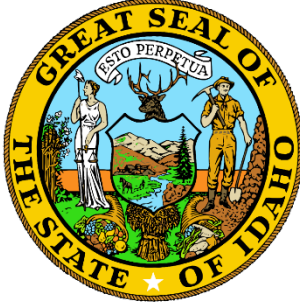


Idaho Division of
Human Resources



DHHR

Executive Office
of the Governor

Employee Handbook

Effective 06/01/23

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Welcome and Purpose of the Handbook

Congratulations and welcome to the Division of Human Resources (“DHR”). DHR strives to provide an employee-friendly environment in which employees are able to thrive as we overcome ever more demanding challenges. DHR is committed to serving the employees, managers, and agency leaders within the Governor’s Executive Branch, as well as the citizens of Idaho.

This handbook is designed to acquaint you with DHR and provide you with information about the policies affecting your employment. Employees are expected to comply with all provisions of the handbook.

This handbook, and the policies set forth herein, do not constitute a contract (express or implied), nor are they to be construed as constituting contractual obligations of any kind or a contract of employment between DHR and its employees. This handbook does not guarantee any fixed terms or conditions of employment.

The Administrator of DHR reserves the right to modify, change, disregard, suspend, or cancel at any time with or without written or verbal notice, all, or any part of the handbook’s contents as circumstances may require.

DHR’s Role in State Government

The Division of Human Resources (DHR) is a part of the Executive Office of the Governor and is authorized and directed to administer the state personnel system, which includes but is not limited to:

- Human resources policy creation and implementation.
- Compensation analysis including statewide salary structure and evaluation of state job classifications.
- Development of annual Change in Employee Compensation (CEC) report.
- Administration and implementation of Title 67 Chapter 53, and Title 59 Chapter 16, Idaho Code, related to the personnel system.
- Administration of DHR rules, IDAPA 15.04.01.
- Human resources consultation, training, information, and analysis.
- Statewide recruitment including the administration of the applicant tracking system and the merit system.
- Training to statewide agencies and employees including administration of the Certified Public Manager® (CPM) program.
- System administration for HRIS systems.

DHR also provides administrative support to the Idaho Personnel Commission (IPC) whose responsibilities focus on formal legal review and hearings to resolve employment related appeals.

DHR Strategic Plan

MISSION:

To administer the State of Idaho Personnel System and provide Human Resources consultation, training, information, and analysis to the Governor's office, legislative leaders, agency directors, and staff.

VISION:

To hire, create and maintain a productive, engaged, and skilled workforce to serve the citizens of the State of Idaho.

KEY EXTERNAL FACTORS:

Key external factors for the Division of Human Resources are similar to other agencies within the Executive Office of the Governor:

- Both state and federal legislation affecting the state workforce may alter or significantly impact the functions of the Division of Human Resources.
- The Division must be sensitive to changes in workforce trends, the labor market, unemployment rates, market wage variations, and overall economic conditions when recommendations are made to the Governor and Legislative leaders.
- The Division is a customer-service based entity and has the responsibility to address issues raised by the Governor's office, the Legislature, and the agencies of State government.

Statewide Policies and Procedures

These human resource policies are applicable to all State of Idaho executive branch agencies. They are designed as a working guide for agency leadership and human resource staff in the day-to-day administration of the state's human resources and personnel system. They are not promulgated as rules under the Idaho Administrative Procedures Act nor do they carry the force and effect of law. However, a violation of any one of these policies may be grounds for disciplinary action up to and including termination.

STATEWIDE POLICIES

- [Section 1 - Compensation](#)
- [Section 2 - Vacation Leave](#)
- [Section 3 - Sick Leave](#)
- [Section 4 - Family & Medical Leave Act \(FMLA\)](#)
- [Section 5 - Special Leaves](#)
- [Section 6 - Leave Donations](#)
- [Section 7 - Telecommuting](#)
- [Section 8 - Domestic Violence](#)
- [Section 9 - Respectful Workplace](#)
- [Section 10 – Paid Parental Leave](#)
- [Section 11 – Education Reimbursement](#)
- [Section 12 – On-Call](#)
- [Section 13 – Workers’ Compensation](#)
- [Section 14 – ADA and Reasonable Accommodation](#)
- [State Travel Policy and Procedures](#)

Hours of Work/Employee Breaks/Dress Code

DHR BUSINESS HOURS

The Division of Human Resources office is open 8:00 AM - 5:00 PM, Monday through Friday.

CORE HOURS

Supervisors may require an employee who works during normal business hours to work during certain core times such as 9:30 to 11:00 AM and 1:30 to 3:30 PM Monday through Friday.

Supervisors may also establish core hours for flexible schedules such as a requirement that hours of work must occur between 6 AM and 6 PM local time.

TIMEKEEPING

The work week for employees of DHR is 12:01 AM Sunday through 12:00 Midnight Saturday. All hours worked are to be recorded on the employee's time sheet and approved by the authorizing supervisor. Employees are prohibited from working "off the clock". Employees may not volunteer their time in this or other state agencies if they are performing work similar to their primary state job.

If a non-exempt (covered) employee is expected or permitted by the supervisor to continue to work or is interrupted by work requests, phone calls, etc., during the lunch break, the entire lunch break may be considered work time. More flexibility in scheduling occurs with exempt employees, but all-time worked must be reported. If lunch breaks are interrupted, only actual time worked is reported.

LUNCH BREAKS

Every employee is permitted up to a one-hour unpaid lunch break. Lunch breaks may need to be coordinated with others in your work area and approved by your supervisor.

ADDITIONAL BREAKS

Every employee is permitted one fifteen-minute, paid break for every four hours worked. Break time cannot be accumulated.

OVERTIME

The Division of Human Resources follows the Fair Labor Standards Act (FLSA) and all applicable federal and state laws and rules regarding employee compensation and overtime. DHR has established certain employment classifications in accordance with the FLSA. Each employee is designated as either **Non-Exempt** (Covered) or **Exempt** (Not Covered) from federal and state wage and hour laws. The categories are defined below.

The State of Idaho allows both covered and exempt employees to accrue compensatory (comp) time. Employees who are covered also have the option of receiving payment for their overtime hours.

- **Non-Exempt (Covered):** Employees are entitled to accrue overtime in the form of either cash or compensation time, for hours worked in excess of 40 hours in a work week. Employees defined as non-exempt receive cash or accrue overtime at one and one-half (1 ½) hours for each overtime hour worked. Unused comp hours are automatically paid out upon termination from state employment, upon transfer to another agency, or twice per year at the end of the fiscal year and the end of the calendar year.
- **Exempt:** Employees are entitled to accrue overtime in the form of compensation time, for time worked in excess of 40 hours in a work week. Employees defined as exempt are not eligible to receive any overtime compensation in the form of cash for overtime accrued in accordance with Idaho Code. Overtime is accrued at one (1) hour for each overtime hour worked. Unused comp hours are forfeited upon termination from state employment or upon transfer to another state agency.
- **Executive Exempt:** Employees are not eligible for overtime and overtime is not reported.

When operational requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization.

Overtime is calculated on actual hours worked. Time off recorded as sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Additionally, any work week in which a holiday or multiple holidays occur, holiday hours will not be considered as hours worked for the purpose of calculating overtime. Overtime work will earn credited state service at the rate of one hour for each hour that the employee physically works.

The State is considered the single employer for determining the number of hours worked. If an employee works for more than one state department, the employee's combined service will be subject to applicable laws and DHR rules governing overtime.

PAYROLL

DHR follows a bi-weekly schedule. Payroll schedules can be found on the State Controller's Office website.

