

RESOLUTION NO. 39, SERIES OF 2020

RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 13, PAY AND COMPENSATION PLAN

WHEREAS, pursuant to C.R.S. 30-2-104 the Board of County Commissioners is authorized to adopt Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, adopted the March 2019 Fremont County Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners has determined the language in Chapter 13, Pay and Compensation Plan, section 13.03(A) Promotions and section 13.03(C) Change to Lower Grades, Demotions, required revision to establish a countywide system to determine pay setting for these actions; and

WHEREAS, a copy of the amended Chapter 13 is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. Amended Policy 13.03(A) regarding Promotions, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.

2. Amended Policy 13.03(C) regarding Change to Lower Grades, Demotions, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.

2. A copy of this Resolution shall be included as part of the 2019 Manual.

3. An electronic copy of this Resolution with the amended policy will be placed on the Employee Self Service portal.

Commissioner McFall moved adoption of the foregoing Resolution, seconded by Commissioner Payne and approved by roll call vote as follows:

Timothy R. Payne	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Debbie Bell	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent



Date: June 9<sup>th</sup>, 2020

BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY

By: Debbie Bell  
Chairman

ATTEST:

By: [Signature]  
Clerk to the Board

RESOLUTION NO. 6, SERIES OF 2020

**RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 13, PAY AND COMPENSATION PLAN**

WHEREAS, pursuant to C.R.S. 30-2-104 the Board of County Commissioners is authorized to adopt Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, adopted the March 2019 Fremont County Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners has determined the language in Chapter 13, Pay and Compensation Plan, section 13.02(B) Pay Scale Structure, and section 13.02(C) New Hire Pay, section 13.03 Pay Administration (definition), section 13.03(A) Service Adjustments, require revision to align with the 2020 Compensation Schedule; and

WHEREAS, while there is no record of the official adoption of the longevity pay system which began in January 2008, the longevity pay system in effect since that date is hereby rescinded; and

WHEREAS, a copy of the amended Chapter 13 is attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Amended Policy 13.02(B) regarding Pay Scale Structure, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
2. Amended Policy 13.02(C) regarding Pay Scale Structure, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
3. Amended Policy 13.03 (definition) Pay Administration, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
4. Amended Policy 13.03 removing the policy on (A) Service Adjustments and reorganizing the remaining policies of this section, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
5. Longevity pay is hereby rescinded and discontinued, effective December 30, 2019.
6. A copy of this Resolution shall be included as part of the 2019 Manual.

7. An electronic copy of this Resolution with the amended policy will be placed on the Employee Self Service portal.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Date: Jan 14<sup>th</sup>, 2020

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: [Signature]  
Clerk to the Board



RESOLUTION NO. 13, SERIES OF 2019

**RESOLUTION ADOPTING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, pursuant to C.R.S. 30-2-104; 30-11-101; 30-11-103; 30-11-107 the Board of County Commissioners, with consent of all elected officials, has revised and updated the March 2010 Fremont County Personnel Policies and Procedures Manual and desires to adopt the same; and

WHEREAS, the Board of County Commissioners finds it to be in the best interest of the County and County Employees to adopt and implement the March, 2019 Fremont County Personnel Policies and Procedures Manual; and

WHEREAS, the Board of County Commissioners has determined the March 2019 Fremont County Personnel Policies and Procedures Manual should be provided in electronic format to all County Employees and become effective immediately with the following exceptions; and

WHEREAS, the Board of County Commissioners has determined Chapter 7, Section 09, Sick Leave will be effective April 5, 2019, to allow the payroll processing staff sufficient time to review and take action on those employee records who exceed 500 accrued hours of sick leave and place the leave into the Sick Leave Bank account for future use of members who qualify for use of the same; and

WHEREAS, the Board of County Commissioners has determined Chapter 7, Section 13, Vacation Leave will be effective with the processing of payroll on April 5, 2019, to allow sufficient time to review and take action on those employee records that presently exceed the maximum accrual and transfer the hours into a "Personal Time Off" (PTO) account for each employee; and

WHEREAS, 2019 Vacation Leave accruals as of March 23, 2019 (6 accruals) shall not be transferred from Vacation Leave to PTO, and shall remain available for current use as Vacation Leave; and

WHEREAS, the Board of County Commissioners encourages employees to use the hours in their "Personal Time Off" account no later than January 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Board of County Commissioners of Fremont County hereby adopts the 2019 Fremont County Personnel Policies and Procedures Manual, effective immediately except as noted in this Resolution.

2. All previous Fremont County Personal Policies and Procedures, including the 2010 Fremont County Personnel Policies and Procedures Manual are superseded by the 2019 Fremont County Personnel Policies and Procedures Manual, and to the extent not superseded, are hereby rescinded.

3. A copy of this Resolution shall be included as part of the 2019 Manual.

4. All employees shall receive a copy of the revised policy by electronic method. County Administrative staff shall have discretion to supply a hard copy or other format upon request, should the particular circumstances justify providing an alternative format.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Date: 3/12/19

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Dwayne McFall  
Chairman

By: [Signature]  
Clerk to the Board

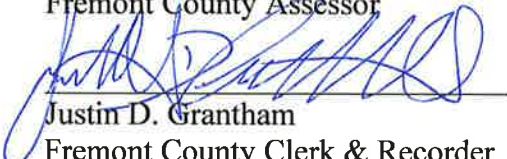


**UNANIMOUS APPROVAL AND ACCEPTANCE BY  
ELECTED OFFICIALS OF  
FREMONT COUNTY  
PERSONNEL POLICIES AND PROCEDURES MANUAL**


We, the undersigned Elected Officials of Fremont County acknowledge receipt of a copy of the 2019 Fremont County Personnel Policies and Procedures Manual to be adopted by the Board of County Commissioners at a regular meeting of the board and unanimously approve and accept the same as binding upon the employees of each of our respective offices in accordance with 30-2-104, C.R.S. Such approval and acceptance shall be effective upon adoption by the Board of County Commissioners.

  
Stacey Seifert  
Fremont County Assessor


3/6/19  
Date of Approval

  
Justin D. Grantham  
Fremont County Clerk & Recorder


3/11/2019  
Date of Approval

  
Kathy Elliott  
Fremont County Treasurer

2-21-19  
Date of Approval

  
Allen Cooper  
Fremont County Sheriff

03/11/2019  
Date of Approval

  
Debbie Bell  
Fremont County Commissioner


03/12/19  
Date of Approval

  
Dwayne McFall  
Fremont County Commissioner

3/12/19  
Date of Approval

  
Tim Payne  
Fremont County Commissioner

3/12/19  
Date of Approval

  
Randy Keller  
Fremont County Coroner

3/11/2019  
Date of Approval

# Fremont County



## Personnel Policies & Procedures Manual

This Manual rescinds all previous versions and incorporates adopted Resolutions prior to the adoption date of this manual.

Adopted by Resolution #13-2019  
Date: March 12, 2019

## **Introduction**

The Personnel Policies and Procedures have been adopted by the Board of County Commissioners and approved by the Elected Officials of Fremont County to describe the policies and procedures of Fremont County, Colorado. The policies and procedures are intended to treat employees equitably with respect to pay, benefits and other employment practices.

These personnel policies and procedures are adopted consistent with the principles of:

- (1) recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment and employment;
- (2) training employees, as needed, to the extent possible to assure high-quality performance;
- (3) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- (4) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, national origin, sex (including pregnancy), religion, age, equal pay/compensation, genetic information or disability and with proper regard for their privacy and constitutional rights as citizens;
- (5) assuring all employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and
- (6) providing equitable and adequate compensation.

These policies do not cover every situation which may arise. They state the general philosophy of the County and serve as a standard in keeping with sound operating procedures and serve as a guide for managing employee-related matters. Should you need assistance in the interpretation of a policy, please consult your immediate supervisor. Good judgment, knowledge of and adherence to the policies and procedures and cooperation in the workplace are an employee's professional responsibilities.

Your job with the County offers many opportunities and benefits; however, the County and its management make no commitment for employment of any specific duration. Employees generally will be retained or separated on the basis of the adequacy of their performance or conduct but there may be exceptions which will be determined in the sole and absolute discretion of the Elected Official, County Manager or Department Head to the extent possible under the circumstances, generally in accordance with these policies and procedures as they may be amended from time to time.

The County retains the right and may change the policies and procedures set forth in this manual from time to time, and at any time, for any reason or no reason.



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## **CHAPTER 1 PURPOSE AND INTENT**

### **1.01 General Policy**

Fremont County recognizes sound personnel policies and procedures are an essential part in the process of extending high quality services to the public. These policies and procedures apply to all County employees, whether a regular, contract, temporary or part-time employee. All departments within the County shall be subject to the provisions as contained herein.

This policy manual is not intended to override or supersede any state or federal statutes and regulations which may apply to various aspects of County employment and governmental functions. All references herein to “state” shall be construed as the State of Colorado.

Individual departments may have additional policies due to unique statutory or operating requirements, but these departmental policies shall apply in addition to and shall not replace or supersede the County Personnel Policies and Procedures. Prior to implementation and enforcement of additional policies, the proposed policies shall be submitted to the Human Resource Department to ensure no conflict with the County Personnel Policies and Procedures exists. In the event of a conflict, the Personnel Policies and Procedures set forth in this manual shall control.

### **1.02 Employment is Not an Express or Implied Contract**

This Personnel Policy and Procedures Manual is a statement of general management policy and is not a grant of specific rights to any employee. The language, policies, and procedures in this manual are not intended and shall not be construed to create an express or implied contract between the County and any one or more of its employees. The County and employee recognize the County may terminate employment at any time, for any legal reason including but not limited to lack of confidence or trust in an employee’s judgment or ability to perform a job based on performance issues, reductions in force, layoffs based on lack of funds, lack of resources, lack of further need for the knowledge, skills, and abilities of the position, immediate and critical public safety issues, poor or unacceptable employee performance, unacceptable or unlawful behavior, or violations of these personnel policies and procedures. The County retains the right to change, and may change, the policies and procedures set forth in this manual from time to time, for any reason or no reason.

### **1.03 Management Rights**

The Fremont County Board of County Commissioners also serves as the Fremont County Board of Human Services and the Fremont County Board of Health. Formal approval of personnel actions taken in its capacity as the Board of County Commissioners also constitutes approval as the Board of Human Services and Board of Health. The County Commissioners and other Elected Officials have the authority to direct County operations of their respective offices as provided for by state statutes. Included in this authority is the power for the County Manager to appoint and remove all directors of departments and other individuals who report directly to the County Manager.

The Fremont County Board of County Commissioners is required by state law to ensure all county expenditures do not exceed available revenues. Therefore, in times of revenue shortfalls, unexpected county expenditures or other similar circumstances, the Board of Commissioners has the right and duty to take whatever lawful measures deemed to be necessary and appropriate to meet the legal requirements for budgeting and county expenditures. Such measures may include but are not limited to withdrawal of employee pay for one or more holidays, imposition of unpaid time off (furlough hours or days) for some or all employees, reduction in paid working hours, reduction in office or departmental budgets and other actions.

Each office or department of County Government is responsible for handling specific personnel matters in its area in accordance with this manual. Elected Officials have the authority to appoint and remove personnel in their departments consistent with these Policies and Procedures, or state statutes. Elected Officials, not including the Board of Commissioners, possess statutory authority to appoint one or more deputies. Such appointments and revocation of the same shall be made in a manner consistent with these policies and procedures, except in circumstances where the Elected Official has a good faith basis for deviation from the policies related to the efficient and effective functioning of his or her office. Under no circumstance shall an Elected Official vary from statutory requirements for appointment and revocation of such appointment of any deputies.

References in this Manual to “Human Resources” shall be interpreted to mean the County Manager, Director of Human Resources (if such position exists), or other Human Resource Department Representative who is vested with appropriate authority.

#### **1.04 Gender Neutrality**

Any statements of gender are intended as gender-neutral, male or female references are all-inclusive covering either gender.

#### **1.05 Employee Acknowledgment**

Each employee must acknowledge in writing they received a copy or has been advised how and where to access an electronic copy of the Personnel Policies and Procedures Manual. It is the responsibility of each employee to read and have a general understanding of the Personnel Policies and Procedures Manual. The employee acknowledgement shall be filed in each employee’s official personnel file.

#### **1.06 Additions | Deletions | Changes**

To ensure the Personnel Policies and Procedures Manual is viable it must be able to adapt to change. Therefore, the following procedures are provided for making changes as necessary.

- A.) Amendments to the Personnel Policies and Procedures Manual may be initiated by any Elected Official or Department Head. Employees may bring forth suggestions for changes

to their immediate supervisor.

- B.) When an amendment to the manual is proposed, it shall be submitted to Human Resources for review of appropriateness and consistency with current manual provisions and other relevant practices and regulations. If the proposed amendment is acceptable after review, the policy shall be distributed to all Elected Officials for comments.
- C.) If, after receiving comments from Elected Officials or Department Heads it appears the proposed policy should be adopted, the same shall be set on the agenda of the next regular Board of County Commissioners meeting for consideration of adoption. Unless specific objections are received from Elected Officials during the review process, the Board of County Commissioners shall operate under the premise all Elected Officials who have reviewed the policy amendment, and not voiced an objection, agree to the adoption of the policy amendment.
- D.) Upon adoption, Human Resources shall electronically distribute the amendment to the Personnel Policies and Procedures Manual to all department heads, who shall ensure each employee receives a copy of the amendment.

#### **1.07 Availability of the Personnel Policies and Procedures Manual**

The Personnel Policies and Procedures Manual shall be available through electronic means. New hires and current employees will have access to the Manual and any subsequent amendments through a County website.

## **CHAPTER 2 RECRUITMENT, SELECTION AND HIRING**

### **2.01 Equal Employment Opportunity**

Fremont County fully supports the Equal Employment Opportunity regulations and intent. The County provides an Equal Employment Opportunity to all employees and applicants for employment without regard to age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation. Equal Employment Opportunity includes but is not limited to recruitment, hiring, compensation, access to training, promotion, transfer, demotion, termination and other conditions of employment. It is expected all Elected Officials, all employees and volunteers will inform themselves of these laws and comply with them to the best of their knowledge and ability.

The County intends for all employees to have a safe work environment free from all forms of discrimination, including unlawful harassment and unlawful retaliation. Workplace discrimination or harassment based on age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation is considered a violation of these policies and practices.

It is the singular and collective responsibility of all employees to deal fairly and honestly with their peers, subordinates and superiors to ensure a work environment free of discrimination and harassment.

Fremont County does not condone or tolerate any form of discrimination or harassment prohibited by federal, state and local laws. Any employee or applicant who believes they have been discriminated against or harassed based on age (40 or older), disability, race, color, religion, sex (including pregnancy), national origin, genetic information or sexual orientation should file a complaint identifying the offending behavior or comments, in writing, to the attention of your immediate supervisor, Department Head, an Elected Official, County Manager or the County Human Resource Department. Federal law prohibits any retribution or retaliation of any form against a complainant for reporting discrimination or harassment. Any complaint reported to County authorities will be investigated promptly, fully and objectively.

Fremont County will review the findings of the investigation with the complainant at the conclusion of the investigation. If the investigation reveals the complaint has merit, immediate and appropriate corrective action, up to and including termination of employment against the offending party, will be taken. If the merits of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are re-acquainted with the discrimination or harassment policy.

Should the investigation reveal a meritless complaint, and that the complaint was filed for the purpose of harassment, had a malicious intent or to cause undue hardship to the person(s) accused, appropriate disciplinary action may be taken against the party filing the complaint.



## **2.02 Immigration Reform and Control Act Compliance**

Fremont County complies with the Immigration Reform and Control Act of 1986, Public Law 99-603 (8 USC 1324a) and shall have on file for all employees hired after November 6, 1986, a USCIS Form I-9 along with a photocopy of the documents used to prove identity and authorization to work in the United States. Fremont County also complies with all state laws regarding verification of lawful presence in the United States of America and immigration, including prohibitions on contracting with or hiring of persons who are not lawfully residing in the country. The Human Resource Department, with the assistance and cooperation of the Elected Officials and department designees, shall complete the form for each and every newly hired individual, regardless of status. The provision of documentation to prove identity and authorization to work in the United States shall be a "condition of employment" with Fremont County. Employees will complete the form on their first date of employment. The Human Resource Department will enter the information contained on the USCIS Form I-9 into the E-VERIFY system within 3 working days of the employees first date of employment. The USCIS Form I-9 will be maintained in a separate file. Once an individual's employment ends, the USCIS Form I-9 will be retained for either 3 years after the date of hire or 1 year after the date employment ends, whichever is later.

## **2.03 Recruitment**

Recruitment for a vacant employment position will be developed by the Elected Official or Department Head in coordination with the Human Resource Department. The Elected Official or Department Head will work in conjunction with the Human Resource Department to develop a thorough and accurate job description containing a description of the essential job functions, required qualifications including education, experience, language skills, mathematical skills, reasoning ability, any additional specific knowledge, skills and abilities to perform the essential job functions, any required certificates, licenses or registrations to perform the essential job functions, supervisory responsibility of the position, a statement specifying who the incumbent of the position reports to, the specific physical demands and work environment of the position. Upon approval of the job description, the Elected Official or Department Head will provide a "Request for Personnel" form to the Human Resource Department who will create the job posting and post according to the form.

To support and reinforce an employee's opportunity for advancement or to experience growth through a change in environment, current county employees are guaranteed an interview for positions for which they are interested and qualified. To be considered, current employees must submit a completed county application and submit all required documentation as stated in the job posting. If the Elected Official or Department Head deems the employee is not qualified for the position and chooses not to interview them, the employee may request an explanation of why they failed to meet minimum qualifications.

- A.) All job postings will be open for a minimum of five working days. All job postings will be posted on the bulletin board located in the County Administration Building outside of the Human Resource Department and forwarded electronically to all employees. Those departments with limited email access will share the posting with all employees within their respective departments through electronic means or posting

in a general area. All job postings will be posted on the County Website.

- B.) The decision to post openings outside the organization will be made by the Elected Official or Department Head in conjunction with the Human Resource Department. Additional resources for job postings are the Colorado Workforce Center and other websites which are identified and free of charge.
- C.) Internal job postings must follow an established procedure to ensure fair and equitable treatment of all staff currently employed by the County. All job postings will be distributed by the Human Resource Department.

Elected Officials or Department Heads may choose to use the Colorado Workforce Center resources for recruiting, testing and training for open positions.

Elected Officials retain full discretion to hire deputies and other appointed personnel who serve at the pleasure of the Elected Official, as authorized by C.R.S. 30-2-104. Formal posting and advertising for such appointed deputies and other personnel shall be subject to the discretion of the Elected Official. The Board of County Commissioners retains the budgetary right of approval for the classification and compensation of deputies and appointees in accordance with state law.

## **2.04 Selection**

Selection of County employees will be based on the applicant's or employee's knowledge, skills, abilities and qualifications, relative to the other applicants, to determine whether the person is likely to successfully perform the essential job functions of a position. Elected Officials or Department Heads are responsible for applying these principles to the selection of applicants and employees.

## **2.05 Nepotism –Personal Relationships in the Workplace**

**Personal Relationship** shall mean marital, civil union, or other committed relationship, significant familial relationship, or consensual sexual or romantic relationship.

**Significant Familial Relationship** shall mean a parent, spouse, civil union partner, child, grandchild, grandparent, brother, sister, nephew, niece, aunt, uncle and the in-laws of the same relationship. A person adopted is also a relative as used herein. This definition shall be interpreted to include relationships by marriage (step-relation or half-relation).

In the interest of maintaining impartial and fair employment practices, no employee shall be hired, transferred to, promoted to, demoted to or rehired in a position within the same department or office as another employee having supervisory authority over the other if the two employees are involved in a personal relationship.

An employee shall not be allowed to secure or maintain employment with the County if a financial conflict of interest exists. A financial conflict of interest exists if a person with whom the employee

maintains a personal relationship makes or could make approvals for expenditures or other financial matters for such employee, including payroll access.

Existing employees who marry, enter into a civil union, or otherwise establish a personal relationship, may continue employment so long as one is not the immediate supervisor over the other, and a financial conflict of interest does not exist. When feasible, one of the employees will be transferred to a different department, office or position. If it is not feasible to transfer one of the employees, one of the affected employees may be required to terminate employment with the County.

## **2.06 Physical Examination, Drug Screening**

Any physical, mental, drug or alcohol examination or test shall be administered in accordance with the ADA, as amended. Initially, such tests may only be required to assure ability to perform the essential job functions of the position. For further guidelines, consult the Human Resource Department and US DOL guidance on pre-employment and post-employment testing. Application of qualification standards, tests, or selection criteria for the purpose of screening out, or with the intent to screen out or otherwise deny a job or benefit to an individual with a disability is allowable if it tests the essential functions of the job and is therefore job-related and consistent with business necessity. If an applicant's ability to perform the essential job functions cannot be accomplished by reasonable accommodation then the Elected Official or Department Head can non-select the applicant based on the totality of the circumstances.

County employees and applicants who are or may be in a position which requires a Commercial Driver's License (CDL) must successfully pass a Department of Transportation medical examination and drug/alcohol screening or acquire exemptions from the Colorado Department of Public Safety, before being allowed to operate job-required County motor vehicles or equipment.

New hires for the Department of Transportation must successfully pass a post-offer/pre-employment medical examination and drug/alcohol screening if selected for a position requiring a CDL.

New hires for the Sheriff's Office must successfully pass a post-offer/pre-employment physical, back screen and drug screen.

New hires for the Facilities Department must successfully pass a post-offer/pre-employment physical and drug screen.

New hires for the Airport must successfully pass a post-offer/pre-employment physical and drug screen.

## **2.07 Other Examinations, Tests or Training Courses**

Any written or computer generated examination or test shall be administered in accordance with the ADA, as amended. For further guidelines, consult the Human Resource Department and US

DOL guidance on pre-employment and post-employment testing.

If an Elected Official or Department Head administers a written or computer generated examination or test to determine ability to perform the essential functions of the position, the examination or test shall be given to all applicants who have been selected for consideration by the County. Examinations and tests may include typing, data entry, mathematical skills, or reasoning skills. These tests will normally be administered by the hiring department or office, or its designee, including the Colorado Workforce Center or other agency with applicable examinations, tests or training courses.

The Department of Human Services requires a written or computer generated examination for all positions.

The Sheriff's Office requires a computer generated examination to test for basic typing, mathematical skills and data entry for the office support staff. All Detention Deputies must attend and pass the Pre-Service Training presented by the Sheriff's Office. All Patrol Deputies must be P.O.S.T. Certified, or certifiable.

## **2.08 Background Investigations**

Fremont County reserves the right to perform background investigations and reference checks on any or all job applicants and current employees being considered for certain positions. The applicant or employee will be notified of any requirement to pass a background investigation. Positions identified as requiring a background investigation may include positions responsible for financial information, accounts or handling money; specific law enforcement duties with access to detainees, contraband, law enforcement records, or property of detainees; positions handling identity documents or homeland security duties if required by federal homeland security laws; and positions required by law to have criminal background checks, such as positions which are responsible for direct care or transportation of children or adults who are frail, disabled or elderly.

Background investigations may be a limited investigation or full field investigation. The investigation may include but is not limited to a local law enforcement check, a check of the State of Colorado court system, fingerprints which are obtained and processed through the Colorado Bureau of Investigation or the Federal Bureau of Investigations, driving history and criminal history in CCIC and NCIC systems, an integrity interview or psychological examination.

The Department of Transportation requires new hires to provide their driving history prior to, or on the first day of employment. This is obtained by contacting the Department of Motor Vehicles. Applicants or employees must provide complete employment information on past operator positions for the last three (3) years to request and obtain the required verifications of citations, accidents and drug/alcohol screenings.

The Sheriff's Office requires new Deputies to pass an in-depth background investigation, including an integrity interview and P.O.S.T. certified, or certifiable, Deputies require a psychological evaluation. Office support staff are subject to a limited background investigation.

The Department of Human Services requires new hires to pass an in-depth background investigation for specific positions.

The Facilities Department requires new hires to pass a limited background investigation if they have access to the Judicial Building and the Sheriff's Office.

The Airport may require new hires to pass a limited background investigation.

