



Oglala Lakota County Policy Manual

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POLICY #1: PURPOSE AND USE

1.1 Purpose of Policies and Procedures

The policies and procedures for personnel administration and general policies that are enacted by the Officials of Oglala Lakota County in order to further the following goals:

- (1) To provide a uniform and sound personnel administrative system throughout the County of Oglala Lakota.
- (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 Supervisors 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 Supervisors 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.
- (8) Here in after the term employee refers to employees, Supervisors, Appointed and Elected officials.
- (9) General policies and procedures to help bring uniformity to operations.

1.2 Applications

The personnel policies and procedures shall apply to all County employees including where applicable appointed and elected officials as specified in the policy itself. In case of a conflict in this policy the State and Federal law will prevail.

1.3 Revision

The County of Oglala Lakota specifically reserves the right to repeal, change or amend any of these policies at any time upon a majority vote of the governing board.

1.4 Disclaimer

The County of 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which conflict or are inconsistent with these Oglala Lakota County Personnel Practices and Procedures are hereby repealed to the extent necessary to give these Personnel Policies full force and effect.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 prohibit 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 here are subject to change upon a majority vote by the Commission. These policies are provided as a reference to present policies and not a guarantee of employment or specific employment benefits.

1.6. Role of County Commissioner

The acts of the County Commissioners control the destiny, prosperity and general well-being of the residents and businesses of South Dakota. As an elected official, you must make a decision that is in the best interest of the entire County. Oglala Lakota County Commissioners will reference the State of South Dakota's County Commissioner's Handbook 3rd Edition as a guidebook. The Handbook has been established as a vital tool to aid County Commissioners in managing and conducting the affairs of county government.

Commissioner roles are set at the 1st meeting of the New Year. A Chair and Vice Chair are voted in at the beginning of the meeting which is run by the County Auditor. Once decided the Auditor turns the meeting over to the new Chairperson. Next run of business the meeting schedule and salary rates are set followed by the mandated procedures of the annual meeting agenda items.

POLICY #2: GENERAL POLICIES

2.1 Equal Employment Opportunity

It is the policy of the County of Oglala Lakota to hire employees equally and without regard to race, religion, creed, color, national origin, sex, age, disability, political affiliation, sexual orientation, marital or veteran status, or any other basis prohibited by State or Federal law under the (EEOC) Equal Employment Opportunity Commission. Violations of this policy by any County employee, Appointed or Elected Official, may be cause for immediate disciplinary action and/or dismissal.

Any employee who feels they have been discriminated against according to this policy should bring this concern to the State's Attorney's office.

2.2 Safety Belt & Cell Phone Policy

The County of 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 should be required to use safety belts when driving any County owned or leased vehicle (if equipped with safety belts) or while driving their personal vehicle on official County business.

The use of personal or county cell phone while driving is prohibited as in compliance with South Dakota Law [32-26-47.1](#).

County cell phone usage is for official County business only. No unauthorized social media apps may be installed on County equipment. Personal use is prohibited. Failure to comply with this policy will result in disciplinary action and/or dismissal.

2.3 County Vehicle and Equipment Policy

County vehicles shall be maintained by their respective departments. County vehicles shall be outfitted in accordance with the needs of said department. County vehicles and equipment shall only be operated by current authorized County employees. Non-County employee passengers must have prior approval by the Board of County Commissioners to ride in/on County property.

It is the County Commissions discretion to decide which employees are allowed to take County vehicles home after work hours. Negligent use of County vehicles or equipment will result in disciplinary action and/or possible dismissal.

Computer/office equipment shall be used for official County business only. No unauthorized programs, personal business or social media may be installed on County computers. Only County employees are authorized to operate County equipment. County programs are considered confidential and need to be secured at all times. County employees, Appointed, and Elected Officials will remain HIPPA and Standard Privacy Act of 1974 (5 U.S.C. 552a) compliant. Violation of this policy will result in serious disciplinary action and/or possible dismissal.

