



Sheriff's
Civil Service Commission
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Rules and Regulations

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COUNTY OF OLMSTED SHERIFF'S CIVIL SERVICE COMMISSION RULES AND REGULATIONS

Whereby a resolution to establish a Civil Service Personnel System in the Olmsted County Sheriff's Office was duly executed and filed with the Director of Property Records and Licensing, the Sheriff's Civil Service Commission hereby prescribes the following:

1.0 RULES

1.1 Application of Rules

These Rules and Regulations apply to all positions created under the jurisdiction of the Olmsted County's Sheriff Office, with the exception of the Sheriff and duly appointed members of the Commission. To the extent that these rules are inconsistent with the County Personnel Act codified in Minnesota Statutes Sections 375.56 to 375.71, they are superseded by the provisions of said Act.

1.2 Amendment of Rules

The Commission may, from time to time and as necessary to further the purposes of Minnesota Statutes Section 387.31 through 387.45, amend these rules as provided by law.

1.3 Organization of the Commission

The Commission shall consist of three members appointed by the Olmsted County Board of Commissioners. To be eligible for appointment, an applicant: (a) must be a resident of Olmsted County, (b) cannot be employed by, or be an elected official of, a government entity, and (c) must meet the following criteria:

- Minimum of five years' work experience in human resources or business management;
- Prior public service, volunteer, or advisory board experience;
- Ability to attend and participate actively and objectively in the competitive examination process for applicants conducted onsite at the Olmsted County Government Center;
- Ability to review and analyze confidential background information on applicants to assess both fitness for service and likelihood of success; and
- Ability to attend monthly Commission meetings onsite at the Olmsted County Government Center.

A qualifying individual shall be appointed to serve a three-year term that commences on the first Tuesday after the first Monday in January. Such appointee shall take and subscribe the oath of office prior to transacting any business on behalf of the Commission, as required by Minnesota Statutes Sections 358.05 and 387.33. Each member shall serve as chairperson during the third year of the member's term. A member may be appointed to serve a second three-year term, but in no event shall any member serve more than two consecutive terms.

One member shall serve as secretary, with the authority to delegate secretarial duties to Olmsted County Human Resources. Said duties shall consist of the preparation and storage of meeting minutes, rosters, and other materials necessary for administration of the Commission. All such minutes, rosters, and other written materials shall be the property of Olmsted County.

1.4 Meetings of the Commission

The Commission shall meet at 8:00 a.m. on the third Wednesday of every month from March through January in the Board Chambers of the Olmsted County Government Center. The Commission shall meet on the first Monday in February pursuant to Minnesota Statutes Section 387.33 in order to select a secretary and evaluate the need for any amendments to these rules. Notice shall be posted prior to all meetings in accord with the Minnesota Open Meeting Law, codified in Chapter 13D of Minnesota Statutes.

The chairperson shall preside over all meetings. In the event of the chairperson's absence, another member of the Commission shall preside.

All actions of the Commission shall be taken by motion. Any two members shall constitute a quorum and the affirmative vote of two (2) members shall be necessary for the adoption of any motion by the Commission. All members shall vote on all motions and their voting shall be recorded.

1.5 Purpose

It is the purpose of these Rules and Regulations to give effect to and to supplement the provisions of Minnesota Statutes 387.31 through 387.45. The Rules and Regulations shall be applied as follows:

- 1.5-1 To classify all positions and employees in the Sheriff's Office.
- 1.5-2 To aid the Sheriff in the selection of competent employees for the efficient performance of the functions of their office.
- 1.5-3 To protect employees against political interference in their positions.
- 1.5-4 To give fair and equal opportunity to all qualified applicants to enter employment in the Sheriff's Office on the sole basis of merit and

fitness as ascertained through practical competitive examination.

- 1.5-5 To create a service which shall be made attractive as a career and which shall encourage each employee to render their best service.
- 1.5-6 To provide equal employment opportunities without regard to race, creed, color, religion, national origin, age, sex, sexual orientation, disability, marital status, or status as to public assistance in all phases of employment.

