

**HUMAN RESOURCES DEPARTMENT**

600 West Fourth Street  
Davenport, Iowa 52801-1030

Ph: (563) 326-8767 Fax: (563) 328-3285  
HR@scottcountyiowa.com



---

Date: August 13, 2019  
To: Mahesh Sharma, County Administrator  
From: Mary J. Thee, Human Resources Director/Asst. County Administrator  
Subject: Policy Updates - Policy 44 & R

The proposed updates were reviewed by the Department Heads/Elected Officials and any recommendations were incorporated. Here are the proposed changes to the Administration Policies:

General Policies 44 "Service Animals" is a new policy to address updates in the state law regarding animals in public buildings. The state law limits service animals and service animals in training to a dog or miniature horse. Often the bailiff staff address animals coming into the building. Additionally the use of a service animal may be addressed as a reasonable accommodation under the American with Disabilities Act. The policy is intended to address these issues so there is uniform application.

Human Resources Policy R "Corrective and Disciplinary Actions" is modified to reflect changes in the state law to serve as a reminder of no reprisal against an employee who in good faith reports unethical, illegal or suspicious activity to a public official, the County's Human Resources Director or the state ombudsman. The change in the state law also requires the County to provide new employees with the contact information of the state ombudsman when hired and notify existing employees through this policy.

## 44. SERVICE ANIMALS POLICY

### POLICY

It is the policy of Scott County to comply with provisions of state and federal law as it relates to persons with disabilities bringing service animals into county facilities. Animals not considered service animals or specifically exempted from this policy are not permitted in county facilities.

### SCOPE

This policy applies to all employees of county departments or offices, city and state offices located in county facilities or any other organization occupying work space in or at county facilities. This policy applies to visitors to all Scott County facilities.

Whenever the provisions of this policy are in conflict with the code of Iowa or federal law, the provisions of the state or federal law will prevail.

### DEFINITIONS

“Facility” means all or any portion of buildings, structures, sites, complexes, equipment, vehicle, or other real property as defined by state or federal law.

“Partner/Handler” means a person with a disability, or a trainer, who uses a service animal.

“Reasonable Accommodation” means any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the employment application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without a disability.

“Reasonable Modification” means any alteration to policies, practices, and procedures to avoid discrimination and ensure that services, programs and activities are accessible to persons with disabilities.

“Disability” means the physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome-related complex or any other condition related to acquired immune deficiency syndrome. Other conditions resulting from contagious or infectious diseases may qualify pursuant to state law.

“Service animal” means a dog or miniature horse as set forth in state and federal law. A service animal in training as defined by state law is considered a “service animal” and

covered by the terms of this policy. Types of service animals are often referred to by the specific training received to assist an individual. The following terminology are common examples of service animals; Service Dogs (provide service to the partner/handler), Guide Dog (aids individuals with vision impairments), Mobility Aid Dog (aid individuals who use a wheelchair or have difficulty standing or walking), Hearing Dog (trained in specific tasks to aid individuals with hearing impairments), Autism Service Dog (provide physical safety and emotional support to individuals along the autism spectrum), Psychiatric Service Animals (work to relieve stress levels with mental or emotional disabilities) or Medical Alert Animals (trained to respond to specific medical conditions). These following types of animals are not considered service animals; Emotional Support Animals (comfort animals without having trained tasks of a Psychiatric Service Animals), Therapy Animals (provide comfort and support in community settings), or Companion Animal (a personal pet).

## ADMINISTRATIVE PROCEDURES

### A. Partner/Handler Responsibilities

1. The partner/handler is solely responsible for care and supervision of a service animal, including toileting, feeding, grooming and veterinary care. The partner/handler must ensure the service animal is housebroken and is responsible to clean up after and properly dispose of the service animal's excrement in a safe and sanitary manner.
2. The partner/handler must be in effective control of the service animal at all times. Effective control includes but is not limited to a leash, harness, voice or signal. The service animal should not wander away from the partner/handler at any time.
3. The partner/handler must ensure the service animal behaves in an acceptable way at all times. If the service animal behaves in an unacceptable way and the partner/handler does not control the service animal, the County may refuse access to the service animal or require the partner/handler to remove the service animal from the facility. Uncontrolled barking, aggressive behavior, jumping on other people, or running away from the partner/handler are examples of unacceptable behavior for a service animal.
4. The partner/handler must ensure the service animal is licensed and vaccinated in accordance with applicable state and local laws.
5. The partner/handler is liable for injury or damage done to an individual, or the premises or facility by the service animal.
6. The Human Resources Director will consider requests from qualified applicants or employees with a disability to use a service animal as a reasonable accommodation. Managers of state, city or other offices housed in county facilities should coordinate any reasonable accommodations concerning service animals

Draft for discussion purposes only

with the County's Human Resources Director.