2.4 Smoking

It is the policy of the County of Oglala Lakota that smoking cigarettes, cigars, e-cigarettes and smokeless tobacco should not be permitted in County buildings and facilities or in County vehicles.

2.5 Outside Employment

County Commissioners need to approve any outside employment for employees, Appointed or Elected Officials. If outside employment interferes or negatively impacts the performance of their duties with the County or results in a conflict of interest the Commission along with the State's Attorney with documentation may ask to terminate any outside employment. Sick leave cannot be used to perform work for another employer. Workers' compensation insurance coverage will not be extended to injuries occurring with outside employment.

2.6 Performance Evaluations

Performance evaluations are designed to provide the employee with a record of their performance, to encourage professional growth and to promote communication between the Supervisor and employee. The performance evaluations will be conducted by the employees' Supervisor. Performance evaluations will be conducted a minimum of two times 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 based on their job description of Appointed Officials (Supervisors) will be conducted annually by the Oglala Lakota County Commission. The performance evaluations are to be structured to each employee's position laid out in their

job description. 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 their supervisor. 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.

2.7 Workplace Visitor Policy

Visitors, including vendors, must check in with the Supervisor and be accompanied while on the county premises. Due to safety and privacy concerns, The Oglala Lakota County Commissioners have made it a County Policy not to allow any family or friends to visit the job site of County employees. Violation of this policy will result in disciplinary action and/or dismissal.

2.8 Child or Elderly Care

Under no circumstances are county employees allowed to bring children of any age to work. County employees must plan for childcare or elderly care during scheduled office hours. Leave time should be used to care for an ill child or family member. Violation of this policy will result in disciplinary action and/or dismissal.

2.9 Personnel Records

2.9.1. General

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

2.9.2. Maintenance Responsibility and Accessibility

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

2.9.3. 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
- Performance appraisals
- Disciplinary actions
- Dismissal 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 them 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 refuses 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 their file regarding any information contained in their file that is in dispute. The incident will be reviewed after a year, if there has been no further violation the written incident will be removed from the employee file.

2.9.4. Benefits, Medical and Confidential File

Oglala Lakota County shall also maintain a complete confidential file for 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 laws.

2.9.5. 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.

2.9.6. 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, SSN, dates of employment, positions held and salary history.

2.9.7. 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 or 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 as per SDCL 1-25-2 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
- Coroner
- Director of Equalization
- Emergency Management Director
- Veterans Service Officer
- 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 to which they are assigned.

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

- sweatpants, tube tops, exercise clothes, or beach clothes
- casual flip-flops
- clothing with inappropriate logos, graphic depictions, or sayings

- 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 excessively tattered or torn
- Bare midriffs, backside and showing of cleavage are not allowed

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

2.10 Clothing/Uniform Allowance

The County will pay for clothing or uniform allowance per year of employment as follows:

Section 1. Full-time sheriff & deputies will be provided with a uniform allowance, which consists of a jacket, shirt, pants, belt, shoes, hat and gloves up to \$600.

Section 2. Part-time deputies will be provided with a uniform allowance, which consists of a jacket, shirt, pants, shoes, hat and gloves up to \$300.

Section 3. Highway department employees upon completion of 1 year of service shall be provided with a clothing allowance. Purchase of clothing is necessary to perform their duties while working in the elements, including, but not limited to coveralls, boots (steel toe if required), insulated clothing, jacket, hat, and gloves up to \$1,000.

Section 4. Part-time or less than a year of service Highway department employees shall be provided with a clothing allowance. Purchase of clothing is necessary to perform their duties while working in the elements, including, but not limited to coveralls, boots (steel toe if required), insulated clothing, jacket, hat, and gloves up to \$500.