1.6 Definitions

The following terms, whenever used in these Rules and Regulations shall have the following meanings:

- 1.6-1 Whenever used in these Rules and Regulation the masculine shall be held to include the feminine, the singular to include the plural, and the plural to include the singular.
- 1.6-2 Commission – The Olmsted County Sheriff's Civil Service Commission.
- 1.6-3 Sheriff – the Sheriff of Olmsted County.
- 1.6-4 Position – Current duties and responsibilities assigned or delegated by competent authority requiring full-time or part-time employment of one person.
- 1.6-5 Employee – all persons coming under these Rules and Regulations except the Sheriff.
- 1.6-6 Regular Employee – employees in the classified service who have gained regular status according to the Act, and employees who have satisfactorily completed their probationary period and have been certified as regular by the Sheriff.
- 1.6-7 Class – one (1) or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class; that the same general qualifications are needed for the performance of the duties of the class; that the same tests of fitness may be used to recruit employees and that the same schedule of pay can be applied with equity to all positions under the substantially similar employment conditions.
- 1.6-8 Reduction – change of an employee from a position in one class to position in another class for which they are qualified with less responsible duties and a lower salary range.

- 1.6-9 Promotion – change of an employee from a position in one class to a position in another with more responsible duties and a higher salary range for which they are qualified through the Eligibility Roster.
- 1.6-10 Grade – rank and pay status of an employee.
- 1.6-11 Eligibility Roster – The “eligible register” identified in Minn. Stat. § 387.36 that lists the applicants eligible for appointment to a position within the Sheriff’s Office in order of their examination scores, from highest to lowest.
- 1.6-12 Promotional Roster – The list of employees eligible for promotion to a specific position based on the procedures and criteria set forth respectively in Sections 2.5 and 2.6 herein.

1.7 Status of Employees

All present employees of the Sheriff’s Office and any Deputy Sheriff employed on a full-time basis at the time of creation of the Sheriff’s Civil Service Commission shall come under the jurisdiction of the Commission without examination and shall not be classified in a position with a lower pay scale than said employee has been receiving.

1.8 Preparation and Adoption of Classification Plan

The Commission shall formally adopt and make effective a classification plan for all positions under the Sheriff’s Office. The schedule adopted by the Commission shall constitute the Classification Plan for all positions in the Classified Service. The plan shall be based on analysis of the duties and responsibilities of each position, and each position shall be allocated to its proper class in the Classification Plan. The plan shall be developed after consultation with supervisory officials and persons technically familiar with the character of the work. It is the duty of the Commission to classify all positions held by persons who may become members of the classified service under the aforementioned office.

Titles and grades shall be established for each class of employment for use in examining and certifying names for appointment. The Commission shall provide written specifications for each class of position and may abolish or amend them in any manner and at any time. The specifications shall be incorporated into these Rules and Regulations. The written specifications shall include:

- 1.8-1 The title of the class which shall be descriptive of the general duties of the position, grade and class and shall be the same for all positions requiring the same kind of service.
- 1.8-2 A general description of the duties and responsibilities of the class.

- 1.8-3 A statement of the minimum qualifications required of an applicant for employment. Qualifications for employees will be as indicated in job descriptions.

1.9 Service Register

The Commission shall prepare and maintain a Service Register in which shall be entered the classification, names, compensation, period of past employment and such other facts and data with reference to each employee as the Commission may deem useful. The first Service Register shall contain the present employees of the Sheriff's Office coming under these Rules and Regulations and they shall be so classified by the Commission as provided in the Act. The Service Register shall be kept by the secretary with copies to the Sheriff and the Olmsted County Board of Commissioners.

1.10 Allocation of Positions

Every position under the Olmsted County Sheriff's Office shall be allocated by the Commission to one of the appropriate classes or grades established in the Classification Plan. No person shall be appointed or promoted to any position until it has been properly classified. As additional grades are established or existing grades abolished, necessary allocation or reallocation shall be made by the Commission.

