



# Board of County Commissioners Agenda Request

5A

Agenda Item #

**Requested Meeting Date:** 1/05/2016

**Title of Item:** Reaffirm Annual Code of Ethics and Travel Policy

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <small>*provide copy of hearing notice that was published</small>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
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<b>Submitted by:</b> Bobbie Danielson	<b>Department:</b> Administration/HR
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<b>Presenter (Name and Title):</b> Bobbie Danielson, HR Director, or Nate Burkett, County Administrator	<b>Estimated Time Needed:</b> n/a
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**Summary of Issue:**

These policies are reaffirmed annually.

**Alternatives, Options, Effects on Others/Comments:**

**Recommended Action/Motion:**

Motion to reaffirm the policies attached and to authorize the Commissioners to sign the Code of Ethics annual confirmation. (Signature page with Sue Bingham.)

**Financial Impact:**

*Is there a cost associated with this request?*       Yes       No

*What is the total cost, with tax and shipping? \$*

*Is this budgeted?*       Yes       No      *Please Explain:*

Legally binding agreements must have County Attorney approval prior to submission.

**Section A. Code Of Ethics**

Purpose: To define conflict of interest to Aitkin County employees.

**CODE OF ETHICS FOR AITKIN COUNTY EMPLOYEES**

**(Conflict of Interest)**

**Subd. (1) Definitions**

For the purpose of this policy the following definitions shall apply:

- (a) Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity that engages either in nonprofit or profit making activities.
- (b) Confidential information means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of any individual or a business.
- (c) Private interest means any interest, including but not limited to a financial interest, which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of any individual or a business.
- (d) Immediate family means spouse, child, parent, grandparent and spouse of such persons.
- (e) Employee shall include elected officials and all County employees, including department heads.

**Subd. (2) Acceptance of Gifts Or Favors**

Employees of the County of Aitkin in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the County, for any activity related to the duties of the employee unless otherwise provided by law. The provisions of Minn.Stat. ~~§471.87~~ and the exceptions set forth in Minn. Stat. . ~~§471.88~~ shall apply. The acceptance of any of the following shall not be in violation of this Section:

- (a) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
- (b) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the County of Aitkin.

**Subd. (3) Use of Confidential Information**

An employee of the County of Aitkin shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

Subd. (4) Use of Property

An employee shall not use or allow the use of County time, supplies, or County owned or leased property and equipment for the employee's private interest or any other use not in the interest of the County, except as provided by law and/or the County's Information Systems' Policy.

Subd. (5) Conflicts of Interest

The following actions by an employee of the County of Aitkin shall be deemed a conflict of interest and subject to disciplinary action as appropriate:

- (a) Use or attempted use of the employee's official position to secure benefits, privileges, exceptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated, which are different from those available to the public; or
- (b) Acceptance of other employment, engagement in private business or in the conduct of a profession during the hours for which the employee is employed to work for the County, or outside such hours in a manner, that would affect the employee's usefulness as an employee of the County or affect the employee's independent judgement in exercise of the employee's official duties; or
- (c) Actions as an agent or attorney in any action or matter pending before the County of Aitkin, except in the proper discharge of official duties or on the employee's behalf, or as a member of a local labor bargaining unit.

Subd. (6) Determination of Conflict of Interest

When an employee believes that the potential for a conflict of interest exists, it is the employee's duty to report the matter to his/her supervisor, or if there is not a supervisor, to the County Board. Such report shall be made within 7 days after the potential for a conflict becomes known. A conflict of interest shall be deemed to exist when a review of the occurrence by the employee or the employee's supervisor (or the County Board if there is no supervisor) determines that this code of ethics has not been complied with.

Subd. (7) Resolution of Conflict of Interest

If either the employee or the employee's supervisor determines that a conflict of interest exists, the County Board shall handle resolution of the conflict. NOTE: In the case of conflict of interest involving a County Commissioner, the County Attorney shall handle the resolution.

Subd. (8) Acceptance of Advantage By County Employee

(a) No employee of the County in direct contact with suppliers or potential suppliers of the County, or who may directly or indirectly influence a purchased product or products, evaluation contracted services, or otherwise has official involvement in the purchasing or contracting process shall:

(i) Have any financial interest or have any personal beneficial interest directly or indirectly on contracts or purchase orders for goods or services used by, or purchased for resale or furnished to the county; or

(b) Accept directly from a person, firm or corporation to which a contract or purchase order has been or may be awarded, a rebate gift, money, or anything of value other than as defined in Section B. No such employee may further accept any promise, obligation or contract for future reward.

Subd. (9) Complaints

If a fellow employee or a non-employee makes a complaint about an employee's compliance with this Policy, the complaint should be initially brought to the attention of his/her department head in private. The department head will notify the subject of the complaint regarding the complaint within 7 days and before addressing the complaint at a public meeting as allowed by law.

