information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

10.4. Drugs to be tested for

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under State and Federal law:

- (1) Alcohol, ethyl;
- (2) Amphetamines / Methamphetamines, i.e., speed;
- (3) Barbiturates, i.e., to include, but not limited to, amobarbital, butabarbital, phenobarbital, cecobarbital;
- (4) Cocaine, Cocaine Metabolites;
- (5) Benzodiazepines;
- (6) Opiates, i.e., to include, but not limited to, codeine, heroin, morphine, hydromorphone, hydrocodone; oxycotin, oxycodone
- (7) Phencyclidine (PCP);
- (8) THC (Marijuana) Metabolite.
- (9) Other Designer Drugs or Street Drugs (bath salts, ecstasy, etc.)

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10.5 Employee Responsibilities

- (1) An employee must not report to work while ~~his/her~~their ability to perform ~~his/her~~their job duties is impaired due to on- or off-duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.
- (2) An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
- (3) An employee must notify ~~his/her~~their supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which could affect their job/drug test.
- (4) An employee must notify ~~his/her~~their immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Any violation of the above stated may result in immediate disciplinary action.

10.6 Management Responsibilities and Guidelines

- (1) Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- (2) Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in ~~his or her~~their possession or in an area jointly or fully controlled by the county.
- (3) Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, shall remind the employee of the requirements of the policy and that ~~he or she~~they may be subject to disciplinary

action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

(4) Nothing in this policy shall be interpreted as constituting any waiver of or limitation on the county's responsibility to maintain discipline, or the right to invoke disciplinary measures, nor the employee's right to due process and the processing of grievances concerning such disciplinary measures in accordance with the grievance procedure set forth in Policy #9.

(5) Whenever disciplinary action is used in this policy, it shall include but not be limited to oral reprimand, written reprimand, suspension, demotion or discharge.

POLICY #11 SEXUAL HARASSMENT POLICY

It is the policy of Fall River-Oglala Lakota County that all employees are responsible for ensuring that the workplace is free from sexual harassment. Because of Fall River-Oglala Lakota County's strong disapproval of offensive or inappropriate sexual behavior at work, all employees must avoid any action or conduct which could be viewed as sexual harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting the individual; or (3) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers or visitors, should first clearly inform the harasser that his/her/their behavior is offensive or unwelcome and request that the behavior stop. If the behavior continues, the employee must immediately bring the matter to the attention of his/her/their supervisor. If the immediate supervisor is involved in the harassing activity, the violation should be reported to that supervisor's immediate supervisor, the department personnel officer or the States Attorney if the employee is uncomfortable with the other options.

If a supervisor or personnel officer knows of an incident of sexual harassment, they shall take appropriate remedial action immediately. If the alleged harassment involves any types of threats of physical harm to the victim, the alleged harasser may be suspended with pay. During such suspension, an investigation will be conducted by Fall River-Oglala Lakota County. If the investigation supports charges of sexual harassment, disciplinary action against the alleged harasser will take place and may include termination. If the investigation reveals that the charges were brought falsely and with malicious intent, the charging party may be subject to disciplinary action, including termination. If an employee is dissatisfied with management's response to his/her complaint, he/she/they may contact the South Dakota Division of Human Rights, Department of Labor and Regulation, Kneip Building, 700 Governors Drive, Pierre, SD 57501, at (605) 773-4493.

POLICY #12 HARASSMENT

Fall River-Oglala Lakota County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the company. For that reason, Fall River-Oglala Lakota County will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

Prohibited Conduct Under This Policy

Fall River-Oglala Lakota County, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of Fall River-Oglala Lakota County's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

Fall River-Oglala Lakota County prohibits harassment of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Fall River-Oglala Lakota County. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her their ability to perform his or her their job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

POLICY #13 ROMANCE IN THE WORKPLACE

Employee Relationships

In order to minimize the risk of conflicts of interest and promote fairness, [Fall River-Oglala Lakota County](#) maintains the following policy with respect to romance in the workplace: All romantic or dating relationships between employees are prohibited.