Applicants or employees who are subject to a background investigation and fail to satisfactorily pass any aspect are subject to immediate termination.

## **2.09 Americans with Disabilities Act Compliance**

### **A.) Non-Discrimination Statement**

Fremont County prohibits discriminatory hiring and employment practices against qualified individuals with disabilities. Prohibited practices include those affecting the job application procedures, hiring, advancement, job training, compensation, discharge and other terms, conditions and privileges of employment.

### **B.) Reasonable Accommodation**

The County recognizes reasonable accommodation for individuals who meet the Americans with Disabilities Act (ADA) definition of an individual who:

- 1) Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) Has a record of such an impairment; or
- 3) Is regarded as having such an impairment.

Major Life Activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Reasonable Accommodation means a change or adjustment to a job, the work environment or the way tasks are generally accomplished which allows an individual with a disability to apply for a job, perform the essential job functions or have equal access to benefits available to other individuals in the workplace. Reasonable accommodations can be in many different forms in the areas of physical change of the work environment, accessible and assistive technology, accessible communications or policy enhancements.

A qualified employee or applicant with a disability is one who meets legitimate skill, experience, education, or other requirements of the position and who can perform the essential job functions of the position in question, with or without reasonable accommodation. The County will provide reasonable accommodations to enable an employee or potential employee to apply for, test for, or to perform the essential job functions of the position, unless the accommodation would impose an undue hardship on the County.

It is the responsibility of the individual to request a reasonable accommodation through the Elected Official or Department Head. The Elected Official or Department Head will work with the Human Resource Department to discuss the request for accommodation, the impact of the request on the County and to have open dialogue with the individual to assess the situation and make a determination as to what accommodation is appropriate, if any.

The County will accommodate only the identified or known limitations of the individual with the disability. This includes any perceived limitations which have been observed, noted, recorded or discussed by supervisors or coworkers.

The County emphasizes continued communication between the employee and Elected Official or Department Head as essential to a successful work environment. The employee must keep the appropriate County officials and supervisors informed of any changes in status.

### C.) Undue Hardship

The County will make every effort to accommodate an individual with a disability. It is not required to make an accommodation if it would impose an undue hardship on County operations, programs or employees.

"Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations which are unduly extensive, substantial, or disruptive, or those which would fundamentally alter the nature or operation of the County.

It is the County's obligation to demonstrate the necessary possible accommodation(s) will be a hardship, such as showing quality or quantity standards of production cannot be met, scheduling cannot be achieved, or essential job functions will not get performed in a timely or sufficient basis.

In determining undue hardship the following factors will be considered:

- 1) The nature and cost of the accommodation needed;
- 2) The overall financial resources of the department making the accommodation, number of employees in the Office and the effect on the Office operations, expenses and resources;
- 3) The overall financial resources of the County, the overall size of the County with respect to the number of its employees and the number, type and location of its Offices;
- 4) The type of county operations, including the composition, structure and functions of the workforce of the County and the geographic separateness and administrative or relative fiscal responsibility of the Office in question; and
- 5) The impact of the accommodation upon the operation of the Office, including the impact on the ability of other employees to perform their duties and the impact on the Office's ability to conduct business.

County offices and departments will first consider reasonable accommodation measures on a

case-by-case basis with respect to their budgeted resources. The County is not required to lower its quality or production standards to make an accommodation; nor is the County obligated to provide personal use items such as glasses or hearing aids. If the office or department does not have adequate budgeted resources, then a request for assistance from the Elected Official or Department Head and the Human Resource Department shall be made in writing to the County Manager.

If the County determines the cost of the accommodation imposes an undue hardship on the County, the individual will be offered the option of paying for the portion of the cost constituting the undue hardship, or providing the accommodation.

Employees who constitute a direct threat to the health or safety of themselves or others are excluded from this definition of “qualified employee or applicant with a disability”. A “direct threat” is imminent and reasonably foreseeable based on known facts and not of a speculative or insubstantial nature.

#### D.) Process to Request a Reasonable Accommodation

When an applicant or employee with a disability requests an accommodation, the request will be made in writing to the Elected Official or Department Head and the Human Resource Department. The request shall state what specific accommodation is requested. The County may request the applicant or employee to provide written documentation from a certified practitioner specifically defining the disability and the limitations on major life activities resulting from the disability. All medical documentation will be provided to the Human Resource Department; it is not to be maintained by the Elected Official or Department Head.

The Elected Official or Department Head and the Human Resource Department will review the request and determine if the individual is a “qualified individual with a disability” based on the information provided. The person will be notified in writing of the results of the review. If it is determined the disability falls under the ADA, the following steps will occur:

- 1) The Elected Official or Department Head and the Human Resource Department will review the purpose and essential job functions of the position;
- 2) The Elected Official or Department Head and the Human Resource Department will meet with the individual to review the individual’s specific limitations as they relate to the essential job functions;
- 3) Alternatives to the requested accommodations will be identified, discussed and assessed with the person with a disability relative to effectiveness. If several accommodations are identified, the County will choose the accommodation to best serve the needs of the individual and the County. If the review of an accommodation identifies potential risks if the accommodation is granted the Elected Official or Department Head and the Human Resource Department will identify and describe the risk. If an accommodation is denied by the County, the Elected Official or Department Head and the Human Resource Department will provide the employee a written statement explaining why the accommodation is denied; or
- 4) The County may request a medical examination or questionnaire to determine if a requested accommodation is appropriate or may consult with subject matter experts

regarding alternative reasonable accommodations based on the information provided by the individual.

- 5) The County is not required to create a new job or provide a reassignment as a reasonable accommodation, nor is the County required to promote an individual with a disability to make an accommodation.
- 6) The County is not required to reallocate essential job functions as a reasonable accommodation nor is it required to create a job to fit the individual's abilities.
- 7) The individual with the disability has the right to refuse an accommodation.
- 8) The Elected Official or Department Head and the Human Resource Department will document all efforts to provide reasonable accommodation.

If the employee is released to full duty and it is determined the employee has no disability under the ADA, then no obligation of accommodation will be required.

If the employee has been determined to have a disability under the ADA and an accommodation is possible, then the employee will be returned to work with the reasonable accommodation.

Job reassignment as a reasonable accommodation may be considered if a position is vacant and the employee meets legitimate skill, experience, education, or other requirements of the position and can perform the essential job functions. If reassignment results in being placed in a position with a lower salary range classification, the salary will be determined in accordance with the employee's qualifications and experience specifically related to the job reassignment.

An employee may appeal any action taken in relation to the application of ADA guidelines under Policy 11.03 Employee Grievances and Appeals of this Manual.

#### E.) ADA and Worker's Compensation Injuries

- 1) Application of the ADA in a Worker's Compensation case will depend on whether or not the individual meets the ADA definition of a qualified individual with a disability and not the determination of "Maximum Medical Improvement" or the right to return to work without restrictions under workers' compensation regulations in the State of Colorado.
- 2) The Human Resource Department will consider work-related injuries on a case-by-case basis to determine the applicability of ADA requirements.

The County Worker's Compensation Insurance carrier will have obtained relevant medical information about the employee's functional abilities, limitations and work restrictions. The County Worker's Compensation Insurance Carrier, the Human Resource Department and the applicable Elected Official or Department Head will determine the most appropriate action under the workers' compensation rules.

An employee's medical information may only be used to determine the readiness for an employee's return to work and their essential job functions under the ADA, although it may be considered along with other information and the interactive process before an ADA determination is final.



## **CHAPTER 3 TYPES OF EMPLOYEES**

### **3.01 Regular Full-Time**

A regular full-time employee is one who is hired for a position, assigned to fill a position for a scheduled thirty (30) to forty (40) hour work week, has successfully completed a required period of evaluation and is not classified in any other status.

### **3.02 Regular Part-Time**

A regular part-time employee is one who is hired to work a regular schedule of 20 hours or more, but less than 30 hours per week and has successfully completed a required period of evaluation.

### **3.03 Period of Evaluation**

The County requires a six (6) month/180-day evaluation period for all newly hired employees. This evaluation period provides an opportunity for the employee and the County to become acquainted and allows both to determine whether employment should continue. The employee shall be considered a probationary employee during the evaluation period.

During this period the employee will participate in performance evaluation(s) of both an informal and formal nature. Factors considered include, but are not limited to, quality and quantity of work, ability to learn, initiative, attitude, attendance, punctuality and conduct.

At the end of the evaluation period, the employee's status will become a regular full-time or regular part-time employee upon mutual agreement. If the Supervisor, Department Head or Elected Official has a reasonable belief the employee is able to successfully perform the essential job functions of the position at the time the evaluation period ends but wishes to extend the evaluation period for documented reasons, the evaluation period may be extended for an additional three (3) months/90 days. Extending the evaluation period must be well documented and occur only in rare circumstances.

The County retains the right, for any legal reason or no stated reason, including "at will", to terminate the employment relationship during or at the end of the six (6) month/180-day evaluation period. Completion of the evaluation period by an employee shall not indicate or mean the County is obligated in any way to continue employment.

The evaluation period is continuing service for benefits based on date of hire, such as vacation and sick leave. If employment is severed prior to completing the evaluation period, the employee will receive payment for accrued vacation leave and earned compensatory time but not for accrued sick leave or floating holiday.

**Sheriff's Office and Department of Human Services exception:**

For employees of the Sheriff's Office and Department of Human Services, the evaluation period shall be twelve (12) months. However, the evaluation period may be terminated at any time prior to the end of the twelve months, if the employee is determined to be suitable for the position. Under no circumstances shall the 12 month evaluation period be extended.

A regular full-time or part-time employee who transfers into a substantially different position may be required to complete a three to six month evaluation period in the new position.

**3.04 Temporary/Seasonal Full -Time**

Temporary or seasonal full-time employees may be hired as required and as county finances allow. These employees are eligible for group health insurance, dental insurance and life insurance, if working an average of at least 30 hours per week, or 130 hours of service per month. Temporary or seasonal employees are not eligible for vacation leave, sick leave, holiday pay, or retirement programs. The typical work schedule for this category of employee is 40 hours per week, not to exceed six (6) months duration.

Temporary or seasonal full-time employees receive legally mandated County benefits, such as Worker's Compensation and Unemployment Insurance Coverage.

**3.05 Temporary/Seasonal Part-Time**

Temporary or seasonal part-time employees may be hired as required and as county finances allow. The normal work schedule for this category of employee is 20 hours or more but less than 30 hours per week, not to exceed six (6) months duration.

Temporary or seasonal part-time employees are ineligible for County benefits, except for legally mandated County benefits, such as Worker's Compensation and Unemployment Insurance Coverage.

**3.06 Independent Contractor**

An independent contractor as defined by state statute and utilized by Fremont County is one who:

- 1) Is free from control and direction in the performance of the service, both under contract and in fact; and
- 2) Customarily engaged in an independent trade, occupation, profession or business related to the service performed.

To be an independent contractor, the employer does not

- 1) Require the individual to work exclusively for the person whom services are performed;
- 2) Set quality standards but provides plans and specifications without overseeing the actual

- work or provide specific instruction;
- 3) Pay a salary or hourly rate but rather a fixed or contract rate;
  - 4) Terminate the work unless the individual violates the terms of the contract;
  - 5) Provide more than minimal training;
  - 6) Provide tools or benefits;
  - 7) Dictate the time of performance except a completion schedule or mutually agreeable hours of work;
  - 8) Pay the individual personally but makes checks payable to a trade or business name; or
  - 9) Combine business operations instead maintains operations as separate and distinct.

A contract with an independent contractor shall be approved by the Board of County Commissioners. The Board of County Commissioners may also delegate contract authority to appropriate County Officials on a case-by-case basis. All contracts with independent contractors shall comply with state and federal Immigration laws. Refer to the County Procurement Policy for additional information.

### **3.07 Appointed Officials**

An appointed official is an employee who is statutorily appointed by an elected official who is under the direct supervision of and has regular contact with the appointing elected official. Appointed officials are subject to the provisions of the County's Personnel Policies and Procedures, federal and state laws, except in circumstances of hiring, termination and other circumstances which would be inconsistent with the statutory provisions and concept of an appointed official serving at the pleasure of the Elected Official.

### **3.08 Volunteers**

A volunteer is a person who is an important and valued segment of the County work force who gives time or expertise to county government, its staff and clients with no recompense for services. The person may be donating time or expertise or may be in a service learning project for educational pursuits. The person may be an on-going volunteer or a one-time-only project volunteer. Volunteers are not governed by the County's Personnel Policies and Procedures and they are not eligible for any benefits. Volunteers are also those performing "useful public service" pursuant to Court Order, but are not considered County volunteers for purposes of worker's compensation or other coverage.

Prior to recruiting or using volunteers, each Elected Official or Department Head shall seek information from the Human Resource Department to determine if the volunteers are covered by worker's compensation, which is a major consideration in view of the possibility of a volunteer suffering an injury while acting on behalf of the County.

Volunteers may be accepted, supervised or removed in order to ensure compliance with health, safety, performance and legal standards as they apply to the supervising department or Elected Official.

Volunteers serve at the pleasure of the Elected Official or Department Head and are subject to the policies and procedures of the office in which they serve. Use of volunteers must be approved by the appropriate Elected Official or Department Head. The department has the responsibility to provide current and timely training to volunteers. The training will be general as well as job specific. Learning and skill development opportunities may also be made available throughout the volunteer's tenure.

County employees are prohibited from volunteering for any county department or office without prior approval from the Human Resource Department. County employees cannot serve as a volunteer for any activities which are closely related to their essential job functions.

### **3.09 Interns, paid and unpaid**

Interns are individuals who are either paid or unpaid through the County or other agencies to serve in positions which do not infringe on a full time position. Internships require a formal written agreement with the agency, school and County. These positions can be full time or part time, on a temporary basis and are not eligible for any County benefits.

### **3.10 Re-hire of Former Employees**

Former employees who worked for the County longer than one year and left the County in good standing will receive service credit for prior service if their separation has not exceeded 30 days. Service credit is not discretionary or optional, it is linked to all employee benefits based on length of service, including re-credit of accrued sick leave at the time of separation. There is no credit or return of vacation leave, it was paid out at time of separation. If, at the time of separation, the employee was participating in retirement they will immediately begin participating.

Former employees who did not leave in good standing are not eligible for re-hire. Former employees are not guaranteed subsequent appointments.

Refer to Chapter 11, section 11.02 for information on eligibility for re-hire.

### **3.11 Temporary Promotion**

An Elected Official or Department Head may temporarily promote an employee to a position other than their regular position if required by the organizational needs of the office or department. The general policy of Fremont County is to increase the rate of pay consistent with the job classification for individuals who are temporarily promoted to a supervisory position if they have assumed full responsibility of the position. An employee temporarily promoted for 30 days or more to a non-supervisory position with a higher job classification, will be paid consistent with the job classification for the position, if they have assumed full responsibility of the position. Temporary promotions may not exceed 180 consecutive calendar days in any twelve (12) month period without prior approval from the County Manager.

## **CHAPTER 4 EMPLOYEE ORIENTATION**

### **4.01 New Hire Orientation**

Orientation of all new employees shall be conducted by the Human Resource Department and Elected Official or Department Head. Orientation will include education on subjects necessary to enable them to understand the general County organizational structure, the pay system, employee health and dental insurance, overtime and leave policies, retirement benefits and other areas which enable the employee to successfully perform the essential job functions of the position hired. Elected Officials or Department Heads are responsible for discussing the essential job functions, departmental specific policy and procedures and any other particular or peculiar situations in their department during departmental specific orientation. Employees should receive orientation on health and safety rules before being required to perform any hazardous tasks.

All new employees will be provided information on how to access the County Personnel Policies and Procedures Manual, as well as any informational documents required by law or County policy by the Human Resource Department. Departmental specific policy and procedures will be provided by the Elected Official or Department Head. Written acknowledgement will be obtained and filed in the employees Official Personnel File.

Normally and ordinarily, new hire orientation will be scheduled for the first Monday of a pay cycle unless unusual circumstances prevail. Under normal circumstances, new employees will have orientation on their first day of employment, unless there are extenuating circumstances.

### **4.02 Work Area and Appearance (Dress)**

Work areas must be maintained in a clean, safe and orderly fashion with the recommended and proper amount of lighting which is conducive to a work environment. Although work areas are assigned to individual employees they must not contain any items which can be viewed as offensive to another employee or visitor to the work area.

All employees will report to work in attire suitable to their assigned duties. Each Elected Official or Department Head may set the standard for the employees under their supervision and control.

### **4.03 Training**

The degree of County participation for any employee in a training program shall be at the discretion of the Department Head with approval of the appropriate Elected Official or the County Manager.

Training includes seminars, workshops, conferences and other educational training programs as approved by the Elected Official or the County Manager. The training must be job-related, promote career development by gaining technical information and enhance the County workforce and workplace. Training is generally short term and does not result in assignment of a grade or

credit toward a degree program.

If possible, all training shall be included in the department's budget. All payments or reimbursements for registration fees, lodging, meals and transportation shall be in accordance with Chapter 9, "Fremont County Travel Policy".

#### **4.04 Employee Identification Card**

- A.) Designated employees shall be issued a Fremont County identification card.
- B.) The County will provide any required identification card. Each department will establish a policy whether or not it is to be displayed by the employee during their assigned work hours. While performing job related duties off of County property, all employees shall have their identification card with them and produce it, if requested by a member of the public.
- C.) All identification cards are the property of Fremont County and shall be returned immediately upon termination of employment or upon direction of the Elected Official, Department Head or Human Resources. An amount of money representing the cost of a replacement card or of rekeying in the event of a lost key, may be withheld from the employee's paycheck. A separated employee who fails to return an issued identification card may have the cost of the card withheld from their final paycheck.
- D.) New cards shall be issued to employees who change positions or have a name change. They may be issued in cases of extreme physical appearance changes. Previously issued cards must be returned and destroyed.
- E.) Employees must provide a written statement to report a lost or stolen card as soon as possible. Arrangements for a new card will be made at the time of reporting. The written statement will be placed in the employee's official personnel file to document the employee reported the card as lost or stolen. The County may require the employee to pay the replacement cost of a card and holder if the employee reports the card was lost or stolen more than two times.
- F.) Under no circumstances shall an employee allow another person to use his or her identification card as a form of false identification. Should information be provided of an employee misusing their identification card it can result in disciplinary action, up to and including termination.

## **CHAPTER 5 CLASSIFICATION AND COMPENSATION PLAN**

### **5.01 General Policy**

The purpose of the classification and compensation plan is to provide an equitable and systematic basis for classifying job descriptions and determining compensation for County employees while managing the County's human resources and budgetary requirements.

Specific objectives of this plan are to:

- A.) Attract, retain and motivate County employees by offering competitive and equitable compensation for services performed.
- B.) Standardize classification and compensation practices within the County to the extent possible by establishing and maintaining equitable rates of pay for positions based on an evaluation of their essential functions.
- C.) Provide a means of developing and maintaining accurate job descriptions containing essential job functions for every position within the County.
- D.) Provide a standard, logical, practical and defensible system for justifying salary actions.
- E.) Provide some assurance compensation determinations are directly related to a standardized classification process.

### **5.02 Job Descriptions – Development and Classification**

The Human Resource Department is responsible for the maintenance of all job descriptions which are prepared and approved by the appropriate Elected Official or Department Head. Every established County position shall have an accurate job description which contains the following information:

- A.) Department, Sub-department, Job Title, Grade, FLSA Coverage and date approved: - A sub-department of any department is indicated in this field showing where the position falls within the organizational structure. The job title describes the general nature of the position. Numeric Titles indicate the level of responsibility of the position within the series. For instance, Clerk II indicates a higher level of responsibility and independence to perform the essential job functions than a Clerk I.
- B.) Summary of, and Essential Job Functions – The summary provides a basic overview of the essential job functions. The essential job functions describe tasks and duties required of the position. The tasks and duties should be specific enough to provide management and employee a guide of the essential job functions. The tasks and duties can include essential and non-essential duties fundamental to the position, department and County.
- C.) Qualifications: – Minimum qualifications are listed in this area including education or experience, separated by tier if the position is a tiered position; language skills; mathematical

skills; reasoning ability; required certificates, licenses or registrations; specific knowledge, skills and abilities to the position; the minimum age requirement (if any); background investigation; drug screening; written examination and any other qualifications. All qualifications are intended to be job-related, i.e. skills required to adequately perform the duties of the position. The phrase “or any equivalent combination of education and experience” is included in each description, allowing interchangeable education and experience to meet the necessary qualifications for successful performance of the duties of the position. If any position requires a current and valid Colorado driver’s license it will be identified in the job description, including any position requiring regular and recurring use of County vehicles or equipment; or positions with potential use of County vehicles.

- D.) Direction Received/Given/Supervisory Responsibilities: - Indicates the reporting relationships including to whom the position reports; how work is reviewed, spot checked or evaluated; identification of supervisory responsibilities and a brief explanation of supervisory duties. If the position requires frequent or infrequent reference to specific manuals, regulations, rules, or laws, this will be identified in a separate paragraph.
- E.) Working Conditions – Provides a description of the physical demands of the position such as lifting, carrying, climbing, and other demanding physical conditions. Provides a description of the work environment of the position such as office or outdoor setting, shift work, weekend or holiday schedules, unusual hazards, extreme heat or cold, and potential exposure to toxic substances.
- F.) For all job descriptions the Elected Official or Department Head is the submitting official, the Human Resource Director is the reviewing official and the County Manager is the approving official. As job descriptions are reviewed, edited or created, the Elected Official or Department Head submits the description to Human Resources to review the description and complete a classification evaluation. Upon completion of the evaluation the job description is presented to the County Manager for review and approval. Should the evaluation result in a change in grade, or it is a new job description, it is presented to the Board of County Commissioners for review and approval.
- G.) All County job descriptions shall conform to the established format.

### **5.03 Changes in Classification**

- A.) Reclassification of an existing position:
  - 1) Positions may be reclassified only when there are significant changes in the essential job functions, supervisory responsibilities and required qualifications.
  - 2) The Human Resource Department shall initiate any reclassification requests from Elected Officials or Department Heads and present the same to the County Manager.
  - 3) The County Manager will present reclassification requests resulting in a change in pay grade to the Board of County Commissioners.
- B.) Reorganization of an office or department:



- 1) Positions should be reviewed for reclassification when reorganization significantly alters or shifts the responsibilities of one or more positions.
- 2) Procedures for reclassification due to reorganization will follow those outlined above.

C.) Classification of a new position:

- 1) A job description for a new position will be developed by the Elected Official or Department Head and submitted to the Human Resource Department for review and evaluation.
- 2) The Human Resource Department will finalize the classification and present the job description and evaluation statement to the County Manager for review and approval. The County Manager will present the job description and evaluation statement to the Board of County Commissioners for review and approval.

#### **5.04 Compensation Schedule**

As part of the budget responsibility of the Board of County Commissioners, it reviews and adopts a compensation classification system, with input from the various Elected Officials which is used to evaluate each County position. All County positions are assigned a pay grade based on the job description, evaluation statement, prevailing rates for comparable positions, changes in the consumer price index and state law when applicable.

Each pay grade is comprised of steps. The Elected Official has the authority to hire a new employee within the range of steps of the position grade. Employees starting above the minimum step rate must possess objective qualifications sufficient to justify a higher starting salary. Elected Officials and Department Heads must obtain approval from the County Manager before deviating from step 1 of the classified pay grade. Employees progress through the steps within the grades based on tenure.

The County considers employee compensation increases annually, primarily based on budgetary constraints. Once the County has established its anticipated compensation increases for the following fiscal year, all employees will receive such increase, including most contracted employees. No employee has a vested or absolute right to an increase in compensation.

#### **5.05 Employee Compensation Payment**

Employees are paid bi-weekly. The Director of Finance establishes an annual schedule of paydays for the following year by December first of each year. The schedule is distributed to all employees electronically.

To provide sufficient time for the calculation of earnings, deductions and net pay, Department Heads shall submit bi-weekly payroll information to payroll by the deadline set by the Director of Finance. This typically is the Wednesday following the previous payday.

Employee compensation is paid through electronic direct deposit into an account(s) at the financial institution designated by the employee. Electronic direct deposit is mandatory for all payroll transactions.