1.11 Incumbents of Reallocated Positions

When a position is reallocated to a different grade, the incumbent shall not be deemed eligible to continue in the position unless they are eligible for transfer, promotion, or other means of movement into the new grade.

1.12 Veterans' Preference

- 1.12-1 Minnesota Statutes Sections 197.455 through 197.481 govern the use of preference points awarded to veterans under these Rules and Regulations
- 1.12-2 A nondisabled veteran who attains a passing score on an open competitive examination may choose to have ten (10) points added to their passing score to improve their rank on the Eligibility Roster. These points are available only when the veteran is an applicant. They are no longer available once the veteran becomes an employee.
- 1.12-3 A disabled veteran who attains a passing score on an open competitive examination may choose to have fifteen (15) points added to their passing score to improve their rank on the Eligibility Roster. These points are available only when the veteran is an applicant. They are no longer available once the veteran becomes an employee.

- 1.12-4 An employee who is a disabled veteran and attains a passing score on a promotional examination may choose to have five (5) points added to their passing score to improve their rank on the Promotional Roster. These points are available to the employee only when they are applying for their first promotion within the Sheriff's Office.
- 1.12-5 An employee who is a disabled veteran that does not choose to have their points added to their passing score the first time they apply for a promotion is not able to use these points the next time they apply for a promotion.
- 1.12-6 An employee who is a disabled veteran that chooses to have their points added to their passing score the first time they apply for a promotion, but who does not receive the promotion, is not able to use points the next time they apply for a promotion.

1.13 Savings Clause

In the event that any Rule or Regulation adopted by this Commission shall be declared invalid by any court of competent jurisdiction, the abrogation of said rule by the court shall not affect the validity of any other Rule or Regulation of this Commission.

1.14 Requisition – Certification Employment

- 1.14-1 Whenever a vacancy occurs in any position in the Sheriff's Office or a new position is created, such vacancy may be filled by (a) reduction, (b) promotion, (c) entry level hiring process.
 - 1.14-1(a) Reduction is a process through which an employee may accept a position below their current rank, provided they meet all the requirements of the position to which they wish to be reduced. In no event shall an employee be eligible for a position below their current rank unless they previously have held that position.
 - 1.14-1(b) Employees taking a reduction to Deputy need not be on the Eligibility Roster.
 - 1.14-1(c) Promotion is a process of selecting qualified candidates to a position above their current rank through the Promotional Roster.
 - 1.14-1(d) Entry level hiring shall be made only for the following positions.
 - 1. Deputy Sheriff
 - 2. Detention Deputy

3. Regional Programs Manager
4. Radio Communications Specialist
5. Executive Support Specialist
6. Executive Support Supervisor
7. Sheriff Support Supervisor
8. Media Development Specialist
9. Lead Fleet Maintenance Mechanic
10. Training Records Technician
11. Task Force Technician
12. Sheriff Support Specialist
13. Clerk Specialist
14. Fleet Maintenance Mechanic

2.0 REGULATIONS

2.1 Applications – Initial Entry

- 2.1-1 The Commission directs County Human Resources to collect and validate applications for all entry-level positions within the Sheriff's Office.
- 2.1-2 Notice of the position openings to applicants shall be published at minimum in a newspaper of general circulation in Olmsted County. The published information shall also be included in all publication necessary to comply with Equal Employment Opportunity requirements. The notice shall include:
 - 2.1-2(a) Application location
 - 2.1-2(b) Filing time limit (not less than ten (10) days)
 - 2.1-2(c) Required qualifications for the position
 - 2.1-2(d) Ratings needed to pass the examination

2.2 Application Roster – Initial Entry

The Commission shall direct the preparation of an Application Roster from the applications received by the names and addresses of all the eligible applicants.

2.3 Initial Examinations

- 2.3-1 Competitive examinations shall be given for all Deputy Sheriff and Detention Deputy positions.
- 2.3-2 Examinations shall be held under the direction of the Commission.