POLICY #14 SOCIAL MEDIA POLICY

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with [Fall River-Oglala Lakota County](#), as well as any other form of electronic communication. The same principles and guidelines found in [Fall River-Oglala Lakota County](#) policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of [Fall River-Oglala Lakota County](#) or [Fall River-Oglala Lakota County](#)'s legitimate business interests may result in disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of [Fall River-Oglala Lakota County](#). Also, keep in mind that you are more likely to resolved work related complaints by speaking directly with your co-workers or by speaking with your supervisor than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's

reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Fall River-Oglala Lakota County, fellow associates, members, customers, suppliers, people working on behalf of Fall River-Oglala Lakota County or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of Fall River-Oglala Lakota County trade secrets and private or confidential information. Trades secrets may include information regarding the processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a “tip” on inside information to others so that they may buy or sell stocks or securities.
- Do not create a link from your blog, website or other social networking site to a Fall River-Oglala Lakota County website without identifying yourself as a Fall River-Oglala Lakota County associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for Fall River-Oglala Lakota County. If Fall River-Oglala Lakota County is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Fall River-Oglala Lakota County, fellow associates, members, customers, suppliers or people working on behalf of Fall River-Oglala Lakota County. If you do publish a blog or post online related to the work you do or subjects associated with Fall River-Oglala Lakota County, make it clear that you are not speaking on behalf of Fall River-Oglala Lakota County. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Fall River-Oglala Lakota County.”

Retaliation is prohibited

Fall River-Oglala Lakota County prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this

policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Associates should not speak to the media on ~~Fall River-Oglala Lakota~~ County's behalf without contacting the Public Information Officers. All media inquiries should be directed to them.

POLICY #15: APPOINTIVE OFFICIALS

15.1. Definition

An appointed official is an individual who holds a position in a county as specified in SDCL 31-11-1; 10-3-3; 33-16-24; 33-15-27.

15.2. Appointive Officials to be appointed

- (1) Highway Superintendent
- (2) Director of Equalization
- (3) Veterans Service Officer
- (4) Emergency Management Director/Coordinator
- (5) Weed and Pest Supervisor
- (6) Building Supervisor
- (7) GIS Coordinator

15.3. Appointment of Appointive Officials

- (1) SDCL 31-11-1
- (2) SDCL 10-3-3
- (3) SDCL 33-16-24
- (4) SDCL 33-15-27

15.4. Applicable Policies to Appointive Officials

- Policy #1: All subsections
Policy #2: All subsections
Policy #3: Not applicable
Policy #4: All subsections
Policy #5: All subsections
Policy #6: All subsections
Policy #7: All subsections
Policy #8: All subsections
Policy #9: All subsections
Policy #10: All subsections
Policy #11: All subsections

- Policy #12: All subsections
- Policy #13: All subsections
- Policy #14: All subsections
- Policy #16: All subsections
- Policy #17: All subsections

POLICY #16: COUNTY CREDIT CARD USE

16.1 Offices to have Cards

Credit cards will be located at and only be used by the following departments:

- Courthouse:
 - County Treasurer
 - County Auditor
 - and any other designated holders as determined by the County Commissioners
- Highway Department:
 - Highway Superintendent
- Sheriff Department:
 - Sheriff
 - Deputy Sheriffs
 - Civil Transport Deputy
 - Administrative Assistant
- ~~Emergency Management:~~
 - ~~Supervisor~~

16.2 Card Use

The credit cards will only be used for the following purposes:

- Travel:
 - Hotel room lodging and/or deposits to hold rooms for authorized, official travel on County business
 - gas expense
 - meal expenses (only on overnight travel) [excludes items such as soft drinks, candy, etc]
- Equipment and supply vendors:
 - When the County does not have an account or is not expected to have an account;
 - Instances where the use of the card would result in beneficial terms for the county.

County credit cards will not be used for cash advances of any kind, or for any other purpose not specifically authorized by this policy.

16.3 Card Use Review

The Board of Commissioners shall, on a monthly basis, review the credit card statement to ensure all transactions shown on the card comply with this policy. Transactions that do not appear to comply with the policy shall be reported to the full Board immediately.

16.4 Report of Card Use

All receipts must be promptly remitted to the Auditor (within 5 business days of returning from said trip). **Any charges that cannot be properly identified or which are not made in conformity with County policy shall be paid immediately by the user of the card.** Charges to

be reimbursed shall include any interest and all other related charges made by the credit card company.

16.5 Discipline for Card Misuse

Any officer or employee who uses a County credit card in a manner contrary to this policy shall be subject to disciplinary actions as determined by the Board of County Commissioners.

16.5 Card Benefit

All benefits, refunds, rebates and other incentives from the use of a credit card shall belong solely to the County and shall not benefit an individual.

16.6 Change in Limit

Card limit increase requests must be made to the County Commissioners.