Section 5. If an employee terminates their employment with the County, upon employee's exit interview, they will be required to return all County provided uniforms with Identifying County Position to their supervisor. (Exception – clothing bought with personal money)

2.11 Sheriff Equipment & Accessories

Sheriff equipment consists of a bulletproof vest, assigned firearm, handcuffs & key, flashlight, taser, pepper spray, baton, cell phone, body camera, and all other items deemed necessary to perform job duties. All sheriff deputies will be equipped with adequate gear no less than 30 days after the approved start date. Qualifications for firearms, tasers, and pepper spray are required to be on file and up to date. All items assigned provided by the county must be returned to the County upon dismissal of employment.

2.12 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 dismissal.

POLICY #3: RECRUITMENT AND HIRING

3.1. General Policy

It is the fundamental policy of 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, sexual orientation, marital status or political beliefs unless related to a bona fide occupational requirement. 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 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 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 should be committed to achieving and promoting equal employment opportunities in 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 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. Hiring Responsibilities of County Commission

All appointed and elected officials 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, whether 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 advertisements shall say that Oglala Lakota County is an "Equal Opportunity Employer."

Public announcements of employment opportunities will be advertised in the official newspaper, on the County website, County Facebook page, Tribal website, employment ads (indeed), and posted on designated County bulletin boards.

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 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

Oglala Lakota County maintains a job description of 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 they: (1) do not meet the minimum qualifications/eligibility for appointment; (2) knowingly have made a false statement on the application form or resume; or (3) have committed fraud during the selection process.

3.9. Selection and Employment of Relatives (Nepotism)

The County supervisor 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 supervisor, 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 apply 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 or by phone by the supervisor (County Commission if hiring supervisor). 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 their 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 employees that they have read the job description for which they have been hired and fully understand the conditions set forth. Further that they agree to abide by the policies of 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 with or hamper the employee from fulfilling the duties of their 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, 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 the probationary period. In the event an employee leaves or is dismissed during the probationary period of service, all vacation and sick leave 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 6-month probationary period assessing their ability to perform the duties of the new position assigned. If the employee is not meeting the required standards of performance, they may be restored to their original position or to a comparable position or may be dismissed if their position has been filled. All accrued benefits will transfer with the employee if there is continual service; thus, they shall continue to receive and utilize benefits as previously earned.

A new employee's probation shall be six (6) months 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 Oglala Lakota County the equivalent and continuous time of six (6) months, 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.

3.15 Pre - Employment Drug Testing

All 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). A DCI background check with fingerprints may be required.

Post-accident – Drug and alcohol tests may be required after any accident in a county vehicle/equipment.

Random – CDL drivers must be randomly tested throughout the year (§382.305); an employer who employs only 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 – Employees 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 employees 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 employees 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 Oglala Lakota County's intent to create a standard work week 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 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 Supervisor 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. Full-time employees must still adhere to the standard 40-hour workweek. Failure to do so will result in disciplinary action and/or dismissal.

4.3. Exemptions to Overtime

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

- 1) Elected officials
- 2) Appointed officials and other employees (if determined to be FLSA exempt)

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 supervisor 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 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 supervisor with County Commission concurrence, or if the supervisor is in question it is at the discretion of the County Commission.

Failure to observe this policy may result in disciplinary action and/or dismissal.

4.5. Time Clocks or Cards

Each employee's time clock punches are record of their regular hours worked, overtime worked, vacation, sick leave, etc., used for the purpose of calculating and issuing pay checks. Employees are required to punch in at a time clock every day or online with a digital punch.

Every employee and their supervisor must sign their time sheet/timecard to verify that all entries are accurate. Time sheets should be signed and submitted to the Auditor's office. If an employee cannot sign by the 16th, then the time sheet should be signed before the 10th of 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/timecards may result in disciplinary action and/or

dismissal. The time sheets/timecards shall be turned in to the County Auditor's office within two (2) business days of the end of the pay period.

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.

4.7. Work Week and Overtime

Work week for all Employees runs from 12:01 am Sunday through 12:00 pm Saturday.