- 2.3-3 Applicants will be notified not less than ten (10) days prior to the examination.
- 2.3-4 The Commission shall prescribe such tests, either written, oral, performance, aptitude, experience and education rating or any combination thereof, which will determine the relative merits and ability of the applicants with regard to the positions involved.
- 2.3-5 Those applicants who score above the cut-off point, as determined by the Commission, will be allowed to proceed with further testing.
- 2.3-6 The applicant will be notified of the examination results. Those passing will be notified of their relative standing on the Eligibility Roster.
- 2.3-7 Applicants shall be required to provide:
 - 2.3-7(a) Birth Certificate (Licensed Officers only).
 - 2.3-7(b) DD 214 forms for military service
 - 2.3-7(c) Claims for Veterans Preference
 - 2.3-7(d) Proof of Minnesota residency and U.S. Citizenship as requested by the Commission (Licensed Officers only).

2.4 Eligibility Roster

- 2.4-1 The names of applicants who attain a passing score on the examination shall be placed on the Eligibility Roster, by grade, listed according to their relative standing. The Eligibility Roster shall be kept by the secretary of the Commission with copies to the County Board. Any person on the Eligibility Roster at the time of induction or enlistment into the Armed Forces of the United States during a state of war or declared emergency shall not lose their position on the Eligibility Roster by such induction or enlistment providing notice of same is given the Commission.
- 2.4-2 No applicant shall remain on the Eligibility Roster for more than one (1) year after the date the Commission certifies the Eligibility Roster unless said applicant takes a new written examination and attains a passing score.
- 2.4-3 An applicant on the Eligibility Roster who takes a written examination to remain on the Eligibility Roster shall be recertified for a new one-year term if they attain a passing score. The existing applicant: (i) shall retain their existing rank from their initial examination score until the expiration of their initial one-year term; (ii) also shall be entered and

ranked according to their new score among existing and new applicants; and (iii) shall have a new termination date that is one year from the new score. The failure to obtain a passing score on any examination, other than the applicant's first examination, shall have no effect on their rank on the Eligibility Roster.

- 2.4-4 New applicants approved for placement on the Eligibility Roster shall be commingled and ranked with existing applicants on the Eligibility Roster, according to total weighted scores.
- 2.4-5 The Commission shall have the power to strike from the Eligible Register the name of any person who fails to comply with the Rules and Regulations of the Commission in conduct or who commits any willful misrepresentation, deception or fraud in connection with their application or examination for employment.
- 2.4-6 The seven (7) top ranked on the list, inclusive of the Minnesota Veterans' Preference Law, shall be forwarded to the Sheriff for review. From those, the Sheriff shall fill the new position or vacancy. If two (2) or more vacancies or new positions are to be filled, four (4) additional names may be considered per additional vacancy. Upon appointment to fill a vacancy or a new position the applicant's name will be stricken from the Eligibility Roster– Initial Entry and placed on the Service Register.
- 2.4-7 All persons certified from the Eligibility Roster– Initial Entry, but not appointed shall maintain their positions on the Register.
- 2.4-8 Applicants shall be investigated and references verified. Replies from such references shall be kept confidential. Unsatisfactory or insufficient references, as determined by the Commission, shall be grounds for the exclusion of the applicant from employment or the Eligibility Roster.
- 2.4-9 The Sheriff shall notify the Commission of any appointments made and any changes in personnel on the Service Register.
- 2.4-10 Persons certified for appointment must report to the Sheriff and consent to accept the position within five (5) days of conditional offer. In case of failure to report or refusal to accept appointment, the Sheriff shall notify the Commission who shall notify and certify additional eligible in their order on the list until said consent is received from these eligible or until the list is exhausted.
- 2.4-11 The Commission will allow one waiver of certification, subject to written notice, by the person exercising this option.

