

**BINGHAM COUNTY
RESOLUTION NO. 2024-45
A RESOLUTION AMENDING THE
BINGHAM COUNTY EMPLOYEE HANDBOOK**

Be it ordained by the Board of County Commissioners of Bingham County, Idaho:

1. At an Open Meeting held on Wednesday, November 27, 2024 the Board of County Commissioners unanimously voted to amend Section 17.10 and 25.
2. Bingham County Personnel Handbook, Section 17.10 and 25, are hereby amended within the Bingham County Employee Handbook and the subsequent subsections of these sections will be renumbered accordingly.
3. Bingham County Personnel Handbook, each section as explained above will now be as follows:

17.10 Leave Time Bank (LTB) and its usage

The Leave Time Bank (LTB) is designed to hold the balances of legacy paid leave policies and practices for those employees who had a balance of paid leave when a conversion to current policy was made. There are two former policies that will be rolled into the LTB.

If an employee **transfers** to an exempt position, with a minimum of three years employment with Bingham County, they will receive a payout of 30% of their total accrued PTO. The remainder will be transferred to LTB (inactive) where it will be held, **but not available for use**. Should the employee transfer back to a full-time, non-exempt position, the LTB hours will be moved to PTO (active) and made available for use.

25.8 Name-Clearing Hearing and Procedure

The personnel policy of Bingham County establishes the right of employees, temporary employees, seasonal employees employed by the County to be heard in the event of a contemplated demotion with a reduction in pay, suspension without pay or dismissal from employment, if the employee asserts that this demotion, suspension or dismissal is actually the consequence of alleged unlawful discrimination by the County; or if the allegation involves dishonesty, immorality or criminal misconduct, the employee would be entitled to a "name-clearing hearing" when one is requested.

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin, disability or any and all other protected classes recognized by law that is not a bona fide occupational qualification.

Bingham County does not condone discrimination on the basis of the foregoing unlawful categories.

FAILURE TO SEEK AN OPPORTUNITY TO BE HEARD PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.

This Bingham County Policy, adopted on November 27, 2024, by the Bingham County Commissioners does not include issues of job performance, inability to meet expectations or

employee attitude, without allegations of dishonesty, immorality or criminal misconduct, as part of the criteria to trigger the opportunity for a name clearing hearing and will not be heard. Any regular employee entitled to an opportunity to be heard as a result of a disciplinary action that concerns job performance or behavior must raise allegations of unlawful discrimination or the need for a name-clearing hearing within 7 days of the course of that disciplinary process.

The procedures for the opportunity to be heard or name-clearing hearing at the direction of the Board of County Commissioners or its designated official, unless waived by the employee, are as follows:

1. Within seven (7) days of his/her termination or demotion, the employee may submit a written allegation of unlawful discrimination or a written statement detailing any objections he or she has to the basis of his or her termination, for entitlement to a "name clearing hearing" request to be heard. Written allegations that are submitted untimely or that fail to state a particular, legally recognized basis for this opportunity will not be heard. An employee will be promptly notified if a requested hearing is denied.
2. An employee alleging unlawful discrimination or who is legally entitled to a name clearing hearing will meet with a Hearing Officer. Human Resources shall be responsible for the appointment of the Hearing Officer. The hearing shall not exceed one (1) hour.
3. An audio recording of the hearing will be made and maintained as part of the personnel record.
4. The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges involving dishonesty, immorality or criminal misconduct. The Board of County Commissioners or designated official may require the employee's supervisor to participate in the hearing.
5. The employee will not be prohibited from having an attorney with him/her at the employee's own expense.
6. The employee will not be allowed to call or present witnesses at the hearing.
7. The employee shall not have the opportunity to question any participants during this process, but may submit written statements for the Board of County Commissioners or designated official to consider.
8. The Place of Hearing shall be held at a place designated by Human Resources.
9. The conduct of the hearing shall be informal. The hearing will not consist of, or result in, the formulation of any conclusions or the re-evaluation or nullification of any particular employment action or any recommendations in that regard. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name clearing hearing.

Passed and Adopted this 27th day of November 2024.

BINGHAM COUNTY COMMISSION



ATTEST:

Whitney Manwaring

Whitney Manwaring, Chairman

Eric Jackson

Eric Jackson, Commissioner

Pamela Eckhardt

Pamela W. Eckhardt
Bingham County Clerk

Drew Jensen

Drew Jensen, Commissioner