- A. For non-highway and non-sheriff employees a week's work will constitute eight (8) hours between 8:00 to 4:30pm with a half hour (1/2) lunch. However, by mutual agreement between the supervisor and the employee with the approval of the County Commissioners a flex schedule may be used to work outside the hours of 8:00 am to 4:30 pm.
- B. For highway department employees a week's work will constitute four (4), ten (10) hours, Monday through Thursday from 7:00 am to 5:30 pm with a half hour (1/2) lunch.
 - a. Highway department employees who perform work on Sundays, with their supervisor's preapproval, will be paid the rate of two (2) times the existing hourlyrate for all hours worked.
- C. For sheriff deputy employees a week's work will constitute four (4), ten (10) hours scheduled between Sunday through Saturday with additional on-call duty possibilities.
 - a. Sheriff deputy employees who perform work seven (7) consecutive days in a row will be paid at the rate of two (2) times the existing hourly rate for that 7th day worked. Two-hour callouts do not count towards a full day worked.

Section 2. All hours in excess of forty (40) hours per week shall be paid for at the rate of one and one-half (1 ½) times the hourly rate. When overtime is to be worked, the employee must secure permission from their supervisor, or the said employee will not be compensated for such time worked.

Section 4. Work performed on Holiday's will be paid at the rate of two (2) times the existing hourly rate for all hours worked by full time employees. Hours of non-worked Holidays shall be counted towards an employee's forty (40) hour work week.

Section 5. Once on the clock, travel time from one job site to another or from the shop to the work site and returning will be considered work time.

Section 6. Fifteen (15) minute breaks shall be allowed, one midway in the morning and one midway in the afternoon. These break times will be staggered so as not to interrupt work. Break cannot be used in conjunction with other types of leave time.

4.8 Call Out Hours

If an employee is called to report to work on a scheduled day off or outside their normal scheduled work schedule, they are guaranteed a minimum of two (2) hours call out.

POLICY #5: COMPENSATION

5.1 General Policy

On an annual basis, the 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 steps and job classification changes for employees. The Oglala Lakota County Commission sets the salaries for elected and appointed officials.

Current employee and starting wages are decided and set by the County Commissioners at the first meeting of the new year. It is at the commission's discretion to make changes midyear. When funds are available, a cost-of-living adjustment (COLA) increase is added at the start of the new year.

5.2 Pay Period and Pay Day

The County does not grant advanced pay to employees under any circumstances. Payroll is distributed to employees by direct deposit, and all employees are required to provide account information to the Auditor's office to facilitate the deposit. An employee may opt to be paid bi-weekly or monthly. Payday for biweekly will be the Friday after the close of each pay period. Payday for monthly employees is the second to the last business day of the month.

5.3 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.

5.4 Changes in 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 action and/or dismissal.

5.5 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 through the Auditor's Office, and all receipts must be attached.

5.6 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 supervisor and County Commission Chairperson may approve of the travel.

5.7 Travel Expenses

Oglala Lakota County follows rates set by the State of South Dakota for mileage, meals, and lodging. See current Resolution with the most up to date amounts. Meals will be paid for only when employees are traveling outside of 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 100-mile radius of Oglala Lakota County, unless approved by the County Commission.

Same day travel: Meals may be reimbursed for Sheriff personnel engaged in prisoner transport outside of Oglala Lakota County during mealtimes. 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 handed in to the Auditor's Office. Reimbursement will be processed with payroll as taxable income.

5.8 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 vehicles are to be used. When using personal vehicles, you must provide a beginning and ending odometer reading on the travel voucher or the actual mileage will be determined with Google Maps and calculated by the Auditor's office.

5.9 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, 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.

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 Vision and/or Dental.

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

Benefits: Health Insurance, Vision, Dental, and Retirement.

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 Insurance, Vision, Dental, Life, 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.

Benefits: Health Insurance, Vision, Dental, Retirement and Life and all leaves of absence described in Policy 6.3.

Permanent Part-Time – An individual who is employed by the County to work at least 20 hours, but less than 32 hours per week, year-round.

Benefits: Retirement if over 20 hours a week. Dental and vision insurance.