- 2.4-12 When a disparity exists between the make-up of the Sheriff's Office and its approved affirmative action goals, the commission may certify up to two eligible candidates from each protected group for which a disparity exists. This certification is in addition to the seven (7) candidates certified under paragraph 2.4-6. This expanded certification must not include a member of a protected group if a member of that group is one of the seven (7) candidates certified under paragraph 2.4-6. A certification under this paragraph must be made from the list of eligible candidates who have successfully completed the examination, in order of their standing in the examination. This expanded certification applies only to positions to be filled from the public and does not apply to promotional appointment.

2.5 Promotions

- 2.5-1 The Sheriff shall notify the Commission of vacancies and new positions. The Sheriff shall notify all In-Service personnel of such vacancy by posting proper notice on the Sheriff's Bulletin Board for seven (7) days. Personnel desiring to fill the vacancy shall notify the Commission secretary or Sheriff's Office Administration, in writing, by the established date in the notice.
- 2.5-2 Such vacancies or new positions shall be filled by reduction if an eligible person on the Service Register so applies. If more than one such person requests a reduction, the person with the greatest seniority shall be eligible to apply for reduction if they meet all the requirements of the position in the lower grade.
- 2.5-3 When no request is received for a reduction, the position shall be filled by promotion. A competitive examination will be given to all persons on the Service Register who desire to fill such vacancy or new position and meet all the requirements for such position or vacancies. The Commission will certify the Promotional Roster giving weight to efficiency, character, conduct and seniority within the Sheriff's Office. The Sheriff will choose from the top three (3) candidates standing highest on the Promotional Roster. If three (3) or fewer candidates are on a promotional list, the sheriff may conduct a new examination. The old Promotional Roster scores will be added to the new Promotional Roster with the original expiration dates attached to the applicants. The Sheriff shall make the appointment from the certified list.
- 2.5-4 All persons certified from the Promotional Roster who are not appointed shall maintain their positions on the Promotional Roster.
- 2.5-5 The Sheriff shall notify the Commission in writing of any appointments and any changes in personnel on the Promotional Roster.

2.5-6 Persons certified for appointment must report to the Sheriff and consent to accept the position, if appointed, within five (5) days from the time of such notice of certification. In case of failure to report or refusal to accept appointment, the Sheriff shall notify the Commission.

2.5-7 The Commission will allow one waiver of certification for promotion upon written notice by the person exercising this option.

2.6 Promotional Examinations

2.6-1 Examinations for promotion shall be competitive. The promotional process will commence with a written announcement regarding the specific promotional opportunity. The memo shall include a tentative schedule for completion of the examination process, citation to the civil service rules governing the specific promotional opportunity, the minimum qualifications for the specific promotional opportunity based on the Human Resources job description, and the operative date for calculating seniority points and performance points (see, Rule 2.6-3).

2.6-2 Candidates for promotion must meet the following conditions:

2.6-2(a) For LEC promotions, be a licensed peace officer and regular employee of the Sheriff's Office with a minimum of:

1. For promotion to Detective, two years employed full-time as a licensed peace officer, with at least one year of peace officer service in the Olmsted County Sheriff's Office;
2. For promotion to Sergeant, four years employed full-time as a licensed peace officer, with at least two years of peace officer service in the Olmsted County Sheriff's Office; and
3. For promotion to Captain, five years employed full-time as a licensed peace officer OR the rank of Sergeant.

2.6-2(b) For ADC promotions, be a regular employee of the Sheriff's Office with a minimum of:

1. For promotion to Corporal, one year employed full-time as a correctional officer in the Olmsted County Sheriff's Office Adult Detention Center;
2. For promotion to Sergeant, four years employed full-time as a correctional officer, with at least two

years of correctional officer service in the Olmsted County Sheriff's Office Adult Detention Center; and

3. For promotion to Captain, five years employed full-time as a correctional officer with the Olmsted County Sheriff's Office Adult Detention Center OR the rank of Sergeant.

2.6-2(c) Receive a passing score on each examination component of the appropriate Civil Service examination. A passing score is 70% or higher.

2.6-2(d) Meet and be able to properly perform all the duties and requirements of the job description.