Subd. (10) Violations

Violation of the provisions of this policy shall be grounds for disciplinary action against an employee, up to and including termination of employment.

Subd. (11) Annual Confirmation

Department Heads will sign an annual confirmation that they have received, read and understood the Aitkin County Code of Ethics Policy and that they are not aware of any violations of such policy. Such confirmation will be filed with the Human Resources Director.

Subd. (6) Travel Time

The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved. The County will observe all FLSA standards related to travel time and compensation. Compensation for travel time is typically at the discretion of the Department Head.

# ARTICLE II EMPLOYEE TRAVEL, CONFERENCES AND TRAINING

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## **Section A. Purpose**

This policy conforms with Minnesota Statutes 471.38, 471.96(1), and 471.97 governing expenses incurred by employees in the conduct of County business. This policy is designed to provide the basis for determining whether there is authority for County expenditure, the expenditure serves a public purpose, and the expenditure is necessary and directly related to the betterment of the County.

## **Section B. Application And Administration**

This policy applies to all employees and elected officials of Aitkin County. In the event that this policy conflicts with an applicable collective bargaining agreement, the latter controls. Should there be any conflict between this policy and State or Federal law, the latter controls.

## **Section C. Travel Requests And Approval**

- (a) The Aitkin County Board of Commissioners shall approve all travel costs through the annual budget process.
- (b) All travel for personnel requires the approval of the Department Head.
- (c) Furthermore, all travel that is not budgeted requires the approval of the County Board.
- (d) Additionally, all out-of-state travel requiring County Board approval, shall be through the consent agenda prior to attendance and payment.

## **Section D. Funds Available**

The Department Head is responsible to see that funds are available to pay for all expenses that they approve.

## **Section E. Billing**

- Subd. (1) Whenever possible, employees will make travel and accommodation arrangements in advance and request that the County be billed. All authorized travel expenses, which are not billed directly to the County, are paid by the employee subject to reimbursement upon approval of a travel expense claim. All employee claims subject to reimbursement should not reflect personal account numbers.

Subd. (2) In the event of an extreme emergency situation, cash advances may be issued with the approval of the Department Head. Such requests are the exception to normal practice and are documented in detail as to the nature of the emergency, purpose of travel, and amount needed. Any money not used must be returned to the County immediately. Receipts will be required.

**Section F. Travel Guidelines**

Subd. (1) County vehicles are for the exclusive use of employees and other individuals involved in County business. Transportation of individuals, who are not involved in County business, in County vehicles is prohibited.

Subd. (2) The County Board reimburses employees for traveling on official County business with a private automobile at the set mileage rate. Mileage is paid on the most reasonable direct route.

Subd. (3) County vehicles and equipment are to be used for County related business only. However, assigned County vehicles may be used to a limited extent for the conduct of personal business when traveling out of town.

Subd. (4) When traveling from the normal work location and then returning to it, the mileage allowance is the actual miles traveled.

Subd. (5) When traveling to an alternate work site (client, meeting, conference, training) the County will reimburse mileage at the current rate per mile for actual miles incurred between the employee's residence and the alternate work site or from the normal work site to the alternate work site, whichever is the lesser of the two.

Subd. (6) The normal work location for employees assigned to multiple work locations is the work location scheduled for the day on which the expense was incurred.

Subd. (7) When an employee is required to attend a County approved work-related training session or conference during regular working hours, the employee shall be compensated for all hours of actual participation in the training session or conference, except meal periods and rest or sleep periods. The employee shall also be compensated for travel time and mileage to and from the conference or training session in excess of time and mileage to the employee's usual work site. If an employee uses a County vehicle or car pools with another conference participant, actual travel compensation shall exclude mileage.

Subd. (8) When using a County vehicle, seat belts will be worn at all times and all laws followed.

Subd. (9) No operation of County vehicles after consumption of alcohol.

Subd. (10) No smoking is allowed in any County vehicle.

**Section G. Reimbursements**

- Subd. (1) The amount of compensation to be paid for mileage reimbursement shall be consistent with the current rate set by the Aitkin County Board of Commissioners.
- Subd. (2) Reimbursement for extended travel is paid on the basis of the prevailing mileage allowance rate or tourist air fares, whichever is less. When personal vehicles are used for extended travel not available by commercial transportation, travel reimbursement is made on an actual mileage basis. This excludes mileage for personal use. When two or more employees are traveling in one car, reimbursement is made to one employee.
- Subd. (3) Reimbursement for out-of-County meals, lodging, parking and other related County expenses will occur only upon submittal of receipts. Non-overnight meal expense reimbursement will be subject to Internal Revenue Service tax deduction.
- Subd. (4) Employees using private automobiles are reimbursed on the actual expense basis for parking when that parking is related to County business at other than your normal location. Receipts for such payments must be submitted with the expense reimbursement request.
- Subd. (5) When an employee chooses to use his or her own vehicle for travel instead of an available vehicle from the Motor Pool, the mileage reimbursement will be made at \$0.10 less than the current mileage rate.