### **5.06 Payroll Deductions**

Deductions required by law, such as federal, state, Social Security and Medicare taxes, are withheld from employee compensation each pay period and submitted to the appropriate entities by the County.

Upon completion of twelve (12) months of service, all eligible employees will participate in the retirement fund and are required to contribute the minimum mandatory amount to the retirement fund through payroll deduction each pay period.

Employee-authorized optional deductions, such as premiums for health, dental and life insurance, savings accounts, loans and other miscellaneous deductions may occur, as approved by the Board of County Commissioners.

### **5.07 Performance Evaluation Plan**

Supervisors are encouraged to have frequent informal communication with their employees to evaluate job performance. The County views the informal process as well as the formal process as effective means of reinforcing consistent quality and productivity in the delivery of services.

To facilitate the formal process, each employee participates with his/her immediate supervisor and the next level supervisor in planning and evaluating performance. The evaluations shall be written, signed by all parties involved and placed in the employee's official personnel file.

**New Employees** participate in the performance planning and evaluation process after continuous service of six (6) months. This process allows both the employee and supervisor to determine suitability for continued employment and establishment of performance goals and measures. The Sheriff's Office and Department of Human Services will determine to continue or terminate employment during the twelve (12) month evaluation period.

**Employees with Greater than One Year of Service** participate in annual performance planning and evaluations. These are generally conducted upon reaching an employment anniversary date. The goals and measures established during the evaluation process and any updates made during the evaluation period are used as the basis of evaluation. This provides the employee and supervisor an opportunity to establish the goals and measures for the next period of evaluation. The goals and measures should be established in specific terms, whenever possible, to provide focus and meaningful guidance to the employee. Negative comments should be accompanied by specific assignments or suggestions for performance improvement along with timetables for reevaluation.

Supervisors may address performance issue(s) with a "Special Review" process to address

specific concerns, and create an action plan(s) to correct the issue(s) including the time frame to do so, typically not less than sixty (60) days. At the end of a special review period, the employee will be evaluated to discuss the issue(s) and the performance expectations until the next regularly scheduled performance evaluation period.

Employees who change jobs during the year should have a shortened evaluation period from the date they received their new job assignment until the end of their employment anniversary date.

## **CHAPTER 6 WORKING CONDITIONS**

### **6.01 General Policy**

County employees can expect to receive fair and equitable treatment. In exchange, the County expects each employee to make an effort to perform the duties of the job assigned, and comply with the personnel policies of the County and any applicable departmental policies, procedures and processes. The County expects all employees and applicants to be truthful, obey reasonable orders from supervisors, provide regular and predictable attendance, demonstrate good judgment, work cooperatively with others and meet the expectations of the job.

### **6.02 Age of Employment**

The minimum age of employment with Fremont County shall be eighteen (18) years except for youth programs sponsored by the County and seasonal employees. The minimum age of employment with Fremont County Sheriff's Office shall be twenty-one (21) years.

Any employee under the age of eighteen (18) shall have written consent of their parent or legal guardian to be employed by Fremont County. The employment must be approved by the County Manager as an exception to this policy provision. No one shall be hired by Fremont County who is under the age of sixteen (16) years. Anyone under the age of 18 shall only be assigned tasks complying with federal and state laws regarding youth employment and shall be properly supervised.

### **6.03 Attendance, Tardiness**

Employees are expected to report to work and be ready to begin work at the designated starting time. Continued or excessive tardiness will not be tolerated and may result in the employee's termination. Employees who expect to be late to work should contact their supervisor prior to their starting time. Tardiness is defined as 10-minutes or more after the designated starting time, but late reporting to work (less than 10 minutes late) on a consistent or excessive basis is unacceptable behavior and may result in disciplinary action.

Employees are expected to report for duty according to their work schedule. It is understood employees have personal obligations but it is imperative the essential job functions of their position are being accomplished. Unexplained absenteeism does not provide for efficient service to the County and may lead to disciplinary action, up to and including termination.

### **6.04 Audio Recording in the Workplace**

Fremont County seeks to encourage a spirit of cooperation, teamwork, trust, and open communication among the employees of the County. Surreptitious, hidden, covert or secret tape or other recording of workplace conversations or activities, either audio or video (including cell-

phone or other digital recording devices), by an employee fosters mistrust, apprehension and anxiety among co-workers and interferes with the normal operations in the workplace. Such recording of workplace conversations or activities by an employee is prohibited unless such employee has advance written approval from the Elected Official, Department Head or County Manager. Violation of this policy shall be grounds for disciplinary action, up to and including termination.

#### **6.05 Authority to Sign County Contracts**

Elected Officials are authorized to sign a contract, contract extension, contract addendum or other legal document seeking to bind the county to a payment obligation, provided funding for such document is budgeted and appropriated. If such funding is not budgeted and appropriated, only the Board of Commissioners may sign a document purporting to bind the County to payment of funds. Elected Officials may delegate contract authority to the County Manager or a Department Head on a case by case basis, which shall be documented in writing by the Elected Official, with a copy submitted to the Finance Department and the County Attorney's Office.

#### **6.06 Automobile Accidents**

All accidents involving County fleet vehicles or privately owned vehicles being operated for County purposes, shall be reported immediately. The employee involved in the accident must complete the county's "Incident Report Form" and provide it with a copy of the law enforcement accident report to the Human Resource Department. Should a supervisor become aware of an accident they must notify the Human Resource Department immediately with information regarding the accident. The Supervisor of the employee involved must complete the "Supervisor Accident Report" form.

#### **6.07 Bribery**

No employee shall solicit, accept, or agree to accept any pecuniary (economic gain) benefit upon an agreement or understanding that the employee's vote, opinion, judgment, exercise of discretion, or other action as a public servant or county employee will thereby be influenced. Such an action by an employee is grounds for immediate termination.

#### **6.08 Building Closure, Including Inclement Weather**

The Board of County Commissioners may close County facilities or suspend County operations due to emergency conditions, special occasions or pursuant to law.

In the case of inclement weather, such as a severe snow storm, all employees are expected to be at their work stations unless the Board of County Commissioners declares the County offices closed or business hours delayed. The closing or delaying of County offices will be announced on local radio stations and through designated Social Media sites. Any employee who is absent from

his/her work station when offices are officially open will be charged vacation leave, compensatory leave or leave without pay for any time missed unless a valid reason for the absence is approved.

In the event of closure before the end of normal working hours, employees will be paid for their regular workday. Essential employees, as stipulated by the Board of County Commissioners, Elected Official, Department Head or County Manager are required to perform their duties regardless of inclement weather or other closures or delays.

Employees not at work at the time of closure because of authorized use of sick leave, vacation or other leave, will remain in such leave status as anticipated by the employee when the leave was requested or reported.

Employees who, for personal reasons, wish to leave work early during severe weather conditions may do so with the permission of their supervisor and will be charged compensatory time or vacation time for the period they are absent from work.

### **6.09 Change of Name**

Each employee shall inform the Elected Official or Department Head and the Human Resource Department of any change of name within ten (10) days after the effective date of the change. All name changes must be supported by an official government document, such as marriage license, divorce decree, social security card or driver's license. If providing a social security card or driver's license a copy of the court document granting the name change will be required.

### **6.10 Change of Dependents or Marital Status**

Any change of dependents or change in marital or civil union status must be reported to the Human Resource Department within ten (10) days after the effective date of the change. When an employee has a change in dependents, marital status or civil union which affects any benefits it must be supported by an official government document, such as a marriage license, birth certificate or divorce decree.

### **6.11 Citizenship**

United States citizenship is required to work for Fremont County. Exceptions to this may be made on a case-by-case basis so long as the employment fully complies with all conditions of the Immigration and Naturalization Act of 1986, including verification of identity and employment eligibility through completion of the U.S. Citizenship and Immigration Services, Form I-9 and subsequent electronic verification of the information presented through E-VERIFY for all new employees hired after November 6, 1986.

## **6.12 Confidential Information, Personally Identifiable Information**

Employees who have access to records and other confidential or personal information about citizens and other employees, including proprietary information, personnel information, financial data, investigations, trade secrets and intellectual property to which County holds rights or with which the County is entrusted, must not disclose this information to anyone without proper authorization. Employees are expected to protect and safeguard confidential information against unauthorized use or disclosure; not to use any of the confidential information except for business purposes; and not to reveal, report, publish, or disclose the confidential information.

Employees should not discuss confidential information with other County employees in any public place where there is potential to be overheard. Employees who have regular access to confidential information may be asked to sign a non-disclosure agreement.

Any employee who violates the confidential information policy is subject to discipline, up to and including termination.

Employees must understand it is not just their duty to protect confidential information, but a legal obligation which continues after an employee has left employment with the County.

The County will safeguard, and properly dispose of, personally identifiable information (PII) to ensure proper protection and release of such information. Information not classified by state law as a public record is considered confidential. Personally identifiable information will be maintained in a safe and secured location and released only to those who are authorized to access such information. Any medical information concerning employees is maintained in separate, confidential medical files apart from regular personnel records. Only authorized persons may have access to such files.

If an employee becomes aware of a security breach in maintaining the confidentiality of his/her personal information, the employee should report the incident to the Human Resource Department, which shall investigate the incident and take appropriate corrective action.

## **6.13 Conflict of Interest**

An employee who is exercising or expects to be exercising, any oversight or influence in connection with a County contract, purchase, payment or any other financial or monetary transaction, and who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give seventy-two hours' written advance notice of the conflict to the Board of County Commissioners. Failure to disclose a conflict of interest may be grounds for immediate termination and action may be taken against the employee according to Colorado law.

## **6.14 Demotions**

An employee may be involuntarily demoted for inability to satisfactorily perform the essential functions of their position, job elimination or for other supported reasons. If an employee is demoted, the pay shall be adjusted within the new grade on the basis of the employee's knowledge,

experience and years of service. This action can result in a loss of pay.

An employee may be voluntarily demoted upon request to another position within the same department or to another department. If an employee is voluntarily demoted, the pay shall be adjusted within the new grade on the basis of the employee's knowledge, experience and years of service. This action can result in a loss of pay.

## **6.15 Discrimination, Harassment, Hostile Work Environment, Retaliation**

Fremont County fully supports the Equal Employment Opportunity Commission (EEOC) and Civil Rights regulations and intent. It is the County's intent for all employees to enjoy a safe work environment free from all forms of illegal discrimination, including harassment and retaliation. Illegal discrimination or harassment under federal law is based on race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information. Employment discrimination under state law is based on race, color, religion, creed, national origin, ancestry, sex, age, sexual orientation (including transgender status), physical or mental disability, marriage to a co-worker. Retaliation for engaging in protected activity is a prohibited discriminatory practice.

It is the singular and collective responsibility of all employees to deal fairly and honestly with their peers, subordinates and superiors as well as applicants to ensure a work environment free of unlawful discrimination and harassment. Disrespect for or abuse of anyone's dignity through sexual misconduct or inappropriate statements, or through other derogatory or objectionable conduct is unacceptable conduct, and may be the subject of disciplinary action in accordance with the Disciplinary Procedure as outlined in Policy 11.01 of this policy, up to and including termination.

### **A.) Sexual Harassment**

Sexual harassment is interaction between individuals of the same or opposite sex, characterized by unwelcome sexual advances or conduct of a sexual nature which unreasonably interferes with the performance of a person's job or creates an intimidating, hostile or offensive working environment. Sexual harassment is further defined as requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for tangible adverse employment decisions affecting such individual.

### **B.) Hostile Work Environment**

A hostile work environment is pervasive and patterned discriminatory conduct or behavior in the place of work which is unwelcome and offensive to a single employee or group of employees of a



protected class. It does not typically include occasional situations unless it is a case of sexual harassment as defined above. The conduct or behavior must sufficiently alter the conditions of employment and create an environment which a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances, such as the frequency of the conduct or behavior, its severity, the belief the conduct or behavior will be indefinite, and whether it is threatening or humiliating.

#### C.) Retaliation

It is a violation of this policy to engage in retaliatory acts against any employee who reports an alleged incident of discrimination, sexual harassment, or hostile work environment, or to engage in retaliatory acts against any employee who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegations.

#### D.) Reporting of Alleged Incidents

The County must be aware of alleged incidents of discrimination, sexual harassment, hostile work environment or retaliation to take appropriate corrective action. Any employee or applicant who feels he/she has been subjected to alleged discriminatory, retaliatory or harassing incidents should and must report, in writing, any offending conduct or behavior to an Elected Official, Department Head, supervisor, Human Resource Director or County Manager. Federal law prohibits any retribution or retaliation of any form for reporting alleged incidents of discrimination, harassment, hostile work environment or retaliation.

Reports or complaints under this Policy shall be forwarded to the Human Resource Department upon receipt and timely investigated by an individual assigned by the County Manager. Corrective action will be taken as promptly as practicable upon receipt of the completed investigation by the Elected Official, Department Head, Human Resources or County Manager. It is the responsibility of the person conducting the investigation to determine the most appropriate means for addressing the report or complaint.

Options for addressing the report or complaint may include, but are not limited to:

- 1) With the agreement of the parties, attempting to resolve the report or complaint through a form of alternative dispute resolution (e.g., mediation);
- 2) With the agreement of the parties, settling the report or complaint through a written agreement; or
- 3) Determining the facts of the report or complaint, even if true, do not constitute a violation of this Policy.

As part of any investigation, the complainant and the respondent shall have the right to:

- 1) Receive written notice of the report or complaint, including a statement of the allegations, as soon as practicable after the commencement of the investigation and to the extent permitted by law;
- 2) Present relevant information to the investigator(s) in the form of written statements, affidavits and supporting documentation; and
- 3) Receive, at the conclusion of the investigation and appropriate review, a copy of any final

report, to the extent permitted by law.

Upon conclusion of the review or investigation, the report or final determination will be reviewed with the Complainant.

If the review or investigation into the alleged incident(s) cannot determine the factual circumstances surrounding the alleged incident(s) the Complainant and all others involved will be reacquainted with this policy.

If the review or investigation into the alleged incident(s) result in factual findings of discrimination, harassment, hostile work environment or retaliation, appropriate disciplinary action, up to and including termination, shall be imposed against the responding party. The Complainant may not necessarily be informed of the action taken against the responding party, as most employee disciplinary actions are confidential matters, not subject to public disclosure.

If the review or investigation into the alleged incident(s) reveal the Complainant acted knowingly or recklessly to make a false report or complaint of discrimination, harassment, hostile work environment or retaliation, or provide false information regarding a report or complaint, appropriate disciplinary action may be taken against the Complainant.

#### **6.16 Drivers License**

If driving is an essential job function, the employee must have a valid, current Colorado driver's license of the proper classification before performing functions associated with driving. No employee may operate a County vehicle without a valid, current driver's license. Departments with this requirement should conduct an annual check of Department of Motor Vehicles Records for employees with this job function.

Should an employee's driver's license be suspended or revoked for any reason:

- A.) The employee shall immediately notify their immediate supervisor, who in turn, shall notify the Elected Official, Department Head and the County Manager.
- B.) The employee may be subject to immediate termination, or may be reassigned to a vacant position without this requirement.
- C.) When an employee's license is reinstated, the employee shall be allowed to compete for positions as they become available. There is no guarantee of continued or re-employment in any particular position.

If an employee fails to notify the immediate supervisor of the loss of license the employee may be subject to immediate termination.

#### **6.17 Drug & Alcohol Testing of Certain Employees**

**Commercial Driver's License-(CDL):**

All County employees required to have a current and valid CDL, shall as a condition of employment, be required to submit to a Drug/Alcohol test as indicated below and directed by Federal Motor Carrier Safety Administration guidelines:

- 1) Pre-Employment:  
This test is conducted as a pre-qualification condition for CDL drivers/operators and requires the receipt of a negative drug test result after being offered employment.
- 2) Random:  
This test is an unannounced test based on a random selection of CDL drivers/operators throughout the year. Names are chosen randomly, pursuant to an approved method, to the Human Resource Department. Upon receipt, the Elected Official or Department Head will be notified to inform the randomly selected employee to report to the designated collection site within 2 hours. Randomly selected employees must report as directed and provide a urine sample for testing.
- 3) Reasonable Cause:  
This test is an immediate result of a trained supervisor or County Official, through observation, observes a driver/operator performing their job functions who appears to be under the influence. The trained supervisor or County Official will seek verification of their suspicion by a second trained supervisory person, upon concurrence the employee will be ordered to report to the designated collection site immediately. The Human Resource Department will be notified immediately.
- 4) Post-Accident:  
This test may be required after an accident for a CDL driver/operator. The employee must be tested within 2 hours for alcohol and as soon as possible, but not longer than 32 hours after the accident for drugs or controlled substances, as set forth by regulations.

If an employee tests positive, or refuses to be tested, for alcohol, drugs or controlled substances, including marijuana, on any mandated test is medically unqualified and disqualified from driving a commercial motor vehicle for one year, and will be terminated from employment immediately.

**Sheriff's Office:** Employees of the Sheriff's Office are required to submit to a Post-Offer/Pre-Employment testing for drugs and controlled substance, including marijuana, and participate in random testing for drugs and controlled substance, including marijuana. Employees may be required to be tested following an accident. Further details of alcohol, drug or controlled substance testing of employees of the Sheriff's Office are delineated in the Fremont County Sheriff's Office Policy Manual.

**Facilities and Airport Personnel:** Employees of these departments are required to submit to a Post-Offer/Pre-Employment testing for drugs and controlled substances, including marijuana, and participate in random testing for drugs and controlled substance, including marijuana. Airport personnel may be required to submit to random alcohol testing. Employees may be required to be tested following an accident.

Additional information can be found in section 6.35.

## **6.18 Employee Contact Information**

Each employee, regardless of status, shall inform the appropriate Elected Official or Department Head and the Human Resource Department of his/her current address, telephone number and emergency contact person and shall report any change of address, telephone number or emergency contact within ten (10) days of the effective date of the change.

## **6.19 Hours of Work**

### **A.) Coverage**

The Fremont County Hours of Work Policy applies to all employees as defined herein and as defined in the Fair Labor Standards Act (FLSA). All employees are required to keep and report to the County an accurate and complete record of time worked, as well as paid and unpaid leave taken, for every work period. No employee shall work more than the number of hours assigned for work without specific written supervisory authorization each time additional hours are to be worked.

### **B.) Hours of Operations**

- 1) Hours of the County Administration and Garden Park Building: The public hours of the County Administration Building, are 7:00 a.m. to 5:00 p.m. daily with the exception of Fridays, Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 2) Hours of Department of Human Services Building: The public hours of the Department of Human Services, are 7:30 a.m. to 5:00 p.m. daily with the exception of Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 3) Hours of the Department of Transportation: The public hours are 7:00 a.m. to 4:30 p.m. daily with the exception of Fridays, Saturdays, Sundays and Holidays, or such other times as approved by the Board of County Commissioners.
- 4) Hours of the Airport Terminal are 8:00 a.m. to 5:00 p.m. and 7:30 a.m. to 5:30 p.m. during the summer months.

### **C.) Work Period**

Generally, the work week shall consist of 40 hours per work period. The work period shall be 7 consecutive days beginning at 12:01 A.M. Sunday through 12:00 midnight Saturday, except Law Enforcement agencies as covered under FLSA.

Section 7(k) of the FLSA provides employees engaged in law enforcement may define the “work period” as 7 consecutive days to 28 consecutive days in length. County law

enforcement personnel receive overtime after 86 hours worked during a 14-day work period.

#### D.) Lunch Period

Whenever possible, the unpaid lunch period shall be scheduled in the middle of the work shift and shall be sixty (60) minutes in length. Any Elected Official, Department Head, or the County Manager at their discretion may opt to have a thirty (30) minute lunch period for employees working in their department, as long as hourly employees do not exceed 40 hours of actual work performed. An additional lunch period of thirty (30) minutes may also be given to employees who work at least 12 hours in one day. The definition of the middle of the work shift is between the 3<sup>rd</sup> and 6<sup>th</sup> hour from the beginning of the shift. On occasion an employee may not have an opportunity to take their lunch period and the supervisor may allow the employee to leave early, this requires prior approval and cannot occur on a frequent basis.

#### E.) Rest Periods

Employees' work schedules shall provide for a paid fifteen (15) minute rest period at approximately the halfway point between each half shift (each 4 hour, 5 hour or 6 hour period). The employee who works more than the normal shift shall also be entitled to such additional breaks as the additional hours require in accordance with the above rules of one break at each halfway point as determined by the employees regularly scheduled shift. Rest periods shall be utilized as defined herein, and are not to be added on to the lunch period, or taken at the beginning or end of the scheduled work day.

#### F.) Compensatory Time

- 1) Regular full-time and part-time employees not-exempt from the Fair Labor Standards Act (FLSA) accumulate compensatory time at a rate of 1 and ½ hours of compensatory time for each hour worked beyond the standard (40) forty hours in a work period. FLSA exempt employees may be given administrative leave at the discretion of the Elected Official or County Manager. The Department of Transportation, Law Enforcement and Department of Human Services employees are subject to the schedule outlined for their department and as contained in their individual departmental policies.
- 2) Compensatory time off means hours during which an employee is not working (not including other forms of paid leave), which are not counted as hours worked during the applicable work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

G.) FLSA Non-Exempt Positions: All positions except exempt positions and excluded positions.

H.) FLSA Exempt Positions: All administrative, executive and professional positions defined as exempt under the FLSA. Administrative, executive and professional status is not limited to, but generally is defined as (1) positions with a trained profession, or (2) one which requires supervision of two or more subordinate positions and devotes more than 50% of its time to supervisory tasks and duties, or (3) one which devotes

more than 50% of the standard work week to duties requiring the exercise of independent judgment and discretion in an advisory or policy-making role. It is the duty of Human Resources and the County Manager to determine which positions in the classification system are exempt.

I.) FLSA Excluded Positions: Positions held by Elected Officials, the personal staff reporting directly to an Elected Official who are not covered by any civil service laws of the state or county, political appointees as defined by statute and case law, legal advisors, bona fide volunteers, independent contractors, prisoners and other excluded employees as may be defined by regulation from time to time.

#### J.) Hours Worked

Actual time spent performing the functions of the position. Sick leave, vacation leave, holiday leave, compensatory time and other paid or unpaid leave hours are not included in hours worked. If an employee uses any form of paid or unpaid leave such hours will not be counted or included in the calculation of total hours worked for purposes of calculating overtime or compensatory time earned.

Example: An employee takes Monday off as vacation leave and is paid for 8 hours of regular pay. The employee returns to work and works 10 hour days on Tuesday through Friday. The employee performed job functions for 40 hours in the week. The employee is paid at his/her regular rate of pay for the 40 hours worked and his/her regular rate of pay for 8 hours of vacation leave. No overtime or compensatory time has accrued because the actual hours worked in the work period do not exceed 40 hours.

For FLSA non-exempt employees in law enforcement or fire protection positions, overtime, compensatory time and hours over normal shall be calculated in accordance with the FLSA regulations for this type of “tour of duty” assignment.

#### K.) Overtime Hours

Hours worked by a FLSA non-exempt employee in excess of forty hours for a work period. FLSA non-exempt employees in fire protection activities or law enforcement activities, overtime hours shall be calculated in accordance with the FLSA.

Section 7(k) of the FLSA provides employees engaged in law enforcement receive overtime compensation for hours worked in excess of 86 hours during a 14-day work period. Refer to Policy 6.25 below for further information.

#### L.) Alternate Workweek

The Elected Officials/Department Heads may impose for their staff alternate work days or work schedules as long as they are consistent with County policy.

#### M.) Volunteer

An individual who performs hours of service for the County for civic, charitable, humanitarian reasons or pursuant to court order.

N.) Different Capacity/Same Type of Service

An individual shall not be considered a volunteer if the individual is employed by the County to perform the same type of services as those for which the individual proposes to volunteer.

O.) Member of Personal Staff

Those who are directly supervised by an Elected Official, have contact with such official on a regular basis and are not directly supervised by someone else.

P.) Payments for Wages

The normal manner of payment for wages by Fremont County is direct deposit. In limited situations this payment may be made via check.

Q.) Separation

Includes resignation, retirement, layoff, voluntary or involuntary termination, or any other form of separation from employment, except suspension without pay.