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 people employed for seasonal job functions such as flag persons, mower operators, weed sprayers, etc. are examples. These employees work as needed to meet peak workload and/or seasonal needs but normally work less than 1,250 hours in a given calendar year and less than 120 consecutive days.

Benefits: None available.

6.3 Leaves of Absence

6.3.1 General Policy

Leaves of absence are considered a benefit and privilege offered by Oglala Lakota County. Leaves are not granted automatically, and should be requested, when possible, two

weeks in advance by the employee to their supervisor. 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 sick and vacation leave time.

6.3.2 Sick Leave:

Sick Leave: Full-time employees in their first year of employment shall be entitled to a half (1/2) day per month, six (6) days per year, after completing sixty (60) days of employment are allowed to start using their sick leave balance. 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 accrual is calculated and credited at the end of each pay period. 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. Eligible employees may take FMLA concurrently with sick leave when the reason for leave qualifies under both this policy and the FMLA policy.

6.3.3 Vacation

Vacation: Full-time employees are eligible for vacation. Vacation is available on the annual anniversary of hire date. Hours are based off an eight (8) hour workday.

After one (1) year of service	Nine (9) days [72 hours]
After two (2) years of service	Twelve (12) days [96 hours]
After five (5) years of service	Fifteen (15) days [120 hours]
After ten (10) years of service	Eighteen (18) days [144 hours]
After fifteen (15) years of service	Twenty-One (21) days [168 hours]
After twenty (20) years of service	Twenty-Four (24) days [192 hours]

Vacation will be prorated upon the discharge or dismissal of the employee. Employees in their probationary period are not eligible.

Unused vacation time of 120 hours is allowed to be carried over on employee's anniversary date. Upon Commissioner approval the remainder of vacation leave above 120 hours may be paid out on their paycheck if requested. Update 02/26/2026 and approved on 03/12/2026.

6.3.4 Funeral Leave

In the event of a death in the immediate family, employees will be allowed to take up to five (5) days of funeral leave a year. New employees need to wait until they are out of their probationary period. An employee may, upon approval of their supervisor, take additional annual leave or leave without pay. For the purposes of defining 'immediate family' is defined as: spouse (partner), son, daughter, hunkapi (adopted) children, mother,

father, mother-in-law, father-in-law, stepchildren, sister, brother, brother-in-law, sister-in-law, grandparents, grandchildren, step-grandchildren, stepparents, aunt, uncle, niece, nephew. *Exception: The Chair or Vice Chair may allow an employee within their probationary period to use their leave. *

Employees wishing to attend funerals of people other than immediate family must submit requests to take annual leave, or if annual leave is not available, leave without pay may be used but must be approved by the immediate supervisor prior to taking leave.

6.3.5 Holiday

Holiday: Full-time employees will be paid at a regular hourly wage rate for their normal scheduled workday. Employees working on the holiday will be paid two (2) times the hourly rate for all hours worked. Hours of non-worked holidays shall be counted towards an employee's forty (40) hour work week.

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. For departments that work four (4), ten (10) hour days Monday through Thursday, the Saturday holiday would be observed on Thursday. For example, if the holiday is on a Friday (scheduled day off) then the holiday is observed on Thursday to constitute a 40-hour work week. Thanksgiving holiday is observed as Wednesday and Thursday for departments that work four (4), ten (10) hour days.

Designated holidays:

- New Year's Day
- Martin Luther King Jr Day
- President's Day
- Memorial Day
- Independence Day
- Juneteenth, **June 19**
- Little Big Horn Victory Day, **June 25**
- Labor Day
- Native American Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day
- Wounded Knee Massacre Day, **December 29**

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

6.3.6 Emergency or Severe Weather Leave

The Oglala Lakota County Commission Chairperson at 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 Chairperson's approval of closure. Any individual who wishes to take time off for inclement weather must request it from their supervisor and utilize vacation. If an employee has taken sick or annual leave prior to the County office 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 County office or respective work location.