7. If a person intentionally misrepresents an animal as a service animal they will be criminally prosecuted pursuant to state law.

B. County staff responsibilities:

1. Users of County facilities, programs, services or activities may have a service animal accompany them in County facilities as a reasonable modification to County policies, practices and procedures.

2. The Human Resources Director will consider requests from qualified applicants or employees with a disability to use a service animal as a reasonable accommodation.

3. Employees shall allow service animals to accompany the partner/handler at all times and anywhere in a County facility, except where animals are specifically prohibited, including but not limited to, sterile rooms and food preparation rooms/kitchen areas. In most cases, allergies and fear of animals are not valid reasons for denying access or refusing service to people with service animals.

4. Employees shall not distract a service animal in any way. Employees are reminded that service animals are working and not pets, thus shall not pet, feed, or interact with a person's service animal without the partner/handler's invitation to do so. Employees shall not separate a partner/handler from a service animal.

5. Employees may not ask a person about the nature or extent of his or her disability or request documentation that the animal is trained or certified. If an employee suspects a person intentionally misrepresents an animal as a service animal they should report it to the bailiff or law enforcement, or if the partner/handler is an employee to the Human Resources Director. The only two questions that may be asked by a bailiff or law enforcement to determine if an animal qualifies as a service animal; is the animal required because of a disability, and what work or task has the animal been trained to perform?

C. Policy Exclusions

1. A Working Animal is generally not considered a service animal, however, any dog accompanied by the certified law enforcement officer or firefighter assigned as its handler are considered exempt from the provisions of this policy.

2. Animals housed by Conservation as part of their programs are exempt from this policy. The Conservation Board may enact rules and regulations consistent with state law regarding property under their jurisdiction.

## R. CORRECTIVE AND DISCIPLINARY ACTIONS

### GENERAL POLICY

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and effectiveness in their work. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives. Whenever the work habits, attitude, production or personal conduct of an employee falls below an acceptable standard, the employee is subject to corrective and/or disciplinary action. All such actions shall be promptly and consistently administered and shall not be on account of political considerations, personal bias, or prejudice.

### SCOPE

This policy is applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a county elected office holder providing the appropriate elected office holder and the Board of Supervisors have certified its applicability;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors have certified its applicability.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

### CORRECTIVE ACTION

Corrective verbal warnings (also referred to as a cautionary notice) shall precede formal discipline whenever, in the judgment of the department head, an infraction is readily correctable and is of lesser consequence.

All corrective actions should be thoroughly documented in writing appropriate to the infraction committed, with reasonable time allotted for improvement and subsequent review. Corrections and suggestions should be made in a constructive manner.

### DISCIPLINARY ACTION

Formal disciplinary actions will include written reprimand, suspension, demotion, and/or termination. It shall be the policy of Scott County to utilize a system of progressive discipline in addressing an employee's work deficiencies; however management reserves

the right to exercise judgment in determining the appropriate level of discipline. Any of the disciplinary measures cited above may be initiated on the more serious first offense

In most cases, disciplinary action will be issued to the employee by his/her immediate supervisor, or by a higher-level supervisor in the department to which the employee is assigned. Disciplinary action will be issued in a manner which will minimize embarrassment to the employee.

All disciplinary actions will be thoroughly documented in writing appropriate to the infraction committed. The document should be signed by the supervisor or department head initiating the action and by the employee. A copy should then be given to the employee, the original forwarded to the Human Resources department. If the action involves an employee covered by a collective bargaining agreement, said disciplinary action will be sent to the appropriate union steward.

## **PUBLIC RECORD**

Employees are reminded that disciplinary actions that result in a demotion, termination or resignation in lieu of termination are considered public records pursuant to state law. A demotion is defined as involuntarily moving to a lower classification after the start of a disciplinary meeting or name clearing hearing. A resignation in lieu of termination is defined as employee offering resignation after the start of a disciplinary meeting or name clearing hearing.