**6.20 Information Technology Acceptable Use Policy**

Information and telecommunication systems are provided by Fremont County to assist employees in obtaining work-related data, technology, information, and to provide efficient communications.

Fremont County employees, or any other person designated as a user of Fremont County Information Systems, have an obligation to use their computer including email, Internet access and software; telephone including cell phone, fax and voice mail; and copy machines in a responsible and informed way. Information and telecommunication systems furnished to employees are Fremont County property intended for business use; at no time shall or may an employee expect privacy in using these systems and equipment. To ensure compliance with this policy, Fremont County reserves the right to monitor and review Internet use, email communications and all data stored in Fremont County's information and telecommunication systems.

A.) Telecommunications

Personal calls and texting (office and cell phone) must be kept to a minimum. Should a problem arise with the frequency and length of personal phone calls or texting, an employee may be subject to disciplinary action.

Fremont County may issue cellular phones to employees whose job duties require immediate contact or communication. Refer to Policy 6.38 Use of Cell Phones/Electronic Devices for more information on policy.

B.) Email

- 1) It is essential for Fremont County, like other government agencies, to manage their electronic mail (email) appropriately. Email is subject to Colorado Open Records Act (CORA) requests and litigation. Fremont County policy will retain email for three years. County email older than three years will be automatically and permanently removed from the email server. Users who have been issued a Fremont County email address are responsible for managing their email within this time-frame. If a record of an email needs to be retained, users can print the email or save as a pdf or text file and store the document in a designated network folder. Email attachments requiring retention should either be printed or detached and stored in a designated network folder.
- 2) County email addresses ending in fremontco.com, fremontso.com or state.co.us are considered official public records on behalf of the County and remains the property of such. County records should reflect official county business and not personal preferences of an employee. Use of photographs on email communications sent from the county server is permitted, subject to the following conditions:
  - i. Photographs may not include any person other than the employee;
  - ii. Photographs must be professional and appropriate for official county business;
  - iii. Clothing in the photograph should be a uniform, county shirt or conservative business attire appropriate for the workplace; and
  - iv. Photograph must be taken or approved by the Human Resource Department.

C.) Software Installation

Software not belonging to the County or not approved by the County for use on a specific computer shall not be downloaded and utilized. Unauthorized software has potential of containing malicious content. If software is detected, it will be brought to the attention of the user and immediately removed from the system.

D.) Passwords

Employees who require access to State of Colorado Automated Information Systems or other systems for which passwords are required must protect the passwords in accordance with the guidelines set forth by the entity/agency which exercises ownership and control over the system or information being accessed. These passwords shall not constitute public records.

Passwords for all Information Technology (IT) equipment and computers must be protected at all times. They should not be spoken, written, emailed, shared or in any way known to anyone other than the user involved.

No passwords should be shared with co-workers, supervisors or anyone else while the intended user of the password is absent from the office. Information Technology can grant temporary access to electronic resources, if necessary.

E.) Internet

Intranet and Internet activities should be limited to those functions which serve the business activities of the County. Email correspondence should be specific to the employee's essential job functions. Likewise, personal messages received from others internally or externally should be



discouraged.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create the material, does not own the rights to it or has not received authorization for its use, it should not be put on the Internet. Nothing created by an employee through information system capabilities and equipment becomes personal property of the employee allowing copyrighting or use in any manner without the permission of Fremont County.

#### F.) Data Storage

All information stored on County IT equipment is property of the County. The confidentiality or privacy of content stored on County owned IT equipment in any format, including email, texts, photographs, etc., should not be assumed.

All electronic communications composed, transmitted or received on County IT equipment is considered to be part of the official records of Fremont County and, as such, is subject to disclosure to law enforcement or other third parties. It is the responsibility of every employee to ensure the content in electronic communications or other transmissions is accurate, appropriate, ethical and lawful.

Data composed, transmitted, accessed or received via information system capabilities and equipment must not contain content considered discriminatory, offensive, pornographic, obscene, threatening, harassing, intimidating or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to: sexual comments or images, racial slurs, gender-specific comments or any other comments or images which could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation or any other characteristic protected by law.

#### G.) Prohibited Use

The following behaviors, which is not all-inclusive, are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action. Employees shall not use Fremont County's Internet or email services to view, download, save, receive or send material related to or including:

- 1) Offensive content of any kind, including pornographic material;
- 2) Promoting discrimination on the basis of race, gender, national origin, age, marital status, sexual orientation, religion or disability;
- 3) Threatening or violent behavior;
- 4) Illegal activities;
- 5) Commercial messages;
- 6) Messages of a religious, political or racial nature;
- 7) Gambling;
- 8) Sports, entertainment and job information sites;
- 9) Personal financial gain;
- 10) Forwarding email chain letters;

- 11) Spamming email accounts from Fremont County's email services or other Fremont County machines;
- 12) Material protected under copyright laws;
- 13) Sending business-sensitive information by email or over the Internet;
- 14) Dispersing confidential, secure or private data to Fremont County's customers or clients without authorization;
- 15) Opening files received from the Internet without performing a virus scan; and
- 16) Tampering with a Fremont County issued account name or identification in order to misrepresent the employee and/or Fremont County to others.

#### H.) Responsibilities

Fremont County employees are responsible for:

- 1) Complying with the Acceptable Use Policy of Fremont County;
- 2) Internet and email services;
- 3) Abiding by existing federal, state and local telecommunications and networking laws and regulations;
- 4) Following copyright laws regarding protected commercial software or intellectual property;
- 5) Minimizing unnecessary network traffic which may interfere with the ability of others to make effective use of Fremont County's network resources. This includes, but is not limited to, Internet radio, Internet based games, Internet chat rooms, Internet blogs and Social Media sites; and
- 6) Not overloading networks with excessive data or wasting Fremont County's other technical resources.

Employees should notify their immediate supervisor, the Human Resource Department or any member of management upon learning of violations of this policy.

### **6.21 Legal Representation, Fees and Criminal Acts**

Any employee who is named as a party to any litigation as an employee of Fremont County or a department or office of Fremont County shall immediately notify the Board of County Commissioners and County Manager by delivering a complete copy of all documents served upon the employee together with a statement of the date, time and method of service.

The County Attorney's Office shall notify the employee within fifteen (15) days pursuant to Section 24-10-110 (4), C.R.S., as to whether or not the County will defend said employee in such action.

The employee's liability for attorney's fees shall be pursuant to Section 24-10-110, et. seq., C.R.S. The County reserves the right to seek indemnification from the employee for an act deemed to be outside of the employee's scope of employment or for any willful and wanton or intentional act or omission on the part of the employee being sued. The County may also refuse to represent said employee at its discretion or may discontinue said representation at its discretion by proper withdrawal and notification as required by court rule or by statute.

The Board of County Commissioners shall have full discretion to deny coverage of attorney's fees in civil cases within the limits of the Colorado Governmental Immunity Act or any other applicable statute.

All traffic matters and traffic tickets shall be the responsibility of the employee. If the traffic matter or traffic ticket occurred in connection with or while performing duties of county employment and results in personal injury or property damage it should be reported to the Elected Official or Department Head.

If an employee is arrested and charged with a criminal act in connection with or while performing duties of county employment, or under circumstances which may substantially impair the ability of the employee to perform the duties of his or her job, the employee may be placed on administrative leave with, or without, pay until a complete administrative investigation is conducted to determine if the situation warrants disciplinary action. The County reserves the right to terminate any employee who is convicted of any felony or a misdemeanor offense, similar to those listed in Policy 10.01 - Standards of Conduct, while employed for the County.

## **6.22 Official Personnel Files, Medical Files, Other Types**

All County employees' official personnel files are maintained by and are under control of the Human Resource Department. The Human Resource Department is the repository for all personnel files, which shall include the employee's application, results of any reference and background checks conducted, results of any tests administered, payroll and benefits documents, changes in job status or pay (Personnel Action Forms), records and certificates of training, awards and commendations, disciplinary actions whether written or documented verbal counseling sessions and performance evaluations. Official Personnel Files are of a confidential nature however, by state law some of the information in these files is deemed "public records". Any employee who violates the confidentiality requirements for personnel files will be subject to disciplinary action, up to and including termination.

Access to official personnel files is limited to the employee, the supervisory chain of command, and duly-authorized individuals, in accordance with applicable law. Duly-authorized individuals must provide a signed authorization containing the employees name, signature and date.

Medical files will be created and maintained for employees at the Sheriff's Office, Department of Transportation, Facilities and Airport Staff. These departments require post offer, pre-employment drug screens or physicals which contain sensitive medical information and are to be maintained separately from the official personnel file.

Background investigations and psychological evaluations for the Sheriff's Office will be placed in the medical file as they may contain sensitive information.

Family and Medical Leave Act, Sick Bank, Reasonable Accommodation, Employee Assistance Program and Workers Compensation Files will be created and maintained separately as they contain sensitive medical information.

Background investigation files for all non-selectee applicants of the Sheriff's Office will be maintained for a period of two (2) years then destroyed.

The County will safeguard, and properly dispose of, personally identifiable information (PII) to ensure proper protection and release of such information. Information not classified by state law as a public record is considered confidential. Personally identifiable information will be maintained in a safe and secured location and released only to those who are authorized to access such information.

### **6.23 On-Call Provisions**

An employee who is required to remain on the employer's premises, or be under other restrictive conditions by the employer resulting in the employee being unable to use their time effectively for his/her own personal pursuits, shall constitute hours worked and be compensable time.

An employee who is not required to remain on the employer's premises, but is required to carry a device, leave word at their home or with the County so they can be reached is not considered to be working, thereby this time shall not constitute hours worked and will not be compensable time. While in this status shall the employee be contacted and required to perform work the time spent performing actual work for the benefit of the County is compensable.

Departments requiring staff to be on-call must establish a rotating schedule of qualified employees to ensure fair and equitable treatment.

**Sheriff's Department, Investigations Unit:** Detectives are assigned on-call on a rotating basis for a period of seven (7) days, Sunday through Saturday. While assigned to on-call duty the Detective will receive compensation in accordance with department policy. Should a FLSA nonexempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 86 hours of actual work performed during the work period.

**Department of Human Services, Protective Services Staff:** Caseworkers and Supervisors are assigned on-call on a rotating basis. While assigned to on-call duty a non-exempt employee will receive compensation in accordance with department policy. Should a FLSA non-exempt Caseworker be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 80 hours of actual work performed during the work period.

**Public Health Department:** Qualified employees of the Public Health Department will be on-call on a rotating basis. While assigned to on-call duty the employee will receive compensation in accordance with department policy. Should a FLSA non-exempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and in excess of 80 hours of actual work performed during the work period.

**Airport:** Airport personnel may be required to report to the Airport in cases of after hour requirements such as emergency events (search and rescue, Flight 4 Life, medical flights, regional

events) and military operations. Should a FLSA nonexempt employee be called to perform actual work they will be compensated at their overtime rate for each 15 minute increment of work performed outside their regularly scheduled shift and above 40 hours per week.

Should a department establish a need to develop an on call process it will follow the above policy.

## **6.24 Outside Employment**

Employees may not engage in outside business activities during their regular County working hours nor use county facilities or resources for outside business activities. Employees of the County may take occasional or part-time jobs if:

- 1) It is performed completely outside of assigned working hours;
- 2) The employee's efficiency and performance at his/her county job is unaffected;
- 3) The employer determines there is no conflict of interest; and
- 4) Written acknowledgment (not approval) by the Elected Official, Department Head or County Manager is obtained.

## **6.25 Overtime Policy**

### **A.) Requirement of Approval:**

The County has the right to require reasonable overtime work from any employee in the event of necessitating circumstances. Employees are not authorized to work any overtime hours without prior approval from the Elected Official or Department Head, or their appointed designee. The County Manager or Human Resource Director, may provide a written form for such approval which shall be signed by the authorizing person. All overtime hours worked shall be reflected accurately through electronic time keeping system.

### **B.) Application of the Fair Labor Standards Act (FLSA):**

FLSA Non-Exempt Employees: May be given compensatory time, as defined herein, for the first 160 hours of overtime actually worked (total of 240 hours of compensatory time). For employees engaged in fire protection or law enforcement activities, compensatory time shall be given for the first 320 hours of overtime actually worked (total of 480 hours of compensatory time).

After the maximum hours of compensatory time have been attained, the employee shall be given cash compensation at the rate of 1 and 1/2 times the regular rate of compensation.

The County reserves the right to substitute payment, in whole or part, for compensatory time earned at the regular rate earned by the employee.

FLSA Exempt Employees: Exempt employees are not entitled to overtime pay for time

worked, but may be allowed administrative leave at the discretion of the Elected Official, Department Head or County Manager.

C.) Payment for Unused Compensatory Time:

All employees with accrued compensatory time will receive payment for any unused hours in the first paycheck of January, April, July and October at the County Manager's direction and shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

Upon separation from employment, a non-exempt employee shall be paid for unused accrued compensatory time.

D.) Use of Compensatory Time:

Elected Officials or Department Heads shall make every effort to allow compensatory time to be used by the employee prior to the end of the quarter (March, June, September and December). Requests for the use of compensatory time shall be approved in advance by the Elected Official, Department Head or County Manager. Employees shall be permitted to use the compensatory time within a reasonable period after making the request, if such use does not unduly disrupt the operations of the office.

Employees may submit a written request to payroll to use their accrued compensatory time within 30 days from the end of the quarter, rather than to receive compensation. All written requests must be received by payroll by the end of the applicable quarter.

E.) Employees to Receive Overtime:

The authorization of overtime shall be determined by the Elected Official, Department Head or County Manager for each department, based on the availability of staff and the needs of the office or department, and other efficiency or equitable factors.

F.) Departmental Specific Compensatory Time and Overtime Procedures:

- 1) Department of Transportation: Non-exempt employees in this department will be compensated with overtime pay in times of reimbursable incidents. Employees may choose compensatory time rather than receiving overtime pay.
- 2) Emergency Management: Non-exempt employees in this department will be compensated with overtime in times of reimbursable incidents. Employees may choose compensatory time rather than receiving overtime pay.
- 3) Sheriff's Office: Non-exempt employees in this department will be compensated with:
  - a. Overtime for mandatory POST Certified specific training, required court appearances, shift coverage, duties associated with an extended incident (call) beyond the end of their scheduled shift (offense and custody reports included) and reimbursable incidents; and

- b. Compensatory time for elective training, special details and incident reports. This list may not be all inclusive, the Sheriff maintains authority on accrual of compensatory time.

G.) Call Back Overtime:

This occurs when an employee is called back to perform actual work for the County, or for training, court appearances, or other like situations, outside of their normal workweek and scheduled hours. Employees will be compensated at time and half in 15 minute increments for all time meeting this criteria of actual work performed. Employees can opt for an equal amount of compensatory time in lieu of monetary compensation.

- 1) Example: Employee's work week is Sunday-Thursday, 6:00 a.m. to 2:00 p.m. On Wednesday, after completing their scheduled shift at 2:00 p.m. the employee is "called back" to perform work for the County at 6:00 p.m. and they perform work until 8:00 p.m. The employee is compensated for 3 hours of work performed.
- 2) Example: Employee's work week is Sunday-Thursday, 6:00 a.m. to 2:00 p.m. and they take vacation (40 hours). The employee is "called back" to perform work for the County on Wednesday from 10:00 a.m. to 12:00 p.m. This "call back" work time is not charged as vacation time because the hours are within their normal work week and scheduled hours. However, if they were "called back" and performed work from 6:00 p.m. to 8:00 p.m. they would be compensated for 3 hours of work performed.

## **6.26 Parking**

The County does not provide reserved parking for its employees. The County is not responsible for fire, theft or personal liability for the employee's vehicle or its contents.

## **6.27 Personnel Policies & Procedures Manual**

The Human Resource Department, under the guidelines of the Board of County Commissioners, shall be responsible for the day to day administration of the provisions of this manual. The Human Resource Department provides interpretation, guidance and applicability in any given situation, of the contents and application of the manual to the Board of County Commissioners, County Manager, Elected Officials, Department Heads, supervisors and employees.

## **6.28 Political Activities**

- A.) The Board of County Commissioners encourages County employees to be involved in matters of responsible citizenship and does not by these provisions intend to interfere with the conduct of County employees engaged in political activity, so long as said activities are confined to hours when the employee is not on duty and said activities do not impair

the employee's efficiency at the employee's job in County government.

- B.) Employees shall not campaign or advocate for or against political issues or candidate in their official County uniform, while on duty, or while displaying a County identification badge.
- C.) Employees whose salary is completely funded (directly or indirectly) by federal loans or grants are subject to and covered by the Hatch Act, which includes the following federal requirements as a condition of such employment:
  - 1) **Covered employees may:**
    - a) Participate in nonpartisan activities; such as be active in constitutional amendments, referendums, or municipal ordinances;
    - b) Run as a candidate in nonpartisan elections;
    - c) Participate in political organizations; such as campaign for and hold office in political clubs and organizations;
    - d) Participate in political campaigns; such as actively campaign for candidates for public office in partisan and nonpartisan elections;
    - e) Participate in elections; such as register and vote, serve as an election judge or clerk;
    - f) Participate in fundraising; such as contribute money to political organizations and attend political fundraising functions.
  - 2) **Covered employees may not:**
    - a) Be candidates for public office in a partisan election;
    - b) Use official authority or official influence; such as use of title or appearing in uniform or clothing with County logo or insignia, while participating in political activity or coercing any person to participate in political activities;
    - c) Fundraising; such as directly or indirectly coercing contributions from another person in support of a political party or candidate.
  - 3) If an employee is considering participating in any of the prohibited activities, listed in paragraph 2 above, the employee is strongly encouraged to seek guidance from an Elected Official, Department Head or County Manager to obtain an opinion from the Office of the County Attorney prior to commencing any such activities. There are serious consequences for violations of the Hatch Act, including termination of employment.
- D.) Political beliefs, activities and affiliations shall be the private concern of the individual employees of this County. No employee or applicant shall be required to divulge their political affiliation, beliefs or philosophy as a condition of present, continued or future employment with a County Department. No employee of the County shall directly or indirectly coerce or command any other employee to pay, lend or contribute salary, compensation, service or anything else of value to any political party, group, organization, or candidate.
- E.) No County Official or employee shall attempt to make any employee's personnel status dependent upon the employee's support or lack of support for any political party, activity



or candidate, whether partisan or not.

- F.) No candidate for public office may use federal or other public funds to support their candidacy.
- G.) No candidate for public office may use a County office to support their candidacy, including use of official e-mail, stationary, office supplies or other equipment or resources.
- H.) No candidate for public office may ask subordinates to volunteer for the campaign or to contribute to the campaign.

Any County employee may be a candidate for a partisan political office provided the involvement does not interfere with his or her workplace responsibilities and relationships and provided the Hatch Act does not prohibit such candidacy. If political activity involvement is necessary during normal working hours, the individual shall take vacation leave or leave without pay during such time. No candidate for public office, whether partisan or not, may use any county facilities, supplies or property to further a campaign, except when the county makes meeting rooms available for use to public groups on an equitable basis subject to the terms and conditions set forth in the "Policy on Use of Fremont County Administration Building and Garden Park Building Meeting Rooms."

## **6.29 Political Contributions and Support**

No employee shall be required to make political contributions of any kind. Employees shall not be required to work for, or to participate in the activities of, any political candidate whether on or off duty.

## **6.30 Pregnancy Workers Fairness Act**

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth or a related condition.

### **A.) Requirements**

If an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant or employee's job unless the accommodation would impose an undue hardship on the employer's business.

The Act identifies reasonable accommodations as including, but not limited to:

- 1) provision of more frequent or longer break periods;
- 2) more frequent restroom, food, and water breaks;

- 3) acquisition or modification of equipment or seating;
- 4) limitations on lifting;
- 5) temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy;
- 6) job restructuring;
- 7) light duty, if available;
- 8) assistance with manual labor; or
- 9) modified work schedule.

The Act prohibits requiring an applicant or employee to accept an accommodation the applicant or employee has not requested or an accommodation is unnecessary for the applicant or the employee to perform the essential functions of the job.

An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated employees.

A reasonable accommodation must not pose an “undue hardship” on the employer. Undue hardship refers to an action requiring significant difficulty or expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer:

- 1) the nature and cost of accommodation;
- 2) the overall financial resources of the employer;
- 3) the overall size of the employer’s business; or
- 4) the accommodation’s effect on expenses and resources or its effect upon the operations of the employer.

If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship.

The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying employment opportunities to an applicant or employee based on the need to make a reasonable accommodation.

### **6.31 Public Relations**

Fremont County employees serve the public. To maintain the trust and confidence of the public and the clients we serve, County employees shall behave ethically and professionally and treat members of the public with courtesy and respect.

### **6.32 Recording of Hours Worked**

All employees are responsible for completing their time sheet to accurately reflect the time they performed actual work in the pay period. This includes providing any additional forms to support time worked as directed or required by the department. The employee's signature on the time sheet, or submission through the Electronic Timekeeping System, shall mean the time entered is true, correct and accurately reflects the employee's time during the relevant pay period. Anyone submitting a time sheet for anyone other than themselves, without proper authorization, may be subject to immediate termination.

Actual work performed is defined as any tasks associated with essential job functions of your position.

Time records shall be submitted by the employee, and approved by the Supervisor, in conjunction with the Payroll Coordinator or Human Resource Department. The records must accurately reflect appropriate pay codes in relation to their regularly scheduled hours; such as hours actually worked, vacation time taken, compensatory time taken, sick leave taken, unpaid leave, as well as all other applicable pay codes. Submission of an approved time sheet by the Elected Official, Department Head or supervisor certifies its accuracy.

### **6.33 Safety Rules and Regulations**

Employees are required to comply with all safety rules and regulations. Each supervisor shall familiarize the employees under their direction with all County departmental safety rules and regulations and shall require compliance with the same. Employees shall utilize safety equipment provided by the County while performing their essential job functions, or performing special projects which require the use of such equipment. If the essential job functions require the use of personal protective equipment (PPE) the employee will be provided, and required to utilize, such equipment.

It is the responsibility of the Elected Official or Department Head to ensure all employees read and understand the County and any department specific safety rules and regulations relating to their position. An acknowledgment form should be signed and returned to the Human Resource Department for placement in the official personnel file. Failure to follow established safety rules or regulations, or failure to properly use safety equipment provided may result in disciplinary action, up to and including termination.

### **6.34 Strikes and Slowdowns**

Continuous and uninterrupted service to the citizens by the County and its employees is essential to government operation. Therefore there shall not be any strikes or any other curtailment or restriction of work at any time during the term of employment by any employee. The same shall be grounds for disciplinary action, up to and including termination.

### **6.35 Substance Abuse**

To ensure a safe and productive work environment at all Fremont County facilities and to safeguard county property and personnel, the manufacture, distribution, possession, use, sale or transfer of alcohol, drugs or controlled substances (including marijuana) on any county premises, work sites or during county work time, is strictly prohibited.

No employee shall report for work, or remain on duty while under the influence, or impaired by, alcohol, drugs or controlled substances (including marijuana and prescription drugs). If an employee reports for work or remains on duty while under the influence, or impaired by, alcohol, drugs, or controlled substances (including marijuana and prescription drugs) disciplinary action will be imposed, up to and including termination.

At no time shall a County vehicle or equipment be operated by an employee who is under the influence, or impaired by, alcohol, drugs or controlled substances (including marijuana), including lawful prescriptions or over-the-counter medications which may impair or otherwise hinder safe operation of a motor vehicle or equipment.

As a condition of employment, and prerequisite to hiring or continued employment, all Fremont County employees must agree to abide by this policy. Random drug testing for alcohol, drugs or controlled substances (including marijuana) is required for employees of the Sheriff's Office, Department of Transportation, an employee whose employment requires a Commercial Driver's License (CDL) or an employee in a security-sensitive or safety-sensitive position.

Testing for alcohol, drugs or controlled substances (including marijuana) may occur when an Elected Official or Department Head, or supervisor can articulate a reasonable suspicion of an employee performing on the job while in an impaired condition and is able to obtain a concurring opinion from at least one other Elected Official, Department Head or supervisor. If, when directed, an employee refuses to submit to testing, interferes with or provides an altered urine sample, a sample containing non-human urine, or another individuals urine, the employee may be disciplined, up to and including termination.