6.3.7 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 Supervisor must approve this leave in advance. (SDCL 12-3-5)

6.3.8 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 their official orders or other records from the military service to their supervisor/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. They will then be entitled to return to County service at their former position, or at a level equivalent to the position they held at the time of departure.

6.3.9 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 their official orders or other records are provided to the supervisor 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 and/or dismissal.

6.3.10 Maternity Leave

All maternity, paternity, or adoption leave shall be applied towards the employee's annual, sick, donated annual, or leave without pay. A physician's statement is needed to see if Maternity, paternity, or adoption leave qualifies under FMLA. Under Maternity Leave in FMLA not only is the biological mother covered, but under certain circumstances father, unmarried co-parents, adoptive parents, and foster parents are covered.

Use of Sick Leave for the Birth or Adoption of a Child A parent is allowed to use no more than 12 weeks of accumulated leave for the birth of a child and bonding period

with a newborn or an adopted or foster child within a year after the birth or placement of the child. For employees who are eligible for FMLA leave, the use of sick leave will coincide with the use of FMLA leave. Supervisor approval is required to use intermittent leave. Example 1. The parents could simultaneously take the 12 weeks off following the birth. Example 2. One parent could take the first 12 weeks off, and then the other parent could take 12 weeks off. Example 3. With permission of the supervisor, the mother could take six weeks off following the birth and then work mornings for 12 weeks.

6.3.11 Family Medical Leave Act (FMLA)

The County agrees to comply with the Federal Family and Medical Leave Act. Family Medical Leave is available to full-time employees who have worked for the County for at least 12 months and after completing 1250 hours of service in one year. FMLA covers up to twelve (12) weeks per year. Employees are required to provide medical certification while on FMLA and before returning to work.

Employees must notify their supervisor and provide documentation when you know you need extended leave. The County will let you know within five business days if the requested time is eligible for FMLA leave.

The County allows an employee to use eligible paid leave during the FMLA period before using unpaid leave. If the employee exhausts their eligible paid leave, then the remainder of the FMLA period is unpaid.

The County requires the use of annual and sick leave to be used during the start of FMLA. Once all leave is exhausted, it will become leave without pay. Employees are responsible for the cost of benefits. Payment must be submitted to the office in a timely manner to avoid lapse in coverage.

Intermittent Leave or Reduced Schedule Leave An employee does not have to use leave in one block in all circumstances. Instead, when it is medically necessary or otherwise permitted, an employee may use leave on an intermittent or reduced-schedule basis. Employees may use intermittent or reduced-schedule leave for: An employee's own serious health condition, to care for a spouse, son, daughter, or parent with a serious health condition, an employee's qualifying exigencies, or to care for a covered servicemember with a serious injury or illness. The State may allow an employee to take intermittent leave or reduced work schedule leave for other FMLA events if a 30-day advance notification is received and with prior approval from the employee's supervisor.

6.4.12 Donation of Annual or Sick Leave

Employees may donate annual leave up to one hundred twenty (120) hours within a one (1) year period unless otherwise approved by the supervisor. The donating employee must have enough annual leave to retain one hundred twenty (120) hours for their use. An employee may donate two hundred (200) hours of sick leave within a one (1) year period unless otherwise approved by the supervisor. Employees may request to receive donated annual leave provided their own annual and sick leave has been completely exhausted and a medical emergency occurs, documentation must be provided. Payment in lieu of vacation is limited to one hundred and twenty (120) hours of annual leave. An employee may be paid up to five hundred and twenty (520) hours of accrued sick leave upon retirement.

Requests and donations for annual leave and sick leave shall be submitted to the supervisor in writing on a form approved by the department.

6.3.13 Leave without Pay (LWOP)

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 Supervisor. Such leave for longer periods for new employees is at the discretion of the Supervisor with the approval of the County Commissioners. For any County employee to take non-FMLA leave without pay, they must exhaust their accrued annual leave. For any exceptions the employee must receive Supervisor approval and, together meet with the Chairperson.