## **GROUND FOR DISCIPLINARY ACTION**

The seriousness of an offense will often vary with the circumstances prevailing at the time it occurred and the motives which prompted it. Related and mitigating factors would be considered when determining the appropriate action to take. Each of the following infractions may be just cause for disciplinary action, up to and including termination. The list presented herein is representative and is not intended to be all-inclusive.

1. Unreasonable and/or abusive treatment of a client, citizen, other County employee or individual in the community, including verbal or nonverbal sexual or racial harassment.
2. Violation of any lawful and reasonable County or departmental policy including but not limited to Rules of Conduct (Policy G).
3. Destruction or loss of County property, including abuse of tools, equipment and/or clothing allotments.
4. Absence from duty without permission, proper notice or satisfactory reason.
5. Falsifying records, knowingly giving inaccurate information or unnecessarily withholding information.

6. Refusal to cooperate, deceptiveness or interference with an internal investigation.
7. Obtaining materials or leave time based on fraudulent information; dishonesty; stealing; and other criminal acts.
8. Being under the influence of narcotics, alcohol or other physically impairing or illegal substances on the job.
9. Possession of any type of firearms, explosives or concealed weapons (without specific authority).
10. Conviction of a crime involving moral turpitude or that is closely or directly related to the ability of the employee to perform his/her County job effectively. (NOTE: Dismissal or non-prosecution for criminal charges shall not, in itself, preclude the County from taking disciplinary action.)
11. Incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.
12. Disregard for safety policies, procedures, reporting requirements, and/or proper use of safety equipment.
13. Failing to maintain specific job requirements.
14. An attendance record which demonstrates a consistent or continual lack of availability for work to the extent that ineffectiveness or inefficiency of services results.

### **PROHIBITION OF REPRISAL**

No reprisal, such as failure to appoint, failure to promote or termination, shall be taken against an employee (or applicant) for disclosures to the individuals listed in Iowa Code Section 70A.29, including the County's Human Resources Director, of actions the individual in good faith, reasonably believes to evidence a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority or a substantial and specific danger to public health or safety, unless the disclosure was prohibited by law. Additionally as addressed in Human Resources Policy G employees are to report suspicious, unethical or illegal conduct of employees or citizens utilizing county services. The individual may report any reprisals to the state ombudsman at 1-888-426-6283.

### **NOTICE OF POTENTIAL DISCIPLINARY ACTION**

In order to provide an employee with adequate right of due process, a department head

or his/her designee shall notify any regular, non-probationary employee of potential disciplinary action.

Notice of a disciplinary meeting may be verbal or in writing, but shall include a brief synopsis of the reasons for the potential disciplinary action and a meeting shall be scheduled to allow the employee the opportunity to respond to the alleged infractions. This disciplinary meeting is often times referred to as a “name clearing hearing”.

Procedures set forth in Chapter 80F of the state code shall be followed when the action rises to the level of a “formal administrative investigation” for staff considered sheriff deputies, corrections officers, detention youth counselors, public safety dispatchers, rangers or their supervisory personnel.

In the event the immediate removal of an employee from the worksite is required, the employee should be placed on leave pending a review of the particular facts and circumstances of the case. Refer to Policy M. Paid Leaves of Absence.

### **ADMINISTRATIVE PROCEDURES**

1. The Human Resources Director is responsible for assisting department heads and supervisors in the use of corrective or disciplinary techniques as may be necessary to maintain effectiveness and efficiency of operations.
2. The department head or elected official may elect to place an employee on investigative leave before making any determination of corrective or disciplinary action. Procedures for investigative leave may be found in Paid Leaves of Absence (Policy M.).



THE COUNTY AUDITOR'S SIGNATURE CERTIFIES  
THAT THIS RESOLUTION HAS BEEN FORMALLY  
APPROVED BY THE BOARD OF SUPERVISORS ON

\_\_\_\_\_  
DATE

SCOTT COUNTY AUDITOR  
\_\_\_\_\_

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

August 22, 2019

APPROVING CHANGES TO VARIOUS GENERAL AND HUMAN RESOURCES POLICIES

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. General Policy 44 "Service Animals" is a new policy to implement changes in state law as it related to animals in public buildings.

Section 2. Human Resources Policy R "Corrective and Disciplinary Actions" is updated to address changes in state law, as a reminder of no reprisal against an employee who in good faith reports unethical, illegal or suspicious activity to a public official, Human Resources Director or the state ombudsman.

Section 3. This resolution shall take effect immediately.