Any employee charged with a criminal act involving alcohol, drugs or controlled substances (including marijuana), whether involving work duties or personal matters, shall report such charges to the Elected Official or Department Head and the Human Resource Department within five (5) days.

Enrollment in a rehabilitative treatment program for alcohol, drugs or controlled substance (including marijuana) use or abuse including verified enrollment, successful completion and subsequent testing may become a condition of continued employment. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination.

### **6.36 Tobacco-free Workplace**

In order to ensure a clean, healthy work environment, smoking or chewing of any tobacco product shall be prohibited in all Fremont County buildings and vehicles.

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

“Tobacco” shall include cigarettes, vapor cigarettes or other delivery device, cigars, pipe tobacco, chewing tobacco and all other kinds and forms of tobacco suitable for smoking or chewing.

“Tobacco” shall include cloves or any other similar product packaged for chewing or smoking.

“Use” shall mean lighting, inhaling, smoking, e-cigarettes/vapor or chewing of any tobacco product.

This policy does not restrict the use of nicotine patches, nicotine gum or other prescribed products intended for promoting smoking cessation.

Signs shall be posted in prominent places in the County buildings to notify the public that smoking or chewing of tobacco products is prohibited. The ban on tobacco use extends to all interior and exterior portions of the Fremont County buildings and premises, except for designated smoking areas. Receptacles shall be located outside the public entrances to County buildings to allow safe disposal of tobacco products before entering any County building.

Any member of the general public considered by an Elected Official or Department Head to be in violation of this policy shall be instructed to cease the offense or leave County property.

### **6.37 Traffic Violations**

All employees who receive traffic citations for moving or parking violations while performing County functions may be responsible for payment of the associated fine and court costs. If a court appearance is necessary, the employee may be required to use vacation leave or accrued compensatory leave to attend the scheduled hearing. All traffic citations received while performing County functions or duties must be reported to the Elected Official or Department Head. Depending on the totality of the situation and circumstances it could result in disciplinary action, up to and including termination.

### **6.38 Use of Cell Phones | Electronic Devices**

Cellular phones or other electronic communication devices may be issued by the County to employees whose responsibilities require their use. Cell phones purchased by the County are property of the County and must be returned upon the employee’s separation. Employees to whom cell phones have been provided are responsible for the security and maintenance of the phones and must promptly report any damage, theft, loss, or vandalism to the Elected Official or Department Head. Employees are reminded if they are issued a County owned cell phone, it can and will be monitored on a regular basis including random reviews of contents contained on the device.

The County encourages the safe use of cell phones and other wireless devices by employees when conducting County business. No employee may use a cell phone or device while operating a motor vehicle for County business purposes, unless the vehicle is equipped and used with a hands-free device. This includes text messaging as well as voice communications.

Even with a hands-free device, electronic communications use while operating a motor vehicle should be kept to a minimum, conversations should be as brief as possible, and employees should refrain from making or taking calls unless absolutely necessary. Where possible, even with a hands-free device, cell phone calls should be made only when the vehicle an employee is operating is not in motion. The only exception to this is when a phone call must be made in an emergency situation.

Employees with access to proprietary processes, confidential agency information, or confidential client information are prohibited from using camera phones in areas where such records are located.

Employees who are issued cell phones may prefer to carry only one cell phone. Therefore, occasional incidental personal use of the issued phone is acceptable as long as it doesn't violate County policies. If personal use of an issued phone results in an increase in County phone expenses, employees shall reimburse the County on a monthly basis for personal phone usage, in data/text charges or minutes, prorated for the billing cycle.

County employees who could be issued a County cell phone but choose to use their personal cell phone (to avoid carrying two cell phones) are allowed to do so. These employees must realize all the information contained within their personal cell phone can and must be provided or disclosed as a county record, as determined necessary by the County Attorney or other appropriate authority.

Personal cell phones may be used at work if they do not substantially interfere with job functions, but use must be kept to a minimum. Personal cell phones should be in silent or vibrate mode during work time and in work locations. Elected Official or Department Heads may adopt more stringent policies for personal cell phone use, which shall be enforced fairly and equitably on all affected employees.

Employees should instruct family members, friends, business contacts, vendors, etc. to utilize the County's land lines before resorting to cell phone contact. Cell phones, whether County issued or personal, are to be in silent or vibrate mode while attending business meetings.

Employees who are approved to receive work related information on a County issued, or personal cell phone are required to use a screen lock system to ensure the protection of County information should the device be lost, stolen or otherwise compromised.

Failure to comply with this policy may result in disciplinary action, up to and including termination.

### **6.39 Use of County Tools, Equipment, Vehicles and Property**

It is the duty of every County employee to protect, preserve and conserve all county tools, equipment, vehicles and property entrusted to the employee. Tools, equipment and vehicles should be checked out or assigned, whenever possible, in writing, to the employee.

No County employee shall use County property for the employee's private use or for the use of

another person or entity.

An employee may use private tools or equipment to perform job functions, but must inform the Elected Official or Department Head of their intent for such use. The Elected Official or Department Head and employee should have a written understanding or agreement regarding said use, reimbursement, replacement or similar understandings.

Any employee separating from County service for any reason must immediately return any County property in their possession to the appropriate County department. It is the responsibility of Elected Official or Department Head, or their designee, to ensure all separating employees return County property, such as identification cards, badges, uniforms, keys, tools, and manuals. If a separating employee fails to return any County property their final paycheck may be withheld until the property is returned or the value of the property may be withheld from the employee's paycheck.

Willful acts or acts of gross negligence in the care or use of County property may be grounds for disciplinary action, up to and including termination.

#### **6.40 Vehicle Policy**

Employees using County vehicles to conduct County business must possess a current and valid Colorado driver's license with the appropriate class or grade for the particular vehicle or equipment and present an acceptable Motor Vehicle Record (MVR), or release to obtain the MVR, every three (3) years to Human Resources. This requirement may be waived with a written justification from the Elected Official or Department Head.

- A.) Motor Vehicle Records. Employees will not be allowed to operate any County owned vehicle or equipment if any of the following are evident on their MVR in the past seven (7) years:
- 1) A documented suspension, revocation, cancellation or denial of driving privileges in Colorado or any other State;
  - 2) Failure to report an accident;
  - 3) Hit and run;
  - 4) Reckless driving;
  - 5) Accumulation of more than seven (7) points excluding points for defective or unsafe vehicle; or
  - 6) Any conviction for Driving Under the Influence, Driving While Ability Impaired, Driving Under the Influence of Drugs or Driving While Ability Impaired by Drugs.

The Elected Official, Department Head, County Manager and Human Resource Director will jointly evaluate the MVR and determine the impact on the employee's ability to perform their essential functions should the MVR indicate any of the above. If it is determined the employee cannot perform their essential functions it may result in disciplinary action, up to and including termination.

- B.) Use of County Vehicle or Equipment. The County has a vehicle fleet which is to be

used for County business by County employees. Assignment, operation and use of a County owned vehicle is for official business only. Incidental personal use may occur only when travel plans remain consistent, such as stopping at a shopping center which is on the established route. Individuals who are not County employees are permitted to ride with a County employee only for official business and may require a completed waiver unless the non-County employee is serving in their official capacity for a County purpose.

- 1) If a County vehicle is available and an employee opts to use their personal vehicle for official business purposes they may not be eligible for mileage reimbursement.
- 2) All County vehicles are to be returned with a full tank of gasoline. Employees will be issued a fuel card when they pick up the vehicle, if they are not assigned one.
- 3) All County vehicles are to be returned clean and operational. Employees are responsible for reporting any mechanical issues to the Fleet Supervisor upon return.
- 4) No use of tobacco products is allowed in a County owned vehicle or equipment.
- 5) If travel requires use of toll lanes or roads using license plate tolls, the bill will be charged to the appropriate department upon receipt.
- 6) If travel requires the use of paid parking, the employee will be reimbursed the cost of parking charges, or they may use an assigned P-Card.
- 7) Employees who receive a parking violation or moving traffic violation while using a County owned vehicle or equipment will not be reimbursed for such charges, fines or fees.
- 8) Employees who may be required to use their personal vehicle for County business, either due to lack of fleet vehicles or by choice, will not be reimbursed for damages or deductibles related to the operation of their personal vehicle.

C.) Take-Home County Owned Vehicles. In limited situations employees may be assigned a vehicle to travel from their residence to work for enhancement of emergency response or to ensure effectiveness and efficiency in responding to other unusual circumstances.

- 1) County vehicles shall not be taken home by employees who live outside the boundaries of Fremont County.
- 2) Elected Officials or Department Heads will review the assignment of take-home vehicles annually and provide an updated list to the County Manager.
- 3) A comprehensive list of take-home vehicles will be maintained by the County Manager. This list will contain the vehicle type, make, fleet number, department, employee's name and address.
- 4) No assignment of a take-home vehicle shall be considered without justification from one or more of the following criteria:
  - i. Employee is subject to frequent service calls requiring the use of the vehicle to conduct official business during off-duty hours three or more times per week (average).
  - ii. Employee is required to respond to emergencies during off-duty hours and the vehicle is necessary for proper response, which occurs three or more times per week (average). Emergency is defined as unforeseen circumstances requiring immediate action.



- iii. Employee is required to use specialized equipment which is only available in a County owned vehicle and is not available within a thirty (30) minute time period and which occurs three or more times per week (average).
- 5) Occasionally an employee may be assigned a take-home vehicle or equipment due to special circumstances. This must be requested and approved by the Elected Official or County Manager.
- 6) Take-home vehicles are a taxable fringe benefit as defined by the Internal Revenue Code. Fremont County will determine the actual value of this fringe benefit and include it as taxable income to the employee, reported on the W-2 Form. Elected Officials and Department Heads must communicate with the County Manager to ensure this fringe benefit is accurately reported.
- 7) Employees may occasionally use a County vehicle for commuting from residence to work, or work to residence if the employee is preauthorized due to early or late arrival to the identified official business.
- 8) Take-home vehicles are not meant to transport other County employees to and from work, unless an emergency situation is present.

Exception: Patrol, Investigations and Command Staff of the Sheriff's Office are assigned take-home vehicles based on the need of the Sheriff and all of Section C above is met. These employees must be immediately available to perform their law enforcement duties.

Elected Officials or Department Heads will keep an up to date list of County vehicles assigned to their departments for specific uses, or to specific individuals, with assigned or potential driver's information. This list will be provided to the County Manager, or designee, bi-annually or as requested.

#### **6.41 Violence & Firearms in the Workplace**

The safety and security of County employees and customers are very important. Any act, or attempted act of violence including threats, threatening behavior or any related conduct by or against another employee or a customer which disrupts the work of an employee or the County's ability to execute its mission will not be tolerated.

Any person who makes threats of violence, exhibits threatening behavior, engages in violent acts or related conduct on County-owned or leased property may be removed from the premises pending the outcome of an investigation. Threats of violence, threatening behavior, or other acts of violence or related conduct off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include but are not limited to threats made by telephone, fax, electronic or conventional mail, or any other communication medium.

No employee of the County is authorized to possess a firearm or handgun in the workplace, or while performing duties for the County unless specifically authorized by law or is necessary for the performance of, and within the scope of, specific job duties. Possessing a valid concealed weapons permit is not a grant of legal authority to carry or possess a firearm in the workplace. The Colorado Peace Officers Act (§16-2.5-101, et seq., CRS) is a grant of legal authority for carrying

or possessing a firearm in the workplace, for those who are employed and working in a peace officer position. County employees, including Elected Officials and Department Heads for whom carrying or possessing a firearm or handgun is a necessary job requirement, shall have this requirement expressly stated in their job description.

County employees are not prohibited from carrying a weapon in the employee's privately owned vehicle for personal protection, whether or not the vehicle is parked on County property.

Employees are responsible for notifying their Elected Official, Department Head or the Human Resource Department of any violation of this policy which they witnessed, were subjected to, or have knowledge of. Employees are to report any behavior they witness which a reasonable person would regard as threatening or violent when such behavior or conduct is job related, has potential to occur on County-owned or leased property or is connected with County employment.

County employees should report any individual who:

- 1) Uses threats, intimidation or manipulation toward management or co-workers;
- 2) Displays paranoid behavior, feelings of being victimized, or believes others are conspiring against them;
- 3) Displays unwarranted anger towards those who offer constructive criticism, or incites fear amongst co-workers;
- 4) Has been terminated or released from County employment, and appears to be focused more on the position they previously held (e.g., maintains unwelcome contact with current employees), rather than on pursuing other employment; or
- 5) Has been recently charged or convicted of a violent crime and is employed by the County.

Each employee who receives a temporary or permanent protective or restraining order which lists or may apply to County-owned or leased premises as a protected area is required to provide their Elected Official or Department Head with a copy of such order.

Any report of violations of this Policy shall be made to the Human Resource Office, County Manager, Elected Official or other appropriate supervisory personnel.

Employees in violation of this policy will be subject to disciplinary action, up to and including termination. The County may pursue criminal prosecution through law enforcement and the District Attorney. If the person displaying inappropriate behavior is a member of the public, the response may include barring the person(s) from County-owned or leased premises, termination of business relationships or pursuit of criminal prosecution.

If a threat is made towards an employee of the County from a citizen, the individual who intercepted, or received, the threat will send notification to the affected employee and to the Human Resource Department for consideration of sending a message to all County employees to ensure employees conducting business within the County, who may encounter the citizen, are aware of the threatening behavior. This notification can be accomplished through electronic means, unless the situation dictates otherwise.

## **6.42 Work Schedule/Tour of Duty**

The work period shall consist of five (5) consecutive days, with the exception of the Sheriff's Office law enforcement personnel which shall consist of a fourteen (14) consecutive days. Shifts will normally consist of eight (8) hours, ten (10) hours or twelve (12) hours of work in one day. All employees shall be scheduled for a regular shift and each shift shall have a starting and stopping time. Temporary employees may be scheduled to work irregular hours. Irregular hours may also be scheduled to meet unique operating requirements. Elected Officials or the County Manager shall have the authority to adjust the work week, days and hours of employees to achieve the efficient functioning of their respective offices.

The County Administration building, Department of Transportation, Airport and Public Health will consist of either a five (5) day/eight (8) hour workday or a four (4) day/ten (10) hour workday as determined by the Elected Official, County Manager or Department Head.

The Sheriff's Office will consist of either a five (5) day/eight (8) hour workday, a four (4) day/ten (10) hour workday, or a fourteen (14) day work period/twelve (12) hour workday as determined by the Sheriff.

The Department of Human Services will consist of either a five (5) day/eight (8) hour workday or a four (4) day/ten (10) hour workday as determined by the Elected Official, County Manager or Director.

Flex time is allowed for unusual situations on a non-recurring basis. Flex time cannot exceed a twelve (12) hour work day and must be flexed within the work week ensuring not to exceed a forty (40) hour work week without prior approval from the Elected Official or Department Head.

## **6.43 Workers Compensation and Accidents**

Any employee who suffers an on-the-job injury must report the injury to their Elected Official or Department Head and complete the "Employee Notice of Injury" form, available in the Human Resource Department, on the Electronic Time Keeping website and in the employee's department.

All injuries, regardless of extent of the injury or if immediate medical attention was sought, must be reported in writing within four (4) days of the date of injury. Should the employee fail to report the injury within four (4) days, they must as soon as possible to enable the County to report all injuries to the insurer. Failure to report injuries may result in loss of certain worker's compensation benefits or other disciplinary action. In the event the injured employee is unable or incapable of reporting the injury due to the severity, a fellow employee or the supervisor must report the injury.

The supervisor of the injured employee must complete the "Supervisor Accident Report" form in conjunction with the "Employee Notice of Injury" form. All forms are to be submitted to the Human Resource Department promptly.

Injured workers are to acknowledge, by signing, the "Designated Medical Providers" and "HIPAA Medical Release" forms their understanding of physicians to be seen for work related injuries or

illnesses and required communication between the physicians, the County and the insurance provider. Injured workers will also be provided the “First Fill Card” by the Department Head or supervisor which provides the pharmacy with the information necessary to fill prescriptions.

## **CHAPTER 7 LEAVE**

### **7.01 General Policy**

All paid and unpaid leave must be reported and recorded for regularly scheduled work hours when actual work is not performed by an employee, regardless of the reason. All paid and unpaid leave is taken and charged in fifteen (15) minute increments.

All requests for leave shall be made in advance of the beginning date and time, except requests for sick leave, jury duty and administrative leave, which shall be made as soon as possible. However, failure to request leave in advance does not eliminate the requirement for all paid and unpaid leave to be properly reported and recorded on the employees' electronic time sheet.

Leave categories:

Administrative Leave	7.02
Bereavement Leave	7.03
Family and Medical Leave	7.04
Holidays, Observance of	7.05
Job-related Injury Leave	7.06
Jury or Witness Duty Leave	7.07
Military Leave	7.08
Sick Leave	7.09
Sick Bank Leave	7.10
Unauthorized Leave	7.11
Unpaid Leave	7.12
Vacation Leave	7.13

The Elected Official or Department Head shall schedule and approve vacation leave to ensure employees have an opportunity to use their earned vacation leave while retaining a sufficient work force to efficiently operate. Elected Officials and Department Heads will make every reasonable effort to allow the use of earned vacation leave upon request so employees are not in a position to lose accrual of leave time.

All paid and unpaid leave will be recorded on each employee's electronic time sheet submission and approved by the designated supervisor every two weeks. The Tyler Computer system, or any other system designated by the County, will be the official record keeping system for pay and leave submissions.

Employees who experience a serious illness or injury, lasting three (3) or more days, are required to submit a leave request under the Family and Medical Leave Act. All paid and unpaid leave will be used concurrently with the FMLA requirements and the rolling 12-month period, including workers compensation cases if the employee is expected to be off duty for more than fourteen (14) days. Refer to the individual leave category Policies below for further details.

Periods of unpaid status will result in a pro-ration of accrued leave categories.

## **7.02 Administrative Leave; Paid and Unpaid**

Administrative leave is a general term for temporary removal from performing job duties. Administrative leave, with or without pay, can be ordered for an employee who is to leave the worksite and not return for a specified period of time, for a specific reason and when it is in the best interests of the County. Time designated as paid Administrative Leave will not be charged against the employee's paid leave.

When an employee is absent from work on administrative leave for investigation of misconduct, the job position will be held open, until it is determined through the process of investigation or disciplinary action, the employee will be separated from employment. The employee will return to the same job position if the employee is cleared of allegations after investigation. A temporary employee may be used while an employee is on administrative leave.

It is within the discretion of the Elected Official or County Manager to approve or deny Administrative Leave. Department Heads may not approve or deny Administrative Leave.

Administrative Leave, paid or unpaid, may be granted for the following reasons, this list is not all inclusive:

- 1) Closing of one or more County buildings due to inclement weather, threat of hazard or other dangerous conditions;
- 2) Allowance of time off for an employee exempt from overtime accrual and compensation, when such employee has worked hours in excess of the normal 40 hour work-week;
- 3) Situations when the employee has exhausted available and appropriate paid leave, but additional leave time is necessary due to exceptional, emergency or extraordinary circumstances;
- 4) During an investigation for allegations of misconduct, misbehavior, poor work performance, any other action or activity which may warrant disciplinary action;
- 5) During an investigation for allegation of policy or law violations;
- 6) During an investigation for allegations of engaging in distracting or disruptive behavior toward other employees; or
- 7) An employee who has been the recipient of physical or emotional distress by another employee(s) while a solution is sought.

Employees placed on paid, or unpaid administrative leave for #4, 5 or 6 above, shall remain available to cooperate in the investigation by responding to requests for information and questions arising during the investigation. Failure of the employee to remain available or cooperate may result in termination for failure to cooperate.

Employees placed on paid administrative leave during an internal investigation into allegations of misconduct, violations of law or engaging in distracting/disruptive behavior is limited to 160 hours. If the investigation is being conducted by an outside agency, paid administrative leave is

also limited to 160 hours. If the investigation is incomplete following the 160 hour limit, the employee will be placed on unpaid administrative leave not to exceed 480 hours at which time the Elected Official or County Manager must make an employment decision on the employee.

Employees placed on unpaid administrative leave are responsible for making arrangements to pay the employee's share of premiums for health, dental, life and other benefits which normally are deducted from regular pay. All employee premium payments are due by the end of each month of unpaid status. Employees may opt to temporarily cancel benefits while in an unpaid status. The effective date of said election will be the end of the month. The effective date of reinstatement of benefits will be the 1<sup>st</sup> of the month following return to paid status.

Although administrative leave may be imposed in situations involving alleged employee misconduct and investigation of the same, the imposition of administrative leave is not a disciplinary action. Employees who are terminated from employment due to exceeding the 480 hour limit and are subsequently cleared of all wrong doing may apply for reinstatement but will not receive back pay compensation.

In extraordinary, emergency or exceptional circumstances unique to an employee and not related to workplace performance or conduct, an Elected Official or the County Manager may elect to grant unpaid administrative leave, up to 160 hours per calendar year.

### **7.03 Bereavement Leave**

Regular full-time employees may take bereavement leave for the loss of an immediate family member. Immediate family member is defined as a spouse, civil union partner, child, parent, sibling, grandparent and grandchild. Special consideration may be given for the death of a person whose close association with the employee was similar to any of the immediate family relationships specified above.

Bereavement leave may be used to plan and attend the funeral, or for estate business prior to and following the funeral. Employees are eligible for a maximum of 40 hours for each immediate family member. Bereavement leave, of up to 4 hours, may be granted to attend the funeral of a co-worker. Bereavement leave of one (1) work day, may be granted to act as a pallbearer at a funeral.

Should an employee require additional leave beyond the 40 hours, they may request use of accrued vacation leave and compensatory time. Sick leave and unpaid leave may be requested if all other accrued vacation leave has been exhausted. Use of vacation, compensatory, sick and unpaid leave shall be granted at the discretion of the Supervisor.

### **7.04 Family and Medical Leave Act (FMLA)**

Employees who experience a serious illness or injury, or one of a family member (as defined), requiring an extended or intermittent absence from performing their duties are entitled to unpaid leave not to exceed 12 workweeks in a twelve (12) month period. The employee must meet all required criteria and submit the appropriate request with a medical certification to the Human

Resource Department prior to the beginning date of the leave. However, if an employee fails to submit the appropriate request prior to the beginning date of the leave, a request must be presented as soon as practicable and the leave already taken will be reflected as FMLA if meeting all criteria.

Any employee who anticipates the need for leave under the FMLA should submit the appropriate leave request and medical certification form to the Elected Official, Department Head and the Human Resource Department. All requests and medical certifications, as well as any provided updates will be confidentially maintained solely by the Human Resource Department.

The County requires employees who are projected to be absent for more than three (3) days due to a serious illness or injury, or one of a family member, to submit an FMLA request with supporting medical certification. This requirement includes workers compensation if the employee is expected to be absent for more than fourteen (14) days. All leave taken runs concurrently with FMLA, not to exceed 480 hours.

#### A.) Eligibility:

To be eligible under FMLA, an employee must have been employed by the County for at least twelve (12) months and performed at least 1,250 hours of work during the 12-month period immediately preceding the start of the leave.

#### B.) Qualified Leave Reasons:

The County will grant FMLA leave to eligible employees for the following reasons:

- 1) The employee's serious health condition;
- 2) The birth and care of the employee's child;
- 3) Placement with the employee of a child for adoption or foster care;
- 4) Care of the employee's spouse, domestic or civil union partner, child or parent with a serious health condition;
- 5) Qualifying exigencies arising from the employee's spouse, domestic or civil union partner, child or parent's active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation; or
- 6) Care of the employee's spouse, domestic or civil union partner, child or parent who is an active member of the Armed Forces (including National Guard or Reserves) when the person has a serious injury or illness, , limited to a total of 26 workweeks of unpaid leave during a "single 12-month period."

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child.