FLEXIBLE TIME AND TELECOMMUTING

DHR provides flexible work arrangements, at the discretion of the Administrator, to enable staff and management to serve customers well, meet departmental goals, and balance personal and professional responsibilities.

In consideration of flexible schedules and telecommuting arrangements, the needs and expectations of the supported agencies will be considered first. DHR will not approve any arrangement that is beyond what those agencies allow for their employees. Flexible schedules and telecommuting are a benefit of employment, and no employee is entitled to those arrangements

FLEXIBLE SCHEDULE:

Employees are expected to cover the agency's core work hours of Monday – Friday, 8:00 am – 5:00 pm. If a flexible schedule is implemented, it must be clearly communicated to customers and coworkers. Additionally, the employee must arrange appropriate coverage. Supervisors may approve flexible schedules that are within one hour of the core work hours. Any requests for schedules outside of 7:00 am – 6:00 pm must be approved by the appropriate HR Manager or Bureau Chief. Any flexible work schedule can be modified or rescinded, at any time, by the supervisor.

TELECOMMUTING:

Considerations for these requests are experience and longevity with the state and in the current role/agency, performance, mastery of the position, agency needs, type of work being performed, and coverage of duties. Supervisors are expected to consistently provide clear productivity and performance expectations as well as expectations for interactions with customers, coworkers, and others. Supervisors will be required to have a written communication and performance plan that is consistently validated. To consider telecommuting, employees should have passed entrance probation, have performance evaluations with a rating of Achieves or higher, and no current performance improvement plans or letter of reprimands in the past twelve months.

All work done outside of the established teleworking location must be pre-approved by the supervisor. Employees are expected to maintain standards of professionalism while telecommuting to include dress code, distractions, noise during virtual meetings, and maintaining an appropriate workspace. All customer interactions should be consistent with the professionalism that they would experience as if the employee was working from the office.

Employees requesting telecommuting arrangements should refer to the [Statewide Telecommuting Policy](#) and complete all required forms. All requests must be approved through the supervisory chain of command, with final approval by the Administrator. Any telecommuting agreement can be modified or rescinded, at any time, by the supervisor.

TRAVEL

DHR employees required to travel are expected to follow the [State Travel Policy and Procedure](#) as established by Idaho Code [Title 67, Chapter 20](#). Work assignments that require an employee to travel or to stay out over a weekend or overnight(s) may qualify for expenses, but in no circumstances will employees be compensated beyond travel and actual hours worked. The policy is intended to establish guidelines and limits that promote cost-effective and efficient methods for incurring travel and related expenses while performing official business for the State of Idaho.

All travel costs and related expenses claimed to the State must be properly authorized, actually incurred, essential in achieving the goals, or fulfilling the responsibilities, of the State government entity and conducted in the most economical and practical manner for the State while also in compliance with the State Travel Policy and Procedures.

When travelling by vehicle for DHR business, employees are expected to use either a state car (from their agency fleet) or rent a car when traveling. When personal vehicles are used, only ½ of mileage is reimbursed. Any exception to this must be pre-approved, in writing. When travelling by vehicle for agency business, employees are expected to use either a state car (from their agency fleet) or follow the agency policy for vehicle use and reimbursement.

To determine whether the agency or DHR will cover the cost to travel, refer to the service level agreement. This agreement does not preclude the agency from providing additional resources to HR staff.

STANDARDS OF APPEARANCE

It is the intent of DHR that work attire should complement an environment that reflects an efficient, orderly, and professionally operated agency. DHR staff working within other agencies will be expected to comply with that agency's policies and expectations for standards of appearance. Central office DHR staff will be expected to wear business attire Monday through Friday. Casual business attire will be permitted on Fridays except during the Legislative session. All DHR employees should be mindful of dressing appropriately for the situation including meetings, visits to other offices, presentations, and safety. Employees are expected to refrain from wearing offensive wording or visuals and must be mindful of fragrance and odor.

Employees who do not follow the standards of appearance may be requested to go home and return in proper business attire. Employees will not be compensated for this time. If employees have questions as to what constitutes appropriate attire in their work environment, they should consult with their supervisor.

Policies Related to State Government

BACKGROUND AND REFERENCE CHECKS

DHR is committed to selecting the most qualified and suitable applicants when filling vacancies. As part of the hiring process, the agency may conduct background and reference checks in compliance with all legal guidelines. All offers of employment subject to a background and/or reference check are contingent upon clear results of a thorough check is completed.

Background checks may be conducted on all final candidates and on employees who apply for a position to transfer or promotional positions including interim or acting positions, as deemed necessary.

Background checks may include:

- Social Security Verification
- Prior Employment Verification
- Personal and Professional References
- Educational Verification
- Criminal History

Additional background check requirements as required by the agency directly supported.

This process is necessary to ensure individuals are selected who meet essential requirements or possess the qualifications to perform the duties of the position. This includes but is not limited to:

- Motor Vehicle Records
- Credit History
- Drug testing
- Polygraph

REFERENCES

Information sought during a reference check may include employment history, beginning and ending dates, salary, and questions relating directly to the requirements of the job. DHR will not inquire about age, national origin, economic status, religion, marital status, or other protected categories. Questions about medical conditions, impairments, or physical limitations are allowed only as they relate to the applicant's ability to perform essential functions of the job.

DHR reserves the right to determine which checks are necessary based upon the position being filled.

DHR also receives requests seeking employment verification and information about an applicant's work habits, performance, and skills.

Supervisors may provide references for an employee based on the supervisor's experience with the employee. Any information provided must be factual, objective, and verifiable (i.e., documented in the performance evaluation). Do not share anything that would not be available as a public record without a signed release. Idaho Code § 44-201(2) provides for a rebuttable presumption that you are acting in good faith and cannot be held civilly liable for disclosure or consequences resulting there from. "The presumption of good faith is rebuttable only upon the showing by clear and convincing evidence that the employer disclosed the information with actual malice or with deliberate intent to mislead." If the supervisor is uncomfortable providing the reference, the inquiry should be referred to the HR Manager.

- **Internal:** Supervisors may provide verbal references to other State of Idaho supervisors. No written consent from the employee is required.
- **Letter of Recommendation:** A DHR employee may request that their supervisor or previous supervisor write a letter of recommendation.
- **Signed Release Required:** A signed release is required for all information that is not considered a public record.

EMPLOYEE COMPENSATION

The State of Idaho provides a competitive merit-based compensation structure to attract qualified applicants to the state workforce; retain employees who have a commitment to public service excellence; motivate employees to maintain high standards of productivity; and reward employees for outstanding performance. This structure is an integral, necessary, and expected cost of providing state services to the citizens of Idaho which complies with applicable federal and state law; and is based on available funding and good stewardship of taxpayer dollars. DHR follows the State Compensation Policy.

EMPLOYMENT CATEGORIES

All positions with the state are classified, except if specifically defined as non-classified in statute. Title 67, chapter 53 of Idaho Code establishes classified employment. Title 59, chapter 16 addresses non-classified employment; including temporary, seasonal, and limited-service positions.

- **Classified:** Any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

Once an employee has been certified by the appointing authority to have successfully completed the required probationary period, they are considered to have permanent employment and are subject to removal or discipline only under the provisions of Title 67, Chapter 53, Idaho Code, and the rules of DHR and Idaho Personnel Commission.

- **Non-Classified:** Any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of Title 67, Chapter 53, Idaho Code, as provided for in section 67-5303, Idaho Code.

- **Temporary Appointment:** Employees are limited to one thousand three hundred eighty-five (1,385) hours of work in any twelve (12) month period for any one agency. Both calculations begin on the date of the original temporary appointment. Temporary employees may be full- or part-time and may be eligible for benefits.