2.6-3 Promotional scoring is as follows:

Captains		Sergeants/Detectives		Corporals	
Max Points	2-Year Roster	Max Points	2-Year Roster	Max Points	1-Year Roster
45	Presentation	25	Written Test Policies	25	Written Test Policies
40	Interviews 2 interviews at 20 points each (3 panelists)	20	Interview (3 panelists)	20	Interview (3 panelists)
		40	Practical	40	Practical
6	Seniority	6	Seniority	6	Seniority
.5 point per year: 1 year = .5 point; 2 years = 1 point; 3 years = 1.5 points; 4 years = 2 points (maximum 6 points/12 years' credit)					
4	Performance Sum of the numeric scores from the two most recent annual reviews	4	Performance Sum of the numeric scores from the two most recent annual reviews	4	Performance Sum of the numeric scores from the two most recent annual reviews
10 points maximum combined for Seniority and Performance					
5	Disabled Veteran Status ONLY available for employee's first promotional exam	5	Disabled Veteran Status ONLY available for employee's first promotional exam	5	Disabled Veteran Status ONLY available for employee's first promotional exam

2.6-3(a) Seniority points are calculated based on the employee's years of service as of the date of the first step in the examination process.

2.6-3(b) Performance points are calculated using the employee's two most recent annual reviews effective on or before the date of the first step in the examination process. Only annual reviews that have, or should have, taken effect (i.e., resulted in a wage increase) on or before the first step in the examination process are considered.

Example: Employee's annual review date is June 1. First step of examination is May 31. Supervisor submits annual review paperwork to Human Resources on May 15. The rating that took effect on June 1 of the prior year is used to calculate performance points.

Example: Employee's annual review date is June 1. First step of examination is June 2. Supervisor submits annual review paperwork to Human Resources on June 3. The rating the supervisor submitted on June 3 of the current year is used to calculate performance points.

2.6-3(c) LEC promotions include service time within LEC only and do not include service time within ADC.

2.6-3(d) ADC promotions include service time within ADC only and do not include service time within LEC.

2.7 Probation and Employment

2.7-1 All appointees, initial or promotional, shall be on probation for a period of twelve (12) months. Time spent on probation, whether continuous or not, shall be charged to the period of probation.

2.7-2 If any probationary employee is incompetent or unqualified to perform the duties of the position, the Sheriff shall inform the Commission of the reasons. The Commission may discharge said probationer if appointed from the Eligibility Roster, or return them to their former position on the Register.

The Commission may discharge said probationer if appointed from the Eligibility Roster, or return them to their former position if appointed from the Service Register and any other Service Register employee appointed to the position from which the probationer was promoted shall likewise be returned to their former position with appropriate

remarks made in their service file so as not to adversely affect their record. Probation shall terminate at the end of the twelve (12) months and the Sheriff shall certify to the Commission regular appointment. The effective date of certification for regular employment shall be the day after the last day of probationary employment.

- 2.7-3 Persons from the Eligibility Roster who are not regular appointed after a probationary period shall not be replaced on the Eligibility Roster.

2.8 Temporary Employment

- 2.8-1 In cases of emergency, the Sheriff may, with the written consent of the Commission, make a temporary appointment or appointments, to any position in their office, but no such temporary employment shall continue for more than thirty (30) days nor shall successive temporary employment be made for the same position. Temporary employees shall be appointed, when possible, from the Eligibility Roster and shall return to the same position on the Eligibility Roster when laid off.
- 2.8-2 In the event there are not names on the Eligibility Roster and an original entrant is needed to fill a position. The Sheriff, with the written consent of the Commission, may make a temporary appointment for such position to continue until the position is filled by a candidate from the Eligibility Roster. To prevent this, the Commission shall conduct the required examination and maintain at least three names on the Eligibility Roster at all times.
- 2.8-3 Persons in established positions of the Sheriff's Office shall be the Primary sources of staffing of official work.

2.9 Disciplinary Action

Sheriff's Office employees are expected to maintain a satisfactory level of performance and conduct themselves according to personal, ethical and moral standards suitable to their position.