#### C.) Definitions

- 1) Serious Health Condition: An illness, injury, impairment or physical/ mental



condition requiring:

- a) Inpatient care in a hospital, hospice or residential medical care facility; or
  - b) Continuing treatment by a health care provider.
- 2) Continuing treatment, in broad terms:
- a) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there from) of more than three consecutive calendar days (and any subsequent treatment period of incapacity involving the same condition) OR involving treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion resulting in a regimen of continuing treatment under the health care provider's supervision;
  - b) A period of incapacity due to pregnancy or prenatal care;
  - c) A period of incapacity or treatment for such incapacity due to a chronic serious health condition requiring periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (i.e., asthma, diabetes, epilepsy, etc.);
  - d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (i.e., Alzheimer's, severe stroke, terminal stages of a disease); or
  - e) A period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition resulting in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (i.e., chemotherapy, physical therapy or dialysis).
- 3) Parent: The biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.
- 4) Child: A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- 5) Health Care Provider: A physician, dentist, podiatrist, clinical psychologist, optometrist or other similar medical professional who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession and who is authorized to treat the condition for which the employee is being treated. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.
- 6) Medical Certification Form is defined as the Department of Labor Certification of Health Care Provider for Employee's Serious Health Condition (Family and

Medical Leave Act), WH-380-E, form; or the Department of Labor Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act), WH-380-F, form.

D.) Notice Requirements

Employees seeking FMLA leave are required to submit their request and medical certification forms to the Human Resource Department at least 30 days prior to the requested period of leave. Where advance notice is not possible, such as a medical emergency, notice should be given as soon as practicable. Failure to give advance notice where foreseeable may delay or postpone the commencement of the leave.

E.) Notice to the Employee and Elected Official or Department Head

When an employee has properly submitted their request and medical certification, the Human Resource Department will provide a response using designated FMLA forms within five days of receiving the written request.

The Human Resource Department will provide written notification to the Elected Official or Department Head of the approved FMLA request and the procedures to be followed during the approved FMLA time frame.

F.) Certification of a Serious Health Condition

Medical certification on the established Department of Labor FMLA form from a health care provider is required, whether the serious health condition is the employee's or an eligible family member's. Failure to provide a signed certification may result in a delay or denial of the employee's leave. The medical certification must be provided within fifteen (15) calendar days of the County's request, but preferably at the same time the employee requests leave under FMLA. The County may, under certain circumstances require recertification of a medical condition, generally for leave which is expected to extend beyond thirty (30) days. The employee is responsible for providing updates to the Human Resource Department while on FMLA Leave.

G.) Length of Leave

Eligible employees who have submitted a properly completed FMLA request with associated documentation are entitled to a maximum of twelve (12) weeks of unpaid leave during any 12-month period. The county uses the "rolling" 12-month period measured backward from the date an employee first uses FMLA leave. Employees who meet the criteria under FMLA, may use additional hours gained due to the passage of time. Each time an employee takes FMLA leave, the remaining leave entitlement equals the balance of the twelve (12) workweeks, or 480 hours, which was not used during the rolling 12-month period.

Where both spouses, domestic or civil union partners are employed by the County, they are entitled to a combined total of 12 workweeks of FMLA for the birth and care of their newborn child, or care and placement of a child for adoption or foster care.

In limited circumstances and with a properly submitted and approved request for FMLA, including medical certification, employees may take intermittent leave or leave based on a reduced work schedule. Intermittent leave or leave for a reduced schedule may be taken whenever medically necessary to care for a seriously ill family member or for the employee's own serious health condition.

#### H.) Substituting Paid Leave

An employee who takes FMLA leave for any authorized reason, is required to use accrued paid leave, including vacation, sick leave, compensatory time, floating holiday (as available) and wellness day (as available) concurrently with FMLA leave. Employees who meet the criteria for the sick leave bank (Policy 7.13) may use the allotted hours from the bank following separate application and approval. The County will designate an employee's use of accrued leave as FMLA leave based on the information provided by the employee. Should the employee have a need for unpaid leave under FMLA it will be designated as FMLA and counted towards the 12 work week period, or 480 hours.

#### I.) Benefits during Leave

The County will maintain the employee's health and life insurance coverage and the employee shall continue to pay their portion of the benefit costs. The County may recover, on a pro rata basis, premiums it paid to maintain health coverage for an employee who fails to return to work following FMLA leave. Should an employee be placed in an unpaid FMLA status, the employee is responsible for contacting payroll to establish a payment method for the employee's share of all benefits premiums, including health, dental, voluntary life, and accident plans. The premiums must be paid by the end of the month of coverage.

All leave will continue to accrue during any period of paid FMLA leave. If unpaid FMLA is used, leave will not accrue or will be pro-rated. Accrued leave will resume when the employee returns to a paid status. If FMLA leave is taken on an intermittent basis, leave will continue to accrue on a pro rata basis for actual time worked.

#### J.) Return to Work

Employees returning from FMLA leave will be reinstated to the same or equivalent position, with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work at the end of the leave may result in termination of employment.

Employees returning to work who experienced a serious health condition may be required to provide a medical certification from a health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the leave should notify the Human Resource Department. Supervisors should contact the Human Resource Department to discuss alternatives prior to taking any action if an employee is unable to return to work. Except as provided in this policy, an employee's use of FMLA leave will not result in the loss of any employment benefit the employee earned before using FMLA leave.

#### K.) Other Leave Arrangements

If an employee is ineligible for leave under FMLA, the employee may be eligible for other leave categories as discussed in this Chapter. The determination of whether an employee qualifies for FMLA leave will be made at the time leave is requested and a medical certification form is provided.

L.) For More Information

Information can be obtained by contacting the Human Resource Department. In addition, a poster is on the Human Resource bulletin board which includes details regarding eligibility and other requirements of the law. Questions of interpretation under this policy will be resolved by reference to the FMLA and regulations issued by the United States Department of Labor. Employee's rights under this policy shall in no case be less than those afforded by the FMLA.

### **7.05 Holidays, Observance of**

Each year the Board of County Commissioners designates observed holidays for all County employees. The holiday schedule may vary each year as deemed appropriate, or as limited by the County budget.

The following holidays generally will be observed:

- New Year's Day
- Martin Luther King Day (DHS)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving (DHS)
- Christmas Day

The Board of County Commissioners may provide additional holiday leave as a "Floating Holiday" to all County employees which can be used upon request of the employee and approval by the Elected Official or Department Head. It must be used by the designated date within the year. If employees fail to use the "Floating Holiday" they will lose it and not receive compensation for the lost hours.

Regular part-time employees will receive an equivalent amount of holiday time based on their work schedule (75%, 60%, 50%).

Temporary employees will not receive or be eligible for holiday pay or floating holiday, as designated by the Board of County Commissioners.

Newly hired employees will receive a "pro-rata" number of "Floating Holiday" hours for the balance of the calendar year. Examples: 10 hours of "Floating Holiday" approved for the calendar

year. New employee begins work on July 1. Employee will receive 5 hours of “Floating Holiday” for the 6 months remaining in the year. New employee who begins work on or after October 1 would receive 3 hours (one-fourth) of “Floating Holiday” hours.

All employees who separate from the County without using the designated “Floating Holiday” hours will lose the hours without compensation. Should the same employee return to the County within the same year, they will not be eligible for floating holiday hours for the remainder of the year.

Employees of the Sheriff’s Office, the Department of Human Services and the Department of Transportation may be required to work on designated holidays. An Employee working on a designated holiday shall receive additional hour-for-hour compensation (double time) for holiday pay, up to a maximum of 8 hours or 10 hours based on the designated holiday schedule for their assigned department unless paid leave is requested and approved during the pay period. All employees must be in a paid status on the day immediately preceding or following the designated holiday to be eligible to receive holiday pay.

**7.06 Job Related Injury Leave  
Unpaid Workers Compensation Leave**

An employee who suffers an on-the-job injury must complete the “Employee Notice of Injury Report”, the Medical Release form, the designated medical provider form and provide it to the supervisor. The supervisor must complete the “Supervisor Accident Report” and provide the employee with a copy of the “first fill card” which gives direction to the pharmacy should the employee need a prescription filled. All completed forms shall be submitted to the Human Resource Department for processing.

An employee on injury leave or unpaid workers compensation shall receive the statutory benefits available under the Colorado Worker’s Compensation Act, Colorado Revised Statute Title 8 and Fremont County Personnel Policies and Procedures.

An employee who is incapacitated from an on-the-job injury and cannot perform their assigned job functions for more than three (3) days will be placed on unpaid workers compensation leave. Incapacitation must be supported by a physician’s statement.

The Colorado Worker’s Compensation Act requires temporary total disability (TTD) benefits paid to employees when they are unable to perform their job functions due to an on-the-job injury or illness. TTD is payable following a three (3) regular working day waiting period (which does not begin until the day AFTER the injury occurred). TTD is not payable for the waiting period unless the period of incapacitation lasts longer than fourteen (14) calendar days from the date of injury, beginning with the day after the injury.

An employee who sustains an incapacitating on-the-job injury and as a result cannot perform job functions, may use accrued paid leave for the three (3) working day waiting period. If incapacitation exceeds fourteen (14) days the employee may request restoration of leave for the three (3) working day waiting period in exchange for payment to the County of the Worker’s

Compensation benefits paid to the Employee for the waiting period. A request for restoration of leave must be in writing and accompanied with payment to the County within 30 days from the date of injury.

Unpaid Workers Compensation Leave is granted when:

- 1) A report of accident form has been initiated by the employee and provided to the supervisor.
- 2) The injured employee or Human Resources has a physician's report from the County's Designated Workers Compensation Physician concerning their medical condition or treatment.
- 3) Determination of accommodation based on the physician's report has been made by the Elected Official, Department Head or supervisor, in conjunction with Human Resources. Unpaid workers compensation leave is authorized if the employee cannot be accommodated in the workplace consistent with their medical restrictions.
- 4) Periodic reviews of physician's reports of the injured worker's status are received, reviewed and discussed.
- 5) When an injured employee is incapacitated, based on the physician's report and expected to remain off work for more than three (3) days.
- 6) Workers Compensation will pay the employee TTD while in an unpaid status.
- 7) An injured employee may opt to use accrued paid leave (vacation, sick, holiday, compensatory time) for up to 1/3 of their time off while in this status to cover the cost of benefits.

During the time an injured employee is incapacitated the County will continue to contribute the County share of the health and life insurance premium for a maximum of twelve weeks in any twelve (12) month rolling period.

The employee is responsible for making premium payments to the County for the employee's share of health insurance premiums if paid compensation is insufficient to cover the cost (as stated in #7 above). If an injured employee has voluntary benefits (dental insurance, voluntary life insurance, or any other optional benefits) the employee is responsible for making premium payments to the County for these benefits to continue. Payment is due no later than the last working day of the month of coverage. If the employee fails to make the premium payment(s) when due, the County may exercise its right to cancel benefits for non-payment of premium(s).

An injured employee shall not accrue vacation or sick leave while on injury leave or unpaid workers compensation. If the employee is released to return to modified duty, if available, whether on a full time or part time basis, the employee is required to comply with the requirements of the offered modified duties. If the injured employee returns to work on a part-time basis leave will accrue on a pro-rated basis.

The injured employee must provide any assistance requested for completion of the necessary forms needed by the County or its insurance carrier.

During the period an employee is on unpaid workers compensation leave, the employee must keep

the Human Resource Department informed of medical status at least once per week.

The County will make every effort to return injured employees or those suffering from a work related illness, to full or partial duty as soon as possible. Modified duty, if available, may be used to accommodate work restrictions as listed on a physician's report. When necessary or possible an injured employee may be placed in a position in a different department of the County on a temporary basis. All offers of modified duty will be provided in writing by the County and either accepted or declined by the employee.

An injured employee will be entitled to return to the employee's former position when released to full duty within the time limits prescribed. The period while an employee is on injury leave, or unpaid workers compensation, shall not constitute a break in service for the employee. Any appointment made to a position vacated by an injured employee shall be temporary.

An employee on unpaid workers compensation leave who is not released by the physician to return to work, for any reason, within a rolling twelve week period (as calculated under FMLA) will be terminated from employment with Fremont County as prescribed in Chapter 11. Termination of service under this provision will in no way affect continuation of payments under the Worker's Compensation Act, or eligibility for future re-employment with the County.

If an injured employee is expected to be incapacitated for more than 14 days, due to their injury or illness, the employee is required to complete the "Employee Request for Leave under FMLA" form and provide the WH-380-E, Employee Medical Certification" form to the Human Resource Department. The employee's time records will reflect an FMLA identifier for all leave taken, whether paid or unpaid.

#### **7.07 Jury Duty and Court Leave**

Regular full-time and part-time employees shall receive their regular hourly rate of pay, not to exceed their normal work day hours, while serving as a juror or responding to a jury summons, or while placed on court leave to serve as a witness in their official capacity.

Jury Duty: The employee is required to provide a copy of the jury summons to the Elected Official or Department Head upon receipt. If the employee is required to report to the courthouse on the designated date and time indicated on the jury summons they will be placed on jury duty leave. If the employee is released from the court after reporting, the employee will provide the Elected Official or Department Head a form provided by the court stating the time released from the jury summons for proper recording on the employee's payroll record.

If the employee is selected as a juror they shall notify the Elected Official or Department Head as soon as possible. The employee will be placed on jury duty leave for the time served as a juror. Should there be a break in the trial, the employee is required to return to work during any breaks.

Court Leave: If an employee is served a subpoena, or receives a written directive by a proper authority, to appear in an official capacity as a party or witness in a case involving Fremont County, the employee will be placed on court leave for the time spent away from work. The employee must notify the Elected Official or Department Head immediately upon becoming aware of the

required court appearance and provide a copy of the written documentation to support such an appearance.

An employee involved in litigation, whether as a party or witness for their own case or for another proceeding is ineligible for court leave and shall use accrued vacation leave, compensatory time, holiday float leave (if available), wellness leave (if available) or unpaid leave for such required appearances. The employee must notify the Elected Official or Department Head immediately upon becoming aware of the required court appearance and provide a copy of the written documentation to support such an appearance.

## **7.08 Sick Leave**

Sick leave for regular full-time employees shall accrue four (4) hours per pay period.

Sick leave for regular part-time employees shall accrue on a pro-rated basis in conjunction with their regularly scheduled part-time schedule.

Sick leave shall be granted to an employee for illness or injury which incapacitates them for duty, for the illness or injury of an immediate family member which requires the employee's presence for care, or to travel to and from, within reason, a medical appointment. Within reason is defined as a reasonable amount of time to drive to, attend and return from a medical appointment.

In cases of illness or injury which prevent an employee from reporting for duty as assigned the employee is required to make notification to the supervisor prior to the beginning of their shift. This notification can be made in any means identified by the supervisor and will be confirmed by the supervisor. Any means can be by telephone, email or text as directed by the department.

Employees may be required to present a release to duty from a medical provider following an illness or injury. Should an employee fail to provide the requested release the sick leave may be charged to vacation leave or unpaid leave.

Immediate family member is defined as the employee's spouse, domestic or civil union partner, child or parent. Parent is defined as the biological parent of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child. Child is defined as a biological, adopted, foster or step child, a legal ward or a child for whom the employee stood in the place of a parent, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability. Special consideration for use of sick leave will also be given to any other person whose close association with the employee was similar to any of the immediate family relationships defined within this section.

At the discretion of the Elected Official, Department Head or Supervisor, sick leave claimed for either the day or days immediately preceding or immediately following scheduled days off, or sick leave used for three (3) consecutive days, shall be supported with an acceptable medical certification of illness or injury and signed by a physician or medical professional. The medical certification should not include a diagnosis of an illness, but must clearly state the employee's



illness prevented the employee from performing their assigned duties. Should an employee be requested and fail to provide medical certification the absence shall be charged against the employee's accrued vacation leave, compensatory time or unpaid leave.

Should an Elected Official, Department Head or supervisor determine an employee is abusing sick leave through a pattern of usage (including, but not limited to, sick leave regularly requested in conjunction with weekends or holidays, same day of week repetitively without explanation, too many days taken in a short period of time or sick leave taken without indication of illness or injury) the employee may be required to submit medical certification for all sick leave used, regardless of duration or be subject to disciplinary action.

Sick leave accrues at the end of the pay period and is available to an employee to use immediately upon accrual.

Sick leave will not accrue when an employee is on unpaid leave, whether for an entire pay period or portion thereof; if an employee is on unpaid leave for a portion of a pay period, sick leave accrual will be pro-rated. Sick leave will not accrue for the first pay period if the employee works only a portion of such pay period. There will be no restriction on the use of sick leave during the employee's probationary period.

Elected Officials and Department Heads shall ensure all sick leave taken is properly documented when approving time worked for employees. All County employees have access to their pay and leave information through Employee Self Service (ESS). It is the employee's responsibility to review pay and leave information for accuracy. Should a discrepancy exist, the employee shall notify the Elected Official, Department Head or Supervisor within fourteen (14) days. If the employee fails to notify the County of any alleged discrepancy, payroll records shall be presumed correct, conclusive and binding for all purposes.

Any appointment made to a position vacated by an employee on sick leave shall be temporary. The employee will be entitled to reinstatement in the position upon return to work within the time limits established by County policy. A period of extended sick leave shall not constitute a break in service for the employee. If, an employee is unable to return to work, for any reason, after twelve work weeks as calculated under FMLA, employment will be terminated.

The maximum accrual of sick leave shall not exceed 500 hours. Employees who reach the maximum limit of 500 hours in a given pay period will not accrue any additional sick leave. Accrued sick leave is not compensable to the employee at the time of separation from employment.

Seasonal or temporary employees will not accrue sick leave.

## **7.09 Sick Leave Bank**

The Sick Leave Bank is established to assist Fremont County employees who have exhausted their available accrued paid leave time, including compensatory, sick leave, vacation leave or other available options, during the course of an illness or injury supported by medical certification. The policy is established specifically for the use of Fremont County employees and is based on the donation of sick leave hours by Fremont County employees.

The Sick Leave Bank is based on a voluntary contribution of eight (8) hours per member, per year. Employees who do not contribute to the Bank are not participants in the Bank and are ineligible for Sick Leave Bank hours.

- A.) Open enrollment for new employees will be during the first month of employment, eligibility and eight (8) hour contribution occurring after six (6) months of employment.
- B.) Open enrollment for existing employees will be held in December each year with the required eight (8) hours contribution being deducted in January.

New enrollees must complete an enrollment form and contribute eight (8) hours of sick leave.

Existing members will not be required to contribute an additional eight (8) hours if the Sick Leave Banks' hours exceed 5,000.

If an enrollee does not have the required contribution available at the time the contribution is due, the employee's enrollment will be deemed invalid. If there are extenuating circumstances which are supported by medical certification, the contribution may be delayed.

#### A.) Program Requirements

- 1) The Sick Leave Bank is funded initially by an enrollee's contribution of eight (8) hours of accrued sick leave, which is deducted from the enrollee's accrued balance and credited to the Bank.
- 2) No participant has a vested right to sick leave days based solely on the contribution. A participant wishing to apply for hours from the Bank must complete an application and provide a medical certification to the Human Resource Department. The number of hours granted will be determined on a case-by-case basis after a review of the application, medical certification and the employee's available accrued leave balances.

#### B.) Eligibility

Sick Leave Bank hours can be requested and approved for an extended or catastrophic illness, surgery or injury of the employee, which shall include incapacitation due to childbirth or high risk pregnancies supported by medical certification. Pregnancies without extended inpatient care, routine surgeries, common illnesses (cold, flu), cosmetic procedures, sprains, strains or tears, or other common conditions shall not be a qualifying medical necessity for hours to be granted under this program except in cases of critical or serious complications. It is not available for a "bonding" period between an employee and a newborn child or adopted child unless a medical necessity is demonstrated through medical certification. The medical certification must establish the employee is incapacitated to perform their duties.

#### C.) Medical Certification

Defined as a written document signed by a medical professional which provides specifics on the medical condition and the employee's incapacitation to perform work duties. A properly completed FMLA Medical Certification may be substituted.

D.) Criteria

- 1) Sick Bank hours may not be granted for elective surgery or illness of any member of the employee's family or during any period an individual is receiving disability benefits from Social Security, a retirement plan, long or short term disability or during any period of time an individual is receiving workers compensation wage benefits.
- 2) Sick Bank hours must be used on a continuous basis after all other accrued leave has been exhausted. Any hours granted may be applied retroactively from the time the employee entered a unpaid status. Intermittent use may be appropriate based on medical certification and the circumstances surrounding the approval but cannot exceed a 60 day time period.
- 3) At the discretion of the Elected Official or Department Head, Sick Bank hours may be denied if the requesting employee has been counseled, warned or reprimanded for their excessive use or misuse of accrued sick leave in the previous twelve months.
- 4) Bank hours are carried over from year to year. Information for the annual open enrollment will contain instructions on how to remain an active participant, such as making an additional contribution. All new enrollees during open enrollment are required to contribute eight (8) hours of accrued sick leave. To be eligible for participation, an employee must make the required contribution in January or the enrollment will be invalid.
- 5) Contributed hours to the Sick Leave Bank are not refundable. If the program is terminated at any time, any hours remaining in the bank shall be equally divided among the participants as of the time of termination, taking into consideration the maximum number of sick leave an employee can accrue.
- 6) Upon separation from the County, a Sick Bank participant will no longer be eligible for sick leave from the Bank.

E.) Conditions governing the granting of sick leave hours from the Bank:

- 1) The application and medical certification forms are available through the Human Resource Department or on the Employee Self Service site and are separate from requests for FMLA. However if an employee has requested, provided the required FMLA medical certification form and been approved, they do not have to provide a separate medical certification.
- 2) If a member is unable to make application the application may be filled out by a representative designated by the member.
- 3) A written and signed medical certification statement which specifies the nature of illness or injury, including incapacitation for work, is required.

- 4) The Elected Official or Department Head must grant approval for time off and may meet with the employee to discuss any problems with the request.
- 5) Sick Bank hours will not be granted until a member has used all accrued paid leave. Employees using Sick Bank hours for an entire pay period will not accrue vacation or sick leave; if using for a portion of any pay period, accrual will be pro-rated.
- 6) Sick Bank hours may not be used to extend or increase the amount of paid sick leave past the maximum amount of leave allowable under the Family and Medical Leave Act.
- 7) The maximum number of hours which may be granted to an individual member is 160 in any twelve-month period.
- 8) The employee or supervisor must inform the Human Resource Department when the member returns to work. Any unused Bank hours will be returned to the Bank.

#### **7.10 Unauthorized Leave**

County employees shall obtain prior approval from their supervisor for all absences. If an employee is absent for more than one-half of the scheduled work day without supervisor-approved paid or unpaid leave or other proper authorization, the employee may be terminated for job abandonment. The Elected Official or Department Head may excuse unauthorized leave if unusual, emergency, unexpected or unforeseen circumstances exist and justify the absence.

#### **7.11 Uniformed Service (Military) Leave**

The County recognizes service with the Uniformed Services is critical and warranted. Employees who are uniformed members of any of the branches listed below may, from time to time, be required to or have a situation requiring their absence from work for an extended period of time to meet Uniformed Service obligations or to respond to a call to active duty. The County complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 and subsequent amendments, concerning this type of leave. The "uniformed services" consist of the following:

- 1) Army, Navy, Marine Corps, Air Force, or Coast Guard;
- 2) Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve;
- 3) Army National Guard or Air National Guard;
- 4) Commissioned Corps of the Public Health Service.; or
- 5) Any other category of persons designated by the President in time of war or emergency.

The employee is required to provide notice (copy of orders or training schedule) to the Elected Official or Department Head as soon as possible after becoming aware of the requirement or need for Military Leave, unless military necessity prevents the giving of notice; or the giving of notice is otherwise impossible or unreasonable. All employees, other than those whose preservice positions are brief or non-recurrent and who cannot be reasonably expected to continue employment indefinitely or for a significant period, who are called into Uniformed Service, Training or Active Duty will be granted fifteen (15) days, not to exceed 120 hours, per calendar year, of paid military leave and reemployment rights in accordance with applicable federal law. Should the orders or training schedule exceed the paid military leave hours the employee will be granted unpaid military leave.

The County respects the requirements of uniformed service obligation and recognizes the above named military authorities have the sole right to determine the amount of training needed to meet mission or duty requirements. The County reserves the right to work with the employee and their military superiors in complying with the provisions of the Act and other applicable statutes.