PROBATION PERIODS

Each new appointment and promotional appointment to a classified position is probationary. The probationary period serves as a working test period to provide the agency with an opportunity to evaluate an employee's work performance and suitability for the position. The State established three probation periods as defined below.

- **Entrance Probation:** The probationary service required of an employee at the time of their original appointment or any subsequent appointment to state classified service excluding reinstatement and transfer, the duration of which is one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who must serve two thousand eighty (2,080) hours.
- **Promotional Probation:** The probationary service required when an employee is promoted, the duration of which is one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who must serve two thousand eighty (2,080) hours.
- **Voluntary Probation:** An agreement between employees and the appointing authority for interagency employment actions such as reinstatement, transfer, or voluntary demotion. A voluntary probation is not to be used for employment actions within the agency. The probationary period is negotiable but may not exceed one thousand forty (1,040) hours of credited state service except for peace officers.

DISCHARGE POLICY

SEPARATION

Separation occurs when an employee is permanently removed from DHR's payroll either voluntarily, involuntarily, or for disciplinary reasons. Prior to any classified involuntary termination, disciplinary suspension or dismissal, or an involuntary termination of a temporary employee for any other reason rather than lack of work, supervisors must contact HR to ensure that documentation and justification are complete and warrant the action.

Separation can occur in any of the following situations:

- A. **Resignation:** The voluntary separation of an employee made at the request of the employee.

- B. **Dismissal:** The involuntary termination of an employee from classified service with cause pursuant to IDAPA 15.04.01.190. The employer initiates the action to terminate the employment relationship, generally for unsatisfactory performance.
- C. **Unsatisfactory Service during Probation:** If a supervisor has determined the employee should not be recommended to permanent classification, they should consult with their division administrator and HR before the end of the probation period.
- D. **Dismissal of At-Will Employees:** At-will employees may be dismissed at the discretion of the administrator without due process.
- E. **Expiration of Temporary Appointment:** The involuntary separation of a temporary employee when the funding for the position is no longer available, work is no longer available, or the incumbent has worked the maximum number of hours for the type of appointment.
- F. **Layoff:** The involuntary separation of an incumbent in a classified position either by reason of a reduction in work force due to lack of funds or work or the abolishment of the position.
- G. **Transfer to Another Agency:** The voluntary transfer of an employee to another state agency.

VOLUNTARY RESIGNATION

- A. **Notice:** A classified employee may resign at any time. Employees who voluntarily terminate their employment are asked to give written notice of resignation to their immediate supervisor as far in advance of the effective date as possible. A written notice should include the reason for the resignation and the effective date. A resignation is effective at the time designated by the employee, without need for written or advance notice, or acceptance of the resignation by DHR. DHR has the discretion to accept a resignation immediately, without allowing the employee to complete their notice period. In this situation, the supervisor should consult with the HR Manager or Bureau Chief prior to any action. Supervisors should forward written notice to the HR Manager or Bureau Chief and ensure that the employee submits a final timesheet. Voluntary payroll deductions will automatically be taken from the final paycheck unless the employee sends written notification to stop deductions prior to the separation.
- B. **Rescission and Reinstatement:** Once an employee has submitted a resignation, reinstatement is at the discretion of DHR. DHR may, but is not required to, allow an employee to rescind a resignation before its effective date.
- C. **In Lieu of Dismissal:** An employee may resign in lieu of being dismissed for cause.
- D. **Use of Leave Prior to Resignation Effective Date:** DHR's director must authorize the use of annual leave between the last day worked and the final day on the payroll. In addition, use of sick leave taken after submission of resignation may require a doctor's written authorization.

AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION

DHR supports applicants and employees with disabilities, complies with the ADA, and defers to the Statewide [ADA and Reasonable Accommodation policy](#) which require that DHR engage in the interactive process and provide effective, reasonable accommodation(s) for qualified employees, or applicants for employment, with disabilities. Unless such accommodation(s) would create an undue hardship to the agency or direct threat to the employee or others. The ADA and Statewide policy prohibit discrimination and adverse employment action based on disability, history of disability, and/or being regarded as having a disability.

SUPPLEMENTAL ACCOMMODATIONS

DHR supports and reasonably accommodates applicants and employees in their religious practices, and employees who are pregnant (or related medical conditions) or breast feeding; DHR complies with Title VII of the Civil Rights Act, Pregnancy Discrimination Act, Pregnant Workers Fairness Act (PWFA), Federal Labor Standards Act (FLSA) and the PUMP Act which provide protections and accommodation(s) for eligible employees who are pregnant, nursing (within the first year of birth).

REQUEST PROCEDURE

Employees who believe they meet any of the criteria listed in the Statewide policy and need any accommodation should contact the assigned Human Resources representative to make a request and obtain any necessary forms.

SUPERVISOR'S ROLE

Supervisors must engage in the interactive process upon learning an applicant or employee may meet the criteria of having a disability as listed in the Statewide policy and must not otherwise interfere with employee rights under the aforementioned federal laws. In some instances, supervisors may need to contact the assigned Human Resources representative to assist with the request and obtain any necessary forms, including medical documentation.

Supervisors should utilize an analysis of jobs within their units to define the essential functions of the positions within their unit, as well as the environment in which such activities occur (job descriptions, position description questionnaires, classification specifications, etc.).

FAMILY MEDICAL LEAVE ACT (FMLA)

DHR supports employee rights to take job protected leave to care for themselves or qualifying family members under the FMLA. DHR complies with the FMLA and defers to the Statewide [Family Medical Leave Act policy](#) which entitles eligible employees to unpaid, job protected leave, under qualifying circumstances.

The FMLA only requires unpaid leave, however, DHR permits an employee to elect to use eligible accrued paid leave which includes sick, vacation, and compensatory time for some or all of the FMLA leave period. Eligible employees may request FMLA as either continuous or intermittent or reduced work schedule. Employees requesting intermittent or a reduced work schedule should work with their supervisor to schedule their leave at the least disruptive time of the workday, when possible.

REQUEST PROCEDURE

Employees who believe they meet the criteria listed in the Statewide policy and need leave under the FMLA should contact the assigned Human Resources representative to make a request and obtain any necessary forms. An employee must provide 30 days advance notice prior to taking FMLA leave when the employee knows in advance of the need to take FMLA. In situations where advance notification is not practicable, the employee shall notify the assigned Human Resources representative as soon as feasible.

Medical certification may be required to request and be approved under FMLA. Employees may be required to provide a medical release to return to work when absent on FMLA leave due to their own serious health condition. While on FMLA leave, the employee's health and dental benefits will remain unchanged. If the employee is not receiving a sufficient paycheck, they must arrange to pay the employee's portion of health and dental insurance premiums.

SUPERVISOR'S ROLE

Supervisors must notify the assigned Human Resources representative if they know or suspect an employee may need leave under the FMLA and must not otherwise interfere with employee rights under the FMLA.

EQUAL OPPORTUNITY

The State of Idaho is an equal opportunity employer, and its policies, procedures, and personnel programs are administered without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, political affiliation or belief, or any other characteristic protected by federal, state, or local laws. The State complies with applicable federal, state, and local laws governing non-discrimination and harassment in employment at every location. This policy applies to recruitment, placement, promotion, transfer, retention, training, as well as all other privileges, personnel programs, policies, procedures, and terms and conditions of employment.

IDAHO PROTECTION OF PUBLIC EMPLOYEES

The 1994 Idaho Legislature enacted the above law commonly referred to as the "whistle blower" act to protect public employees from retaliation for reporting, in good faith, waste; violations of law, rules or regulations; participating in or giving information in informal or formal investigations; or objecting or refusing to carry out a directive they believe violates law, rule or regulation. This law applies to all three branches of Idaho government, local governments and bodies created by state or local governments.