- 2.9-1 The following is a non-exhaustive list of conduct that may constitute cause for disciplinary action, up to and including termination from employment. The employee:
- 2.9-1(a) Has been convicted on a criminal offense; or
 - 2.9-1(b) Has engaged in brutal or cruel conduct against a detainee, prisoner or a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody on reasonable ground to believe they have committed a

- felony, gross misdemeanor, misdemeanor, or any public offense; or
- 2.9-1(c) Has willfully violated any of the provisions of the Rules and Regulations; or
 - 2.9-1(d) Has violated any lawful official regulation or failed to obey any lawful direction given by their superior officer; or
 - 2.9-1(e) Has been intoxicated or under the influence of alcohol or nonprescribed drugs while on duty; or
 - 2.9-1(f) Has been offensive in conduct or language toward the public or employees; or
 - 2.9-1(g) Is incompetent or inefficient in the performance of the duties of their position as demonstrated by specific examples of poor performance
 - 2.9-1(h) Is physically or mentally incompetent to perform the bona fide occupational qualifications of their job; or
 - 2.9-1(i) Is careless or negligent of the property of the Sheriff's Office or the County; or
 - 2.9-1(j) Has used, or attempted to use, political influence in securing promotion, leave of absence, change of grade, pay, or character of work; or
 - 2.9-1(k) Has directly or indirectly solicited or received any assessment, Subscription, or financial contribution for any political purpose; or
 - 2.9-1(l) Has been induced, has induced, or has attempted to induce an employee in public service to commit an unlawful act or to act in violation of any lawful and reasonable office or official regulation or order, including Civil Service Rules, or has taken any gratuity in the course of their work or in connection with it; or
 - 2.9-1(m) Has been absent from a scheduled shift without permission; fails to report for a scheduled shift after a leave of absence has expired; or fails to report for a scheduled shift after a leave of absence has been denied, revoked, or canceled by the Sheriff or the Commission; or

2.9-1(n) Has willfully made a false statement in any questionnaire, application, or form required by the Commission; or

2.9-1(o) Has willfully violated any County policy.

2.9-2 If the Sheriff determines that suspension is the appropriate disciplinary action for an employee engaging in conduct described in Section 2.9-1, or any other conduct constituting just cause for discipline, said employee may be suspended with or without pay for a period not longer than sixty (60) days.

2.10 Leave of Absence, Resignation, and Reinstatement

2.10-1 An employee may, with permission of the Sheriff or the Sheriff's designee, take a leave of absence with or without pay.

2.10-2 A resignation in good standing shall be made by giving the Sheriff, or the Sheriff's designee, a written notice not less than fifteen (15) calendar days in advance of the employee's intended departure date.

2.10-3 An employee who is absent from three (3) consecutive scheduled shifts without permission shall be considered to have resigned voluntarily, without notice, and not in good standing.

2.10-4 An employee who resigned in good standing may be reinstated if the employee:

2.10-4(a) Requests reinstatement within one year of their departure date,

2.10-4(b) Did not resign while on a remedial plan,

2.10-4(c) Did not resign in lieu of discharge, and

2.10-4(d) Successfully completes any examination recommended by the Commission.

2.11 Retirement

Retirement shall be in accord with applicable state and federal statutes.

2.12 Layoff

2.12-1 Whenever it becomes necessary for lack of work, lack of funds or other causes to reduce the number of employees, the Sheriff shall so certify to the Commission. The Commission shall determine which employee or employees shall be laid off as follows: Temporary employees shall

be laid off first; regular employees shall be laid off in the reverse order of their certification for original employment; reductions in grade being made on the basis of reverse seniority in the position held. An employee laid off or reduced from a promotional position shall revert to that position from which they were promoted (i.e., A Deputy promoted to Detective would revert back to a Deputy if reduced; a Detective promoted to Sergeant would revert back to a Detective if reduced; a Sergeant promoted to Captain would revert back to a Sergeant if reduced; a Deputy promoted to Sergeant would revert back to a Deputy if reduced; a Detective promoted to Captain would revert back to Detective if reduced; a Deputy promoted to Captain would revert back to a Deputy if reduced). An employee who is reduced from a promotional position may be restored to the position within a period of two (2) years without testing for that position. The two (2) years begins the day the person begins duties in their reduced position or is laid-off as a result of seniority (Seniority will be based on date of employment).