## **7.12 Unpaid Leave**

Unpaid leave may be granted to an employee within the discretion of the Elected Official or Department Head. An employee may be granted up to 480 hours of unpaid leave in any twelve month period. An employee approved for unpaid leave may be required to use all accrued leave (vacation, compensatory time earned, floating holiday, wellness day (as available)) prior to using any unpaid leave. Sick leave must be used if the request is for medical reasons or otherwise qualifies for use of sick leave.

The employee request and approval of unpaid leave will be for a specific period of time and reason. Upon expiration of the time granted, the employee must return to duty or request an extension. Failure to do so, shall be considered job abandonment, resulting in termination from employment. Documentation of the employee request(s) and approval will be maintained by the employee's department for a period of three (3) years. Notification is required to the Human Resource Department so proper pay codes can be added to an employee's electronic time keeping system.

Should an employee need to request an extended leave of absence without pay, the employee must submit a detailed written request to the Elected Official, County Manager or Department Head at least ten (10) calendar days before the effective date, except in emergency situations. If an employee fails to request and be approved for unpaid leave in advance, the employee may be subject to disciplinary action, up to and including termination.

All requests will be considered on a case-by-case basis taking into consideration the needs of the department.

An employee on unpaid leave will not receive retirement contributions and will not accrue paid leave. Employees must pre-arrange payment of the employee's share of health, dental, voluntary life insurance premiums, loan payments and other automatic withdrawals from the employee's compensation through the Human Resource Department or payroll.

An employee who takes an approved leave of absence without pay shall be reinstated to the same pay grade upon return to employment. Any appointment made to a position temporarily vacated by an employee on leave without pay shall be temporary. Properly authorized leave without pay shall not constitute a break in service with Fremont County.

### **7.13 Vacation Leave**

Vacation leave for regular full-time employees shall accrue as follows:

0 to 60 months: 4 hours each pay period = 104 hours per year

61 months to 120 months: 6 hours each pay period = 156 hours per year

121 months and above: 8 hours each pay period = 208 hours per year

All employees are limited to a maximum vacation leave carryover of 240 hours.

Vacation leave for regular part-time employees shall accrue on a pro-rated basis in conjunction with their regularly scheduled part-time schedule with a maximum limit of 240 hours.

Vacation leave will not accrue when an employee is on unpaid status. Should an employee be approved to use a portion of unpaid status during a pay period, vacation leave will accrue on a pro-rated basis. Employees who are placed on administrative leave – unpaid for the entire pay period, or a portion thereof, will not accrue leave or it will be pro-rated based on the number of paid hours.

Vacation leave accrues at the end of the pay period and is available for use immediately upon accrual. Employees who reach the maximum limit of 240 hours in a given pay period will continue to accrue throughout the calendar year, however any leave not taken, in excess of 240 hours, prior to December 31 will be lost when the carryover process is completed January 1.

Use of vacation leave shall be governed by departmental or office policy and subject to approval of the employee's Elected Official, Department Head or Supervisor. Every reasonable effort should be made to allow employees who are projected to lose vacation leave to use it prior to December 31.

All County employees have access to their pay and leave information through Employee Self Service (ESS). It is the employee's responsibility to review pay and leave information for accuracy. Should a discrepancy exist, the employee shall notify the Elected Official, Department Head or Supervisor within fourteen (14) days. If the employee fails to notify the County of any discrepancy, payroll records shall be presumed correct, conclusive and binding for all purposes.

Employees shall be entitled to full compensation for a maximum of 240 hours of accrued vacation leave at the time of separation from employment.

Seasonal or temporary employees will not accrue vacation leave.

## **CHAPTER 8 BENEFITS**

### **8.01 General Policy**

Fringe benefits are offered to employees based on their employment and pay status with the County.

#### A.) Full-time Regular Employee

An employee who is working a full-time schedule, more than 30 hours per week, are entitled to the following fringe benefits:

- Paid Holidays (refer to Chapter 7)
- Vacation Leave (refer to Chapter 7)
- Sick Leave (refer to Chapter 7)
- Sick Leave Bank (refer to Chapter 7)
- Health Insurance (as offered by the County)
- Dental Insurance (as offered by the County)
- County retirement plan (Mandatory participation after one (1) year in a 401(a))
- County deferred compensation retirement plan (Optional participation in a 457 plan)
- Term Life Insurance (as offered by the County)
- Voluntary Term Life Insurance (as offered by the County)
- Whole Life Insurance (as offered by the County)

In addition to the above benefits, the County contributes for employees in Social Security, Medicare, unemployment and Workers Compensation.

The Internal Revenue Code dictates, in most cases, any employee assigned a take-home vehicle must have the value of this fringe benefit included in their taxable portion of income.

#### B.) Part-time Regular Employee

An employee who is working at least 20 hours, but less than 30 hours per week is entitled to the following fringe benefits:

- Paid holidays (refer to Chapter 7, pro-rated)
- Vacation Leave (refer to Chapter 7, pro-rated)
- Sick Leave (refer to chapter 7, pro-rated)
- Sick Leave Bank (refer to Chapter 7)
- County retirement plan (Mandatory participation after one (1) year in a 401(a))
- County deferred compensation retirement plan (Optional participation in a 457)

In addition to the above benefits, the County contributes for employees in Social Security, Medicare, unemployment and Workers Compensation.

C.) Temporary Employee; full-time or part-time

- Health Insurance (as offered by the County, must work at least 30 hours per week)
- Dental Insurance (as offered by the County, must work at least 30 hours per week)
- Term Life Insurance (as offered by the County, must work at least 30 hours per week)

In addition to the above benefits, the County contributes for employees in Social Security, Medicare and Workers Compensation. These employees are not eligible for vacation leave, sick leave, holiday pay or participation in the County retirement plan.

## **8.02 Health and Dental Insurance**

Fremont County offers a group health and dental insurance plan to regular and temporary employees working no less than 30 hours per week. The County contributes to the cost of health insurance premiums, in an amount determined by the Board of Commissioners on a year to year basis. The County expressly reserves the right to adjust the County share/Employee share of the health insurance premium, deductibles, co-pays and other provisions of the plan.

The County does not contribute to the cost of dental insurance premiums.

A.) Opportunities to Enroll

- 1) New employees are provided a fourteen (14) day enrollment period from the initial date of employment.
- 2) Annual open enrollment for all employees is held during the month of February each year.

B.) Effective Date of Coverage

- 1) New employees are eligible to participate in the County health insurance program beginning with the first day of the month following thirty (30) days of employment.
- 2) Open enrollment changes are effective April 1 of each year.

C.) Opportunities to Make Changes

The County participates in a Section 125 Cafeteria Plan which allows employees to pay the premiums for certain fringe benefits with pre-tax dollars. IRS regulations provide guidance for making changes to benefits under the Cafeteria Plan. Employees may opt out of participation.

- 1) Employees who experience a life event may make changes to their benefits within 31 days from the qualifying event, based on written documentation.
- 2) Employees who decline coverage for themselves or an eligible dependent may make changes to their benefits within 31 days from the date the eligible employee or dependent loses other coverage, based on written documentation.



- 3) The effective date of these types of changes are determined by the plan.

#### D.) Effect of Leave, Workers Compensation and Unpaid Leave

- 1) The County continues to contribute toward the premium of the group health plan while the employee is employed, on paid sick leave or on vacation leave.
- 2) The county continues to contribute toward the premium of the group health plan while the employee is on injury leave for a maximum of three (3) calendar months in any twelve (12) month period. The employee must make arrangements to pay the employee's share of the premiums which can be accomplished by requesting and using 1/3 accrued vacation or sick leave while in an unpaid status.
- 3) The County will continue to contribute towards the premium of the group health plan while an employee is on approved unpaid leave only if the employee makes arrangements to pay their share of the premiums by the end of each month. Unpaid premiums will result in temporary termination of coverage.
- 4) The County does not contribute to dental insurance premiums, so employees must make arrangements to pay the cost of the premiums or the insurance will be temporarily canceled.

#### E.) COBRA Benefits

Employees who separate from employment are eligible for continued health and dental insurance coverage for up to eighteen (18) months under the provision of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

Covered eligible dependents of county employees may be eligible for continued coverage for up to eighteen (18) months after specific qualifying events such as divorce or legal separation.

Employees in this category will receive information from the health insurance provider on available COBRA benefits, including enrollment and cost. Dental insurance continuation information can be obtained by contacting the Human Resource Department.

### **8.03 Life Insurance**

The County provides group term life insurance to all employees working at least 30 hours per week. The County pays the cost of the premium for a designated flat coverage for each employee, their spouse and their dependent children under the age of 26. The County provides employees the opportunity to elect voluntary term life and whole life insurance at the employee's cost. This may be subject to change.

Life insurance coverage for the employee and eligible dependents may be continued during authorized leaves of absence or other period of absence if the employee is still employed.

#### **8.04 Worker's Compensation (Also refer to Chapter 7)**

Worker's Compensation insurance for County employees is provided by Colorado Technical Services Inc., County Worker's Compensation Pool, in compliance with State law, and may vary from year to year. All claims are reviewed pursuant to statutory requirements. The County pays the full cost of Worker's Compensation insurance; there is no charge or cost to the employee.

Worker's Compensation insurance pays for an employee's medical expenses and partial wage replacement during periods of temporary disability as a result of a work-related or "on-the-job" injury or occupational disease. If an employee is injured on the job, all papers need to be timely and correctly filed with the Human Resource Department. An employee must follow all rules and procedures or certain benefits may be denied. By law, an employee must notify the employer in writing within four working days of an injury, even if the employee has advised the employer verbally.

If an employee experiences a life or limb threatening injury on the job, seek immediate medical attention at the nearest emergency room and then notify the supervisor in writing. In all other instances, an injured employee must notify the Elected Official or Department Head verbally and in writing, about the injury before obtaining any medical care at the County designated location or with the County designated medical provider. All injuries, no matter how small, should be reported. If an employee chooses to seek other medical care, it may result in nonpayment of medical benefits or liability to the employee for the medical costs.

Detailed information on the Worker's Compensation Program can be obtained from the Human Resource Department.

#### **8.05 Unemployment Compensation**

Unemployment Benefits may be available to employees who have lost their job through no fault of their own. Employees whose employment has ended may apply for benefits through the Colorado Department of Labor and Employment. The factual circumstances leading to termination, or separation, of the employment relationship determine eligibility for unemployment benefits, as provided by state law.

#### **8.06 Uniforms**

Uniforms are supplied by the County to those employees assigned to the Facilities Department and Department of Transportation, who are required to wear a uniform. The Sheriff's Office provides a uniform allowance to employees required to wear a prescribed uniform and in conjunction with the department's written policy. All uniforms are to be returned to the department upon separation of employment.

#### **8.07 Social Security**

Social Security, or F.I.C.A., is a federal insurance program for retirement, health and disability

benefits. Federal law requires participation by all employees through payroll deduction. Fremont County pays a matching contribution. Employees must have a social security number, or proof of pending application for a number, when they are hired. Employees with name changes must notify the Social Security Administration of the change, to ensure payroll history is correctly reported.

### **8.08 County Retirement Plan**

All regular employees working 20 hours or more per week are required to participate in the County Retirement Plan upon completion of one year of continuous full time or part-time employment. Elected Officials and Department Heads may participate sooner if requested and approved by the Board of County Commissioners.

Employees may voluntarily join the Fremont County Deferred Compensation Plan established by the Board of County Commissioners. Such funds are governed by all rules and regulations established by the Internal Revenue Code Section 457. The employee should contact the Human Resource Department for more details about the County's deferred compensation plan.

### **8.09 Employee Recognition Program**

#### **A.) Employee of the Year**

Each year in November an employee will be selected as Employee of the Year through a nomination process of their peers. All active Fremont County employees, with the exception of Elected Officials, may nominate employees in writing. All employees are eligible for nomination, except Elected Officials and Department Heads. The Elected Officials make the final selection by vote. The Employee of the Year receives recognition through the media, an award plaque, a photograph on display in the County Administration Building and a bonus of \$300.00.

#### **B.) Years of Service Recognition**

Each year in December the Board of County Commissioners will recognize employees with a certificate and a token of minimal value, as the budget allows, in continuous County service increments of 5 years.

The Board of County Commissioners, at their option, may adopt a Service Recognition Resolution and present it to retiring employees with more than 20 years of continuous County service.

#### **C.) Recruitment Award**

In an effort to increase recruiting by current employees of Fremont County all job postings are electronically forwarded to ensure employees are aware of the job postings and are encouraged to share them with family, friends and acquaintances who may be interested and qualified.

If an applicant identifies a current employee of Fremont County as an individual who recruited them, is later offered and accepts a position, and remains employed for six (6) months with the County, the identified recruiting employee will be eligible for a \$25.00 bonus added to their payroll check.

## **CHAPTER 9 TRAVEL POLICY**

### **9.01 General Policy**

All required business travel with direct or indirect costs to the County requires the approval of the Elected Official, Department Head or County Manager. Employees who have a business related reason to travel may be reimbursed for reasonable expenses.

Employees who have a County purchase card, or one issued to a department, must use the card for meals, approved methods of transportation other than mileage or gasoline, lodging and conference or training fees. If they do not have a purchase card issued to them or available through their department, one may be issued from the Administration Department. Alcoholic beverages cannot be purchased with a County purchase card and are not eligible for reimbursement.

Reimbursable expenses are mileage (if personal vehicle is approved), gasoline (if County vehicle is used), meals (as stipulated below), approved methods of transportation, lodging, and conference / training fees (as applicable). All requests for reimbursement must be supported by an approved travel request, expense voucher and original itemized receipts.

Mileage reimbursement is allowed when a personal vehicle is authorized and a County vehicle is unavailable for use. Mileage will be reimbursed for actual mileage from worksite to location of County business. If a County vehicle is used, a gasoline credit card will be issued for use.

Employees are required to ensure Colorado State taxes are not charged, as the County is tax exempt.

All employees who are required to travel will make every effort to request the use of a County owned vehicle, if available. This requires advance notice and a request made through the Administration Office two weeks prior to the planned travel.

Meal reimbursement at the adopted rate will not be paid for conferences and training seminars where registration fees include lodging and meals. Cost of meals not included in the registration fees will be paid at the established rate below. A complete copy of the registration information is required to be provided to the Finance Department with the employee's monthly purchase card statement, request for reimbursement or expense voucher.

County owned vehicles assigned to specific County employees, or departments, are to be used for official County business only. No County vehicle is to be used for personal business other than for incidental use based on the length and location of conference or seminar.

Any employee who uses their personal vehicle for official County business will provide proof of liability insurance in full force and effect on the vehicle. The liability insurance must meet or exceed the minimum statutory requirements for the State of Colorado. Fremont County has no liability or responsibility for the employee's use of their personal vehicle.

All County employees must have in their possession a valid and current Colorado driver's license when operating a County owned vehicle or equipment.

Upon conclusion of approved travel employees are responsible for providing the original itemized receipts and any other required information to the Administration Office within four (4) working days.

All employees, Elected Officials and Department Heads are responsible for adhering to this Policy.

**MEALS:**

Maximum reimbursement for meals: \$45.00 per day

- 1) To receive the full amount the travel must exceed 12 hours.

Partial day reimbursement for meals:

- 2) \$10.00 (before 6:30 a.m., extends after 10:00 a.m.)
- 3) \$15.00 (before 10:00 a.m., extends after 2:00 p.m.)
- 4) \$20.00 (before 4:00 p.m., extends after 7:00 p.m.)

**MILEAGE:**

When a personal vehicle is authorized, reimbursement is at the per-mile rate established by the Board of County Commissioners from the worksite to the location of official business.

**LODGING:**

Lodging costs are determined by the actual location of the conference or training seminar, not to exceed the published per diem rates for Colorado.

Any charges in excess of the above rates will be the sole responsibility of the traveler unless reimbursement is from an outside entity at a higher rate, such as grant funding, State funding or Federal funding.

For an approved conference or training seminar which is reimbursed or paid by another entity, such as the State of Colorado, the employee is responsible for submitting the request for reimbursement to the appropriate approving authority. Should the reimbursement exceed actual expenses the employee may retain the excess monies; however, should the amount of reimbursement not cover eligible expenses per this policy, the employee can request reimbursement from the County through the Administration Office.

**Hours of Work for Attendance at Conference or Training Seminar**

For FLSA non-exempt employees who travel and attend a conference or training seminar which is pre-approved by the Elected Official, Department Head or County Manager, the actual travel time is considered regular duty unless it exceeds the 40-hour work week. If the employee exceeds the established 40-hour work week the employee will be credited with compensatory time.

Travel or attendance at voluntary committee meetings, conferences or other non-required seminars are not covered by or reimbursable under this policy.

## **CHAPTER 10**

### **EMPLOYEE CONDUCT, RESPONSIBILITY AND ETHICS**

#### **10.01 General Policy**

This chapter is intended to provide information for addressing incidents of employee conduct, responsibility and ethics.

Standards of conduct, responsibility and ethics are established as a guide for employees, supervisors, department heads and Elected Officials of general expectations and actions of all County employees.

Employees have the right to communicate, in a professional manner, their dissatisfaction with work related matters over which supervisors have control.

#### **10.02 Employee Conduct and Responsibility**

Guidelines are a necessary tool for the orderly operation of County business to protect the rights and safety of all employees. In most instances it is appropriate to allow an employee an opportunity to respond to allegations of misconduct, including performance issues, prior to the imposition of any disciplinary action, up to and including termination. It is understood some situations or circumstances may not be practicable for the good of the County or employees to allow a response time to allegations prior to making a final determination.

The following list of examples are not all inclusive, as any violation of any section of this manual could lead to disciplinary action, up to and including termination. Fremont County retains and reserves the right to identify other improper or inappropriate conduct and performance issues, and to treat the same as the subject of discipline, up to and including termination.

All County employees are expected to

- 1) Conduct themselves in a respectful manner toward all County departments and divisions;
- 2) Avoid situations which would create a conflict of interest, or appearance of a conflict;
- 3) Comply with any confidentiality requirements related to their position;
- 4) Comply with procurement procedures;
- 5) Uphold ethics of a County employee and public servant;
- 6) Immediately report any violations of law or this policy;
- 7) Cooperate fully with any investigation, as a witness or subject, by providing all pertinent and truthful information; and
- 8) Conduct themselves in a manner consistent with these expectations and this policy.

A conflict of interest can exist when a County employee has a financial or personal interest in a situation arising from their essential job functions or employment.

Actions considered to be unacceptable behavior of employees are described below, which is not an all-inclusive list:

- 1) Theft, unauthorized removal from the premises, or conversion to personal use of property or merchandise belonging to the County, another employee or a member of the public;
- 2) Altering or falsifying any County records, reports or documents;
- 3) Failing to properly record County business transactions;
- 4) Handling of cash in a manner inconsistent with department or County policies and procedures;
- 5) Unauthorized acceptance of gifts or solicitations from vendors or others in connection with performance of job duties;
- 6) Using, possessing or selling alcohol, marijuana or illegal drugs on County premises or reporting to work under the influence of or impaired by alcohol, marijuana or illegal drugs;
- 7) Operating, having a major investment in or having a relationship with a business competing with or providing services or supplies for or to the County;
- 8) Providing false information on employment application, benefits forms, background forms or other personnel records or failing to answer all questions fully and truthfully;
- 9) Willful actions resulting in injury to individuals or willful destruction or damage to County property, or property belonging to another employee or member of the public;
- 10) Falsifying or altering time and attendance records in any way for another employee or yourself;
- 11) Disregard for or violation of safety, fire or security standards and regulations;
- 12) Failing to use prescribed safety practices with equipment, chemicals and tools;
- 13) Unauthorized disclosure of any confidential County records or information;
- 14) Insubordination or refusal to follow reasonable supervisory instruction;
- 15) Leaving work, or assigned work area, during normal work hours without authorization;
- 16) Conviction of a felony or other criminal act, committed either on or off the job, which substantially interferes with the employee's ability to perform, or substantially interferes with essential job functions;
- 17) The use of profane, obscene, abusive or offensive language in the workplace;
- 18) Unexplained, excessive or continual absenteeism or tardiness;
- 19) Neglect of duties or sleeping during normal work hours;
- 20) Disregard for public relations, rude or discourteous conduct toward a member of the public or another employee;
- 21) Failure to immediately report a work related accident or injury;
- 22) Incompetent or unsatisfactory work performance, including expectations associated with working with the public, service providers or suppliers to the County;
- 23) Reporting to work inappropriately dressed;
- 24) Creating or contributing to unsafe or unsanitary working conditions;
- 25) Distributing non work-related materials for any purpose on County premises without authorization;
- 26) Impeding or interfering with the work of other employees;
- 27) Political or religious soliciting or canvassing during work hours or on County premises;



- 28) Use of brutality, physical violence, threats or intimidation towards a member of the public or another employee;
- 29) Misuse of County issued cellular phones; or
- 30) Conduct which would bring substantial discredit to the County, its employees, citizens, or the entities it does business with.

All County employees are expected to treat co-workers, supervisors and the general public with the utmost respect. Disrespectful conduct, as interpreted by a reasonable person, will not be tolerated.

Allegations of misconduct are to be immediately reported to a supervisor, department head, the Human Resource Department or Elected Official. Once reported, the allegation(s) shall be forwarded to the Human Resource Department to initiate an investigation by an appointed person who will address the allegation(s) and results of the investigation with the applicable department head, Human Resource Department, County Manager, County Attorney or Elected Official, as appropriate.

Employees under an internal or external investigation of alleged misconduct or behavior may be placed on administrative leave, paid or unpaid, as stated in Chapter 7 of this policy manual.

### **10.03 Acquisition of Tax Lien or Property by Sale of a Tax Lien**

Each year, pursuant to law, the County Treasurer conducts a public auction for the sale of tax liens on properties throughout the county. These liens are a result of unpaid or delinquent property taxes.

Colorado Revised Statute states, “No property for which a tax lien is sold for delinquent taxes shall be conveyed to an elected or appointed county official, to a county employee, or to a member of the immediate family of any such person or to the agent of any such county official or employee, if the tax lien on such property is sold during the time the official or employee holds office or is employed.”

“No tax lien shall be sold to an elected or appointed county official, to a county employee, or to a member of the immediate family of such person or to the agent of any such county official or employee during the time the official or employee holds office or is employed.”

County employees are not only prohibited by law from purchasing tax sale properties or tax liens, they are prohibited from asking someone else to purchase a tax sale property or a tax lien, on the employee’s behalf. The employee’s immediate family is subject to the same prohibitions. “Immediate family” is not defined in Statute but includes spouse, parent, child, step child, family members or relatives whom reside with the employee and other relatives with whom the employee maintains a close, personal relationship.

An employee is not prohibited from purchasing a tax lien or property by tax deed if:

“The property to be conveyed was owned by the county employee, or by a member of the immediate family, immediately prior to the sale of a tax lien”;

The property is located outside of Fremont County; or

“The property to be conveyed is a severed mineral interest and, at the time of the conveyance, the county employee is the owner of the surface estate which is coterminous with the severed mineral interest.”

A violation of the Colorado statute prohibiting the purchase of tax liens or tax sale property is a class one misdemeanor, a criminal violation and is punishable according to law. A violation of this policy, even if not a technical violation of state law, may result in disciplinary action, up to and including termination.

#### **10.04 Employee Ethics: Gifts and Gratuities**

The Colorado Constitution, Article XXIX, Ethics in Government, States covered individuals are prohibited from accepting a gift valued in excess of \$65 (adjusted for inflation every four years) from any person in any calendar year, with limited exceptions. County officials and employees are covered individuals.

Gift is defined in many forms and may include travel, discount purchases, favorable loan conditions, etc. Gift may not be defined as such if it is paid form and caution should be taken if a gift is provided to a spouse or child of a covered individual.

Prohibited items include but are not limited to money, forgiveness of debt, loans, rewards, travel (with limited exceptions), promises of future employment, favors or services, honoraria, entertainment and special discounts not available to others.

Exceptions may include campaign contribution, unsolicited item of trivial value, unsolicited tokens of appreciation, admission to, and the cost of food or beverages at a reception, meal or meeting when appearing as a speaker or presenter, travel to convention or meetings when the offer is related to the individuals official duties, gifts from relatives and friends or bonuses, incentives or compensation paid in the course of employment.