Employers are forbidden to discharge, threaten or discriminate against the employee's employment in compensation, terms, conditions, location, rights, immunities, promotions, or privileges.

Damages and penalties are possible on either side depending on the court's findings. For more information, please see [Idaho Code 6-2101 – 6-2109](#).

Information Technology (I.T.)

Computers, the Internet, and electronic communication (collectively electronic technology) are important research, communication, and time-saving business tools available to help DHR employees perform their jobs in an efficient and effective manner. We value the trust and confidence of the public and have high standards for the use of state-owned equipment. As with any written form of official government communication, common ethical practices and accepted business standards must be used by all employees. In accordance with the State's policy governing the use of computers, the Internet and e-mail, DHR has established policies, procedures, and guidelines for the use of these tools. Employees shall comply with all appropriate policies and procedures and generally accepted etiquette while using state-owned computer equipment and/or state-funded network resources.

Employees of DHR are expected to adhere to the Idaho Statutes and Executive Orders regarding computer, computer resources, internet, electronic mail usage, and Cybersecurity as outlined in the policies published by Idaho Technology Authority (ITA) and/or Information Technology Services (ITS). Employees may refer to the Information Technology Services website, <https://its.idaho.gov> to access all related policies.

Security, virus checking, data backup and recovery will be performed by the Office of the CIO. Any electronic communication that appears suspicious or questionable please contact the CIO help desk immediately.

- DHR staff is encouraged to use the computer and network resources to:
- further the mission of DHR;
- provide effective service to all our customers;
- identify innovative and creative methods to use resources and improve services; and

- promote professional development.

USER RESPONSIBILITIES

EMPLOYEE

The primary use of electronic technology is to conduct the State's official business. Occasionally, staff may use electronic technology for individual non-political purposes on their personal time, so long as such use does not violate established policy. Employees are individually responsible for the content of any electronic communication sent using DHR equipment. All such information constitutes a public record under Idaho law. Do not send any message or visit any Internet site that you would not distribute to the public.

Identify yourself properly when using electronic communication and conduct yourself professionally, as a representative of the State of Idaho and DHR and be aware that your activities reflect the reputation and integrity of DHR.

Electronic communication is subject to document retention and public record policies and may be discoverable evidence. It may be copied, saved, or seen by third parties, both internal and external to DHR. Electronic communication may be subject to monitoring.

Treat electronic communication with the same care and preparation as an interoffice letter or agency memorandum.

All staff have a responsibility to ensure a respectful workplace. State equipment shall not be used to visit Internet sites that contain pornographic or sexually explicit information, pictures, or cartoons. If you open a prohibited site accidentally, close it immediately, and report the incident to your supervisor. Electronic communication containing harassing or discriminatory material is prohibited.

If an employee receives an electronic communication that violates policy standards, the employee should reply to the sender with strict instructions not to send that type of electronic communication to this recipient in the future, and to delete the offensive message.

To protect against viruses, employees should only download executable files or application software (including, but not limited to, utility software, freeware, and shareware) after receiving authorization from the Information Technology (IT) staff. Downloads should be checked for viruses before use.

SUPERVISOR

Supervisors are responsible for making sure that employees do not abuse computer use rights and for ensuring employees are trained in the acceptable use of computers and electronic communication tools.

We respect employee privacy; however, all materials and information created, transmitted, stored, or deleted on DHR computers may be accessed and/or restored by authorized personnel. DHR retains the right to monitor and inspect electronic files on DHR computers to detect abuse.

ACCEPTABLE USES OF COMPUTERS AND ELECTRONIC COMMUNICATION

The following uses of state-owned computers and electronic communication are acceptable:

- Communication and exchange of information directly related to the mission and work tasks of DHR.
- Announce state laws, procedures, hearings, policies, services, or activities.
- Promote or market official state business.
- Conduct activities related to your state governmental duties.
- Virtual meetings related to your state governmental duties.
- Apply for or administer grants or contracts for state government research projects.
- Sporadic personal use in lieu of other communication types.
- Access state employee benefit programs.

UNACCEPTABLE USES OF COMPUTERS AND ELECTRONIC COMMUNICATION

The following uses of state-owned computers and electronic communication are unacceptable:

- A. Knowingly or intentionally publish, display, transmit, retrieve, or store inappropriate material, as exemplified in the items below, on any State-owned technology.
- B. Create or distribute defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory, or illegal material.
- C. View or distribute obscene, pornographic, profane, or sexually oriented material.
- D. Violate laws, rules, and regulations prohibiting harassment.
- E. Encourage the use of controlled substances for criminal or illegal purposes.
- F. Engage in any unauthorized activities for personal financial gain.
- G. Place advertisements for commercial enterprises, including but not limited to, goods, services, or property.
- H. Download, disseminate, store, or print materials, including articles and software in violation of copyright laws.
- I. Violate or infringe on the rights of others.
- J. Conduct business unauthorized by DHR.
- K. Restrict or inhibit other users from using the system or the efficiency of the computer systems, for example, streaming media for personal uses.
- L. Cause congestion or disruption of networks or systems.



- M. Transmit incendiary statements, incite violence, or describe or promote the use of weapons, for illegal purposes.
- N. Conduct unauthorized political activity.
- O. Conduct any non DHR supported fundraising or public relations activities.
- P. Download entertainment software and games or play games from any source on DHR electronic technology.
- Q. Use computers or related technology for illegal purposes.

ENFORCEMENT

DHR shall take all reasonable steps to ensure employee compliance and proper use of electronic technology. Employees disregarding these policies or improperly using DHR-owned technology or state-funded network resources, access, and rights are subject to disciplinary action up to and including dismissal.

MOBILE PHONE

DHR responds timely to stakeholder inquiries and has the need to quickly address work-related issues as they arise. To improve responsiveness and increase flexibility, it is beneficial for certain identified employees to be accessible by phone or email at times when these employees may be outside of the office due to travel, meetings, or varying schedules.

This policy applies to employees of DHR who have been designated by appropriate DHR leadership to use a state sponsored mobile phone. Employees will be designated based on the needs of our customers and will be considered primary contacts for their agency(s). Employees will be expected to publish the number appropriately, but at a minimum on their business cards and email signature line for best customer service. Employees designated have the option to use their own personal phone or receive a state-owned phone.

PLAN OPTIONS

DHR employees designated to receive a state sponsored mobile phone have two options.

Option One: Employee-Owned Phone

Employees may maintain or obtain their own mobile contract.

Plan/Contract Reimbursement

Employees participating in the employee-owned phone plan are eligible to be reimbursed a set amount each month. This amount is to cover all work-related calls, texts, and data connections. Any additional fees, charges, etc. associated with the employee's contract with their mobile services provider will not be reimbursed by DHR. DHR has a tiered approach for reimbursement:

- A. \$25 per month – employee is approved for reimbursement expecting some travel and communication on an irregular basis outside their official work location.

- B. \$50 per month – employee is approved for reimbursement and is expected to use the device on a regular basis for communication. This individual is a primary contact for the agency and DHR leadership or primarily telecommutes.

Option Two: State Owned Phone

Employees who are expected to respond to e-mails and phone calls outside of their regularly scheduled work hours, who travel frequently, are frequently in meetings, or who primarily telecommute, may request a state-owned phone for their use rather than an employee-owned phone with reimbursement. If approved, the employee will be provided with a device that is approved by the IT department for use with the state network and meets the business needs of DHR. The phone will be included in the State of Idaho contract with Verizon Wireless.