- 2.12-2 Employees seniority in a position shall be determined by anniversary date (date of employment in that position).

2.13 Political Activity

- 2.13-1 No employee of the Sheriff's Office is under obligation to contribute to any political fund or to render any political service to any person or body. No employee shall be removed or otherwise prejudiced for refusal to do so. The Sheriff shall not discharge, promote, prefer charges or change the official rank of any employee or their compensation or promise or threaten to do so, for the giving or withholding or neglecting to make any contribution of money or services or any other valuable thing for any political purpose.

2.14 Residence

- 2.14-1 Applicants, those persons on the Eligibility Roster– Initial Entry, and all employees shall keep the commission advised at all times of their current addresses.
- 2.14-2 Initial Applicants for the Olmsted County Sheriff's Office shall be residents of the State of Minnesota or within six (6) months from the time of accepting employment; including military personnel who were residents at the time of enlistment or induction or hold a license in another state in which the Minnesota POST (Peace Officers Standards and Training) board has a reciprocity agreement.
- 2.14-3 Licensed peace officers employed by the Olmsted County Sheriff's Office shall reside within the geographic boundaries of the County of

Olmsted or within the geographic boundaries of a county that shares a border with the County of Olmsted. ADC employees shall reside within a fifty (50) mile radius of the Olmsted County Sheriff's Office. Residency requirements for all other Olmsted County Sheriff's Office employees shall be as set forth in Olmsted County Human Resources policies.

- 2.14-4 All residency requirements shall be met on or before the employee's one-year anniversary of employment with the Olmsted County Sheriff's Office.

2.15 Outside Employment

- 2.15-1 Employees may not engage in any outside occupation, employment or business which might hinder their impartial or objective performance of their duties, be incompatible with or impair their efficiency on the job. The Sheriff shall regulate the hours of outside employment.
- 2.15-2 Employees shall advise the Sheriff of their plans to engage in outside work and shall supply them with full information about such work through written applications or other means specified by the Sheriff. Copies of such information shall be maintained. Outside work shall not interfere with the availability of employee for emergency call-in duty. There shall be no Worker's Compensation, sick leave or paid time off (PTO) payment to any individual injured in the course of outside employment.
- 2.15-3 Portions of the official uniform will not be worn during outside employment unless prior approval by the Sheriff has been obtained.

2.16 Uniform

- 2.16-1 The uniform of the employees of the Sheriff's Office shall be that which has been accepted by Minnesota State Statute.
- 2.16-2 All County-issued equipment will be provided by the County of Olmsted and will be considered permanent property of said County.

2.17 Director Classification

The classification of Director of Law Enforcement Services and Director of Detention Services are not filled or vacated by promotion or reduction. The Sheriff shall appoint as Director an employee who has at least seven (7) years' experience in the Sheriff's Office or rank of Captain. They shall serve at the pleasure of the Sheriff. The Director remains subject to the Civil Service Rules and Regulations during this assignment. They shall continue to hold the position classification of the job held at the time of appointment, on an inactive status. They may be considered

for promotion, through proper examination, to a position of higher grade. Upon termination of the assignment to Director, the employee will return to the position that they left, or to a higher graded position in the event of promotion. If there is an excess number of employees in the classification the employee is scheduled to return to, reductions shall be made in accord with the Rules and Regulations.

3.0 CHAIN OF COMMAND

Sheriff

Chief Deputy (Director) – Law Enforcement Services

Chief Deputy (Director) – Adult Detention Services (Director of Adult Detention Services is only a Chief Deputy if a license peace officer)

Captain – Law Enforcement by seniority

It shall be the duty of each employee to ascertain where they stand on the Seniority roster and to immediately assume command if and when the situation demands.