The Colorado Independent Ethics Commission (IEC) generally has jurisdiction over Elected Officials and employees. The IEC’s mission is to give advice and guidance on ethics issues arising from Article XXIX, to hear complaints, issue findings and assess penalties and sanctions.

Violations of employee ethics may also be dealt with as a violation of County policy which may result in disciplinary action, up to and including termination.

It is best not to accept or solicit gifts from any individual or business who is doing, or would like to do, business with the County or with whom you do business in your professional capacity, including nonprofit or charitable corporations or trade associations.

This policy states general concepts and guidelines. Should you have questions or concerns you should contact the County Attorney or Human Resource Department.

Should an employee receive any form of compensation or gift of value as described in this policy which was unsolicited and cannot be practically returned, shall immediately report such to their supervisor, Department Head, Human Resources or Elected Official.

## **CHAPTER 11 DISCIPLINE AND PERFORMANCE MANAGEMENT**

### **11.01 Employee Discipline**

The following procedures are to serve as guidelines for disciplinary actions of an employee. Progressive discipline will be used when practicable and is the preferred action: verbal warning, verbal or written reprimand, suspension without pay or termination. If the conduct or behavior presents an immediate and serious detriment to the safety, morale or well-being of County employees, property or general public, progressive discipline will not be followed. If the nature of the conduct or behavior is blatant or egregious and it is reasonably expected any corrective measures would prove inadequate, unnecessary or futile, immediate termination may be the only option of the Elected Official or Department Head, with consultation with the County Attorney and Human Resource Director.

Probationary employees shall not be subject to the progressive discipline set forth in this policy and may have their employment terminated without the necessity of progressive discipline. These employees should be provided an opportunity to respond to their proposed termination prior to final decision.

The purpose of discipline is to correct behavior or actions of employee's which are not consistent with expectations.

#### **A.) Verbal Warning**

A verbal warning may not be considered a disciplinary action at the time it is given to an employee. It is intended to correct conduct, behavior or performance which is deemed inappropriate by the Elected Official or Department Head. It is not intended to document each incident when a Supervisor communicates with an employee in regards to conduct, behavior or performance. There are many situations it is not deemed necessary to document a verbal warning and it is left to the discretion of the Elected Official or Department Head. If an employee receives a verbal warning for conduct or behavior it must be documented, in the form of a "Counseling Memorandum" form, by the Elected Official or Department Head and provided to the Human Resource Department for placement in the Official Personnel File. If the conduct or behavior, or similar conduct or behavior, leading to a verbal warning continues or occurs again within a six (6) month period and the Elected Official or Department Head determines it necessary, it can be used in the progressive discipline process.

#### **B.) Verbal or Written Reprimand**

A verbal or written reprimand is a written record of conduct, behavior or performance which is deemed inappropriate by the Elected Official or Department Head and requires corrective action of the employee. If an employee receives a verbal or written reprimand for conduct, behavior or performance it must be documented, in the form of a "Record of Verbal or Written Reprimand" form, by the Elected Official or Department Head and provided to the Human Resource Department for placement in the Official Personnel File. It must contain sufficient information

for the employee to understand the conduct, behavior or performance issue, the identified corrective action required, and a reasonable amount of time for corrective action. Specific factual instances should be documented, rather than stating a general description of the unacceptable conduct.

A verbal or written reprimand will include record of prior verbal warnings, if within the previous six (6) months and previous verbal or written reprimands within the previous 24 months.

The employee will be provided an opportunity to review, respond and sign a verbal or written reprimand. The employee's signature does not imply their agreement with the contents, rather it merely acknowledges receipt of the reprimand and required corrective action. If the employee refuses to sign the reprimand the Elected Official, Department Head or supervisor discussing it with the employee will note on the form the employee was provided a copy, but refused to sign it. The original reprimand will be forwarded to the Human Resource Department for filing in the Official Personnel File.

#### C.) Suspension without Pay

If the employee's conduct, behavior or performance is not corrected as required in the Record of Verbal or Written Reprimand, or recurs after completing corrective action, the employee may be suspended without pay.

Suspension without pay may be imposed, without a verbal warning or verbal/written reprimand, if the conduct, behavior or performance is deemed serious or egregious. Such action is intended to serve as a corrective measure, sanction or to allow time for consideration of further disciplinary action.

The following steps should be followed in sequence when a suspension without pay is contemplated:

- 1) The Elected Official or Department Head should be consulted and concur with the proposed action if the action is initiated by a first level supervisor;
- 2) The suspension must be presented in writing to the employee stating the specific nature of the employee's conduct, behavior or performance issue(s), the reason(s) for the suspension, the duration of the suspension and any additional corrective action required of the employee to ensure continued employment with the County. An employee may be suspended verbally, but a letter should be prepared and provided to the employee as soon as possible, preferably within one working day;
- 3) The duration of the suspension shall not exceed three (3) working days for remedial suspensions and ten (10) working days for punitive suspensions; and
- 4) Provide a copy of the signed letter and a Personnel Action Form to the Human Resource Department for filing in the official Personnel File and entering into the payroll system.

#### D.) Termination

An employee may be terminated from employment for conduct, behavior or performance issues following verbal warnings, records of verbal or written reprimands, suspension with or without pay if corrective action(s) are unsuccessful or as a result of an investigation for off or on duty conduct, behavior or performance.

An employee may be immediately terminated from employment if the conduct, behavior or performance presents immediate and serious risk of liability or is egregious enough to warrant immediate termination. The Elected Official, Department Head or supervisor is strongly encouraged to consult with the County Attorney and the Human Resource Director prior to making a final decision or initiating steps to terminate the employment of a County employee.

The following measures should be used to terminate an employee:

- 1) The employee should be provided a written “proposal to terminate” letter and a reasonable amount of time to respond to the conduct, behavior or performance issue surrounding the proposed termination. The letter should be presented to the employee by the Elected Official, Department Head or supervisor proposing termination. The employee may respond to the letter orally or in writing. If the employee chooses to meet with the Elected Official, Department Head or supervisor, the Human Resource Director or County Attorney can be requested to attend. Upon request, the employee may have a personal representative present.
  - a) The written proposal to terminate should contain specific factual information describing the inappropriate conduct, behavior or performance issues leading to the proposed action, the proposed effective date and information on providing an oral or written response.
  - b) A reasonable amount of time to provide a response is not less than 24 hours and no more than 10 calendar days.
  - c) A copy of the written proposal to terminate will be forwarded to the Human Resource Department for filing in the official Personnel File.
- 2) The employee may be terminated upon receipt and review of any response presented to the Elected Official, Department Head or supervisor. During the period of response, the employee shall remain in their current pay status but may be sent home on Administrative Leave. The employee should be provided with a written final notice of action within five (5) business days, however the Elected Official or Department Head may inform the employee immediately of their decision. A copy of the written final notice will be forwarded to the Human Resource Department for filing in the official Personnel File.
- 3) The employee shall consult with the Human Resource Department to determine the effects of termination, and to be advised regarding benefits and final compensation.

#### E.) Demotion or Transfer

A demotion is the action of placing an employee into a position which they do not currently hold, generally with lesser pay, but for which the employee possesses the knowledge and skills to

perform. An Elected Official or Department Head may choose this as a corrective action for inappropriate conduct, behavior or performance.

A transfer is the action of placing an employee into a position which they do not currently hold, generally with equal pay, and for which the employee possesses the knowledge and skills to perform. An Elected Official or Department Head may choose this as a corrective action to inappropriate conduct, behavior or performance.

Provide a copy of the signed letter and Personnel Action Form to the Human Resource Department for filing in the official personnel file and entering into the payroll system.

### **11.02 Eligibility for Re-Hire**

Employees terminated from employment from the County may be considered for re-hire in the same or different position with the County in accordance with the following guidelines, which is not an all-inclusive list:

- |  |  |
|--|--|
| 1) Voluntary Resignation, with stated reason of resignation and acceptable written notice                          | Eligible                               |
| 2) Retirement or layoff  | Eligible                               |
| 3) Seasonal Employment Ends  | Eligible                               |
| 4) Loss of required credential or license  | Eligible once Reestablished            |
| 5) Termination following established guidelines for periods of absences; FMLA, Uniformed Service                   | Eligible with supporting documentation |
| 6) Orientation or Evaluation Period Termination  | May be Eligible                        |
| 7) Documented Poor Performance   | May be Eligible                        |
| 8) Resignation without proper notice   | May be Eligible                        |
| 9) Attendance Violation; excessive tardiness or absenteeism  | Ineligible                             |
| 10) Sleeping on the Job  | Ineligible                             |
| 11) Unsafe Work Practices  | Ineligible                             |
| 12) Job Abandonment  | Ineligible                             |
| 13) Resignation – in lieu of documented termination proposal   | Ineligible                             |
| 14) Inappropriate Behavior or Conduct  | Ineligible                             |
| 15) Felony Conviction  | Ineligible                             |
| 16) Settlement   | Ineligible                             |
| 17) Falsification of credentials or application information  | Ineligible                             |
| 18) Theft  | Ineligible                             |
| 19) Workplace Violence   | Ineligible                             |
| 20) Breach of Confidentiality  | Ineligible                             |
| 21) Failure of a test for controlled substances administered post-offer, pre-employment or required random testing | Ineligible for One Year                |

### **11.03 Employee Grievances and Appeals**

The grievance procedure is designed to enable the County to timely and equitably resolve

grievances. Employees may be represented by legal counsel or personal representative at their own expense, during this process. The grievance procedure does not apply to probationary employees.

The following situations fall under the provisions of this section:

- 1) Disciplinary actions including record of verbal or written reprimand, suspension without pay, suspension with pay, termination, demotion or transfer.
- 2) Any action taken by a supervisor which, in the employees' opinion, conflicts with a specific section of this manual.
- 3) Evaluations of employee's performance, job classification and matters affecting pay, status or date of hire.

The procedure shall be as follows:

- 1) An employee wishing to file a grievance shall first attempt to resolve any issues by discussing them with the Elected Official or Department Head within 24 hours of the incident. If the issues are not resolved the employee can submit a written grievance, using an established form, to the Elected Official or Department Head, within five (5) working days stating specific and detailed concerns. The Elected Official or Department Head will provide a copy to Human Resource Department. The Elected Official or Department Head will provide a written response within five (5) working days of receipt of the grievance. The Elected Official or Department Head will provide a copy of the response to the Human Resource Department. If, upon receipt of the response to their grievance the employee feels the issues are unanswered or unresolved, they may proceed to Step 2 below.
- 2) If the matter has not been resolved in Step 1, the employee shall submit the written grievance and response to the Elected Official, Department Head or Human Resource Department within five (5) working days, to request a meeting. The aggrieved employee will be provided a written response with a date, time, location and list of participants for the meeting within five (5) working days. The employee must attend this scheduled meeting to discuss the incident, should they fail to attend the issue will be presumed resolved. The employee will be provided a written response addressing their concerns within five (5) working days after the meeting. The Elected Official or Department Head will provide a copy of the packet to the Human Resource Department. The decision made by the Elected Official, Department Head or Appointed Authority is final.

The employee may submit a written request to withdraw the grievance anytime during this process. If the employee elects to have legal representation present at any time during the grievance process, the County Attorney may also be present.

If the Elected Official was the person who made the decision which is the subject of the grievance, Elected Official shall be entitled to confirm the decision in writing without meeting with the employee.



#### **11.04 Complaints from the Public**

These procedures are to be followed when citizens or anyone not employed by the County submits or makes a complaint against an employee of the County. In all cases the Elected Official or Department Head who receives the complaint shall request the allegation in writing, signed by the complaining party. This does not, however, prevent the employer from proceeding based on verbal allegations of misconduct. Anonymous complaints shall not be treated as a valid complaint, unless such complaint contains enough factual information regarding serious misconduct to warrant further investigation into the allegations.

When a citizen or person outside the County Government employment makes a complaint against any employee, the allegation shall be forwarded to the appropriate Elected Official or Department Head for investigation and resolution. Upon receipt of an allegation, the Elected Official or Department Head shall take appropriate steps and reasonable efforts to determine the validity of the complaint. After investigating the complaint and upon a finding of validity regarding any inappropriate conduct or behavior, further action against an employee shall be consistent and compliant with the Disciplinary Procedures set forth above. Specific disciplinary action imposed against an employee is confidential and shall not be disclosed to the complaining party, except to state that the matter has been resolved through appropriate employment action.

## **CHAPTER 12 SEPARATING FROM SERVICE**

### **12.01 Layoffs | Reductions in Force (RIF)**

A lay off is not considered termination for cause or for disciplinary reasons, but rather is a separation of employment due to no fault of the employee. If it becomes necessary to lay off employees due to lack of funds, change in department status, reorganization or any other reason, the Elected Official or Department Head will make recommendations for the layoff. The recommendation should consider the types of activities to be reduced, departmental organizational changes, specialties needed and when the layoff should occur, together with any other appropriate and relevant factors.

The following criteria will generally apply:

- 1) Temporary and Seasonal employees will be laid off first;
- 2) Part Time employees will be laid off second;
- 3) Full Time employees will be considered in the order shown:
  - a) Performance of the employee; and
  - b) Knowledge and skills an employee possesses which are essential to the positions remaining in the department.

Full or part-time regular employees being laid off will receive a ten (10) working day notice prior to the actual lay off date unless the layoff is of a temporary nature (one month or less) due to unforeseen circumstances or budget reasons.

Full or part-time regular employees who were laid off are eligible for rehire and may re-apply for job openings they are qualified for.

### **12.02 Resignation**

Employees are expected, but not required, to give at least a two (2) week written notice prior to the effective date of resignation, containing the effective date, reason and their signature. Failure to provide advance notice may result in the employee's ineligibility for future County employment.

Final pay for work performed and accrued vacation time will be processed during the next normal payroll cycle. All applicable benefits premiums will be subtracted from the final paycheck. It is the sole responsibility of the separating employee to return all issued County property and equipment. If the separating employee fails to return property or equipment belonging to the County, their final paycheck may be withheld until such items are returned and accounted for. Alternatively, the County may offset the value of the county property and withhold the same from the final paycheck.

Separating employees will receive information on their benefits from the Human Resource Department.

### **12.03 Death**

In the event of the death of an employee, all monies due will be made payable to the employee and mailed to the last known address or picked up by the next of kin with proper identification.

### **12.04 Abandonment**

An employee who is absent without approval, without good cause and fails to communicate with the Elected Official, Department Head or supervisor will be considered to have abandoned their position and may be terminated. Additional reference in Chapter 6 and Chapter 7 of this policy manual.

Failure to return to work upon expiration of a leave of absence, without submitting a request for an extension supported by appropriate documentation, may be considered job abandonment.

An employee who has requested appropriate leave, or an extension of a leave of absence, will not be considered to have abandoned the job until the employee has been notified the request was denied. After notification, if the employee fails to return to work as scheduled, it may be considered job abandonment.

Job abandonment is considered a termination and may result in the employee's ineligibility for future County employment.

Final pay for work performed and accrued vacation time will be processed within 48 business hours following termination. All applicable benefits premiums will be subtracted from the final paycheck. If the terminated employee fails to return property or equipment belonging to the County, their final paycheck may be withheld until such items are returned and accounted for. Alternatively, the County may offset the value of the county property and withhold the same from the final paycheck.

### **12.05 Retirement**

Employees may choose to retire pursuant to the retirement plan. An employee should give thirty (30) days' written notice of intent to retire.

The County does not offer a defined benefit retirement plan. It is the sole responsibility of the employee to have an understanding of the retirement system offered and the rules associated with withdrawals from such plan.

Final pay for work performed and accrued vacation and compensatory time will be processed during the next normal payroll cycle. All applicable benefits premiums will be subtracted from the final paycheck. If the separating employee fails to return property or equipment belonging to the County, their final paycheck may be withheld until such items are returned and accounted for. Alternatively, the County may offset the value of the county property and withhold the same from the final paycheck.

## **12.06 Termination**

Normally a decision to terminate employment follows the procedures outlined in Chapter 11. The following information details the procedures for termination by the Elected Official or Department Head.

- 1) The Elected Official or Department Head will immediately inform the Human Resource Department of the termination.
- 2) The Human Resource Department will prepare and forward the Personnel Action Form for signature.
- 3) The Human Resource Department will inform the Payroll Coordinator of the termination to ensure the final paycheck is processed timely.
- 4) The Elected Official, Department Head or supervisor will collect all County property or equipment including keys, ID cards, pagers, cellular phones, debit/credit cards, uniforms and other issued property and notify the Human Resource Department regarding collection of property.
- 5) The Human Resource Department will notify the Information Systems Administrator to delete or assume administration of computer, voice mail, E-Mail, Internet accesses or County issued cellular phones and tablets.

Final pay for work performed and accrued vacation time will be processed within 24 business hours of termination. All applicable benefits premiums will be subtracted from the final paycheck. If the separating employee fails to return property or equipment belonging to the County, their final paycheck may be withheld until such items are returned and accounted for. Alternatively, the County may offset the value of the county property and withhold the same from the final paycheck.

## **12.07 Return of County Property**

All employees separating from service shall return any County property or equipment in their possession. It will be the responsibility of the Elected Official or Department Head to ensure all County property and equipment is returned and accounted for. If the separating employee fails to return any property or equipment, the final paycheck may be held until all property and equipment is returned and accounted for. Alternatively, the County may offset the value of the county property and withhold the same from the final paycheck.

## **12.08 Exit Interviews**

Upon timely notification of a separating employee, the Human Resource Department will provide an exit interview to the employee. The exit interview is voluntary and is intended to provide feedback to the County on reasons employees choose to separate.

**CHAPTER 13**  
**PAY AND COMPENSATION PLAN**  
(amended by Resolution #39 of 2020)

**13.01 General Policy**

Fremont County offers a compensation package which includes pay, benefits and accrued leave to provide its employees with security and opportunities. The County is committed to compensating employees reasonably within economically feasible parameters taking into consideration comparisons of essential job functions throughout the County, qualifications of employees to perform the essential job functions, and comparison among similarly sized Counties' compensation for similar positions.

Typically, new hires will begin employment on the first Monday of a designated pay period. There may be limited exceptions to this based on exceptional needs of a department.

All other payroll actions affecting pay will be effective on the first Monday of the designated pay period. These actions include service adjustments, promotions, demotions, transfers and other actions affecting pay.

**13.02 Compensation Administration**

A.) Salary Surveys

Fremont County is committed to reviewing established salary surveys, such as those prepared by Colorado Technical Services, Inc (CTSI) on an annual basis as well as any other method or means determined to be effective in gathering salary information from similar organizations for similar positions. These surveys are obtained and organized in a manner to allow effective review during the classification process, establishment of the annual pay scale and any other appropriate times.

B.) Pay Scale Structure

The Board of County Commissioners will review and adopt a pay scale structure annually during the budget process. Efforts will be made to establish a pay scale containing grades for all County positions and step increases across each grade. Employees will progress through the steps of the classified grade of their position annually, if the budget allows and until the highest achievable step of the grade is achieved, at which time the employee will be capped until a county-wide increase is adopted.

C.) New Hire Pay

The classified grade of the position will determine placement on the pay scale. Ordinarily, new hire compensation will be set at the entry level of the grade.

If the Elected Official or Department Head has justification, such as advanced knowledge, skills or abilities relative to the position selected, they may request approval from the County Manager to place the employee on a higher step within the grade.

### **13.03 Pay Administration**

Pay administration is the process of advancing through the classified grade of the position occupied, such as adjustments based on promotions to higher graded positions; demotions, voluntary or non-voluntary; and other actions affecting the base pay of an employee.

#### **A.) Promotions**

Promotion is advancement to a higher graded position. Compensation is based on the knowledge, skills and abilities of the selectee. The length of service with the County may be a factor, but not the sole consideration.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of promotions for employees at least one week prior to the effective date. Promotions are effective the first day of the pay period following selection.

Compensation for these actions are based on the grade of the position. The pay is not necessarily based on the current step the employee occupies, however promotion actions will result in a minimum increase of at least 3% per grade (current grade to grade of new position) unless this places the employee above the current pay scale adopted by the Board of County Commissioners.

#### **B.) Career Progression**

Career progressions are used for those limited positions throughout the County which are classified as tiered positions, where the employee is hired at a lower grade and progress to higher grades as they increase in experience and knowledge.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of career progression actions at least two weeks prior to the effective date. Career progressions are effective the first day of the pay period following eligibility.

Compensation for these actions is based on the grade of the position. The pay is not necessarily based on the current step the employee occupies, however will result in an increase of at least 3% unless this places the employee above the current pay scale adopted by the Board of County Commissioners.

#### **C.) Change to Lower Grades, Demotions**

Employees may voluntarily accept a position classified at a lower grade than their current position, which shall not constitute a demotion under the disciplinary process. Voluntary changes to a lower grade could be through application to a posted vacancy, a written request or due to performance deficiencies.

Employees involuntarily moved to a lower graded position than their current position are

demoted. Demotions are generally a result of conduct issues, or performance issues for which the employee does not accept a voluntary change to lower grade. Both actions will result in a decrease of pay for the employee.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of both a change to lower grade or demotion at least one week prior to the effective date. Change to lower grades and demotions are effective the first day of the pay period following the action.

Compensation for these actions is based on the grade of the position and shall be determined as follows, not to exceed the maximum step and pay for the grade:

- Voluntary Change to Lower Grade
  - o Employees pay will be determined by reducing their current salary by 3% for each grade (current grade to grade of new position).
  - o Example: Employee is currently a grade 35 and is changing to a grade 33, their salary will reduce 6% and they will be placed in the step meeting or exceeding the result of this calculation in the new grade.
- Demotion as a result of a non-voluntary action
  - o Employees pay will be determined by reducing their current salary by 10% for each grade (current grade to grade of new position).
  - o Example: Employee is currently a grade 35 and is demoted to a grade 33, their salary will reduce 20% and they will be placed in the step meeting or exceeding the result of this calculation in the new grade.

D.) Transfers within the County

Employees who work for the County may apply for any posted position open to all candidates or open to current employees. If they meet the minimum qualifications of the posted position they will be granted an interview but are not guaranteed selection for the position.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed if a current employee is selected for transfer at least two weeks prior to the effective date. Transfer will normally be effective the first day of the pay period following a two week courtesy notification to their current department.

Compensation for these actions is based on the grade of the position. The pay is not necessarily based on the current step the employee occupies but generally will not result in a decrease of pay unless the position is classified at a lower grade.

E.) Bonuses

The Board of County Commissioners may award a lump sum bonus to an employee upon request or recommendation by an Elected Official or County Manager for one-time special assignments or projects which deserve additional recognition and are not a normal part of the employee's essential job functions, or for a special event or project which far exceeds an employee's essential job functions.

Bonuses will be treated as compensation for W-2 reporting purposes and will be processed

through payroll with all applicable taxes being withheld and reported.

### **13.04 Classification**

All County positions are classified by the Human Resource Department using a factor evaluation system, a clearly written job description and a review of similar positions with similar essential job functions.

Elected Officials, Department Heads, County Manager and supervisors provide to the Human Resource Department the essential job functions, desired qualifications based on objective factors, applicable knowledge, skills and abilities required to successfully perform the essential job functions and the physical requirements of the position.

The Human Resource Department will assist with writing and editing the job description, verify qualifications and classify the position based on information contained within the job description.

Classification of all positions will be based solely on the job description, the factor evaluation process and not on the individual who occupies or may occupy the position.

Elected Officials, Department Heads, County Manager or supervisors may request a position be reevaluated by contacting the Human Resource Department and providing an updated job description.

Upon classification the job description and evaluation statement will be presented to the County Manager for review and approval. The Board of County Commissioners will review and approve all classifications for newly established positions and reclassified positions resulting in a change in grade.

Reclassified positions which are encumbered and result in a decrease in grade will not result in a loss of pay for the incumbent. When the position becomes vacant, it will be announced and filled at the classified grade.

Reclassified positions which are encumbered and result in an increase in grade will result in the incumbent being promoted to the new grade, typically at the same step.

Market adjustments can be considered for relative and applicable circumstances or for budgetary reasons.