Employees should be aware that LWOP affects their entitlement to or eligibility for certain benefits. The employee may continue 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.

6.3.14 Administrative Leave Due to Pending Investigation

An employee may be placed on Administrative Leave with/without pay or reassigned pending investigation.

The 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 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 supervisor immediately (within 24 hours) who in turn shall, as with all accidents, report the incident to the supervisor/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, and 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, Dental, Vision and Life

Health, Dental, Vision, Life 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 the supplemental 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

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 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.

POLICY #7: SEPARATION FROM COUNTY SERVICE

Dismissal of employment, other than due to retirement or death, may occur by an employee's resignation, extended absence without proper notification or dismissal 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 their supervisor written notice of their resignation at least two weeks in advance. A Supervisor may resign by giving their written resignation to the County Commission Chairperson at least one month before 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, 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 Supervisor or, in the case of a Supervisor, at the discretion of the County Commission. Any unauthorized absence may result in disciplinary action. Supervisors 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. Refusal to take a random/requested drug test is grounds for automatic dismissal.

Unemployment Compensation: 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 Oglala Lakota County for the Commissioners or Supervisor, 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 effect their separation will have upon all benefits and what benefits they have coming upon separation. Regarding involuntary separation, the supervisor 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, uniforms, equipment 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 Supervisor misconduct that may result in disciplinary action up to and including immediate dismissal. This list is not intended to completely list all employee misconduct but rather is provided as a guideline by which employees/supervisors can judge actions that will not be tolerated by Oglala Lakota County.

1. Incompetent, inefficient, unreliable, unwilling, or incapable of fulfilling 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 state statutes.
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 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 no 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.

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 dismissal 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 Supervisor is the individual being disciplined, as appropriate, the words "County Commission" shall be substituted for "Supervisor".

8.2. Oral Reprimand

The Supervisor 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 Supervisor 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 Supervisor, with approval of the County Auditor, Chairperson and States Attorney 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 investigation procedures are taking place before disciplinary action or dismissal.

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

8.5. Demotion or Reassignment

The Supervisor, with the approval of the Chairperson, may reduce an employee's pay, assign the employee to a lower position, or change the employee's duties within their current position, or use any combination of the above for disciplinary purposes. A copy of such will be given to the County Auditor for payroll and personnel file purposes.

8.6. Dismissal

The Supervisor, with the approval of the Chairperson, may dismiss an employee from County employment for disciplinary purposes.

8.7. Non-Grievable Actions

Reprimands or dismissal of an employee during their probationary period 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 dismissal—the supervisor shall:

1. Notify the employee in writing of the proposed disciplinary action. The notice shall state the reasons 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 their right to appeal such a decision to the County Chairperson, 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 their grievance. After the employee's appearance before the County Commission, the 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 their scheduled date of hearing, 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 Chairperson, 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 Supervisor with another County Supervisor 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 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.

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 they or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by Oglala Lakota County may, by themselves or by any authorized representative, file a complaint.

Complaints should be addressed to: Oglala Lakota County Auditor, c/o 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 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 agency, they believe 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 Oglala Lakota has a strong commitment to its employees to provide a safe, healthy, 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 Oglala Lakota by preventing unacceptable behavior by its employees that discredits the County of Oglala Lakota and its employees.

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

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

4. Reasonable suspicion
5. Drug Test CDL Drivers

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.
5. 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 and/or dismissal.

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, supervisor 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 and/or dismissal.

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.

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, Methamphetamines metabolites i.e., speed
- (3) Barbiturates, i.e., to include, but not limited to, amobarbital, butobarbital, phenobarbital, secobarbital.
- (4) Cocaine, Cocaine Metabolites
- (5) Benzodiazepines
- (6) Opiates include, but not limited to, codeine, heroin, morphine, hydromorphone, hydrocodone; oxycontin, oxycodone and metabolites.
- (7) Phencyclidine (PCP)
- (8) THC (Marijuana) metabolites.
- (9) Other Designer Drugs or Street Drugs (bath salts, ecstasy, Fentanyl, Cow Trances, ect.)
- (10) Fentanyl, Fentanyl metabolites
- (11) Xylazine metabolites

10.5 Employee Responsibilities

- (1) An employee must not report to work while their ability to perform 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 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 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 and/or dismissal.