**Section H. Airline Travel**

Any Aitkin County employee or elected official who uses airline travel for County business must report the receipt of any credits or other benefits to the County by notifying the Auditor's Office within 30 days of receipt of any such benefits or credit. Any employee or elected official may accrue credits or other benefits to be used by the individual for additional airline travel for County business only. Credits or other benefits accrued to an employee or elected official who uses airline travel for County business cannot be used for personal gain.

**Section I. Travel Time**

- Subd. (1) County employees may be authorized time for travel the day prior to and/or the day following the convention or meeting date(s) when extended travel is required by the Department Head.
- Subd. (2) If an employee's family members accompany them on County business trips, the portion of the expenses attributable to the family member(s) is not reimbursable.



**Section J. Travel Expenses**

Subd. (1) Expense claim sheets must be prepared after return from travel and presented to the responsible authority for approval within a reasonable period of time. The claims shall be presented to the County Board for approval at County Board meetings in a manner and form as approved by the County Board.

**Section K. Liability Insurance/Driver's License**

Subd. (1) Employees shall not drive vehicles on County business without a valid Minnesota driver's license of the appropriate classification. Driving records of County employees who use vehicles for County business may be checked on an annual basis.

Subd. (2) It is the employee's responsibility to notify his/her supervisor if their license has been revoked or if there is any other reason why they cannot drive a vehicle.

Subd. (3) Employees are required to have liability insurance in effect on all personal vehicles used for County purposes or while performing County business. The County may at any time require proof of such insurance.

**Section L. Car Pooling**

Subd. (1) Definition: When two or more County employees attend the same meeting, workshop, training or conference and ride together in an employee's personal vehicle or County vehicle.

Subd. (2) Car pooling and the use of the County Motor Pool/Department vehicle is required to save on travel related expenses.

Subd. (3) When car pooling and the use of the County Motor Pool/Department vehicle is not feasible, the use of personal vehicles to travel for the performance of job duties will be reimbursed at the County approved rate. Documentation will include date, function, site traveled to and a portal to portal mileage total.

**Section M. Situations Not Specifically Covered**

Situations periodically arise which require flexibility and common sense. Department Heads are authorized to make decisions on situations not specifically covered by this policy, provided the decisions are made within the general intent of this policy.

**Section N. How Automobile Liability Coverage Applies**

It is a fundamental rule of automobile liability coverage that the primary responsibility to respond falls first upon the coverage in effect on the vehicle involved in the accident. The second priority is any coverage in effect covering the operator of the vehicle. Other coverages respond after these first two.

Subd. (1) Member-owned vehicle - In this instance, since the vehicle is owned by the member, the primary responsibility to respond rests with MCIT. The operator's personal coverage may come into play as excess insurance if the MCIT limits prove insufficient to cover all the damages caused.

Subd. (2) Personal vehicle - The personal vehicle being used could be a vehicle owned by the operator, a vehicle leased to the operator on a long term basis, or a vehicle owned by someone else and loaned to the operator. In this instance, the primary responsibility to respond rests with the policy applicable to the vehicle. A vehicle on a long-term lease is treated as though the leasee owns it. The second priority would be the policy applicable to the operator (if different). The MCIT coverage document would respond last.

Subd. (3) Short-term leased (rental) vehicle - Travelers frequently need to rent cars. Uniformly, rental agreements provide state minimum coverages that will be primary over all other applicable coverages. The second priority for coverage will be the renter/operator's personal automobile policy. The MCIT coverage would be in excess. Under a vehicle rental contract, the renter becomes responsible for any damage occurring to the rented vehicle. In Minnesota, automobile policies automatically include coverage for damage to rental cars. It is not necessary to purchase additional collision damage coverage from the rental company.

#### **Section O. County Vehicle Usage**

Subd. (1) Purpose: To define the criteria for using a County vehicle from the motor pool vehicles.

(a) All employees who engage in the use of County vehicles are required to have a valid and appropriate driver's license. It is the employee's responsibility to notify his/her supervisor if the employee's license has been revoked or suspended or if there is any other reason why the employee cannot drive a vehicle.

(b) County vehicles and equipment are to be used for County-related business only. However, assigned County vehicles may be used to a limited extent for the conduct of personal business when traveling out-of-town or for meal purposes during lunch hours. All passengers in County vehicles must be employees of the County or have an official County business function.