Incidental Personal Use

Just as with the standard desk phones issued to employees it is understood that there will be some incidental personal use of the state-owned mobile phone. Such use is acceptable as long as the use is reasonable and does not result in excessive charges to the state. The state Verizon Wireless plan has shared minutes so limited personal use will not impact the expense to the agency. Pay special attention to avoid potential roaming charges while traveling that result from personal use.

Employees who have been approved for the use of mobile phones will process reimbursements through DHR by submitting copies of the full mobile phone bill to the appropriate HR Manager or Bureau Chief. It is requested that employees submit these on a quarterly basis.

While the use of mobile phones at work is permitted, the use of mobile phones while driving diverts full attention from the task at hand and is strongly discouraged.

If an employee opts to utilize an employee-owned phone, they may be subject to public records requests or be subpoenaed as part of litigation.

Any employee that opts for the state-owned device shall return the device prior to the final day of employment or at the discretion of the Administrator.

External and Internal Communication and Contacts

Information that may be of interest to DHR's internal and external contacts may be sent to your supervisor. This ensures that information of interest can be shared with all of DHR's internal and external partners, instead of just a select few.

CONFIDENTIAL INFORMATION

PUBLIC RECORDS REQUEST

The Idaho Public Records Act went into effect on July 1, 1990. It sets the ground rules for the release of government information to the public. Persons may request copies of public records without specifying their purpose. In fact, to inquire about their purpose is a violation of the Public Records Act. If you receive a public records request, immediately contact your supervisor or the DHR Administrator. Your supervisor or the DHR Administrator will determine whether it is appropriate to refer the request to our Deputy Attorney General. Additional information may be found in the complete policy and by viewing the [Idaho Public Records Act](#).

PUBLIC INFORMATION

MEDIA REQUESTS

All requests for information from representatives of the media should be routed through your supervisor to the Administrator or Deputy Administrator. Employees who receive such requests should ask for the name of the person making the request, what entity they represent, their telephone number, the general nature of the request, and whether they have a deadline. Employees need to indicate that someone who can respond to their questions will get back to them as soon as possible. DHR staff receiving media requests should consult with the Administrator or Deputy Administrator to determine the best source to respond to the media.

NEWS RELEASES

News releases may be drafted at DHR but shall be reviewed or edited by the public information officer/Communications Manager. All drafts should be reviewed first by the Administrator before being sent outside the agency.

WEB PUBLICATIONS

Agency requests for web publications require the Administrator's approval. The Administrator, before publication, must approve all DHR web information. The final content and message should be consistent and complementary to other web based DHR communications, please see DHR Brand Guide.

All staff that have information posted on The DHR website are responsible for maintaining and providing updated information to the DHR designated Webmaster (Communications Manager). Attention to detail, especially regarding time-sensitive material, is an important indicator of quality on our website.

Legislative Contact Policy and Procedure

POLICY

The DHR Administrator serves as the “designated public contact” — the person who is designated as the DHR’S single point of contact for the purpose of fulfilling any requirements with the Governor’s office, Secretary of State or Legislative Body.

Only personnel authorized by the Administrator may represent DHR. (If you are unsure of your status, please contact your supervisor).

CONTACT WITH LEGISLATURE

DHR staff may not initiate contact with legislators or legislative staff without first advising their supervisor, who shall then notify the Administrator.

DHR staff shall report contacts initiated by legislators or legislative staff to their supervisor. When meetings with legislators are requested or testimony is requested at hearings, DHR staff shall give prior notice so that the Administrator can attend.

When a DHR employee receives a legislative request for information or constituent assistance, he or she shall document the request with copies forwarded to their supervisor who will advise on the appropriate response protocol. The Administrator in conjunction with the appropriate DHR staff shall respond on behalf of the Division.

INTERACTION WITH STAKEHOLDERS

DHR staff shall notify their supervisor regarding their involvement in “stakeholder” meetings that lead to legislation. If possible, DHR staff shall give prior notice so that the Administrator can attend the meeting or decide on appropriate action.

DEVELOPMENT OF DHR LEGISLATION

DHR staff wishing to propose legislation shall consult their supervisor on the appropriate process to follow. Forms and procedures can be found at:

https://adminrules.idaho.gov/forms_menu.html

DISTRIBUTION OF DHR RELATED LEGISLATION

The Administrator shall circulate all DHR related legislation to external contacts and DHR staff.

Benefits

EDUCATION REIMBURSEMENT

DHR supports employee development by taking education courses at colleges, universities, accredited trade, or business schools, and by attending seminars and workshops. All such education/training courses require prior approval by the employee's immediate supervisor. DHR may reimburse all or a portion of the tuition and fees when the course(s) are related to the employee's development, objectives, and/or performance. Employees who receive education reimbursement may be required to maintain employment with the agency for a specified period of time and may be required to repay a portion of the reimbursement should they end employment prior to the agreement.

EMPLOYEE LEAVE BENEFITS

DHR follows the statewide policies for vacation leave, sick leave, special leaves, leave donations and paid parental leave. This handbook further explains how DHR will implement those policies.

HOLIDAYS

The term "holiday" is a day of exemption from work granted to employees during which the employees are compensated as if they actually worked.

In the event that a holiday falls on a Saturday, the preceding Friday shall be a holiday; and if the holiday falls on a Sunday, the following Monday shall be a holiday. Holidays shall be on the following dates:

- January 1st (New Year's Day)
- Third Monday in January (Idaho Human Rights Day)
- Third Monday in February (President's Day)
- Last Monday in May (Memorial Day)
- June 19th (Juneteenth)
- July 4th (Independence Day)
- First Monday in September (Labor Day)
- Second Monday in October (Columbus Day)
- November 11th (Veterans Day)
- Fourth Thursday in November (Thanksgiving Day)
- December 25th (Christmas Day)

Employees required to work on the holiday may be eligible to accrue compensatory time based on your FLSA code. Please consult with your supervisor for additional details.

SICK LEAVE

Paid sick time is available for employees to use for in cases of the employee's actual illness or disability or other health reasons necessitating the employee's absence from work or Employee Assistance Program (EAP) appointments. In addition, an employee may also use sick leave when needed to attend to a family member's medical appointments, serious illness, disability, or death and funeral in the family. Eligibility to use sick leave includes self, spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage or legal guardian.

When possible, employees are expected to plan time away from work by notifying their supervisor in advance prior to the absence. For example, when scheduling a routine doctor's appointment or planned surgery an employee's supervisor should be consulted.

Whenever absent from work due to illness, notify your immediate supervisor by their requested method (phone, text, instant message, email) as soon as possible on the first day of absence and each day thereafter.

BEREAVEMENT

The State offers bereavement leave to provide a time for mourning after the loss of an immediate family member. Employees who need to take time off due to the death of an immediate family member should notify their supervisor immediately. Time off for any persons not covered under immediate family must be charged to vacation leave.

VACATION LEAVE

It is the policy of the Division of Human Resources to encourage employees to take an adequate amount of vacation days in such a way that maximizes their vacation benefit. Employees are required to obtain approval from their supervisor prior to the use of vacation leave.

COMPENSATORY TIME

Compensatory (comp) time may be used and should be treated under the same rules as vacation leave. Approval of time off will be granted after first considering the business needs of the agency and confirming adequate staffing coverage during the requested time off.

Compensatory time should be exhausted before any vacation time can be used. Accumulated compensatory time cannot be transferred to another department within the state. If comp time is not used before transfer or separation from state employment, it is forfeited. Compensatory time lost at the time of transfer or separation cannot be reinstated at a later date.

PAID PARENTAL LEAVE

In accordance with the Families First Act, Executive Order 2020-003, eligible State of Idaho employees within the executive branch may use up to eight (8) weeks of paid parental leave due to the birth or adoption of a child, effective July 1, 2020. The purpose of this policy is to enable the employee to care for and bond with a newborn or newly adopted child.