10.6 Management Responsibilities and Guidelines

- (1) The Commission and Supervisors 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) The Commission and Supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in their possession or in an area jointly or fully controlled by the County.
- (3) The Commission or Supervisor 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 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 Oglala Lakota County that all employees are responsible for ensuring that the workplace is free from sexual harassment. Because of 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 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 their supervisor. If the Supervisor is involved in the harassing activity, the violation should be reported to The County Chairperson, County Commission, or the States Attorney if the employee is uncomfortable with the other options.

If a Supervisor or County Chairperson 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 States Attorney. If the investigation supports charges of sexual harassment, disciplinary action against the alleged harasser will take place and may include dismissal. If the investigation reveals that the charges were brought falsely and with malicious intent, the charging party may be subject to disciplinary action, including dismissal. If an employee is dissatisfied with management's response to their complaint, 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

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, Oglala Lakota County will not tolerate unlawful discrimination or harassment/bullying 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 dismissal of employment.

Prohibited Conduct Under This Policy

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 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 dismissal.

Harassment

Oglala Lakota County prohibits harassment/bullying 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 Oglala Lakota County. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs their ability to perform their job is included in the definition of harassment.

The following examples of harassment and/or bullying 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, Oglala Lakota County maintains the following policy with respect to romance in the workplace: All romantic or dating relationships between employees are prohibited during working hours.

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 Oglala Lakota County, as well as any other form of electronic communication. The same principles and guidelines found in 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 Oglala Lakota County or Oglala Lakota County's legitimate business interests may result in disciplinary action up to and/or including dismissal.

Be respectful

Always be fair and courteous to fellow associates, customers, members, suppliers, or people who work on behalf of Oglala Lakota County. Also, keep in mind that you are more likely to resolve 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, videos, 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 Oglala Lakota County, fellow associates, members, customers, suppliers, or people working on behalf of Oglala Lakota County or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of Oglala Lakota County trade secrets and private or confidential information. Trade 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 an Oglala Lakota County website without identifying yourself as an Oglala Lakota County associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for Oglala Lakota County. If Oglala Lakota County is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of Oglala Lakota County, fellow employees, members, customers, suppliers or people working on behalf of Oglala Lakota County. If you do publish a blog or post online related to the work you do or subjects associated with Oglala Lakota County, make it clear that you are not speaking on behalf of 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 Oglala Lakota County.”

Retaliation is prohibited

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 dismissal.

Media contacts

Employees should not speak to the media on Oglala Lakota County’s behalf without contacting the Public Information Officers. All media inquiries should be directed at 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) GIS Coordinator
- (6) Coroner

15.3. Appointment of Appointive Officials

- | | | |
|-----|---------------|--------------------------|
| (1) | SDCL 31-11-1 | Highway Superintendent |
| (2) | SDCL 10-3-3 | Director of Equalization |
| (3) | SDCL 33A-1-22 | Veteran Service Officer |
| (4) | SDCL 34-48A | Emergency Management |

15.4. Applicable Policies to Appointive Officials

This Policy is applicable to all County employees, Supervisors, Appointed and Elected 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

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
- 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.

Meals for travel purposes are not allowed on the County credit cards. Travel vouchers must be submitted with current per diem rates to the Auditor's office. See Travel policy 5.6 – 5.10

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 on 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 to the County 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.

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, 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)).

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 one hundred thousand (100,000) dollars or more, or a contract for the purchase of supplies or services, other than professional services, that involves the expenditure of fifty thousand (50,000) dollars or more, the purchasing agency shall advertise for bids or proposals.

17.4 Conflict of Interest

Conflict 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 must follow all items listed for procurement by these laws and procedures.

17.6 Professional Services

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