This policy replaces county resolution #201~~65-0815~~

POLICY #17: PROCUREMENT

17.1 Introduction

The requirements for procurement are commonly contained in the Federal Uniform Guidance, program legislation, Federal awarding agency regulations, State bid laws and/or the terms and conditions of the award. To ensure compliance with these requirements, ~~Fall River-Oglala Lakota County~~, hereinafter referred to as the County, will adhere to the following policies and procedures when utilizing public funds:

17.2 State & Federal Requirements

Purchasing and procurement related to Federal funds will be subject to the general policies and procedures of South Dakota Bid Law (SDBL), unless federal requirements are more restrictive, then federal requirements and bidding thresholds will take precedence. (SDCL 5-18A-14 and CFR 200.318 (a)).

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17.3 Two Bid Limit

Pursuant to SDCL5-18A-14 there are currently two bid limits to consider when governmental entities enter into purchase contracts. If the purchasing agency intends to enter into a contract for any public improvement that involves the expenditure of fifty thousand (50,000) dollars or more, or a contract for the purchase of supplies or services, other than professional services, that involves the expenditure of twenty-five thousand (25,000) dollars or more, the purchasing agency shall advertise for bids or proposals.

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17.4 Conflict of Interest

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Conflict of interest requirements will be followed by the County and potential contractors as per CFR 200.318 and SDBL.

17.5 Supplies and Materials

All procurements of supplies and materials by the County will follow the requirements of CFR 200.318, CFR 200.320, SDCL 5-18A, SDCL 5-18B and SDBL and contractors are required to comply with all items listed for procurement by these laws and procedures.

17.6 Professional Services

Competitive Proposals for professional services will be solicited on a case by case basis and specifications for the proposals will be developed for each solicitation with technical requirements included for the service.

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Funeral Leave

Section 1: After one year of full-time employment, from hire date, in the event of a death in the immediate family, the employee will be allowed to take up to five (5) days of funeral leave. An Employee may, upon agreement of the Supervisor, take additional annual leave or leave without pay, if they so desire, in the event of a death in the immediate family. For the purpose of defining this Section, "immediate family" will be defined as follows:

Spouse, son, daughter, mother, father, mother-in-law, father-in-law, stepson, stepdaughter, sister, brother, brother-in-law, sister-in-law, grandparents and grandchildren, step-grandchildren and stepparents

Section 2: With the Supervisor's permission, accumulated annual leave, personal leave or leave without pay may be granted for other funeral attendance.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

For Immediate Release: Thursday, August 18, 2022
Media Contact: Brian Walsh, brian.walsh@state.sd.us

DANR Announces Stakeholder Outreach for Surface Water Quality Standards

PIERRE, S.D. – The South Dakota Department of Agriculture and Natural Resources (DANR) is seeking public participation in a virtual meeting to introduce and discuss proposed changes to the Surface Water Quality Standards in the Chapter 74:51 of the Administrative Rules of South Dakota (ARSD).

The meeting will include a DANR presentation explaining the [proposed changes](#) and provide an opportunity for public input.

The proposed rule changes include adopting/updating EPA's recommended cadmium criterion, incorporating a seasonal component to the irrigation beneficial use criteria, updating the beneficial use classification for part of the Missouri River (Lake Sharpe), removal of breached or nonexistent dams from the classified lakes section, deleting an unused definition, and corrections/updates to minor errors.

A Microsoft Teams virtual meeting is scheduled for 10:00 am CT August 30, 2022. Participants can join the virtual meeting by calling 605-679-7263 and using the meeting passcode 153628850#. To request a Teams link for the virtual meeting, please email Shannon.Minerich@state.sd.us.

Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Pontious, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Pontious@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

The official public comment period will be open in October 2022 and a public hearing will be held in December 2022.



407 Second Avenue West P.O. Box 59 Lemmon, South Dakota 57638-0059
Phone: (605) 374-3742 Fax: (605) 374-3238

August 16, 2022

Ogalala Lakota County Commissioners
906 North River Street
Hot Springs, SD 57747

Commissioners:

LIVE, Inc. is requesting your support for the year 2023. The amount of our request is \$2,1600.00. We are currently serving three individuals from Shannon County that came from the SD Developmental Center. Our request is \$720/individual; however, any amount of support is greatly appreciated.

LIVE, Inc. is in its forty-fourth year of operation as one of 20 Community Support Providers in the state of South Dakota. The total population of LIVE, Inc. is seventeen people supported.

We are proud of the quality programs and services we have developed for individuals with developmental disabilities.

Thank you for your past and continuing support.

If you are ever in the area, please stop in and tour our facilities.

Sincerely,

A handwritten signature in black ink that reads "Lori Drayton". The signature is written in a cursive, flowing style.

Lori Drayton
Business Manager
liveinc@sdplains.com