Employees should request leave through the DHR Human Resources representative.

SPECIAL LEAVES

In addition to sick and vacation leave benefits, other miscellaneous leave benefits may be available to employees and include:

- Leave of Absence without Pay (LWOP)
- Military Leave – (Federal Active Duty)
- Military Leave – (State Active Duty)
- Organ and Bone Marrow Donation Leave
- Administrative Leave with Pay
- Court and Jury Services
- Miscellaneous Leave
- Election Leave
- Religious Leave
- Red Cross Disaster Services Leave

LEAVE DONATION

In the event an employee experiences a catastrophic illness or injury and does not have accrued time off, the employee may request a leave donation. A leave donation, under Idaho Code 67-5334(g), provides for the transfer of vacation leave to other state employees.

To request a leave donation, employees should communicate with the DHR Human Resources representative.

Workplace Conduct, Performance, Worker's Compensation

GENERAL INFORMATION

SEXUAL HARASSMENT AND OTHER ILLEGAL DISCRIMINATION

Complaints alleging sexual harassment or other illegal discrimination based on race, sex, national origin, age, or disability may be filed using the problem-solving procedure, but should be filed in accordance with the procedures outlined in the policy.

TIME FRAMES

An employee should file for Problem-solving in writing no later than ten (10) working days after being notified of an action, becoming aware of the issue or problem, or when discussions with the immediate supervisor to resolve the issue have reached an impasse.

The time limit for filing for Problem-solving does not include days the employee is away from work due to illness or other approved leave. The ten (10) working day calculation does not include the day on which the problem occurred but does include administrative leave.

If an employee does not meet the time limits specified in the Problem-solving procedure for requesting the next level of review (two days), the matter may be considered resolved or dropped. Time elements or intermediate steps for this procedure may be waived upon mutual agreement of the employee and Administrator.

WAIVER OF INTERMEDIATE STEPS AND TIME PERIOD

The intermediate steps of the Problem-solving procedure or the time frames may be waived upon mutual agreement of the employee and the supervisor. Internal time periods of the procedure may be extended when the employee, immediate supervisor, management representative or Administrator is not available due to illness or other approved leave, but in no case longer than ten (10) working days after their return unless expressly agreed upon by both parties.

Time limits specified for requesting the next level of review cannot be extended except when the employee is absent from work due to illness or approved leave. The employee must request the next level of review on the first day the employee returns to work or the matter will be considered resolved or dropped.

LEAVE ISSUES

The employee and other staff involved, upon approval by their respective immediate supervisors, will be allowed to use regular work time for problem resolution discussions.

PROHIBITIONS

No employee shall be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under the problem-solving procedure. No supervisor or any other official of DHR may retaliate against an employee for:

- Filing under this problem-solving procedure;
- Participating as a witness or an employee representative; or
- Assisting another employee in preparing a filing.

REPRESENTATION

Except as otherwise provided herein, an employee has the right to be represented by anyone he or she chooses at each step of the procedure. Employees are responsible for notifying representatives of the time and place for meetings. The schedule limitations of the employee's representative shall not unreasonably delay the process. The employee is responsible for compensating a representative and for paying the representative's expenses.

ETHICS

All employees of DHR are expected to maintain a high standard of honesty, ethics, impartiality, and conduct per State Statute. See Idaho Ethics in Government Act- Office of the Attorney General

RESPECTFUL WORKPLACE

DHR is committed to a work environment in which all individuals are treated with dignity and respect. Every employee has the right to work in a professional atmosphere promoting equal employment opportunities and prohibiting unlawful discriminatory practices, including harassment. All employees are required to complete Respectful Workplace training upon hire and annually thereafter.

DHR complies with Title VII of the Civil Rights Act of 1964 and defers to the [Statewide Respectful Workplace Policy](#) which prohibits discrimination or harassment based on race, color, religion, sex, national origin, age (40 or older), disability, marital status, citizenship, genetic information, pregnancy, military status, or any other characteristic protected by law.

Additionally, the policy prohibits retaliation against any individual who makes a good-faith complaint regarding discrimination or harassment, or who participates in the investigation of a related complaint. Employees conducting such investigations are also protected from retaliation.

ALCOHOL AND DRUG-FREE WORKPLACE

It is the policy of the Division of Human Resources (DHR) to maintain an alcohol and drug-free workplace in accordance with the Governor's Executive Order NO. 2007-08: Establishing the Idaho Alcohol and Drug-Free Workplace Policy. DHR is committed to maintaining a work environment free from illegal drugs and drug and alcohol abuse. Employees are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs, controlled substances, and/or alcohol in the workplace.

As a condition of employment, DHR employees are required to abide by this drug-free policy and must notify the Administrator of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

State employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace. Violations of this policy may result in corrective action, which may include discipline up to and including dismissal. As a condition

of employment, DHR employees are required to abide by this drug-free policy and must notify the Administrator of any criminal drug statute conviction no later than five days after such conviction.

Consumption of alcohol on the job is prohibited. Employees may not work if their performance is impaired by the use of alcohol.

POLITICAL ACTIVITIES

Employees retain the right to otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity in the employees' official duties." *For further information See [Idaho Code § 67-5311](#).*

The agency reserves the right to evaluate, on an individual basis, if an employee is acting in accordance with the policy. Any employee wishing to participate in any political activities should do so outside normal business hours. Employees wishing to attend any activities during normal business hours should follow the process for requesting time off. Examples of such activity include, but are not limited to:

Employees may on their own time:

- Vote in any election
- Express their personal opinion on political issues and candidates.
- Take an active part in support of a candidate in partisan or nonpartisan elections.
- Be members of a political party or organization and participate in its activities.
- Serve as an elected convention delegate.
- Voluntarily contribute to political parties or candidates.
- Take an active part in political organization management.
- Participate in the nonpartisan activities of a civic, labor, or similar organizations.
- Display a political button, poster, or picture.
- Attend a political convention, rally, or other political gathering.
- Sign a political petition as an individual.

Employees may not:

- Demand political contributions from other state employees.
- Use their official authority or influence to bring about any nomination or election to public office.
- Be a candidate or hold an elective partisan office.

EMPLOYEE COMPLAINT LINE

The State of Idaho Employee Complaint Line was created to allow state employees to submit complaints to the Division of Human Resources. This complaint line is for reporting suspected instances of fraud, waste, abuse, and employment claims in state government. The Employee

Complaint Line is a critical part of Governor Little's efforts to protect the integrity and safety of the State of Idaho and its employees. Additional information and instructions on how to submit a complaint can be found on the Division of Human Resources website by clicking [here](#).

PERFORMANCE EVALUATIONS

Employee performance evaluations provide a means of establishing and communicating major work requirements of the employee's job description, key responsibilities, and establishment of goals and objectives to be met as well as the methodology for comparing actual performance to work requirements and expectations. This is accomplished through planning and review discussions. Supervisors are responsible for discussing key responsibilities and for establishing expectations to be met with the employee. Evaluations provide supervisors an opportunity to recognize and reward meritorious performance, to identify and correct unsatisfactory performance, and to increase and improve job-related communication.

New or ongoing objectives for the coming evaluation period shall be developed and/or modified as a part of the performance evaluation. Supervisors will solicit feedback from appropriate agency staff and or customers to include in the evaluation. All requested ratings of Exemplary or Does Not Achieve will be reviewed by the leadership team.