(c) Periodically situations arise which require flexibility and common sense. Department Heads are authorized to make decisions relating to matters not specifically covered by this Policy, provided the decisions are made within the general intent of this Policy. (Board approved 7/30/90)

#### **Section P. Meal Reimbursement**

Subd. (1) Purpose: To define the meal reimbursement procedures for County employees, elected officials, and authorized representatives for expenses incurred while conducting business on behalf of Aitkin County as required by the County.

Subd. (2) Aitkin County will provide reimbursement for meal expenses when such expenses are necessarily incurred while conducting County business. The Department Head must approve all requests prior to incurring reimbursable expenses. The actual cost of meals, not to exceed \$46.00 per day, while traveling outside of the County will be reimbursed. The following daily amounts shall be followed:

Breakfast: \$11.00

Lunch: \$14.00

Dinner: \$21.00

Subd. (3) Conditions

- (a) Employees who meet the eligibility requirements for two (2) or more consecutive meals, shall be reimbursed for the actual cost of the meals up to the combined maximum reimbursement amount.
- (b) Reimbursements may be claimed by the individual if they depart from the work location in an assigned travel status before 6:00 a.m. or if the individual is away from home overnight.
- (c) Individuals may claim reimbursement if they are not within the County boundaries during the regular scheduled lunch period.
- (d) Reimbursement may be claimed by the individual if they are away from their normal work location in a travel status overnight or required to remain in a travel status until after 7 p.m.
- (e) The Department Head must authorize meetings with a meal charge in excess of the approved meal allowance.
- (f) When meals are part of a tuition or registration fee, no additional reimbursement request for such meals can be claimed.
- (g) Expenses for alcoholic beverages are not reimbursable.
- (h) Tips or gratuities are only reimbursable up to 20% of the meal allowance when dictated by a restaurant receipt.
- (i) The reimbursement for meals, lodging, parking, and other related County expenses will occur only upon submittal of receipts. Pursuant to federal law, meal reimbursement without overnight lodging will be included as income and subject to income tax withholding and FICA deduction. Reimbursement for out of state travel shall be made at the Federal CONUS rate at the time of travel.
- (j) If meals are included as part of a conference, seminar fee, or airline ticket and are not separately identified, they are not taxable income.

**Section Q. Conference/Seminar Requests**

Subd. (1) Purpose: Define the criteria for attending required and discretionary training.

Subd. (2) Conference/Seminar Request Procedure:

Aitkin County employees must keep up to date with changes being made outside the county which affect the way county business is performed. It is also the intent of Aitkin County to encourage development of its staff to the fullest extent possible. Two areas that are used for this are "required" and "discretionary" training.

Subd. (3) Required Training

- (a) Training requirements prescribed by governing authorities, or by an approved employee development program. (For example, Child Protection currently requires 15 hours of professional training per year.)

Subd. (4) Discretionary Training

- (a) Training requirements that allow staff to attend workshop/seminar activities related to their current position or an approved individual development plan.
- (b) Aitkin County will reimburse or pay directly for registration fees, meals, lodging, and transportation to and from an approved session as defined in the county's travel and meal reimbursement policies.
- (c) The attached request form must be completed and approved by the Department Head prior to attendance of any type of training session. An approved copy of the request form must be forwarded to Human Resources for inter-department coordination purposes.
- (d) A copy of the completion certificate or similar notification will be provided to the Human Resources Department for inclusion in the employee's personnel file. This will provide a permanent record of all formal employees training at a central location.

Subd. (5) Out of State Travel

- (a) Air Transportation - Any employee, traveling on County business shall be reimbursed for their travel expense by coach airfare rates. Airfare should be billed to the County at the lowest available rate based on inquiries to travel or ticket agents.
- (b) Extended Vehicle Use -When a personal vehicle is used for extended travel, reimbursement is paid on the basis of the prevailing mileage allowance rate or coach class air fare, whichever is less. When two or more people are traveling in one vehicle, reimbursement is made to one person.

- (c) Taxi/Bus - Payment for taxi, bus, or limousine service is authorized when no private vehicle is available. Reimbursement will be for whichever form of transportation has the lowest available rate.
- (d) Airline Travel Benefits - Any employee or elected official may accrue credits or other benefits to be used for additional airline travel for County business only. Credits or other benefits accrued by an employee or elected official who uses airline travel for County business cannot be used for personal gain.
- (e) The Department Head must authorize out of state travel. Permission must be then be received from the County Board before traveling outside of the State of Minnesota on county business, except when traveling to cities that directly border Minnesota. The Department Head is responsible to see that funds are available to cover the approved expense.