Employee performance evaluations are completed in the following situations:

PROBATIONARY EMPLOYEE

Each employee's job performance may be evaluated thirty (30) to ninety (90) days after his/her initial appointment. An initial performance plan must be developed with the employee at the beginning of their employment. A formal performance evaluation shall be completed no later than 30 days after the probationary period of 1,040 hours, or extension. If relevant, the evaluation should contain a statement certifying the employee to permanent status. Permanent status may be awarded based on satisfactory completion of 1,040 hours of service in the position. If the employee has not satisfactorily completed his/her probationary period, the supervisor will take appropriate action.

PERMANENT EMPLOYEE

Employees should be evaluated on an annual basis with an end date of October 31st each year. Supervisors must complete the evaluation process by November 30th of each year unless an exception is granted.

SUPERVISORY RESPONSIBILITY

All DHR supervisors are responsible for the performance of their employees. Supervisors can improve employee performance by increased communication, and through the performance planning and review process. Supervisors may give additional help by establishing performance

improvement or employee development plans. In both of these areas, the DHR supervisor plays a key role in informing employees of their job performance.

DISCRETIONARY EVALUATION

A performance evaluation may be completed any time a supervisor wishes to officially recognize and reward an employee's meritorious performance, at the completion of a project or special assignment, to modify a current performance plan, or to identify and correct unsatisfactory performance.

WORKER'S COMPENSATION

The Division of Human Resources (DHR) complies with the [Statewide Workers' Compensation Policy](#).

Workers' Compensation benefits are provided to all eligible DHR employees who experience work related accidents, injuries, illnesses, and/or occupational exposures. Any DHR employee who sustains a work-related accident, injury, illness, or occupational exposure must notify their supervisor as soon as possible. Employees must report any incident regardless of the severity of their injury or if medical intervention is required.

Supervisors must complete the supervisor incident report and submit it to the assigned DHR representative. If an employee requests or requires medical treatment, they must notify the assigned DHR representative and seek treatment with a preferred medical provider. Once an employee has sought medical treatment, the assigned DHR representative will complete a First Report of Injury or Illness and submit it to the State Insurance Fund.

If an employee is unable to return to work in their regular job duties or in any capacity, due to a work-related accident, injury, illness or occupational exposure, the employee must provide a copy of a written doctor's note to the assigned DHR representative, prior to returning to work.

RIGHT TO APPEAL

Any employee denied an accommodation request has the right to appeal to the Administrator of DHR.

- A. The Administrator or their designee shall serve as the final authority for decision making related to any denied reasonable accommodation requests.
- B. Employees and applicants seeking to appeal a denial shall submit a written request, along with supporting documentation, to the Administrator within fifteen (15) working days from the date their reasonable accommodation request was denied.
- C. If the request was denied by a supervisor or Central Office Human Resources representative, the Administrator shall review pertinent information and the rationale for denial. If the request was denied by the Administrator, they shall reconsider the decision if the employee or applicant presents additional facts.

- D. Upon completion of the review, the Administrator shall:
- a. uphold the denial, approve the request, or offer alternative accommodation(s); and
 - b. notify the employee or applicant of their decision in writing within fifteen (15) working days of receiving the appeal.
- E. If the Administrator upholds the denial, the written notification shall include an explanation for the denial and information on the right to file a complaint with the Idaho Human Rights Commission.

INAPPROPRIATE WORKPLACE BEHAVIOR

Unacceptable behaviors in the workplace may lead to the loss of trained and talented employees, reduce productivity and morale, and create legal risks. In addition to unlawful harassment and discrimination, DHR prohibits other inappropriate workplace behaviors including severe or pervasive behavior that harm, intimidate, offend, degrade, or humiliate an employee, possibly in front of other employees, clients, or customers; or any such behavior that sabotages an individual's ability to perform their duties.

PROBLEM SOLVING

After first making a reasonable attempt to discuss and resolve any non-disciplinary matter with his or her immediate supervisor, an eligible employee may utilize the problem-solving process to seek resolution of any job-related matter.

Due process provisions for disciplinary matters involving classified employees with permanent status are also covered under this procedure.

All state employees who are classified and have attained permanent status (satisfactory completion of the probationary period) are entitled to due process before DHR makes any decision to dismiss, demote, suspend, or involuntarily transfer an employee. Due process requires DHR to provide the employee with notice and an opportunity to be heard before such a decision is made.

Due Process information includes:

- Notice of the Contemplated Action
- Notice of the Basis for the Contemplated Action
- Explanation of the Evidence
- Set a Time to Respond
- Opportunity to Respond
- Right to Representation
- Decision
- Right to Appeal

The Agency policy follows the Problem Solving and Due Process Procedures outlined in IDAPA. For additional information and to review the full process and procedures, employees should refer to [IDAPA 15.04.01 Rule 200](#).

PURPOSE

For Classified Employees:

- To provide a process to discuss and resolve issues in the workplace.
- To provide due process for disciplinary dismissals, suspensions, demotions, and involuntary transfers.

Please carefully review these procedures. Your supervisor may answer any question regarding these procedures. (Refer to IDAPA 15.04.01.200 (DHR Administrative Rule 200)).

PROBLEM-SOLVING PROCEDURE

Classified employees with permanent, provisional, or entrance probationary status are eligible to use a formal conflict resolution process called Problem-solving. This procedure is for any job-related matter except the following: (1) compensation, except as it applies to alleged inequities within a particular agency or department; (2) termination during the entrance probationary period; (3) items set forth in IC 67-5315(2) (dismissals, demotions, and suspensions, see Due Process below) and (4) involuntary transfers.

In general, this procedure requires an employee to meet with his or her immediate supervisor to resolve the matter(s), file for problem-solving, meet with the HR Representative appropriate to resolving the issue, and receive a final decision from the Administrator.

PROBLEM-SOLVING PROCEDURE STEPS (IDAPA 15.04.01.200)

Step 1: Meeting with Immediate Supervisor

Before actually filing for problem-solving, an eligible employee must first make a reasonable attempt to meet with and resolve the matter(s) with his or her immediate supervisor. Representatives are not permitted at the informal meeting with the immediate supervisor (IDAPA 15.04.01.200.04).

Employees and supervisors are strongly encouraged to engage in this informal problem-solving meeting in order to identify the precise matter(s) at issue, discuss ways to resolve the matter(s), and hopefully resolve the matter(s) at the lowest possible level, consistent with the intent of the Problem-solving Procedure.

Step 2: Filing for Problem-solving

Eligible employees are required to file for problem-solving in writing no later than ten (10) working days after being notified of or becoming aware of any matter, which may be handled

through the Problem-solving Procedure. If the filing alleges an ongoing pattern of harassment or illegal discrimination, it shall be considered timely if filed within ten (10) working days after the last allegedly offensive action. The time limit for filing shall be extended due to the employee's illness or other approved leave, up to ten (10) days after returning to the job. Problem-solving Request forms are available from and must be filed with the employee's supervisor.

Step 3: Meeting with Management Representative

The employee will meet with the appropriate higher-level management representative no later than five (5) working days after filing for problem-solving. The management representative will consult with the employee's immediate supervisor to determine who may be best able to resolve the problem in this meeting with the employee. The management representative will also consider the employee's preference in deciding who should be present. Since the goal of this procedure is to resolve problems at the lowest level possible, this meeting may involve the immediate supervisor and any additional people who may be helpful in resolving the issue(s).

Step 4: Final Decision from Administrator

The Administrator may consult with the employee, immediate supervisor and management representative, and any others who participated in the problem-solving procedure in order to determine how best to resolve the issue(s). The employee will receive a final decision from the Administrator no later than five (5) working days after meeting with the management representative. The problem-solving procedure ends with the decision of the Administrator. Problem-solving decisions are not generally appealable to the Idaho Personnel Commission.

DUE PROCESS PROCEDURE STEPS

GENERAL OVERVIEW

All state employees who are classified and have attained permanent status (satisfactory completion of the probationary period) are entitled to due process before DHR makes any decision to dismiss, demote, suspend, or involuntarily transfer an employee. Due process requires DHR to provide the employee with notice and an opportunity to be heard before such a decision is made.

Step 1: Notice

When DHR provides notice to a permanent classified employee, the notice will contain the following information:

- A. Notice of the Contemplated Action. DHR will provide the employee with notice of the contemplated action(s). For example, the notice may state that dismissal is the contemplated action. It may also set forth alternative forms of discipline, such as demotion or suspension.

- B. Notice of the Basis for the Contemplated Action. DHR will provide the basis or reasons for the contemplated action. The "basis" of the contemplated action is the for-cause reason and corresponding legal citation, which supports the action against a permanent classified employee. The "for cause" reasons are listed in IC 67-5309(n) and in IDAPA 15.04.01 190.01 (DHR Rule 190.01).
- C. Explanation of the Evidence. DHR will provide an explanation of the information or evidence pertinent to the contemplated action. This could include an explanation of statements made by other employees, an explanation of documents, and/or an explanation of events leading to the notice.
- D. Set a Time to Respond. DHR will set a time period within which the employee may respond, but in no event may that time period exceed ten (10) working days after the employee has received notice unless both DHR and the employee agree otherwise in writing. For example, the notice might include, "You have an opportunity to respond no later than five (5) working days after the date of this notice."

The Notice of Contemplated Action will be sent or delivered to the employee. DHR will not maintain the notice in the employee's service record. It will be placed in a file reserved for such notices and not made public. The final decision information will be placed in the employee's personnel file.

Step 2: Opportunity to Respond

A permanent classified employee who receives a notice of contemplated action is entitled to an opportunity to respond in person or in writing. The opportunity to respond is the employee's opportunity to respond to the notice and present his or her reason(s) why the contemplated action should not be taken. The employee may accept the opportunity and respond within the time period, may reject the opportunity by failing to respond within the time period, or may waive the opportunity.

Time to Respond: The Notice of Contemplated Action will contain a set time period selected by DHR within which an employee may respond. DHR will make the final decision after the employee has responded, failed to respond, or otherwise waived the opportunity to respond in writing.

Right to Representation: The law provides an employee with the right to be represented by a person of his or her choosing during the opportunity to respond.

Step 3: DHR Decision

DHR will notify the employee of its decision no later than ten (10) working days after the employee has responded, failed to respond, or otherwise waived his or her right to respond in writing. If a disciplinary sanction is imposed, the employee may have the right to appeal the agency's decision to the Idaho Personnel Commission within thirty-five (35) calendar days. Any such appeal does not stay the action. DHR's final decision will be sent or delivered to the

employee. The Due Process Procedure ends when the Administrator notifies the employee of the decision.

EMPLOYEE CONDUCT

Dress and Personal Hygiene. All employees are expected to dress, maintain their personal conduct, and exercise personal hygiene in a manner consistent with the nature of work performed and within reasonably acceptable limits of the community and the setting within which work is performed.

Punctuality/Attendance. Employees are expected to maintain regular, punctual attendance. When an employee is unable to report to work as scheduled, they shall notify their supervisor, prior to the absence, if at all possible.

Work Area. The work area of each employee should be properly maintained and provide a pleasant, orderly, and professional appearance. Any display of material reasonably considered being or having the potential to be offensive to others is prohibited.

Religious Expression. Employees may freely exercise their religious beliefs as long as doing so does not infringe on workplace efficiency and the requirements of the Civil Rights Act of 1964 as amended, concerning nondiscrimination on the basis of religion.

Employees and supervisors should respect the individuality of each person, and although they may share their belief that religion is important in a person's life, they must refrain from attempting to influence the religious beliefs of clients, colleagues, coworkers, or subordinates while acting in any capacity as an employee of DHR.

Solicitations. Employee and non-employee solicitations or the distribution of non-state-sponsored solicitation materials in the work area are prohibited. Solicitations and related staff time during working hours shall be limited to only those endorsed by the State of Idaho such as State Employees Charitable Giving Campaign, State-sponsored insurance programs, Red Cross blood drawings, etc. Other solicitations, which require employee time or use of DHR facilities must receive prior written approval from the DHR Administrator.

Non-Smoking Policy. All state-owned or state-leased buildings, facilities, or areas occupied by state employees shall be designated as "non-smoking" except for custodial care and full-time residential facilities. The directors of such facilities may determine the policy governing custodial care and full-time residential facilities. (Reference Executive Order 2000-01).

DISCIPLINARY ACTION

The purpose of discipline is to bring an employee's performance up to an acceptable level or to respond to inappropriate conduct. The disciplinary action taken will depend upon the nature and seriousness of the specific circumstances. The agency will act in accordance with IDAPA rules

and regulations pertaining to discipline measures up to and including separation from employment.

Any employee in classified service may be dismissed or suspended or otherwise disciplined for any of the following causes outlined in [IDAPA 15.04.01 Rule 190](#), which occur during the period of the employee's employment:

- Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, rules and regulations of his/her department or rules and regulations of the Personnel Commission.
- Inefficient, incompetent, or negligent performance of duties.
- Physical or mental incapability for performing assigned duties or the essential functions of the position after the agency has made reasonable accommodation for the disabling condition.
- Refusal to accept a reasonable and proper assignment from an authorized supervisor.
- Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the department.
- Intoxication on duty.
- Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds.
- Use of any influence, which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
- Conviction of official misconduct in office, or conviction of any felony or of any other crime involving moral turpitude.
- Acceptance of gifts in exchange for influence or favors given in an official capacity.
- Habitual pattern of failure to report at the assigned time and place.
- Habitual improper use of sick leave privileges.
- Unauthorized disclosure of confidential information from official records.
- Absence without leave.
- Misstatement or deception in application for employment.
- Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties.
- Prohibited participation in political activities

The Agency may take disciplinary action against an employee including, but not limited to, coaching sessions, verbal warning, written reprimand/counseling, suspension, and/or separation depending on the severity of the violation. Although normally applied progressively, any of these disciplinary measures may be used at any time when warranted by the particular circumstances up to and including dismissal.

Other actions, which may be utilized to improve performance, include involuntary demotion, reductions in pay, and special (or interim) performance evaluations. Demotion, suspensions, and disciplinary dismissals are appealable to the Idaho Personnel Commission after completion of

the due process procedure. Employees should refer to the Due Process section in the handbook for additional details for appeal processes and procedures.

OUTSIDE EMPLOYMENT

DHR recognizes that an employee may need or want to hold additional jobs outside their employment with the agency. DHR follows the state conflict of interest policy. Requests for approval to conduct outside employment must be in writing and approved by the Administrator.

Employee Handbook Receipt and Acknowledgement

On _____(date) I _____(employee name), reviewed the Idaho Division of Human Resource’s Employee Handbook and understand the policies and rules that apply to me and agree to follow them during my employment with DHR. I acknowledge these policies are available to me via DHR’s shared drive and DHR’s website, as well as in print. I understand that employee policies, both electronic and written, may be amended, or altered at any time. If such an amendment or alteration should occur, details of the changes will be communicated to me electronically.

I have read the above policies carefully and agree to comply with them, with the understanding that my failure to do so may result in disciplinary action against me, up to and including termination. In addition, I acknowledge the policies referred to above, and all of the policies of DHR, are internal guidelines intended to provide authoritative statements explaining many of the rights and benefits attendant to my employment; however, said policies are not intended, nor do they create a legal or contractual promise or commitment of employment.

Employee Name (Printed)

Employee Signature

Date